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Number of Pages (including cover): 14

Message: Hi!

Leah said you needed Houston clips(?) —
Here's the latest (I included some Dallas, too,
bc of info. overlap). Houston's "zero tolerance"
approach & Nuchia's aggressive style may not be generally
construed as one of the leading examples of C.P.,
but homicides fell 32% last year. Let me know!

Cities try new tactic to smother street crime

Houston reports fewer homicides

By Steve Berg
National Correspondent FRONT PAGE

Houston, Texas

It's hard to imagine two more contrasting cities: Houston, the steamy, oil-drilling, deal-making, vaguely dangerous megatown where *anything* goes, and Minneapolis, the prim, stubbornly naive city of lakes and trees where Mary Tyler Moore flings her hat into the frosty air.

Yet despite these images, the homicide rate is significantly higher in Minneapolis, where it has doubled over the past year, than in Houston, where, remarkably, homicides are down by 32 percent.

Indeed, Houston and New York are leading a general downward trend in homicides and other violent crimes in nearly all major cities, a trend that criminologists say defies simple explanation. They say the end of the nationwide crack-cocaine epidemic may play a part. So may the longer prison sentences that have taken more criminals off the streets.

But police officials in Houston and New York, where homicides have fallen to their lowest rate in 25 years, insist on an additional explanation: an aggressive police tactic that each city began using 18 months ago, a tactic sometimes called "zero tolerance."

Zero tolerance is based on the idea that a relatively small number of people commit the vast majority of crimes, both serious and petty. Police target these "usual suspects" by using citizen complaints and computers to anticipate locations where trouble seems most likely. Extra officers blanket those neighborhoods, paying special attention to youthful offenders and gang members, arresting them repeatedly for trivial offenses such as graffiti tagging, jaywalking, public urination and minor traffic violations. These arrests provide a pretext for officers to frisk suspects for guns and to question them relentlessly about more serious crimes.

Houston continued on page 10A

STAR TRIBUNE
MINNEAPOLIS, MN
SUNDAY 696.084

SEP 24 1995



Irene Cisneros stood on the balcony that overlooks her neighbor's yard. Bullets missed her by less than a foot while she slept one evening this summer, when DOC gang members shot at the house behind her. She said she was awakened by pieces of bedroom wall hitting her in the back. Her north Houston neighborhood is one of several targeted by the Police Department's zero-tolerance policy in an effort to cut crime.

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Life

Continued from page 1A

"The idea is to make their lives as unpleasant as possible," said Houston Police Chief Sam Nuchia, arguing that the nickel-and-diming of young street criminals helps prevent more serious crimes.

Over the past eight weeks, Minneapolis police, too, have experimented with a zero-tolerance approach called Operation Safe Streets. The tactic is to be evaluated by the Police Department in the coming weeks.

But in Houston, the results are in. Zero tolerance is, by most accounts, a success, popular with police and citizens. Since its beginning in March 1994, arrests are up significantly while violent crimes are down by 10 percent. Police say the program has yielded more than 300 illegal guns and a wealth of information that has helped solve other crimes.

One aim of the program is to demonstrate that neighborhood thugs no longer control the streets, thus assuring ordinary people that they can cooperate with police without fear of reprisal.

Despite these encouraging trends and lofty goals, however, Houston police acknowledge that zero tolerance can be a risky and potentially combustible tactic, particularly in the poor, minority areas that are most often targeted.

Whole neighborhoods could turn against the police if officers take on the demeanor of a brutal, occupying army. Repeated arrests of teenagers for trivial offenses can easily be interpreted as harassment, sometimes with racial or ethnic overtones.

In two Hispanic neighborhoods, Houston police have had to contend with this kind of general ethnic hostility. But Nuchia and Mayor Bob Lanier have refused to retreat, pointing instead to the dramatic decline in homicides as partial evidence that zero tolerance works.

They contend that almost all criticism has come from the parents of youthful offenders and not from the general citizenry. "For every one complaint, we've had 10 complimentary letters," said David Walden, the mayor's chief of staff. "No one complains that there are too many cops in their neighborhood."

A second complication of zero tolerance is that it skates on the very edge of violating constitutional liberties by not applying the law equally. For example, Houston police generally are not on the lookout to arrest preppy teenagers for jaywalking on the affluent streets around Rice University. As a rationale, police have declared that gangs are a *special* menace to Houston. They have confined zero-tolerance tactics to an elite 85-officer task force that patrols almost entirely in gang-infested neighborhoods.

Nuchia confronts the civil liberties question rather bluntly. "Yes, we've

made some mistakes [in our arrests]," he said. "But we've warned the public that if your kid is out running around looking like a gang member and sounding like a gang member, then we're going to treat him like a gang member. So keep your kids at home where they belong and stay out of these areas if you don't have legitimate business there."

A textbook example

On a hot September night along a shabby stretch of Irvington St. in north Houston, two cops spot three low-ranking associates of the LDL gang (Low Down Latins) strolling in the street. The officers stop to arrest the 14-year-olds for jaywalking, trying to rattle them with threats of \$100 fines. Their real aim, however, is to ask a big question: Where's G-man?

G-man is a 15-year-old dropout and LDL leader who has eluded police for months. Fretting over the prospects of a jaywalking fine, one of the kids "flips" on G-man's whereabouts. G-man has a new girlfriend, he says. He's shackled up with her at her parents' house not far away.

The cops move quickly. Using night-vision equipment to watch the house, G-man is spotted minutes after police begin their stakeout. By 10 p.m., less than two hours after the cops stopped the jaywalkers and with no shots fired, G-man is taken into custody, charged with 64 armed robberies and aggravated assaults, including a number of car jacks and drive-by shootings.

For Sgt. John Zitzmann, who leads one of the north Houston gang squads, this is a textbook example of how zero tolerance should work.

"I know it sounds harsh," he says, "and I know that 95 percent of these kids are cowards when they're alone. But when they get together, there's a dangerous dynamic going on here. There's nothing scarier than a 15-year-old kid with a gun. There's no thought process behind pulling the trigger, and there's an attitude that 'You can't touch me because I'm a juvenile.' This kid Gman is a mean little snake. He and his little buddies have been absolutely terrorizing this neighborhood."

Spirits are still high the next night as Zitzmann prepares his 10-man squad for patrol. "My philosophy is that if we keep [these gangs] headless, the tail can't move," Zitzmann says. "I want these guys to think they can't drive down the street without looking over their shoulder for us. We work 10 hours a day to make their lives a living hell."

Houston is the nation's fourth-largest city. Its characteristics make zero tolerance both easy and hard on cops. The hard part, Zitzmann says, is that Houston's 1.6 million people are spread so thinly. The city covers 550 square miles, an area 10 times larger than the relatively compact city of Minneapolis. The easier part is that Houston is a broadly mixed city (39 percent white, 28 percent Hispanic, 28 percent black, 5 percent Asian), a fact that tends to diffuse criticism that zero tolerance

is a racist tactic.

Minutes after rolling four "blue-and-whites" and an unmarked car into the dark north Houston streets, two of Zitzmann's cops spot a rusty old Buick racing down a side street with its lights off. Inside is Rey, a 17-year-old with a gang bandana on his rearview mirror and a stolen, loaded shotgun in his trunk.

Meanwhile, not far away, two other officers catch a glimpse of Wizzard, an aspiring leader of DOC (De Original Crew) driving his dad's car, with four buddies along for the ride. They stop to arrest the 15-year-old for driving without a license. They search the car for guns, and they photograph one of the crew they've not seen before. Zitzmann's squad keeps a detailed catalog of all suspected gang members.

"Me and my home boys, we ain't done nothin'," Wizzard protests, as four squad cars, lights flashing, congregate on a quiet street. Neighbors begin to gather. Dogs begin to bark. "They keep up this Mickey Mouse, you know, one day it's gonna go outta control," says Wizzard. "They're always shinin' their lights on us. You can't do nothin' around here no more, man."

Wizzard's friends agree. "They don't want you to have a future, man. They just wanna send you to jail and take up space," says a boy named Jaime.

"Back in Mexico was better than this," Hector says. "These cops are all over us."

The neighbors seem divided. "They're just taking people down for nothing," says Alma Lopez, 13, who considers the police more an enemy than a friend.

But Ernest Adame, 35, stands in his darkened front yard gushing over how peaceful his block has become since the police began harassing the DOC, culminating in the arrest of its leader, a 17-year-old named Raoul. "Now we can have a barbecue without being afraid somebody's going to shoot at us," Adame says, recalling sleepless nights this summer when he had to keep his four children on the floor because of the flying bullets. "Now, as long as Raoul is gone, things are real, real quiet," he says.

Neighborhood anchors

It would be a mistake to suggest that Houston officials think zero tolerance succeeds on its own. Indeed, a larger and more aggressive police force is only half the bargain struck with residents. If cops are to be tougher, the city also needs to show that it will help make peoples' lives better, especially in crime-ridden neighborhoods.

To that end, the city has begun to pump \$46 million into refurbishing 77 parks. The idea is to reestablish parks as neighborhood anchors, as safe and beautiful oases on Houston's vast, often bleak cityscape.

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A case in point is Shady Lane. Last summer, the northeast Houston park was ruled by gun-toting drug dealers. Its playground was shaggy and vacant, its clubhouse tagged with graffiti, its caretakers corrupted by teen gangsters. Parents forbade their children to play there or even to walk to the corner store across the street.

Then the city moved in. Police mounted a zero-tolerance campaign to chase away the thugs. The grass was cut every 14 days, a practice that parks officials say is vital to convincing neighbors that the city cares. New playground equipment was installed. The clubhouse was cleaned and remodeled. The old staff was fired and a series of new after-school programs was begun, helping kids with their homework and teaching them golf, tennis and soccer.

"People used to say we'd get shot if we came over here, but now we got our park back," said Jerry Owens, 14, who was shooting baskets with five other kids, all of whom joined in a spontaneous cheer: "Our park is the champs!"

In this and other efforts, it is hard to tell where police work ends and parks work begins, which is precisely what Mayor Lanier wants.

"Ours is an aggregate approach that treats crime as a menace that exists, yes, against a cultural backdrop, and you've got to be tough. But then you've also got to improve the cultural backdrop," he said.

First elected in 1991, the 70-year-old Lanier has become a popular fixture in Houston, winning reelection in 1993 with 92 percent of the vote. A nominal Democrat, Lanier,

who is white, draws his broad appeal as a fierce advocate of affirmative action and a terror on crime.

It's no exaggeration to say that police officers love him. In 1994, he initiated a 6 percent increase in property taxes, using the proceeds to pay police overtime and to hire 1,000 new officers, pushing a once-demoralized force of 3,900 officers to one that may reach 5,200 sometime next year, a level that is proportionately 50 percent higher than Minneapolis'.

Lanier also ended Houston's denial that it had a gang problem and that most of its youth crime was gang-related. Until his election, police were forbidden even to use the word "gang" in their reports.

"The influence of gangs has become as clear as the handwriting on the walls," said Kimbra Ogg, who as the mayor's antigang director tries to keep gangs from maturing.

One effort is the city's new ordinance requiring property owners to remove graffiti within 72 hours. Another encourages police to enforce the city's midnight-6 a.m. curfew by providing convenient places to drop and hold violators. "It's important to get these kids off the streets," Ogg said, "because it means fewer teen victims and fewer crimes committed by teens."

"We haven't been able to stop gangs from forming or stop kids from thinking gangs are cool," she said. "But we've been able to stymie the sophistication of gangs so we don't yet have an imbedded, organized crime family here, but instead we have a lot of loosely knit, home-grown groups without a tremendously secure footing."

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Houston / By most accounts, program



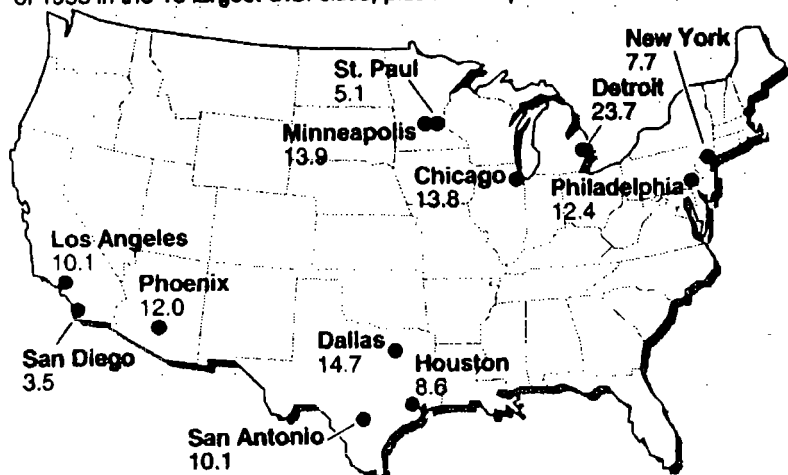
Photos by Christobal Perez/Special to the Star Tribune

Santos Salenes, on the front porch of his father's bullet-riddled north Houston house, sat next to where bullets were fired by gang members. The shots were intended for his brother, a rival gang member. Police say that violent crimes are down as a result of their zero-tolerance policy.

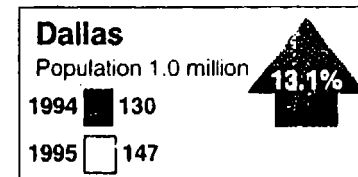
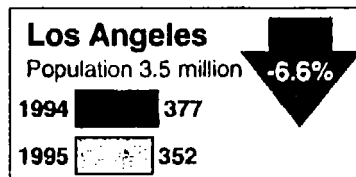
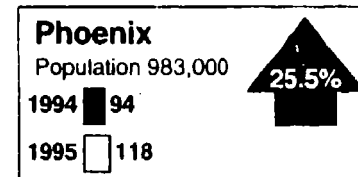
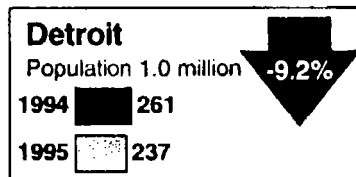
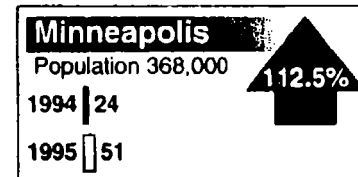
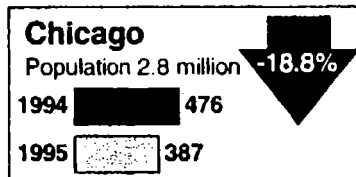
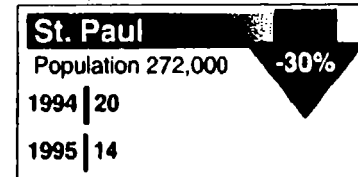
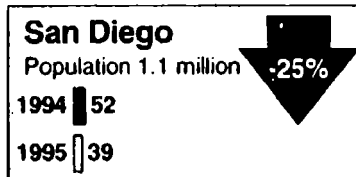
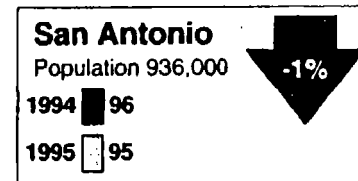
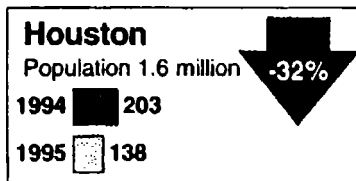
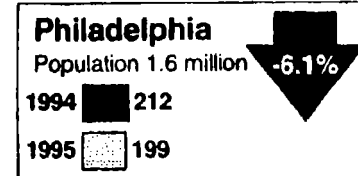
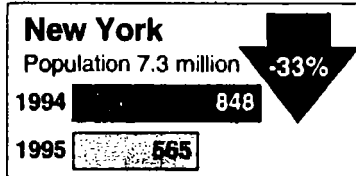
is a success

Homicides drop in most big cities

The homicide rate in Minneapolis is nearly double that of New York or Houston. The number of homicides per 100,000 people during the first half of 1995 in the 10 largest U.S. cities, plus Minneapolis and St. Paul:



During the first half of 1995, the number of homicides declined in eight of the 10 largest U.S. cities, compared with the same period last year, while the number of slayings in Minneapolis more than doubled.



Sources: City police departments; FBI

Star Tribune Graphic

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ZERO-TOLERANCE POLICING



Photo by Christobal Perez/Special to the Star Tribune

Police officers questioned north Houston residents about gang members last week while making their rounds. The officers, members of an elite 85-member task force, patrol almost exclusively in gang-infested neighborhoods.

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LEVEL 1 - 1 OF 39 STORIES

Copyright 1995 The Dallas Morning News
THE DALLAS MORNING NEWS

October 1, 1995, Sunday, HOME FINAL EDITION

SECTION: NEWS; Pg. 35A

LENGTH: 1250 words

HEADLINE: Dallas leads trend as crime rate falls Statistics questioned

BYLINE: Todd Bensman, Staff Writer of The Dallas Morning News

BODY:

With its crime rate nearing a 16-year low, Dallas has moved to the forefront of a national trend that has provoked debate over the causes for the decline and even some skepticism about the numbers police report.

Although violent crime is up in some categories in Dallas, overall offenses for the first nine months are down for the seventh consecutive year, police say.

At this rate, the city could have fewer than 100,000 reported offenses of all kinds by the end of the year, which hasn't happened since 1979.

Like their counterparts in New York, Houston and many other major U.S. cities enjoying significantly drops in reported crime, Dallas police officials are taking some credit for steady declines since the peak of 169,857 offenses in 1988.

Dallas Police Chief Ben Click attributed the decline, in part, to special police units and to new programs that have led to stronger citizen involvement.

"I certainly give a lot of credit to a lot of dedicated police officers, and I give a lot of credit to the community," he said.

"It's all of those. They're all pieces of it."

Records

In 1994, Dallas police recorded 100,716 homicides, rapes, aggravated assaults, robberies, burglaries, thefts and auto thefts.

That represents a 41 percent drop from the 1988 level, leaving some criminologists to question the accuracy of the statistics. Others argue that a complex array of sociological factors may be more responsible for the crime decline than good policing.

"If your police chief stands up and says he did it, then, well, no, he didn't," said Dr. Jeffrey Fagan of the Columbia University school of public health in New York. "Nobody knows exactly why it's happening, and anybody that tells you they know why is full of it."

Dallas police say only New York has experienced a decline comparable to Dallas' since the late 1980s. New York has seen a 30 percent drop in reported crime since 1993.

THE DALLAS MORNING NEWS, October 1, 1995

In Dallas, although homicides are up about 12 percent and aggravated assaults about one-half percent, crime overall is down about 5.5 percent this year.

Chief Click said the department's community policing programs emphasize partnerships with a rising number of crime-watch groups.

Patrol captains and lieutenants also point to a series of aggressive enforcement task forces started in the early 1990s under former Police Chief Bill Rathburn. Those task forces were intended to replace saturation patrolling with specialized units that targeted problem areas and repeat offenders.

Chief Click, who followed Chief Rathburn in 1993, has expanded those efforts by creating new crime-fighting units, such as the gang unit, and by encouraging community groups to take a more aggressive role, police officials say.

Lt. Robert A. Sanders of the community police support unit said the Police Department once discouraged the formation of crime-watch groups, fearing overzealous citizens might get hurt.

Now, Dallas has as many as 500 such groups, with 81 registering in the last year alone, he said.

"The Police Department has finally realized they can't put an officer on every corner," he said. "In the last several years, we've come off the stand of Let us handle the problem for you." "

Jenifer Zihlman, a far North Dallas resident, said that after she started the city's first nonconfrontational Volunteers On Patrol group in 1993, about 35 new chapters have sprung up under police direction. Her group's patrol activities have virtually cleansed her neighborhood of crime, she said.

"I just felt there was something more we could do to help police," she said.

Other causes?

Some criminologists who debate the reasons for the nation's declining crime rates give some credit to such changing law enforcement strategies and to an increase in street officers.

Dallas' number of sworn officers has risen from 2,398 in 1988 to 2,848.

Other academics point to different factors.

Dr. Richard S. Curtis, an anthropologist at John Jay College of Criminal Justice in New York, said new studies show that inner-city redevelopment and new housing play a major role in reducing crime rates. He is among a number of criminologists who say they have seen a marked change in 18- to 21-year-olds, a group that witnessed crime's ravages in the 1980s.

"Neglected youths are choosing to go straight on their own," said Dr. Curtis, who recently completed a study of youths most likely to commit crimes. "They say they are being scared off by the random shootouts and high rates of prison sentences. It wasn't Just say no." "

THE DALLAS MORNING NEWS, October 1, 1995

Dr. Fagan of Columbia University cites a national ebb in the crack cocaine epidemic. Gangs that fought viciously during the 1980s boom period have eased up, and related criminal activity began trailing off, he said.

"That epidemic is gone," he said. "The frantic competition between groups is gone."

Dallas' decline has been so precipitous that one criminologist questioned the Police Department's figures, noting that other departments have fudged numbers to appease politicians' demands for quick results.

Dr. James Stevens, a criminal justice professor at the University of Texas at Arlington, said crime drops such as Dallas' usually result from massive population migration, large deannexations of city land or significant changes in the way a police department reports crime.

"You're looking at a 40 percent decrease, and that's unbelievable to me," he said. "You're dealing with a very unusual phenomenon for Dallas. I don't think that Dallas suddenly had sociological and economic changes that suddenly made it a safer city, did it?"

Accuracy

Some Dallas Police Department crime analysts agree that departments elsewhere have played fast and loose with their numbers to meet political expectations. But they say that hasn't happened here.

"Other major cities have done major tinkering. A lot of times, it's politically driven," said Lt. Walt Manning of Dallas' crime analysis unit.

He and his Dallas colleagues say their department's system of receiving calls and dispatching officers is fully automated. Each police action generates an electronic trail and service number that must be accounted for, they say.

"It would be very difficult, if not impossible, to hide that kind of thing," said Officer Eric Garrett of the uniform crime reporting unit. "In order to have such a wholesale reduction, someone would know about it."

The only significant reporting change, police say, happened in 1992 when Dallas police found aggravated assaults were being overreported. For example, if a shot was fired into a crowded room, police previously would file reports for each person in the room.

That policy was brought in line with federal reporting standards. But records also show that decreases since the change do not significantly alter the overall number of reported crimes. Chief Click says he is confident in his department's statistics because they roughly parallel those of other major U.S. cities.

"I want to make sure of the integrity of our numbers," he said.

Police Department officials, meanwhile, take comfort in the numbers. Chief Click is frequently heard extolling Dallas' falling crime rates at public meetings.

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THE DALLAS MORNING NEWS, October 1, 1995

But his number-crunchers warn against too much optimism.

"I think we've reached the plateau, and you're going to be seeing that start to level off," Lt. Manning said. "I don't know how much credit we could take for that any more than I know how much credit we can take when it's increasing."

GRAPHIC: GRAPH(S): (DMN) Dallas Crime Rate Declines... PHOTO(S): (DMN: Randy Eli Grothe) Jenifer Zihlman and Art Barber patrol their neighborhood near Belt Line and Coit roads. Dallas law enforcement officials attribute a dropping crime rate in part to residents' neighborhood watch programs.

LANGUAGE: ENGLISH

LOAD-DATE: October 2, 1995

LEVEL 1 - 2 OF 39 STORIES

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THE DALLAS MORNING NEWS

September 21, 1995, Thursday, HOME FINAL EDITION

SECTION: PLANO; Pg. 3F

LENGTH: 516 words

HEADLINE: Sculpture celebrates police dedication to children, diversity of McKinney

BYLINE: Eleska Aubespain, Staff Writer of The Dallas Morning News

DATELINE: MCKINNEY

BODY:

MCKINNEY - Sculptor William Easley stood before the covered work of art Saturday at Towne Lake Park and spoke of what he was about to do.

"This has belonged to me long enough, and it needs to be unveiled so that it belongs to you."

With one swoop of the sheet, Weathering All the Storms was introduced to the crowd, which included the McKinney police officer and five children depicted in the monument. The crowd smiled and applauded.

"I like to let my art do the talking," Mr. Easley said.

About 50 people participated in the unveiling ceremony, which was presented by Community Lifeline Center in McKinney.

The agency - a nonprofit organization that provides emergency financial aid, family-supported services and AIDS-related services to individuals and families - commissioned Mr. Easley to create a monument that honors the relationship between police and children.

News

Dallas Observer

Copping out

Dallas turns down federal millions that would put more cops on the street

By Miriam Rozen

In a move that seems to disregard citizen crime concerns and the complaints of the city's police union, the city of Dallas will turn down \$2.85 million in federal funds for additional police officers.

Dallas was in line to get \$5.25 million as its share of the federal Cops-Ahead program that was launched with the 1994 crime bill. The funds, intended to put 100,000 more officers on the nation's streets, would have meant 70 more cops in Dallas.

But on October 11, the City Council is expected to accept only part of the funding—\$2.4 million to hire 32 officers. The city staff, led by assistant city manager Levi Davis, has recommended the city turn down the remaining \$2.85 million—enough to put another 38 officers on the street.

According to a Justice Department spokesman, Dallas' rejection of the funds is unprecedented for a large city.

Davis, through an assistant, referred questions about the issue to Mike Norwood, executive assistant director of the police department. "We had an allocation that we could request 70 officers, but we only wanted 32," says Norwood.

The city staff and police department officials want to reject the federal money, in part, because it is earmarked only for the hiring of community police officers, he says. Department and city officials, Norwood says, had determined that they could fulfill all their community policing needs with 32 new federally funded officers.

Community police officers spend the majority of their time in neighborhoods developing long-term, crime-preventing relationships with residents, Norwood says. They are expected to answer fewer specific calls for assistance and do not perform any formal detective work.

The department has already hired the 32 community police officers with the expecta-

cops' equipment. And after three years, unless the program is renewed, the money would stop coming from Washington, he says. Then Dallas would have to pay 100 percent of those officers' salaries, Norwood said.

Ed Spencer, a spokesman for the department who returned a call placed to Police Chief Ben Click, concurred with Norwood's comments. "We're accepting what will get us to the complement of 32...to go beyond that represents more officers tied to that function than we need. And we have other needs," Spencer says.

But Glenn White, president of the Dallas Police Association and a senior corporal in the department, believes the just-say-no attitude to more police officers makes no sense. "What's their excuse?" White says of the city's refusal to accept the \$2.85 million in federal law enforcement funds.

"They should take that money now because they're going to need it later," White says. "The problem is that they've fallen into a sense of false security with the drop in the crime rate."

White agrees that the department may have met its immediate needs for community police officers. But he believes that the city should have taken the money anyway, given the overall shortages in the police

department—and the opportunity to hire extra cops at what amounts to one-quarter of the normal cost. White also says that the community officer job description is not so rigid that the additional officers could not be used for other duties.

The Dallas Police Department remains understaffed, in comparison to the hiring goals set by the City Council in 1988. The council's objective, never met, was to provide three officers for every 1,000 residents—a nationally accepted ratio for effective law enforcement. But the Dallas Police Department—with a total of 2,778 officers on the force now—has only 2.78 officers for every 1,000 residents. Those figures, which place the department 222 officers short of the council's goal, include police adminis-

"They should take that money now because they're going to need it later."

tion of receiving the federal money. With one additional staff shifting, the department will have a full complement of 12 community police officers at each of its six substations.

Norwood says the staff also recommends rejecting the money because it requires the city to pay at least 25 percent of the new officers' salaries and benefits. That means the city would have to kick in \$1.5 million over the years to get the extra \$2.85 million in

**"We had an allocation that we could request
70 officers, but we only wanted 32."**

Mike Norwood, executive assistant director of the police department



Past recruiting problems may provide another reason that the department may be gun-shy about hiring large numbers of officers over a short period. In 1994, the Dallas police department produced an in-house audit that suggested it had run into serious snags when it tried to recruit large numbers of new officers. The audit, ordered by Chief Click after a number of high-profile firings, focused on 86 officers who had entered the police academy since 1990, and subsequently had been disciplined. According to an account of the audit published a year ago in *The Dallas Morning News*, several candidates failed to meet minimum standards but were allowed to enter the academy anyway. They were then not eliminated or dealt with effectively in the training process, the report stated.

The federal Cops-Ahead program grew out of President Bill Clinton's pledge in his 1994 State of the Union address to put 100,000 new police officers on America's streets. The program, passed later that year with a comprehensive crime measure that authorized some \$8.8 billion in federal spending for grants to local police

and sheriff's departments—including Cops-Ahead—was designed to increase the number of police nationwide.

The Cops-Ahead program earmarks funds for cities like Dallas with a population of 50,000 or more. The program rules forbid participating city and state agencies to use the funds to replace monies already earmarked for the hiring of new officers.

Through the Cops-Ahead program, the federal government expects to issue some \$225 million in grants. Since the program was announced, 632 law enforcement agencies nationwide have taken advantage of the funding to begin hiring and training some 4,600 officers.

Charles Miller, a spokesman for the Department of Justice, which is administering the program, says Dallas' decision to turn down a significant part of the federal money is unique. "Some other, smaller, communities have turned down the funds altogether because of the costs associated with them," Miller says. "But I don't recall any other instances where a city has adjusted downward the amount it expected to receive." *— EN*

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HEADLINE: Sizing Up a Uniform Answer To Address Problems at School; Despite Challenges, Clothing Policy Proves Popular as Behavior Improves

BYLINE: Kathryn Wexler, Special to The Washington Post

DATELINE: LONG BEACH, Calif.

BODY:

For Lauren Duran, 11, going to school every day dressed like everyone else -- in a dull white shirt and black pants -- interferes with her right to the pursuit of happiness.

"You don't get the pleasure of wearing whatever you like," she complained during an interview in her principal's office.

Carlos Gonzalez, 12 years old and in the seventh grade, sees it more dramatically. "I feel like I'm in prison," he declared.

So goes the prepubescent grumbling at Rogers Middle School, one of 70 elementary and middle schools in Long Beach, which last year became the first public school district in the country to require that color-coded uniforms be worn in its classrooms.

Too bad, respond school administrators, faculty and parents. In a world where status is often measured by a child's sneaker brand or jacket color, the adults contend that uniforms are a possible answer to long-standing school ailments like gang involvement, truancy and even racial polarization. And unless the courts knock down the policy, they say, uniforms are here to stay.

Legal experts say school districts like this one must tread lightly when implementing uniform policies, which are being tried and tested at individual schools in a number of states. "When you talk about clothing, you talk about suits," said Gary Marx, senior associate director of the American Association of School Administrators in Arlington, Va.

The Supreme Court ruled in 1969 that clothing (in this case, a black armband protesting the Vietnam War) is a mode of self-expression and as such, protected under the First Amendment. Consequently, say experts, public schools must offer parents the right to decline to have their children wear uniforms. Students who do not wear them cannot be punished.

Although Long Beach has given parents the right to "opt out" of the uniform policy, fewer than 400 have done so. The American Civil Liberties Union and the Legal Aid Foundation of Long Beach have jointly filed suit in Los Angeles County Superior Court on behalf of 25 families, alleging that the uniform policy imposes monetary hardship on poor families. They also contend the district has

provided inadequate information on the option to decline participation and is harassing children who opt out.

"I just don't see how this is benefiting the kids at all," said Beth Haire, a plaintiff in the suit whose daughter is a fourth-grader. "Freedom of expression would help them in life."

But most parents believe the benefits of the uniforms far outweigh the detractions. More than 99 percent of the Long Beach student body donned the color-specific clothes last year, and the number is even greater this school year, said the district's spokesman, Dick Van Der Laan.

"I think it's wonderful," said Charlene Ebright, mother of a seventh-grader. "Their behavior is more business-like. They recognize their job in the family is to be educated, and they come ready to do that."

A comparison of the 1993-94 school year, before most Long Beach schools required the uniforms, to last year reveals assault and battery cases in district schools are down by 34 percent. Fighting dropped 51 percent. Drug cases fell by 69 percent and sex offenses are down 74 percent. And at some schools, attendance, teacher respect and even grades are up significantly.

"I really thought we were wasting our time on it," said Shawn Ashley, the principal of Franklin Middle School in Long Beach. But "you could start seeing the signs visually in behavior within the first month. We thought it was the halo effect but it just kept going, month after month."

A number of districts across the country allow schools to decide on an individual basis whether to use uniforms, and many have chosen to do so, such as those in Dade County, Fla., and Seattle. District of Columbia school officials say students in 32 public schools wear uniforms.

The D.C. school board voted in 1991 to require every public school in the District to establish a dress code that requires students to wear appropriate clothing. The board's policy allows each school community to decide whether to adopt uniforms, but schools are not allowed to punish students who don't wear them.

Vincent Arraya, a spokesman for D.C. schools, said the uniform policy has had a positive effect at some schools. "At Roper [Middle School], the grades went up and the student demeanor has changed for the positive," Arraya said. "Kids are more concentrated on academics. It's a turn-around. The uniforms give students a sense of responsibility. It says clothing is not that important. The peer pressure of getting clothing that is expensive or of a particular brand disappears."

But school officials are hesitant to require entire districts to implement dress codes. In Oakland, school officials looked closely at the Long Beach experiment and decided this school year to put all their pupils in uniforms too. They were also sued by the ACLU, which raised the same issues as in the Long Beach suit. The case is pending.

Long Beach Unified has many of the problems and challenges faced by other large, urban school districts. About 34 percent of the 58,800 elementary and middle school students qualify for federal aid, and 60 percent receive free or

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reduced lunches. The district is 35 percent Hispanic, 21 percent white, 20 percent black and 16 percent Asian.

The impetus for the uniforms, school administrators say, was parents' concerns of gang involvement and the fear that students, by inadvertently wearing gang-specific colors and subtle gang insignia like handkerchiefs, could be mistaken by some gangs as belonging to rival groups.

"They'd be attacked and beaten within an inch of their lives," said Donald Erickson, a professor emeritus at the University of California at Los Angeles Graduate School of Education, who has spent hundreds of hours observing Long Beach schoolchildren for an ongoing study on the effects of the uniforms.

A plaque outside Rogers Middle School, which is considered one of the less troubled schools in the district, is telling. It warns: "NOTICE: Persons on these premises are subject to search for weapons by metal detectors. Possessions of weapons on school grounds is a crime."

While students often bemoan the regimented dress, they also acknowledge that the uniforms have made school safer.

"I like them because it's harder for other people to get in. There are not as many fights and weapons" as before, said Kyle Brannon, 11, who attends Rogers Middle School. "I used to have a fear of coming here, of being beaten up. I'm not scared of anything anymore."

Still, those monitoring the apparent changes in students' behavior are leery of attributing the district's triumphs solely to the uniforms.

"We don't see it as a panacea," said Long Beach Superintendent Carl Cohn. "I'm delighted with the results," he said, "but I'm cautious claiming that it's all about uniforms."

But UCLA professor Erickson is more convinced. "Is it a one-year blip? I'd be more skeptical than I am if I hadn't spent so much time in Long Beach classrooms."

According to teachers and school administrators, the color code has reduced tension between different ethnic groups, which used to dress according to their clique. Now, at least visually, the pupils all belong to the same group: the school.

Ashley, former principal of Washington Middle School in Long Beach, said that before the uniforms, relations between the Hispanic and Cambodian children were tense.

"At Washington [the uniforms] were very good for racial problems. More students were wearing backpacks and acting like students. Racial tension decreased [and] referrals to the office decreased," he said.

Furthermore, after one year of the uniforms, said Ashley, "We had one-third of students on honor roll where traditionally we'd had 15 percent."

Darlene Haberman, a veteran first grade teacher at Whittier Elementary, the first school in the district to implement uniforms five years ago, can't say

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enough about the benefits.

"We don't see the fights on the playground like we used to," she said. "They come dressed neatly, clean. They feel good about themselves. I see a whole difference in the community spirit."

Staff writer DeNeen L. Brown in Washington contributed to this report.

GRAPHIC: Map, dave cook; Photo, lawrence k. ho/los angeles times, Students in uniforms play in schoolyard at Long Beach, Calif., middle school. Despite some students' feelings that the outfits quash personal expression, officials and parents say the uniforms will remain a part of schools' regimen. Although Long Beach schools have given parents the right to "opt out" of the school uniform policy for their children, fewer than 400 have done so.

LANGUAGE: ENGLISH

LOAD-DATE: November 08, 1995

Victims (Bill of Rights)

Blanchard

Nov 29

- Ct Room all time
in Court room

- Notified of every major
Adult → Title 13:4401 proceeding
Juveniles → 8:281

- right to be heard at
sentencing of any
parole hearing

- PB → right to be heard
not a right to dictate

How to peer?

- Surcharge on Felony convictions

File a statement to opt-in to
notification

~~when~~

→ Judge Ron Reinstein
Maricopa County
(true believer)

→ ~~Sen~~ Jaany Hoffman
602-542-3773
AZ Senate Staffer

Reinventing Govt. → better service
to consumers

↳ victims (dignity)

→ US Atty office → Victim Asst. Program

AZ Title 13

↳ implementing legislation

Domestic Violence Prosecutions

mandatory arrest policy
even if wife doesn't want him
arrested

→ Rodney
Red Hill

→ States Atty for
Greenville

understands the juvenile issue

→ witness "disappear"

Federal Witness Protection Program
~~Protection~~

→ create one at States

Deadlines on Criminal Appeals

- John Stein (NOVA)
good resource

At Victims

Call - Joany
Hoffman

Nov
30

→ Cost And A Nov 1990 gen. election

→ Implementing legislation 1991

Bill

(1) Notified of every major proceeding

(2) Right to be heard at sentencing

(3) PB → Right to be heard

(4) Consult w/ prosecutor

(5) Post-Conviction issues

Extends to victims to juvenile crimes

↓
inform that Δ is up for hearing, etc.

Donna Husaker

303-830-2200

Denver (NCSL)

Cost? Tina OLSZEWSKI
('OL-Shef-ski')
602-628-6454

→ Appropriation Amount

→ 1.7 million for FY

→ 1.9 million

→ \$25 fee assess on criminals at convictions

U.S. Department of Education



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Memo:

AS requested.

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**UNITED STATES DEPARTMENT OF EDUCATION****OFFICE OF ELEMENTARY AND SECONDARY EDUCATION****THE ASSISTANT SECRETARY**

JAN 20 1995

MEMORANDUM

TO: Governors, Chief State School Officers, Safe and Drug-Free Schools and Communities Act Coordinators

FROM: Thomas W. Payzant *Thomas W. Payzant*

SUBJECT: Gun-Free Schools Act Guidance

This memorandum is a follow-up to my December 1, 1994 letter concerning the Gun-Free Schools Act provisions of the Improving America's Schools Act of 1994. I have enclosed more detailed guidance concerning the implementation of these provisions for your information.

The Department of Education will also be issuing separate, detailed guidance addressing issues concerning discipline and students with disabilities in the middle of February.

I hope that you will find this guidance helpful. If you have additional questions concerning the implementation of the Gun-Free Schools Act provisions, please do not hesitate to send those inquiries by facsimile to the Safe and Drug-Free Schools Program in the Office of Elementary and Secondary Education. Inquiries may be sent to (202) 260-7767 or (202) 260-7617.

**GUIDANCE CONCERNING STATE AND LOCAL
RESPONSIBILITIES UNDER THE
GUN-FREE SCHOOLS ACT OF 1994**

This guidance is to provide information concerning State and local responsibilities under the Gun-Free Schools Act (GFSA), which was enacted on October 20, 1994 as part of the Improving America's Schools Act of 1994 [the reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA)], Public Law 103-382. Preliminary information, including a copy of this new legislation, was mailed to Governors and Chief State School Officers in a letter dated November 28, 1994.

The GFSA states that each State receiving Federal funds under ESEA must have in effect, by October 20, 1995, a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to school. Each State's law also must allow the chief administering officer of the local educational agency (LEA) to modify the expulsion requirement on a case-by-case basis.

The legislation explicitly states that the GFSA must be construed to be consistent with the Individuals with Disabilities Education Act (IDEA). Therefore, by using the case-by-case exception, LEAs will be able to discipline students with disabilities in accordance with the requirements of Part B of the IDEA and Section 504 of the Rehabilitation Act (Section 504), and thereby maintain eligibility for Federal financial assistance. The Department intends to issue separate, more detailed guidance on discipline of students with disabilities, which will include clarification of the implementation of the GFSA consistent with IDEA and Section 504.

The following questions and answers have been prepared to assist States, State educational agencies (SEAs), and LEAs in implementing these new requirements.

- Q1. What entities are affected by the provisions of the Gun-Free Schools Act?**
- A.** Each State, as well as its State educational agency and local educational agencies, has responsibilities under the GFSA.
- Q2. Are private schools subject to the requirements of the Gun-Free Schools Act?**
- A.** Private schools are not subject to the provisions of the GFSA, but private school students who participate in LEA programs or activities are subject to the one-year expulsion

requirement to the extent that such students are under the supervision and control of the LEA as part of their participation in the LEA's programs. For example, a private school student who is enrolled in a Federal program, such as Title I, is subject to a one-year expulsion, but only from Federal program participation, not a one-year expulsion from the private school. Of course, nothing prohibits a private school from imposing a similar expulsion from the private school on a student who brings a weapon to school.

Q3. Will SEAs and LEAs have a period of time to comply with the requirements of the Gun-Free Schools Act?

A. States must take prompt action to implement the requirements of the GFSA, including prompt action to initiate the legislative process. States have until October 20, 1995 to enact and make effective the one-year expulsion legislation required by Section 14601. States that have not enacted and made effective legislation by this date risk losing ESEA funds.

In order to be eligible to receive ESEA funds, LEAs must have an expulsion policy consistent with the required State law.

LEAs must take immediate action to implement the referral policy required by Section 14602, because the GFSA directs that no ESEA funds shall be made available to an LEA unless that LEA has the required referral policy.

Q4. Is compliance with the requirements of the Gun-Free Schools Act a condition for the receipt of Federal financial assistance under the ESEA?

A. Yes, compliance with the requirements of the GFSA is a condition for the receipt of funds made available to the State under the ESEA.

Q5. Will failure to comply with the requirements of the Gun-Free Schools Act result in the termination or withholding of funds made available to the State under the ESEA?

A. Failure to comply with the requirements of the GFSA could result in the withholding, under the provisions of the General Education Provisions Act, of funds made available to the State under the ESEA; however, it is anticipated that technical assistance provided to States will result in timely compliance and make withholding of funds unnecessary.

Q6. May a State request a waiver of the requirements of the Gun-Free Schools Act?

A. Yes. The ESEA authorizes the Secretary to waive the requirements of the GFSA if that action will increase the quality of instruction for students or will improve the academic performance of students. However, it is not anticipated that the requirements of the GFSA will be waived except in unusual circumstances.

Q7. Does the Gun-Free Schools Act's one-year expulsion requirement preclude any due process proceedings?

A. No. Students facing expulsion from school are entitled under the U.S. Constitution and most State constitutions to the due process protection of notice and an opportunity to be heard. If, after due process has been accorded, a student is found to have brought a weapon to school, the GFSA requires an expulsion for a period of not less than one year (subject to the case-by-case exception discussed below).

Q8. What does the Gun-Free Schools Act require of States?

A. The GFSA requires that each State receiving Federal funds under the ESEA must, by October 20, 1995: (1) have in effect a State law requiring LEAs to expel from school for a period of not less than one year a student who is determined to have brought a weapon to school; (2) have in effect a State law allowing the LEA's chief administering officer to modify the expulsion requirement on a case-by-case basis; and (3) report to the Secretary on an annual basis concerning information submitted by LEAs to SEAs. SEAs must also ensure that no ESEA funds are made available to an LEA that does not have a referral policy consistent with Section 14602.

One-Year Expulsion Requirement

Each State's law must require LEAs to comply with a one-year expulsion requirement; that is, subject to the exception discussed below, any student who brings a weapon to school must be expelled for not less than one year.

Case-by-Case Exception

Each State's law must allow the chief administering officer of an LEA to modify the one-year expulsion requirement on a case-by-case basis.

Annual Reporting

Each State must report annually on LEA compliance with the one-year expulsion requirement, and on expulsions imposed under the State law, including the number of students expelled in each LEA and the types of weapons involved.

Q9. What does the Gun-Free Schools Act require of LEAs?

- A. The GFSA requires that LEAs (1) comply with the State law requiring the one-year expulsion; (2) provide an assurance of compliance to the SEA; (3) provide descriptive information to the SEA concerning the LEA's expulsions; and (4) adopt a referral policy for students who bring weapons to school.

One-Year Expulsion Requirement

LEAs must comply with the State law requiring a one-year expulsion; that is, subject to the case-by-case exception, any student who brings a weapon to school must be expelled for not less than one year.

LEA Assurance

An LEA must include in its application to the State educational agency for ESEA assistance an assurance that the LEA is in compliance with the State law requiring the one-year expulsion.

Descriptive Report to SEA

An LEA must include in its application for ESEA assistance a description of the circumstances surrounding expulsions imposed under the one-year expulsion requirement, including:

- (A) the name of the school concerned;
- (B) the number of students expelled from the school; and
- (C) the type of weapons concerned.

Referral Policy

LEAs must also implement a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a weapon to school.

Q10. When must an LEA implement its referral policy?

- A. LEAs must take immediate action to implement a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a weapon to school. The GFSA directs that no ESEA funds shall be made available to an LEA unless that LEA has the required referral policy.

Q11. When must an LEA submit the required assurance?

- A. In its first application to the State educational agency for ESEA funds after the date that the State enacts and makes effective the required one-year expulsion legislation, the LEA must include an assurance that the LEA is in compliance with the State law.

Q12. What is the role of the SEA in determining whether an LEA is in compliance with the Gun-Free Schools Act?

- A. The GFSA requires States to report to the Secretary on an annual basis concerning LEA compliance. Therefore, before awarding any ESEA funds to an LEA, the SEA must ensure that the LEA has: (1) implemented a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a weapon to school; and (2) included in its application for ESEA funds the assurance and other information required by the GFSA. SEAs must ensure that the LEA application contains:

(1) an assurance that the LEA is in compliance with the State law requiring the one-year expulsion; and

(2) a description of the circumstances surrounding expulsions imposed under the one-year expulsion requirement, including:

- (A) the name of the school concerned;
- (B) the number of students expelled from the school; and
- (C) the type of weapons concerned.

Q13. Who is an LEA's "chief administering officer"?

- A. The term "chief administering officer" is not defined by the GFSA. Each LEA should determine, using its own legal framework, which chief operating officer or authority (e.g., Superintendent, Board, etc.) has the power to modify the expulsion requirement on a case-by-case basis.

Q14. Can any individual or entity other than the LEA's "chief administering officer" modify the one-year expulsion requirement on a case-by-case basis?

A. No. However, the chief administering officer may allow another individual or entity to carry out preliminary information gathering functions, and prepare a recommendation for the chief administering officer.

Q15. Is it permissible for an LEA to use the case-by-case exception to avoid compliance with the one-year expulsion requirement?

A. No, this exception may not be used to avoid overall compliance with the one-year expulsion requirement.

Q16. How is the term "weapon" defined?

A. For the purposes of the GFSA, a "weapon" means a firearm as defined in Section 921 of Title 18 of the United States Code.

According to Section 921, the following are included within the definition:

- any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive
- the frame or receiver of any weapon described above
- any firearm muffler or firearm silencer
- any explosive, incendiary, or poison gas
 - (1) bomb,
 - (2) grenade,
 - (3) rocket having a propellant charge of more than four ounces,
 - (4) missile having an explosive or incendiary charge of more than one-quarter ounce,
 - (5) mine, or
 - (6) similar device
- any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter

- any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled

According to Section 921, the following are not included in the definition:

- an antique firearm
- a rifle which the owner intends to use solely for sporting, recreational, or cultural purposes
- any device which is neither designed nor redesigned for use as a weapon
- any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device
- surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10

In addition, we have been advised by the Bureau of Alcohol, Tobacco, and Firearms that Class-C common fireworks are not included in the definition of weapon.

Q17. Does the Gun-Free Schools Act preclude classes such as hunting or military education, or activities such as hunting clubs or rifle clubs, which may involve the handling or use of weapons?

A. No, the GFSA does not prohibit the presence at school of rifles that the owners intend to use solely for sporting, recreational, or cultural purposes.

Q18. Are knives considered weapons under the Gun-Free Schools Act?

A. No, for the purposes of the GFSA, the definition of weapon does not include knives. State legislation or an SEA or LEA may, however, decide to broaden its own definition of weapon to include knives.

Q19. What is meant by the term "expulsion"?

- A.** The term "expulsion" is not defined by the GFSA; however, at a minimum, expulsion means removal from the student's regular school program at the location where the violation occurred.

Q20. Is a State, SEA, or LEA required to provide alternative educational services to students who have been expelled for bringing a weapon to school?

- A.** The GFSA neither requires nor prohibits the provision of alternative educational services to students who have been expelled. Other Federal, State, or local laws may, however, require that students receive alternative educational services in certain circumstances.

Q21. What is an "alternative setting" for the provision of educational services to an expelled student?

- A.** An alternative setting is one that is clearly distinguishable from the student's regular school placement.

Q22. Is Federal funding available to provide alternative educational services?

- A.** Yes, formula grants awarded under the Safe and Drug-Free Schools and Communities Act may be used for alternative educational services. In addition, other Federal funds may be available for alternative educational services, consistent with each program's statutory and regulatory requirements.

Q23. Do the requirements of the Gun-Free Schools Act conflict with requirements that apply to students with disabilities?

- A.** No. Compliance with the GFSA may be achieved consistently with the requirements that apply to students with disabilities, as long as discipline of such students is determined on a case-by-case basis in accordance with the IDEA and Section 504. The Department intends to issue separate, more detailed guidance on discipline of students with disabilities, which will include clarification of the implementation of the GFSA consistent with IDEA and Section 504.

Q24. Is it permissible to expel a student for a "school year" rather than a year?

A. No. The statute explicitly states that expulsion shall be for a period of not less than one year.

Q25. Does the expulsion requirement apply only to violations occurring in the school building?

A. No. The one-year expulsion requirement applies to students who bring weapons to any setting that is under the control and supervision of the LEA.