

Chapter 8

Community Self-Defense: A New Strategy for Preventing Crime and Restoring Public Order

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Public safety traditionally has been thought of as the most local of government responsibilities. But thanks to more than three decades of high crime rates and steadily mounting disorder in our cities, the public is forcing politicians to make public safety a national issue. The subject routinely appears at or near the top of every public opinion survey of national problems, even during periods when "the experts" point to short-term improvements in crime rates as grounds for optimism.

In April 1995, for example, amid reports that violent crime rates were dropping following a boomlet in those rates in the late 1980s and early 1990s, the Times-Mirror poll asked Americans if the United States was making progress or losing ground on twenty-one different issues. Crime elicited the most pessimistic response of all, with 77 percent of respondents saying the country was losing ground, and only 9 percent agreeing with the experts that the country was making progress.¹

Recent publicity on marginally lower crime rates obscures the cumulative impact of persistently high rates over the lifetimes of most adult Americans. In 1995, a "good" year for crime-fighting, there were nearly 14 million reported crimes, more than four times the number in 1960. The number of reported violent crimes that year dropped below 1.8 million for the first time since 1989 -- a very positive statistic, but still about six

times the number of reported violent crimes in 1960.²

Americans have grown tired of crime and disorder, and they want national leaders, not just police chiefs and mayors, to do something about it.

The State, the Individual, and the Community

The nationalization of the crime issue is a striking counterexample to the conservative assumption that government dysfunction is exclusively the product of excessive federal power. By any measurement, the various elements of the criminal justice system exhibit all the worst features of Industrial Age bureaucracies: lack of public accountability, turf consciousness, self-defined "professionalism," remoteness from the common experience of citizens, voracity for additional resources, and inbred resistance to change. While federal crime policy has contributed to these institutional vices, by no means has it created them.

It is impossible to identify a sole prevailing governing paradigm for the criminal justice system, divided as it is into distinct and largely uncoordinated bureaucracies involved in crime prevention, child welfare, juvenile justice, alcohol and substance abuse, policing, prosecution, adjudication, incarceration, and probation -- with overlapping federal, state, and local jurisdictions in each. But by and large, the system is organized around two basic principles: the rights of the state,

as expressed in laws and fixed sanctions for their violation, and the rights of the individual, as expressed in constitutional and statutory guarantees of civil rights and liberties. The interests of the *community*, the actual citizens and neighborhoods affected by crime and disorder, are rarely taken into account, or they are assumed to be reflected in the state's prosecution and punishment of crimes, and in the individual's liberty from excessive police powers.

While the national debate on crime and disorder has been forced by citizens concerned for their communities, it has largely focused instead on the twin towers of state power and individual liberty. It has done so, though, with some surprising wrinkles in recent years.

Conservatives generally have championed state power in the form of a single-minded support for longer and harsher prison sentences, sometimes appearing to favor permanent imprisonment of all violent felons and drug offenders. Liberals usually have been identified with individual rights and minority-group grievances against the criminal justice system, frequently suggesting that crime and disorder are lamentable but inevitable consequences of social and economic inequality.

In the 1990s, conservatives, while still arguing for longer stretches for more offenders in more pitiless prisons, have become actively hostile to the state's police power when it is exercised to control firearm ownership or to dissolve armed religious or paramilitary encampments (an attitude typified by

the National Rifle Association letter that called officers of the federal Bureau of Alcohol, Tobacco, and Firearms "jack-booted government thugs.")³ The right also has become increasingly indifferent to those parts of the criminal justice system that come into play before a convicted defendant is sentenced by a judge.

For its part, the left, overwhelmed by public hostility to victimization theories about crime, has largely withdrawn from the law and order debate, other than exercising reflexive opposition to measures aimed at longer sentences for criminal acts. As recently as 1988, a Democratic candidate for president proudly claimed membership in the ACLU. Few rising political stars would make that mistake today.

Meanwhile, progressives in both parties, political independents, and police advocates have stimulated an entirely new debate focused not on root-cause remedies or postarrest punishments (though most do support an end to cost-driven "revolving door" conditions under which prisoners serve a small fraction of sentences), but on how police and communities can collaborate to fight both crime itself and the conditions of disorder and anarchy that immediately breed it.

The community policing movement, spearheaded in the 1980s by a handful of local leaders, embraced by the Clinton administration more recently, and scoring a series of high-profile successes in the last few years, reflects more than a fashionable strategy of employing police officers in the cities.

Community policing is potentially the opening wedge of a fundamental change in the function, objectives, and structure of the criminal justice system: from a series of uncoordinated bureaucracies waging an abstract, often losing fight for improved crime statistics, to a radically decentralized but highly focused array of public resources aimed at helping communities defend themselves.

This paradigm shift reflects two of the New Progressive Declaration's strategies for renewing our democracy: reconstructing the social order, and returning power to self-governing citizens and communities.

This chapter will explore the history and implications of the movement for community-based crime prevention, and outline key steps that citizens and national, state, and local officials can take to broaden its impact. In particular, it will urge:

- a stronger national commitment to community policing;
- vigorous federal support for the interests of communities in conflicts between the state and criminal defendants;
- a national campaign to regain community control of public spaces;
- making supervised reintegration of criminals into community life a central priority in corrections, probation, and parole decisions; and,
- a comprehensive overhaul of criminal justice bureaucracies to focus them on contributing to community self-defense.

The Police Bureaucracy

No one would be surprised to hear the child welfare, juvenile justice, probation, parole, and corrections systems described as bureaucracies. Even the federal and state court systems, with their adjunct prosecutors and public defenders, are easily viewed as entrenched bureaucracies with their own culture and standards. What is surprising, though, is that our front-line troops, the local police departments, have developed into classic bureaucracies, too. This little-remarked phenomenon goes a long way toward explaining the public's growing estrangement from the criminal justice system.

Throughout the twentieth century, and with growing intensity during the past thirty years, local police have evolved from a traditional, community-based "peace officer" role into a detached and reactive, "professional crime fighter" role. Old-fashioned peace officers, or neighborhood police, were intimately involved in all aspects of civic life, and viewed their responsibility to the community more broadly than simply apprehending criminal suspects. Any threat to public tranquility from virtually any source was considered within their jurisdiction.⁴ For example, local police might have become personally involved with clearing a vacant lot filled with trash or admonishing someone who broke a window. Modern police professionals, on the other hand, are expected to strictly limit their activities to the detection of crimes and the apprehension of their likely perpetrators.

Essentially, they serve as the entry processing point for suspects into other elements of the criminal justice system, much as local welfare agencies serve as the entry processing point for clients seeking various forms of public assistance.

While peace officers instinctively thought of themselves as integral members of the community and protected it accordingly, police professionals tend to view the community as a neutral site for fighting crime, and of citizens as irrelevant to their work unless they are offenders, victims, or witnesses.

Four developments -- one political, one technological, one organizational, and one reflecting both technological and organizational change -- accelerated the trend towards the bureaucratization of police:

- In a manner that strikingly parallels the civil service reform movement in other segments of public service, police reformers sought explicitly to minimize officers' contacts with the community, and to insulate police departments from city politics. Both steps were rationalized as inoculations against corruption.⁵

- The advent of motorized patrol quickly eroded the tradition of assigning officers to beats in specific neighborhoods, and increasingly organized their work around responses to criminal incidents, rather than responsibility for general levels of public order.⁶

- In a pattern common to all bureaucracies, police departments almost universally became organized around a

promotion hierarchy that made beat assignment an undesirable entry-level position, soon left behind by competent and ambitious officers for detective work and administration. In many cities, unionization of police, while leading to significant improvements in pay and benefits, also tended to harden the promotion hierarchy and make careers in policing similar to civil service occupations, in terms of distaste for performance incentives and public accountability.⁷

- Improvements in crime data collection and dissemination, especially the FBI's Uniform Crime Report, made crime rates a convenient performance measurement, and the severity of crimes an equally convenient determinant for the allocation of resources. This fixation on crime statistics further eroded the police's traditional public-order priorities.

The trend toward removing police from communities and enrolling them in a professional crime-fighting bureaucracy has culminated in the 911 telephone emergency-response system that has dominated policing in most parts of the country since the late 1970s. The 911 systems represent far more than a method for speeding information about criminal incidents to police. They reflect a conscious effort to limit police interaction with the community to incident-related contacts. Fully integrated with the motorized rapid-response method of deployment, 911 systems complete the trend away from the traditional peace officers model. Legitimate police work is now defined as response to isolated incidents, with performance increasingly measured by

"response times," and with police attention to underlying community patterns of crime and disorder officially discouraged.

Four warning signs, still relevant today, accompanied the near-universal adoption of the professional crime fighting model:

- Almost everywhere, citizens resisted the abandonment of the old community-based model of policing, and the police's abdication of responsibility for public-order maintenance tasks unrelated to "crime-fighting."

- In most large urban centers, the elimination of regular police-community contact, and the adoption by officers of a paramilitary "strike force" ethic, bred an unprecedented level of suspicion and hostility towards officers, especially in minority communities.

- National crime rates rose sharply to previously unimagined levels throughout the entire period in which police departments focused most obsessively on deploying resources to respond to criminal incidents.

- Fed up with both rising crime rates and police insensitivity to their desire for the maintenance of public order, communities and businesses across America began organizing their own private "security forces." In 1995, American's hired 1.5 million private police officers to supplement public police protection.⁸

Unfortunately, police administrators cited all of these discouraging trends as justification for an even greater emphasis

on professionalism and technology-driven responsiveness. Professionalism was actively marketed as the best guarantee of "constituent satisfaction" and as a counter to lingering bias against minorities in majority-white departments, while ever-lower response times were deemed critical to reversing rising crime rates.

The Start of the Community Policing Movement

In a striking example of how ideas often do matter, the countertrend away from the professional crime-fighting and rapid-response models for policing began in academic circles. Beginning in the mid-1970s, the Police Foundation funded a research project by George L. Kelling (the former director of the foundation's evaluation field staff and a research fellow at Harvard University's John F. Kennedy School of Government) aimed at testing a return to police foot patrols on a limited basis in Newark, New Jersey. The experiment was conducted primarily through officers working overtime and did not represent a real commitment of resources or a changed departmental strategy. Nevertheless, Kelling noted impressive improvements in public perceptions of safety and overwhelming public support for foot patrol. The positive reaction appeared to stem from two interrelated factors: the increased visibility of police in daily neighborhood life, and even more important, foot patrol officers' knowledge of and willingness to deal with patterns of

physical and behavioral disorder -- patterns that citizens were convinced diminished their safety and contributed to crime.

The Newark experiment strongly influenced the document that really launched the community policing movement: "Broken Windows," a 1982 article in *The Atlantic Monthly* written by Kelling with social scientist James Q. Wilson.⁹ The article's hypothesis was that disorder did indeed breed crime by driving law-abiding citizens out of public areas and attracting criminal predators. It suggested that police deployed continuously in neighborhood beats -- rather than being launched in and out sporadically in patrol cars in response to "incidents"-- would be in a far superior position to identify and address disorderly conditions, and to encourage active community participation in "retaking" public spaces.

In effect, Kelling and Wilson argued for a return to the traditional peace officer model of policing. Even more provocatively, they suggested that police served a public order function that was integral to fighting crime, and that deploying resources based on a severity-of-crime standard would often produce *de facto* tolerance for behaviors that diminished public safety from the citizens' point of view.¹⁰

The article's impact was greatly enhanced by its timing. It appeared near the peak of the long climb in crime rates that began in the 1960s, and amid a nationwide explosion of concern about the deteriorating quality of urban life:

- The "homeless" phenomenon -- the sudden, shocking

appearance in nearly every major city of aggressive street beggars, caused in no small part by court-ordered deinstitutionalization of substance abusers and the mentally ill -- was transforming public transit systems, commercial and retail areas, and parks into threatening places.

- The crack cocaine epidemic was gaining steam, introducing a cheap, violence-inducing drug into virtually every impoverished inner-city neighborhood from coast to coast.

- White and minority middle-class flight from decaying urban centers, a response to declining public order which accelerated during the national real estate boom of the mid-1980s. As these solid citizens left the cities, conditions for those left behind grew even worse.

The time was ripe for a reevaluation of the prevailing assumption that maintaining public order was an illegitimate task for police. A handful of community policing experiments were launched during the mid- to late-1980s in cities ranging from Flint, Michigan to Atlanta, Houston, Boston, and New York. Like the original Newark experiment, nearly all were small initiatives in limited areas, and occurred amid continuing commitment to the rapid-response model. Even so, these largely superficial efforts attracted strong public support in the affected communities, and significantly improved perceptions of public safety, if not the actual crime rate. In Flint, voters twice approved tax increases to continue foot patrols.¹¹

Opposition to Community Policing

Opposition to community policing provides a textbook example of bureaucratic resistance to systemic change.

Police administrators and unions often oppose the strategy for the same two reasons: It upsets long-established, highly valued career-ladder hierarchies, and challenges the professional ethic assumed central to police recruitment and morale. Restoring the peace officer model is interpreted as asking police to become social workers.

Many prosecutors and judges resist community policing as well, for reasons that perfectly reflect the traditional paradigm of state interest versus individual rights.

Trained in and bureaucratically organized around "serious" criminal justice specialties, prosecutors are ill-disposed to try such "minor" crimes as loitering, disturbances of the peace, public drunkenness, and unlawful entry. Judges are similarly inclined to throw out or mitigate sentences in such cases. Together with prosecutors, they oppose "wasting" police resources on public order functions that tend not to lead to arrests: orders to "move on," intervention in neighborhood disputes, and the like. The police's job, they believe, is to supply them with cases. This mindset helps explain why arrest rates for "lesser" crimes are abysmally low: 9.5 percent for burglary and 7.6 percent for car theft in the nation's seven largest cities in 1995, making these crimes nearly risk-free when committed.

Meanwhile, many public defenders (and many judges) are deeply opposed on principle to the use of police discretion in making arrests that reflect community, not state, priorities. All acts of public drunkenness, they believe, should be treated equally, regardless of community impact. For them, there is no difference between the drunk who intimidates pedestrians and the drunk who quietly sits alone. Among probation and parole officers, selective arrests are resented as an preemption of their authority to determine whether a given offense is grounds for revoking their "client's" status.

The single most important source of resistance to community policing comes from lawyers and judges who inherently oppose the legitimacy of community control of public spaces. Two especially notorious test cases in the late 1980s involved efforts to clear nonresidents from crime-ridden public housing units in Chicago, and to enforce rules of civil behavior on the New York City subways.

Chicago public housing tenants, painfully aware of the nexus between nonresidents and drug-related crime and violence, strongly supported the public-order measures. The initiative ultimately collapsed, however, after the ACLU persuaded the courts to bar police from aggressively searching and screening units for unauthorized persons. The case epitomizes the elevation of individual interests over community interests: Two residents represented by the ACLU were able to halt security measures supported formally by a tenants' association

representing thousands of other residents.

The New York subway case, in which George Kelling (as a consultant) and Transit Police Commissioner William Bratton played leading roles, turned out differently. In 1989, between 1,200 and 2,000 persons were sleeping in the subway system each night. Fare-jumpers and fare-thieves were costing the city more than \$60 million per year.¹² Felonies on cars and in stations were rising sharply, and virtually all riders -- whose numbers were dropping at an alarming rate -- feared for their safety.

Under Bratton's direction, transit police began an intensive effort ("Operation Enforcement") to regulate aggressive begging; smoking; public displays of nudity, urination and defecation; psychotic outbursts; and obstruction of passengers. Homeless persons were directed to shelters or to areas where they would not interfere with transit riders. The initiative succeeded despite attempts by the ACLU and others to claim First Amendment protection for uncivil behavior, and to deny citizens a liberty interest in the peaceful enjoyment of subway transit. Since the beginning of Operation Enforcement, felonies in the subway system have declined by 75 percent, and ridership has stabilized.¹³

The case demonstrated that community order and individual rights could be balanced by carefully emphasizing behavior over status, and through an equally careful effort to provide alternative areas for the use of "street people."

The Politics of Community Policing

At the municipal level, community policing has won support from centrist, reform-minded politicians of both parties, with especially strong commitments being made by Democratic administrations in Baltimore, Boston, and Seattle, and Republican administrations in Indianapolis, New York, and San Diego.

At the national level, the subject drew scant attention from the political parties or from policy groups until the PPI made it a signature idea in 1990. PPI's endorsement, in turn, led to Bill Clinton's campaign pledge in 1992 to support both community policing and a related federal initiative, dubbed COPS, to help cities and counties hire an additional 100,000 police officers over five years.

Before Clinton's COPS initiative became federal law and Democratic orthodoxy in 1994, the national political debate on crime remained stuck in its old ruts.

Conservatives remained convinced that "liberal permissiveness" was the root cause of rising crime. Few viewed policing strategies as being relevant to the crime rate, though some agreed with the status quo belief that community policing was turning police into soft-minded liberals.

On the left, civil libertarians continued to fight Old Paradigm extensions of state power along with New Paradigm approaches to promoting public order. Their role in frustrating efforts to maintain public order and recapture public spaces cannot be exaggerated. In particular, professional advocates for the homeless deliberately encouraged maximum domination of public

areas by their "constituents" as a living advertisement for their plight.

With Clinton's election, the goal of strengthening police departments, if not necessarily changing their mission, rose to the top of the national policy agenda in the form of a federal "crime bill." While the measure that was passed did provide ultimately for the hiring of 100,000 new police officers, it was inadequately funded and also failed to connect the increase in police power to the community policing strategy. (The Clinton administration's Justice Department, however, clearly has been committed to community policing in its technical assistance and research efforts.) Among other shortcomings, the crime bill failed to concentrate the new officers in high-crime communities, and left communities fully responsible for their salaries after five years, creating the risk that those positions will lapse with the federal aid. In the 104th Congress, House Republicans passed legislation (never taken up by the Senate) that would have eliminated COPS and other crime prevention programs authorized by the crime bill in favor of a new, unrestricted block grant to cities and counties.

The real political struggle over community policing in the 1990s erupted in two cities run by mayors with a special commitment to the strategy.

- In San Francisco, Democratic Mayor Frank Jordan, a former policeman, was elected on a platform of reclaiming parks, streets, and the downtown commercial area from panhandlers,

prostitutes, and drug and alcohol abusers. Jordan spent much of his term fighting advocacy groups and the courts to implement his "Operation Matrix" strategy for moving street people out of public spaces and into social service and treatment facilities. Key elements of Operation Matrix were struck down by the courts. Jordan was defeated in 1995 by State Assembly Speaker Willie Brown, a liberal Democrat who made opposition to Operation Matrix a central campaign issue.

• In New York, maverick Republican Mayor Rudolph Giuliani in 1994 immediately expanded the community policing initiative begun by his Democratic predecessor, David Dinkins. Giuliani hired William Bratton, who directed the successful New York City subway cleanup, as his police commissioner. Bratton was advised, as earlier, by George Kelling. Using an explicit and aggressive public order strategy right out of "Broken Windows" -- enforced by holding precinct captains strictly accountable for results, and enhanced by computerized data on crime in every neighborhood -- the Giuliani-Bratton initiative not only increased perceptions of public safety, but produced a sensational reduction in violent crimes. In 1995, the likelihood that a New Yorker would become a crime victim dropped to the lowest odds since 1970; robberies were at their lowest level since 1973; and homicides had been cut nearly in half from their 1990 level.¹⁴ While longer sentences for criminal offenses in New York also undoubtedly contributed to the progress on violent crime, the especially sharp drops in the city's crime rates indicates policing measures have been

critical. More recently, Bratton's resignation after a series of clashes with Giuliani, and complaints from minority communities about alleged police brutality, have made the crime initiative newly controversial on the eve of Giuliani's 1997 reelection campaign.

Beyond Community Policing

As community policing has struggled for acceptance, a few pioneers have begun to apply the same principles to other bureaucracies in the criminal justice system.

The "community prosecution" movement is now roughly at the same stage of development and acceptance as community policing was in the mid-1980s. Actively supported by the Clinton administration's Justice Department and extensively studied by the American Prosecutorial Research Institute, community prosecution is sometimes adopted as an adjunct to community policing (as in New York City), and sometimes as a free-standing experiment (as in Portland, Oregon and Austin, Texas).

Like community policing, community prosecution involves a paradigm shift in the organization, deployment, and strategic use of law enforcement resources. It makes the actual impact of patterns of criminal behavior in specific communities the strategic linchpin and measure of success in law enforcement decisions, rather than abstract judgments of a professional elite.

And like community policing, community prosecution requires a significant change in the professional culture of the criminal justice bureaucracy. Lawyers currently trained and assigned by case specialty are instead assigned to neighborhoods. Decisions to prosecute cases are based on the impact of a given offense to public order in the community, not on preestablished and unvarying indices of a crime's severity.

Prosecutors adopting a community-based approach are encountering the same kind of support from the public, and the same kind of resistance from bureaucracies and advocacy groups, previously experienced by community policing pioneers. For example, State's Attorney Rod Smith of Gainesville, Florida aggressively sought public support for a "selective prosecution" initiative focused on a high-crime minority neighborhood in his jurisdiction. He successfully recruited African-American community leaders to dispute charges by civil liberties groups that the initiative was racially discriminatory.¹⁵

In Boston, municipal leaders brought probation officers into a community-based public order initiative -- an especially important experiment given the power of probation officers over individuals still under the supervision of the criminal justice system.

Even in the judicial arena, there is an analogous community-based movement seen in the spread of specialty "drug courts," where community-impact testimony and informal community sanctions are an important part of both fact-finding and sentencing.

The System Crisis

The glacial movement towards community-based strategies in criminal justice highlights a problem mentioned at the beginning of this chapter: The criminal justice system is, in fact, a wide array of highly fragmented bureaucracies with varying philosophies and governance structures.

This is not merely a problem of public administration. Fragmentation of the criminal justice system is arguably one of the three key factors -- along with high crime rates and official indifference to public order -- that explain the public's chronic frustration about crime that has forced the issue into national politics.

A compelling, and continuing, example of the problem of fragmentation is the series of perverse and unanticipated consequences proceeding from the so-called "war on drugs" of the early- to mid-1980s.

At both the federal and state levels, a vast array of tougher criminal sanctions were enacted to cope with the trafficking, sale, and consumption of illegal drugs. A criminal justice system that was barely adequate to cope with existing levels of crime was literally overwhelmed by the influx of new offenders.

Already thin police resources were stretched, resulting in lower arrest rates. Prosecutors with unsustainable case loads began to bargain for pleas whenever possible. Supervision of

probationers and parolees became lax. And worst of all, federal and state prisons could not accommodate the new levels of convicts.

Hamstrung by federal court orders limiting inmate concentrations, many states undertook drastic measures to create bed space in prisons for the most dangerous offenders, "backwashing" some inmates into local jails, and releasing others long before their sentences were completed. Corrections pressures led many judges to lighten sentences up front. The combined effect of plea bargains, shorter sentences, and early releases was to significantly reduce the ratio of incarceration to crimes, at a time when public sentiment strongly favored longer, not shorter sentences. Early-release and alternative-corrections programs inevitably produced high-profile horror stories of violent offenders committing heinous crimes after serving a small fraction of their sentences.

The "revolving door" phenomenon of repeat offenders, already a major problem, was worsened significantly by a failure to make the resources available to actually implement a "get tough" anti-drug policy.

The backlash to these developments led to a wave of mandatory sentencing legislation at the federal and state levels -- most famously, "three strikes and you're out" -- aimed at reining in prosecutors, judges, and parole boards, eliminating the local discretion so important to making community impact a significant factor in law enforcement decisions.

In fact, the mandatory-sentencing trend is becoming counterproductive, as is best seen with the latest fashionable Republican idea of abolishing parole. While eliminating parole would indeed increase time served in prison, it would also mean that convicts completing their sentences would be released into the community without benefit of continuing supervision by the criminal justice system -- a disastrous blow to every community's ability to monitor likely repeat offenders. Longer sentences are entirely possible without abolishing post-incarceration supervision through parole.

An institutional solution to the system crisis is virtually impossible, involving as it would massive constitutional changes at every level of government, and political interference with the judicial system as well.

The most direct, and only feasible, route to reorganization of the criminal justice system is to overcome diverse bureaucratic cultures and philosophies by the broad adoption of a new paradigm for crime and public order that the various institutions could all be encouraged to embrace.

Restorative Justice

There is, in fact, a new paradigm on the margins of social science research and public policy debate on crime that could potentially refocus the criminal justice system on community needs and public order in a comprehensive manner: restorative

justice.

The basic concept of restorative justice is that the principle aim of the criminal justice system should be to redress the damage done by criminal offenders to the community in which they live. This approach contrasts sharply with the theory of retributive justice, which focuses on vindicating the state's interests in enforcing its laws, and the theory of distributive justice, which aims at ensuring that offenders are not punished more than is necessary to deter future criminal behavior. As should be obvious, the relationship of restorative justice to its better-known rival theories is very similar to the relationship of community policing to the liberal and conservative paradigms focused on the rights of the individual and of the state.

Developed originally in connection with experiments in offender-victim reconciliation, the restorative justice movement is also the primary fountainhead of victim's rights programs -- embraced during the 1996 presidential campaign by both candidates as a potential constitutional amendment.

If applied as the central principle of the U.S. criminal justice system, restorative justice would:

- Fully vindicate the community policing model, including its key premise that "minor" offenses threatening public order should be addressed;
- Strengthen the rights of citizens to maintain access to public spaces;
- Make community impact a fully legitimate issue in

sentencing decisions;

- Strongly enhance the importance of postsentencing and post-incarceration supervision of offenders, to ensure reintegration with the community;
- Refocus crime prevention programs to build strength of community institutions, and;
- Make overall public safety of communities, not crime statistics, the focus of crime policy debate.

The most interesting implication of the restorative justice model is that it would provide the first fresh thinking on the purpose and structure of corrections systems in a generation. Today's prisons, typically operated according to an inchoate hybrid of individual retribution and rehabilitation theories, are often dominated by an inmate culture in which the most violent criminals earn the greatest respect. Parole and other release decisions may focus on good behavior, and even remorse, but rarely take into account the relative socialization of inmates into the value system of the communities in which they are released.

If impact on the community upon release were to become a major concern of prison administrators, then prisons might well be reorganized to make *respect for authority and willingness to cooperate* key goals for each inmate, along with specific planning for life after prison. Instead of tolerating inmate-to-inmate violence as a mildly unfortunate element of punishment, administrators would work hard to ensure that predators are

undermined in every effort to assert authority over other inmates. In addition, prerelease socialization would be closely coordinated with postrelease parole supervision.

While some elements of the restorative justice theory have been applied in a wide variety of cities, counties, states, and nations -- most notably in victim compensation, victim-offender rehabilitation, and alternative sentencing programs -- it has been applied comprehensively in just one jurisdiction: the small rural community of Genessee County, New York. First developed fifteen years ago by an innovative sheriff in response to a local jail overcrowding crisis, the "Genessee Justice" program enjoys overwhelming public and bipartisan political support in the community. Its key features include a well established, and very successful, community service-based alternative-sentencing system that has significantly reduced recidivism; intensive victim assistance services; voluntary victim-offender reconciliation; presentencing community impact statements; and even "conscience classes" aimed at developing respect for authority and community among prison inmates.¹⁶

Regardless of whether restorative justice gains support as a new paradigm for criminal justice in the United States, legally recognizing the community's interests in public spaces is all-important. Otherwise, even such popular and successful reforms as community policing may be stymied by a legal system in which abstract state and individual interests are deemed paramount.

Where to Begin

At first blush, it may appear counterintuitive to suggest that creating a community-based paradigm for crime prevention and maintenance of public order can be accomplished at any level other than that of the local governments closest to the communities themselves.

But recall that the public has nationalized the debate on crime and disorder precisely because state and local bureaucracies have failed to respond, and in part because no single jurisdiction controls enough of the system to force decentralization.

In such circumstances, it is entirely legitimate for the federal government (or alternatively, the states, which control more criminal justice resources than any other level of government) to intervene -- *not by creating programs, but by empowering communities to take control of their own protection and their own public spaces.*

Federal policymakers should consider the following suggestions as first steps toward that paradigm shift:

- Fully fund the COPS program, but link federal funding explicitly to full adoption by recipient jurisdictions of bona fide community policing.
- Intervene aggressively in key court cases to support the community interest in public order as a significant factor in sentencing.

- Identify a set of public spaces -- parks, downtown commercial and retail areas, public transportation systems, and entertainment facilities -- where safe public access should be guaranteed, and launch a national (as opposed to federal) campaign to regain full control of public places in every urban area.

- Direct federal corrections, probation, and parole systems (and parallel state systems that use federal construction funds) to make supervised reintegration of offenders into communities a central priority.

- Expand federal research and technical assistance programs supporting community policing and community prosecution initiatives, and expand them into community-based models for probation, parole, juvenile justice, and child welfare.

- Offer large challenge grants to a few states to experiment with a comprehensive overhaul of criminal justice bureaucracies on a community-based model.

Conclusion

Public safety is one area of domestic governance in which the conventional wisdom must be turned on its head. Marginal reductions in "serious crime" rates will not satisfy citizens, so long as they feel endangered in the conduct of their daily lives and prohibited from use of public spaces.

Citizens are demanding national action on public safety not

because they want a larger federal bureaucracy or more uniform federal rules governing sentencing, but because they want someone to force state and local criminal justice bureaucracies to defend them. The best way to reduce "serious crimes" is to address "less serious" conditions that breed crime by promoting physical and social disintegration and abandonment of public spaces to predators.

The most effective tool for fighting crime is not a professional crime-fighting apparatus with the latest technology, but a police-community partnership based on monitoring and protecting the safety and vitality of our neighborhoods. "Wars" on crime, drugs, and gangs will not succeed unless all elements of the criminal justice system are in synch and focused on responding to real-life community needs.

All participants in the criminal justice system -- cops, judges, parole and probation officers, prosecutors, prison guards, and yes, criminals themselves when they have done their time -- must ultimately be integrated into an effort to make communities resistant to crime, and capable of defending themselves.

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13. Ibid., 125.

14. Ibid., 153.

15. Public Policy discussion on Crime at the DLC Annual Meeting, Washington, DC, November 1995.

16. John Fabian to Ed Kilgore, interoffice memo, 3 June 1996, "Genesee Justice: A Model of Restorative Justice" 5-6.

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Research in Brief

Jeremy Travis, Director

January 1997

Issues and Findings

Discussed in this Research in Brief: A study, supported by the National Institute of Justice, of arrestees' access to firearms, their availability, and the reasons they are owned and used.

Key issues: Data from the Drug Use Forecasting (DUF) program were used to explore the extent of firearm ownership and possession among arrestees and the ease with which they can be acquired illegally. More than 7,000 arrestees in 11 major urban areas that participate in the DUF program were interviewed for the study.

Key findings: A higher percentage of arrestees than people in the general population have ever owned a firearm. They acquire firearms readily, and a substantial number have used them to commit crime. Arrestees say guns are easy to obtain, and the ease with which this is done suggests the illegal market is the most likely source. In fact, more than half the arrestees say it is easy to obtain guns illegally.

The study helps confirm the link between guns and gang membership and guns and drug markets: Among the arrestees, the groups that have the easiest access to firearms are drug sellers and gang members. Juvenile males are also

Illegal Firearms: Access and Use By Arrestees

by Scott H. Decker, Susan Pennell, and Ami Caldwell

Firearms ownership is much more common among people who have been arrested than it is in the general population. Arrestees say it is easy and takes little time for them to obtain firearms illegally. Among those who have owned a gun,¹ a substantial number have used it to commit crime. Some arrestees are more likely than others to have such easy access to guns: those who sell drugs and those who belong to a gang. Perhaps most troubling is the strong association between guns and youth: among juvenile male arrestees, gun ownership and use are much higher than among arrestees generally.

These findings were revealed in a study supported by the National Institute of Justice conducted in response to the Attorney General's concern about the increase in deaths and injuries due to firearms violence since the mid-1980's. Her concern prompted a request for a better understanding of the illegal firearms market and its participants. The study presents an innovative method to gain insight into the dynamics of that market: from people who were arrested and booked. Arrestees in 11 major urban areas across the country were interviewed for the study. (See "The Study Method: DUF As a Research Platform.")

Taken together, the results of this study of firearms access, availability, and use

among arrestees produced a picture of a culture in which possession and use of guns is not only common, but also tolerated and accepted as the norm. The findings suggest that some current approaches to reducing gun crime—particularly laws against illegal possession and use—need to be supplemented by a multifaceted intervention strategy.

Characteristics of arrestees

The arrestees who provided the information about their access to and use of firearms reflect, to a large extent, the characteristics of arrestees nationwide. However, there was variation among the 11 sites. For example, while more than half (55 percent) of all those interviewed for the study were black, the proportion ranged from a low of 16 percent to a high of 92 percent, depending on the site. Drug use displayed a similar pattern. While more than one-third overall (37 percent) tested positive for cocaine, the range from site to site was from 28 to 58 percent. In use of methamphetamine, there was considerable regional variation, with sites in the Midwest and the East having rates under 1 percent, to higher ranges (11 to 44 percent) in sites on the West coast.

The proportion of arrestees who had ever owned a gun—37 percent of those

continued ...

Research in Brief

Issues and Findings

continued . . .

more likely than arrestees overall to engage in gun-related behavior. By contrast, drug use does not make arrestees more prone to own and use guns.

The exploration of attitudes in particular reveals a culture in which gun use is tolerated and even condoned. A substantial proportion say owning a gun confers respect from one's peers, and a substantial proportion also agree that there are certain situations in which using a gun is acceptable.

At the same time, large proportions of arrestees are also victimized by guns, with drug sellers and gang members at particularly high risk.

The study suggests that some of the current approaches to reducing gun violence—particularly legal sanctions related to ownership and use—are not as effective as they might be. An approach that focuses on several intervention points by multiple agents is worth exploring.

Target audience: Public health officials, education administrators, probation/parole officers, juvenile court authorities, youth workers.

interviewed—also varied by site, from a low of 16 percent to a high of 47 percent. Of the sites where juvenile males were included in the study, the proportion who admitted to current membership in a gang varied widely—from 2 to 41 percent.

The variation among arrestees in drug use and other characteristics is considerable, but the study results are remarkably consistent when it comes to gun ownership, other weapon-related behavior, and attitude toward firearms use. They show that selling drugs, belonging to a gang, or being a juvenile male are the factors most influential in shaping this behavior and the attitudes related to it. In this respect the study helps confirm the role of gangs and drug markets in increasing access to and use of guns.

The questions explored

The study focus was firearms access, availability, and use, with sets of questions in each category asked of adults, both male and female, and, in seven sites, juvenile males. The first set of questions, which addressed how arrestees acquire guns, allowed a closer look at the illegal firearms market by examining the extent to which guns are obtained outside the law.

The issue of availability was examined through a series of questions about the ease with which firearms are obtained. If ease of procurement varies by type of arrestee, that has implications for formulating intervention strategies. In other words, if obtaining guns is easier for arrestees who belong to gangs, sell drugs, or use drugs, knowing this could be useful to law enforcement and others who deal with the problem of illegal firearms proliferation.

The issue of gun "use" involved reasons cited by arrestees for possession as well as use—whether the motive for having a gun was to commit crime, for retaliation, for protection, or for self-defense. The answers shed light on attitudes toward guns, which were also explored by asking arrestees what situations they considered appropriate for gun use. Finally, since offenders themselves are often victims of crime, they were asked about the extent to which they had been victimized by guns.

Findings: the pervasiveness of guns

Guns are carried all or most of the time by 14 percent of the arrestees interviewed, but among juvenile males the proportion rises to 20 percent, and among arrestees who are admitted gang members, it more than doubles, to 31 percent. The study did not reveal an association with drug use: Arrestees who tested positive for drugs were no more likely to own and use firearms than the sample of arrestees overall. Nor were there discernible differences by age and gender in firearms ownership and use.

Reasons for owning a gun. When arrestees were asked the most important reason for owning a gun, they most frequently cited the need for protection or self-defense (two-thirds). Hunting or target shooting was the reason next most frequently cited (22 percent). Other, less frequently cited reasons fell into the category of illegal use, among them for the drug trade or other criminal activity.

Ease of illegal procurement. More than half the arrestees said they paid cash for the gun they obtained most recently. The illegal firearms market as

Research in Brief

a most likely source of handguns is suggested by the ease with which guns are obtained by arrestees and the tendency for many of them to have criminal backgrounds (which would prevent them from obtaining guns legally).

In fact, more than half the arrestees (55 percent) said that guns are easy to obtain illegally. The strong association

with drug selling and gang membership becomes apparent here: a much higher percentage of arrestees who sell drugs and who belong to gangs (more than three-fourths of both groups) say guns are easy to obtain by illegal means. The evidence about drug sales corroborates research that has revealed the impact of the crack cocaine market on firearms possession.²

Part of the ease of obtaining illegal firearms is the small amount of time it takes to do so. Fully 37 percent of the arrestees indicated they could obtain a gun in less than 1 week. One in five suggested they would need only 1 day or even less time, adding credibility to the notion that the urban firearms market is quite accessible.

The Study Method: DUF As a Research Platform

The importance of interviewing active criminals to learn more about their patterns of gun acquisition and use has been highlighted by researchers.* The information about firearms access and use for this study was obtained from interviews held with more than 7,000 people arrested in the first 6 months of 1995. The findings presented here represent the final results of the study. An interim report based on 3 months' data was published in the National Institute of Justice Research Preview series: *Arrestees and Guns: Monitoring the Illegal Firearms Market* (September 1995). The differences between the interim and final report findings are not statistically significant.

The interviews took place in 11 cities:

Atlanta	Denver	Detroit
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San Diego	Washington, D.C.	

Of these, six were among the cities with the Nation's highest levels of violent crime. These cities—Atlanta, Detroit, Miami, New Orleans, St. Louis, and Washington—consistently record extraordinarily high rates of violent crime.

The 11 cities are among those participating in the Drug Use Forecasting (DUF) program, sponsored by the National Institute of Justice to track illicit drug use by arrestees. On a quarterly basis, people arrested and brought to booking facilities in major urban areas throughout the country are asked a series of questions about their drug-use history and provide urine samples that are tested for illicit drugs to confirm self-reported information.

Since establishment of DUF in 1987, its uses have expanded, and it now is used also as a research "platform"—a way to obtain information not just about drug use trends, but also about potential drug epidemics, illegal drug markets and, with this study, firearms use. One of the major advantages of using DUF as a platform is that the information comes from people closest to the street—arrestees who have yet to be confined for their most recent offense.

*Cook, P.J., "The Influence of Gun Availability on Violent Crime Patterns," in *Crime and Justice: an Annual Review of Research*, vol. 4, ed. Michael Tonry, Chicago: University of Chicago Press, 1983; and Reiss, A., and J. Roth, *Understanding and Preventing Violence*, Washington, D.C.: National Academy Press, 1993.

Gun theft is common. Previous research has indicated that theft is a primary means by which arrestees obtain guns,³ and this study helps confirm that finding. Among all arrestees interviewed, 13 percent admitted to having stolen a gun. Again, the proportion of juvenile males, at one-fourth, is higher: almost double that of arrestees overall. Their higher rate of firearms theft helps explain their greater involvement in burglaries (their motive might be to steal a gun), and they steal guns because as juveniles they are prohibited from obtaining them legally.

Consistent with the pattern, drug sellers and gang members were more likely than other arrestees to have stolen a firearm (30 percent and 29 percent, respectively).

Guns and crime. When it comes to using guns in committing crime, being a juvenile male, a gang member, or a drug seller again means a greater tendency for involvement. Among arrestees overall, nearly one-fourth (23 percent) of those who owned a gun also said they had used one to commit crime. For juvenile males, the figure was higher at 33 percent, and among gang members and drug sellers, the percentage was higher still, at 50 percent and 42 percent, respectively.

R e s e a r c h i n B r i e f

Arrestees as victims of gun violence

Whether they have been threatened, shot at, or injured by a gun, arrestees have a great deal of experience as victims as well as users. Being threatened with a gun is the lowest level in the range of gun victimization. Fully 59 percent of the arrestees interviewed said they had experienced such a threat. Again, drug sellers and gang members report much higher levels (about three-fourths in each group).

Being shot at is a more serious victimization. Again, consistent with the overall pattern, juvenile males and members of gangs are more likely than arrestees in general to have this experience. While about two in five arrestees said they had been shot at, one in two juvenile males and more than three in four gang members had been.

The most serious in the range of firearms victimization, gunshot injury, was reported by fewer people (16 percent). In this instance, youth does *not* put people at greater risk. Age means longer exposure, explaining why more adult males (21 percent) reported this type of victimization.

Attitudes toward firearms

Examining beliefs about guns—when to use them and why—can provide valuable insights into the “culture” of firearms that prevails among arrestees. Such beliefs explain under what circumstances they deem gun use legitimate. Arrestees’ attitudes reveal a “culture” that tolerates if not condones gun use in a variety of circumstances in which this behavior would not normally be acceptable.

That level of tolerance derives in large part from the perceived need for protection against victimization. A high proportion of arrestees cite protection in their neighborhoods as the reason for needing a gun (42 percent). It is no surprise that, given the high-risk activities they engage in, drug sellers and gang members are far more likely to cite this reason (58 percent and 64 percent, respectively).

The role of peer group members is important in shaping the culture of firearms. When arrestees were asked whether they agreed with the statement, “Your crowd respects you if you have a gun,” 28 percent said they did. Again, among drug sellers and gang members the proportion is much higher—4 in 10 of each group agreed with the statement. Their response may reflect not only the impact of peers, but also their recognition of potential victimization by customers and rival gang members.

Arrestees were also asked what circumstances they considered appropriate for using (rather than merely owning) a firearm. Nine percent agreed with the statement, “It is OK to shoot someone who disrespected you.” Among juvenile males, twice that proportion agreed, as did still higher proportions of drug sellers and gang members (21 and 34 percent, respectively). Clearly, the notion of “respect” as understood by these groups is an important factor in explaining attitudes that condone, if not promote, the criminal use of firearms.

A far higher proportion of arrestees see retaliation for harm inflicted on them as an acceptable reason for shooting someone. Twenty-eight percent agreed with the statement, “It is OK to shoot

someone who hurt you.” They probably interpret harm as a more grievous affront than disrespect. For the three high-risk groups, the pattern remains consistent: much higher proportions agree that retaliation for harm justifies shooting someone. Evidently, drug sellers and gang members need to demonstrate by their willingness to retaliate that they will not tolerate an affront nor will they easily “back down” or be victimized by a future affront.

Suggested responses

The research findings suggest that many recent strategies have been less successful than they might be. In addition to barring juveniles from owning firearms, most States have in recent years increased the penalties for illegal firearm possession and for using a gun to commit a crime. One result of increased penalties has been longer prison sentences. However, the actual deterrent effect of more convictions and increased penalties is not fully understood. This study offers evidence that such laws have produced little in the way of deterrence for arrestees, who continue to obtain and use firearms with ease.

Along with other recent studies, this one suggests that reduction in gun violence will occur only if a variety of agencies join in the effort to reduce illegal access to firearms by arrestees. The recommendations resulting from this research focus on law enforcement, supportive work with youths at risk, and coordinated responses by communities.

Police strategies. Local police remain the most critical group in reducing access to and use of illegal firearms. Targeted sweeps in neighborhoods that

Research in Brief

have high levels of firearm violence are likely to pay dividends in removal of guns from the hands of potential offenders. The results of a Kansas City gun experiment lend credence to this observation. In Kansas City, gun seizures in a specific area increased by more than 65 percent, leading to the conclusion that gun crime can be reduced significantly by focusing on firearms "hot spots."⁴

The St. Louis Metropolitan Police Department recently initiated a firearm suppression program in which officers knock on doors and obtain permission to search the rooms of juveniles for illegal firearms (in return for a guarantee not to prosecute on the basis of the search results). An average of more than 400 guns per year were seized—half of all those seized from juveniles by the entire department.

Federal law enforcement also has an important role to play in limiting arrestee access to illegal firearms. Programs that make it more difficult (or impossible) to transfer firearms illegally—firearm traces and destruction—are needed.

Supportive interventions. The judiciary can seek support for including gun safety mandates in sentencing decrees. For example, offenders in certain categories could be required to relinquish their firearms during the adjudication process.

Hospital and medical trauma units could expand their mission to include followup counseling, referrals, and mentoring to victims, their associates, and perpetrators. Crisis intervention can be offered to victims and witnesses of firearm crime to provide support and encourage cooperation with the justice system. Mentoring programs

geared to young people in communities at high risk for firearm involvement show promise of success in encouraging prosocial behavior.

Coordination. Promising examples of the benefits of coordination can be found in a number of communities.

In Inglewood, California, offenders must submit to a search of their premises for firearms as a condition of probation or parole. Working in conjunction with local police, a probation officer has been assigned full time to conduct the searches, focusing specifically on gang members. In a single 6-month period this officer confiscated nearly 200 illegal firearms.

Working in conjunction with the Boston Police Department and the local office of the Bureau of Alcohol, Tobacco and Firearms, researchers report promising results from an initiative involving specific neighborhoods. Hot spots of gang-related gun violence have been identified. The police then target the gangs for felony, misdemeanor, and ordinance violations, invoking Federal prosecution (which carries longer sentences) whenever possible. The police and research staff meet with gangs to inform them of successful prosecutions, conveying information that has special meaning to gang members who attend.⁵

Before such innovations can be replicated elsewhere, research in program effectiveness is needed. Scientifically based, methodologically rigorous evaluative research can produce solid empirical data confirming the value of the response and its suitability for adoption by other jurisdictions struggling with illegal access to and use of firearms by offenders.

Notes

1. In this document, the terms "gun" and "firearm" are used interchangeably.
2. Blumstein, Alfred. "Youth Violence, Guns and the Illicit-Drug Industry," *Journal of Criminal Law and Criminology*, 1994. This research was presented as part of NIJ's Research in Progress seminar series. A videotape of the presentation (NCJ 152235) is available from the National Criminal Justice Reference Service for \$19 (\$24 in Canada and elsewhere). Order from NCJRS at P.O. Box 6000, Rockville, MD 20849-6000. To order by phone, call NCJRS at 800-851-3420 or e-mail askncjrs@ncjrs.org. A summary of the presentation is also available in NIJ's Research in Progress Preview Series, *Youth Violence, Guns, and Illicit Drug Markets*, by Alfred Blumstein, U.S. Department of Justice, National Institute of Justice, June 1996 (FS000129).
3. Sheley, J., J. Wright, and J.D. Smith. *Gun Acquisition and Possession in Selected Juvenile Samples*, Research in Brief, U.S. Department of Justice, National Institute of Justice, Washington, D.C., 1995.
4. Sherman, Lawrence W., James W. Shaw, and Dennis P. Rogan, *The Kansas City Gun Experiment*, Research in Brief, U.S. Department of Justice, National Institute of Justice, Washington, D.C., January 1995.
5. This research, by David M. Kennedy, was supported by the National Institute of Justice. A summary will be published in *Juvenile Gun Violence and Gun Markets in Boston*, Research Preview, U.S. Department of Justice, National Institute of Justice, forthcoming.

R e s e a r c h i n B r i e f

This study was conducted under NIJ grant #95-IJ-R-014 by Scott H. Decker, Ph.D., Department of Criminology and Criminal Justice, University of Missouri-St. Louis; Susan Pennell, Director, Criminal Justice Research Division, San Diego Association of Governments (SANDAG); and Ami Caldwell, Research Assistant, Criminal Justice Research Division, SANDAG.

Dr. Decker and Ms. Pennell presented preliminary findings of their study as part of NIJ's Research in Progress seminar series. A videotape

of the presentation, *Monitoring the Illegal Firearms Market*, is available from the National Criminal Justice Reference Service (NCJRS) for \$19 (\$24 in Canada and elsewhere). Ask for NCJ 153850 and order from NCJRS at P.O. Box 6000, Rockville, MD 20849-6000. You may also order by calling 800-851-3420 or by sending e-mail to askncjrs@ncjrs.org. Copies of the full report of the study, *Arrestees and Guns: Monitoring the Illegal Firearms Market: Final Report*, are available from NCJRS on a cost-recovery basis. Ask for NCJ 163497.

Findings and conclusions of the research reported here are those of the authors and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

The National Institute of Justice is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

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These findings were revealed in a study supported by the National Institute of Justice conducted in response to the Attorney General's concern about the increase in deaths and injuries due to firearms violence since the mid-1980's. Her concern prompted a request for a better understanding of the illegal firearms market and its participants. The study presents an innovative method to gain insight into the dynamics of that market: from people who were arrested and booked. Arrestees in 11 major urban areas across the country were interviewed for the study. (See "The Study Method: DUF As a Research Platform.")

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Findings: the pervasiveness of guns

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Arrestees as victims of gun violence

Whether they have been threatened, shot at, or injured by a gun, arrestees have a great deal of experience as victims as well as users. Being threatened with a gun is the lowest level in the range of gun victimization. Fully 59 percent of the arrestees interviewed said they had experienced such a threat. Again, drug sellers and gang members report much higher levels (about three-fourths in each group).

Being shot at is a more serious victimization. Again, consistent with the overall pattern, juvenile males and members of gangs are more likely than arrestees in general to have this experience. While about two in five arrestees said they had been shot at, one in two juvenile males and more than three in four gang members had been.

The most serious in the range of firearms victimization, gunshot injury, was reported by fewer people (16 percent). In this instance, youth does *not* put people at greater risk. Age means longer exposure, explaining why more adult males (21 percent) reported this type of victimization.

Attitudes toward firearms

Examining beliefs about guns—when to use them and why—can provide valuable insights into the “culture” of firearms that prevails among arrestees. Such beliefs explain under what circumstances they deem gun use legitimate. Arrestees’ attitudes reveal a “culture” that tolerates if not condones gun use in a variety of circumstances in which this behavior would not normally be acceptable.

That level of tolerance derives in large part from the perceived need for protection against victimization. A high proportion of arrestees cite protection in their neighborhoods as the reason for needing a gun (42 percent). It is no surprise that, given the high-risk activities they engage in, drug sellers and gang members are far more likely to cite this reason (58 percent and 64 percent, respectively).

The role of peer group members is important in shaping the culture of firearms. When arrestees were asked whether they agreed with the statement, “Your crowd respects you if you have a gun,” 28 percent said they did. Again, among drug sellers and gang members the proportion is much higher—4 in 10 of each group agreed with the statement. Their response may reflect not only the impact of peers, but also their recognition of potential victimization by customers and rival gang members.

Arrestees were also asked what circumstances they considered appropriate for using (rather than merely owning) a firearm. Nine percent agreed with the statement, “It is OK to shoot someone who disrespected you.”

Among juvenile males, twice that proportion agreed, as did still higher proportions of drug sellers and gang members (21 and 34 percent, respectively). Clearly, the notion of “respect” as understood by these groups is an important factor in explaining attitudes that condone, if not promote, the criminal use of firearms.

A far higher proportion of arrestees see retaliation for harm inflicted on them as an acceptable reason for shooting someone. Twenty-eight percent agreed with the statement, “It is OK to shoot

someone who hurt you.” They probably interpret harm as a more grievous affront than disrespect. For the three high-risk groups, the pattern remains consistent: much higher proportions agree that retaliation for harm justifies shooting someone. Evidently, drug sellers and gang members need to demonstrate by their willingness to retaliate that they will not tolerate an affront nor will they easily “back down” or be victimized by a future affront.

Suggested responses

The research findings suggest that many recent strategies have been less successful than they might be. In addition to barring juveniles from owning firearms, most States have in recent years increased the penalties for illegal firearm possession and for using a gun to commit a crime. One result of increased penalties has been longer prison sentences. However, the actual deterrent effect of more convictions and increased penalties is not fully understood. This study offers evidence that such laws have produced little in the way of deterrence for arrestees, who continue to obtain and use firearms with ease.

Along with other recent studies, this one suggests that reduction in gun violence will occur only if a variety of agencies join in the effort to reduce illegal access to firearms by arrestees. The recommendations resulting from this research focus on law enforcement, supportive work with youths at risk, and coordinated responses by communities.

Police strategies. Local police remain the most critical group in reducing access to and use of illegal firearms. Targeted sweeps in neighborhoods that

have high levels of firearm violence are likely to pay dividends in removal of guns from the hands of potential offenders. The results of a Kansas City gun experiment lend credence to this observation. In Kansas City, gun seizures in a specific area increased by more than 65 percent, leading to the conclusion that gun crime can be reduced significantly by focusing on firearms "hot spots."⁴

The St. Louis Metropolitan Police Department recently initiated a firearm suppression program in which officers knock on doors and obtain permission to search the rooms of juveniles for illegal firearms (in return for a guarantee not to prosecute on the basis of the search results). An average of more than 400 guns per year were seized—half of all those seized from juveniles by the entire department.

Federal law enforcement also has an important role to play in limiting arrestee access to illegal firearms. Programs that make it more difficult (or impossible) to transfer firearms illegally—firearm traces and destruction—are needed.

Supportive interventions. The judiciary can seek support for including gun safety mandates in sentencing decrees. For example, offenders in certain categories could be required to relinquish their firearms during the adjudication process.

Hospital and medical trauma units could expand their mission to include followup counseling, referrals, and mentoring to victims, their associates, and perpetrators. Crisis intervention can be offered to victims and witnesses of firearm crime to provide support and encourage cooperation with the justice system. Mentoring programs

geared to young people in communities at high risk for firearm involvement show promise of success in encouraging prosocial behavior.

Coordination. Promising examples of the benefits of coordination can be found in a number of communities.

In Inglewood, California, offenders must submit to a search of their premises for firearms as a condition of probation or parole. Working in conjunction with local police, a probation officer has been assigned full time to conduct the searches, focusing specifically on gang members. In a single 6-month period this officer confiscated nearly 200 illegal firearms.

Working in conjunction with the Boston Police Department and the local office of the Bureau of Alcohol, Tobacco and Firearms, researchers report promising results from an initiative involving specific neighborhoods. Hot spots of gang-related gun violence have been identified. The police then target the gangs for felony, misdemeanor, and ordinance violations, invoking Federal prosecution (which carries longer sentences) whenever possible. The police and research staff meet with gangs to inform them of successful prosecutions, conveying information that has special meaning to gang members who attend.⁵

Before such innovations can be replicated elsewhere, research in program effectiveness is needed. Scientifically based, methodologically rigorous evaluative research can produce solid empirical data confirming the value of the response and its suitability for adoption by other jurisdictions struggling with illegal access to and use of firearms by offenders.

Notes

1. In this document, the terms "gun" and "firearm" are used interchangeably.
2. Blumstein, Alfred, "Youth Violence, Guns and the Illicit-Drug Industry," *Journal of Criminal Law and Criminology*, 1994. This research was presented as part of NIJ's Research in Progress seminar series. A videotape of the presentation (NCJ 152235) is available from the National Criminal Justice Reference Service for \$19 (\$24 in Canada and elsewhere). Order from NCJRS at P.O. Box 6000, Rockville, MD 20849-6000. To order by phone, call NCJRS at 800-851-3420 or e-mail askncjrs@ncjrs.org. A summary of the presentation is also available in NIJ's Research in Progress Preview Series, *Youth Violence, Guns, and Illicit Drug Markets*, by Alfred Blumstein, U.S. Department of Justice, National Institute of Justice, June 1996 (FS000129).
3. Sheley, J., J. Wright, and J.D. Smith, *Gun Acquisition and Possession in Selected Juvenile Samples*, Research in Brief, U.S. Department of Justice, National Institute of Justice, Washington, D.C., 1995.
4. Sherman, Lawrence W., James W. Shaw, and Dennis P. Rogan, *The Kansas City Gun Experiment*, Research in Brief, U.S. Department of Justice, National Institute of Justice, Washington, D.C., January 1995.
5. This research, by David M. Kennedy, was supported by the National Institute of Justice. A summary will be published in *Juvenile Gun Violence and Gun Markets in Boston*, Research Preview, U.S. Department of Justice, National Institute of Justice, forthcoming.

This study was conducted under NIJ grant #95-IJ-R-014 by Scott H. Decker, Ph.D., Department of Criminology and Criminal Justice, University of Missouri-St. Louis; Susan Pennell, Director, Criminal Justice Research Division, San Diego Association of Governments (SANDAG); and Ami Caldwell, Research Assistant, Criminal Justice Research Division, SANDAG.

Dr. Decker and Ms. Pennell presented preliminary findings of their study as part of NIJ's Research in Progress seminar series. A videotape

of the presentation, *Monitoring the Illegal Firearms Market*, is available from the National Criminal Justice Reference Service (NCJRS) for \$19 (\$24 in Canada and elsewhere). Ask for NCJ 153850 and order from NCJRS at P.O. Box 6000, Rockville, MD 20849-6000. You may also order by calling 800-851-3420 or by sending e-mail to askncjrs@ncjrs.org. Copies of the full report of the study, *Arrestees and Guns: Monitoring the Illegal Firearms Market: Final Report*, are available from NCJRS on a cost-recovery basis. Ask for NCJ 163497.

Findings and conclusions of the research reported here are those of the authors and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

The National Institute of Justice is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

NCJ 163496

U.S. Department of Justice
Office of Justice Programs
National Institute of Justice

Washington, D.C. 20531

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Disrupting Illegal Gun Markets

I. Release New NIJ Report

- Substantial illegal gun market exists
- Arrestees more likely to get guns from illegal market
- Arrestees use these guns to commit crimes while on bail, pretrial release
- More needs to be done to disrupt illegal gun markets -- tracing, enforcement initiatives, other efforts

II. Highlight Interim Results of YGCI

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III. New Proposals To Disrupt Illegal Gun Markets

New Penalties

- Amend the RICO statute to add certain federal offenses involving the illegal transfer of firearms to the list of RICO predicates
- Increase the penalty under 18 U.S.C. 924 from a misdemeanor to a felony for gun dealers charged with aiding and abetting straw purchasers and other false statements
- Amend 18 U.S.C. 924(c) to provide an enhanced penalty where a defendant "possesses" a firearm during the commission of a violent crime
- Amend 18 U.S.C. 924(c) to provide an enhanced penalty where a defendant "uses or carries" a firearm during and in connection with any Federal criminal violation while subject to pretrial release, bail or other restriction.
- Authorize the criminal forfeiture of firearms used in the commission of any federal crime, including authorization to destroy such firearms upon forfeiture
- Amend the federal code to provide that a conspiracy to commit a firearms offense shall be punishable by the same maximum term as for the underlying substantive offense
- Amend 18 U.S.C. 924(h) (making it unlawful to transfer a firearm "knowing" that it will be used to commit a crime of violence or drug trafficking crime) to authorize prosecution where the person has "reasonable cause to believe" that the gun will be so used
- Increase the penalty for knowingly receiving a firearm with an obliterated or altered serial number from five to ten years
- Bailey fix

Tracing the source of illegal guns

- Authorize ATF to computerize firearms records to assist law enforcement in targeting persons who illegally transfer firearms to juveniles
- Encourage greater FFL cooperation for firearms traces by law enforcement
- Require FFLs to report the theft or loss of firearms to law enforcement
- Require multiple and/or internal serial numbers on all firearms; firearms parts sold separately should be subject to the same requirements
- Require gun owners to record the make, model and serial number of their firearms as a condition of obtaining gun insurance, and require gun owners to provide such information to law enforcement in the event of theft claims
- Provide incentive to law enforcement to conduct interviews of juveniles who illegally possess firearms to determine the source of the weapon

Making it harder to steal guns

- Require gun stores to lock and secure firearms at closing to prevent theft

New programs

- Provide funds for the establishment of juvenile gun courts (Question -- Is there money in the budget?)

Miscellaneous

- Establish gun purchase disability for adjudicated delinquents
- Affirmatively authorize local law enforcement to enforce certain federal firearms laws when there is no equivalent state law
- Specify that the authorized seizure of a firearm by school officials is not a violation of the student's 4th Amendment rights, and evidence is admissible in court
- Prohibit the manufacture of "cop-killer" and "hollow-point" ammunition
- Establish per se civil liability for persons who sell guns illegally
- Establish uniform national policy regarding the destruction of seized firearms by state and local authorities
- Establish policy encouraging states to check FBI criminal history records for all persons arrested for misdemeanor and felony firearms offenses

BR

MEMO FOR DISTRIBUTION

FROM: SYLVIA MATHEWS and JOHN PODESTA
RE: Cabinet Retreat Template
DATE: 6 January 1997

Please approach the cabinet retreat memos as a way to focus the discussion sessions, to concentrate on key priorities for the next four years, how they relate to the President's legacy, and how they relate to the thematic approach he has outlined in recent speeches.

In that context, your memo should answer five key questions.

1. What are the signature objectives the President and Vice President can achieve in your issue area?
2. Do they support the overall themes the President is trying to establish?
3. What are the hard choices, priorities and chance of success for the signature initiatives?
4. What other issues/problems do you foresee in the issue areas that will compete or cloud the potential achievements you are outlining?
5. Can the key objectives be achieved through executive action or the bully pulpit, or do they require legislative action? In the last case, what are the chances of success?

To answer these questions, please use the following format:

1. Style your memo as a memorandum to the President and the Vice President;
2. The memo should be three to five pages in length, excluding the 1997 timeline;
3. Background material should be no more than ten pages in length (charts and graphs excepted);
4. If possible, use the following outline:
 - I. Thematic overview
 - II. Key legacy objectives including a discussion of the hard choices and key priorities;
 - III. Discussion of whether objectives can be achieved through executive action or whether legislation is required and prospects for legislative enactment;
 - IV. A brief discussion or listing of other issues in the issue area which will compete with legacy priorities;
 - V. Timeline of events / proposed actions for 1997.

In Boston, Nothing Is Something

No Youths Slain by Guns in 16 Months; New Tactics Get Credit

By FOX BUTTERFIELD

BOSTON, Nov. 20 — At a time when experts are trying to understand why homicide rates in many cities are dropping, Boston has one of the most impressive statistics of all: not a single juvenile under 17 has been killed by gunfire since July 1995.

Given the complexity of the crime problem, no one can say definitively why so few young people have been killed here, and one or two years is too short a time to pronounce success. But the police, public officials and criminal justice experts point to an innovative and inexpensive set of strategies that Boston has adopted in the last few years.

First, the city gave a small number of probation officers enhanced power to make arrests by putting them in patrol cars with police officers. More recently, city officials have also intensified their focus on controlling gangs and guns after computer-aided research from Harvard found that three-quarters of juvenile killers and their victims had been involved with gangs and that firearms dealers who were illegally selling significant numbers of guns to young people could be identified.

The number of juveniles killed by firearms in Boston has never been large — the figure was 5 in 1994, and the highest number recorded in recent years was 10. But the drop to zero surprises analysts nonetheless; the only juveniles killed by any means in Boston since July 1995 have been three young children beaten to death by adult relatives.

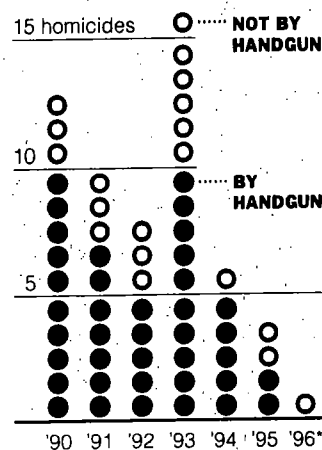
Moreover, the figures for people 24 and younger are showing the same trend: since the city put all the components of its new plan into place in May, the homicide rate for that age group has dropped 71 percent, police statistics show, to just 8 homicides, from the 28 committed in the same five-month period the previous year. For the entire year of 1995, there were 46 people age 24 and younger murdered in Boston.

While other cities have experienced drops in crime, the decline in Boston among young people appears to be the most dramatic. In New

A CLOSER LOOK

Diminishing Toll

Homicides of children under 17 in Boston since 1990.



*Year to date.

Source: Boston Police Department

The New York Times

York City, for example, the number of people age 24 and younger killed by guns dropped to 382 in 1994, the latest year for which figures are available by age group, from 463 in 1990. But in Baltimore, a city close to Boston in size, the number killed by guns actually rose to 101 in 1994 from 89 in 1990.

Police chiefs and politicians in a number of cities have been quick to attribute drops in crime to their pet projects even when other cities without similar programs have also seen crime rates fall. But it is hard to find critics of Boston's approach, either in the city or across the country.

Jeremy Travis, the director of the National Institute of Justice, the research arm of the Justice Department, said of the Boston program, "This is just a smarter approach to the problem of juvenile violence, and it is showing results."

David Kennedy, a senior researcher at the John F. Kennedy School of Government at Harvard who helped provide ideas for Boston's program,

said he understood the skepticism that some police officers and criminal justice scholars might have about Boston's results. But the drop in the death toll "is so big, there is nothing else that can account for it" except the city's strategies, he said.

The core idea behind Boston's plan sprang from a casual conversation in a courtroom between a probation officer, Bill Stewart, and a city detective, Robert Fratalia.

They proposed a simple but revolutionary step: letting a probation officer ride in a police car so he would be able to arrest young people he saw violating the terms of their probation, like being out of their homes after a court-imposed 8 P.M. curfew. Though in theory Boston probation officers have the legal right to take someone back to court to have the person's probation revoked, they are unarmed and in practice have seldom arrested anyone.

Mr. Stewart was sickened by the failures of the juvenile justice system: 68 of the youths on his caseload were shot to death from 1990 to 1994.

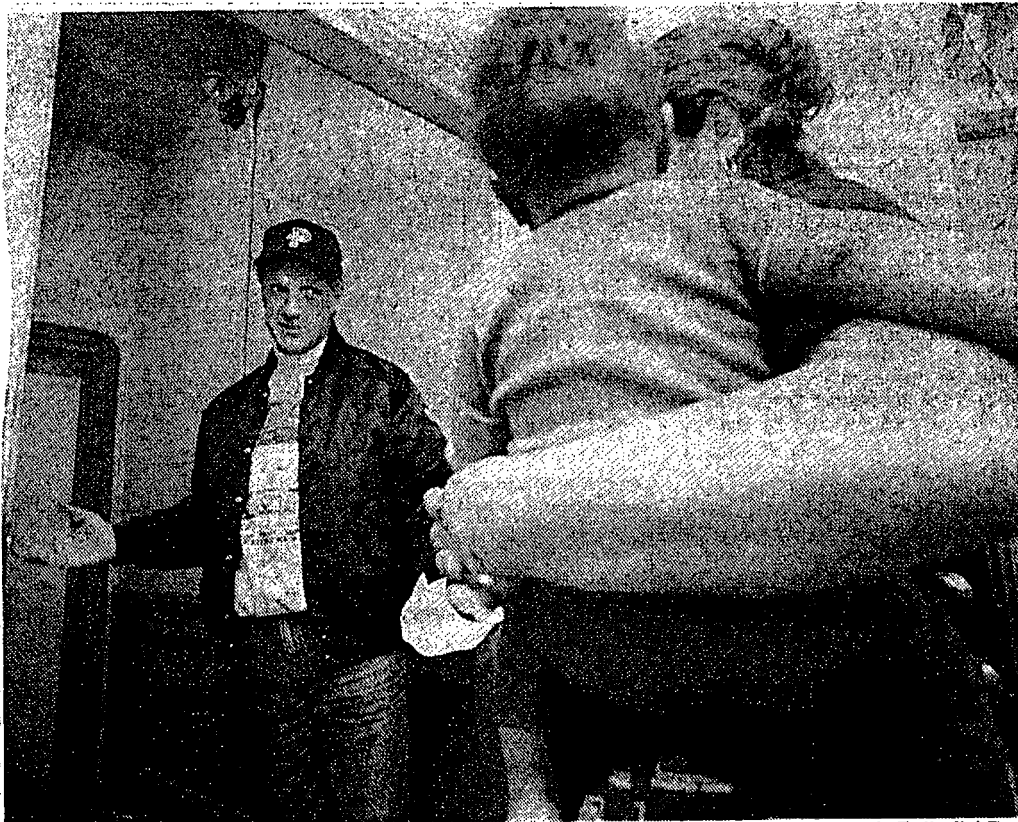
His idea was radical because traditionally probation officers have been an arm of the juvenile court, intended to be sympathetic social workers, while the police were part of the criminal justice system and contemptuous of anything to do with probation.

But a growing number of probation officers now graduate from college with degrees in criminal justice, and — like police officers — they have been frustrated by what they see as a revolving door that lets dangerous criminals go free.

Jérôme Miller, the president of the National Center on Institutions and Alternatives, said he was not troubled by putting probation officers in cars with the police.

"This sounds like a very good program to me," said Mr. Miller, who has long argued that children's rights have not been adequately protected by the juvenile justice system. "I have never doubted that if you target kids in a very focused way, you can get a good impact."

In fact, on the first night Mr. Stewart and Detective Fratalia drove together in 1992, they had not gone half



Evan Richman for The New York Times

Bill Stewart, a Boston probation officer, visiting the house of one of his clients, who was not at home. Mr. Stewart told the man's sister, holding her baby, of the consequences for her brother of a probation violation.

a block before they heard on their radio that a boy had been shot nearby. The boy was one of Mr. Stewart's cases, and as he looked around the shooting scene, Mr. Stewart saw 35 other people he recognized as being on probation who should not have been out that late.

"They were amazed to see me out there at night with the cops," Mr. Stewart recalled. "They tried to cover their faces. They were really afraid. They knew that, unlike the cops, I could recognize them."

Many of these young people, he had come to learn, hate probation more than prison because they believe it interferes with their lives more.

Detective Fratalia was also amazed. Where normally bystanders at a crime scene claim to have seen nothing, Mr. Stewart was able to elicit information about the shooting from young people who faced having their probations revoked and going to jail, or — just as bad — spending more time on probation.

Since Boston began the joint patrols in 1992, the number of young people picked up for violating probation has tripled and rates of compliance with court-ordered conditions of probation have risen to 70 percent from 15 percent, said Paul F. Evans, Boston's Police Commissioner.

The Boston program has also drawn on a finding by researchers at Harvard that homicide among youths in the city is largely a gang problem involving repeat offenders. Using a data base of all Boston homicide victims younger than 21 who were killed by a gun or knife in the previous five years and the youths charged in those killings, the researchers found that both the victims and the killers tended to have long criminal records and were well known to law-enforcement authorities.

In fact, 75 percent of both the victims and the killers had already been arraigned in court at least once,

many of them 10 or more times; almost half had previously been on probation, and one-third had been incarcerated in a juvenile or adult prison, said Mr. Kennedy, who led the team. In addition, almost three-quarters of the killers and their victims were involved with gangs.

"These results were stunning and provided a very powerful and simple strategy," Mr. Kennedy said. "It meant that any time a gang does violence, you can punish them" — because the criminal records of the gang members make them very vulnerable.

The gang members are recognizable to probation officers, and since they are probably on probation or

city employees who work with gangs and school police.

In a field where it had often taken a summit meeting for the Police Commissioner just to talk to the District Attorney, such cooperation was highly unusual, Boston police admit.

In August, after the Intervale gang, one of Boston's oldest and largest gangs, did not heed these warnings and continued a series of shootings, the law-enforcement agencies struck in a joint operation. A total of 23 members, including all the gang's leaders, were arrested, most on Federal drug charges.

To demonstrate the city's new determination, the police even called in the National Guard to bulldoze a vacant lot that the gang used as its headquarters, knocking down an oak tree on which gang members had tossed more than 100 pairs of sneakers as a symbol of their suzerainty.

At the same time, Mr. Kennedy's researchers began feeding data on guns seized from young people in Boston into a new computer run by the Bureau of Alcohol, Tobacco and Firearms in Washington. From this, they gathered critical information on some dealers who were illegally selling guns to juveniles in Boston, and another series of arrests began.

Detective Fratalia believes that another critical factor has contributed to the city's success: the crack-down on gangs and guns has provided an honorable way out for many young people who were afraid not to join a gang or have a gun.

"We had one boy who said to his probation officer, 'Thank you for saving my life,'" Detective Fratalia recounted. When the probation officer asked how he had done that, the young man explained that the night before he had been invited to a party by two friends; he had said he could not go because he was expecting the probation officer to check on him at home. His two friends were shot and killed in a gang fight at the party.

From a casual courtroom talk, a strategy was born.

parole they can be picked up and incarcerated without a new trial if they are in violation of the terms of their release, Mr. Kennedy said. Unlike the police, probation officers do not need probable cause to stop young people on the street, or to enter a youth's house or talk with his parents.

Armed with this new insight, the Boston police earlier this year proclaimed a "zero tolerance" attitude toward gangs and guns and began calling gang members in for meetings where they were issued warnings. To make the meetings more dramatic, they were also attended by representatives of the United States Attorney, the county District Attorney, the Federal Bureau of Alcohol, Tobacco and Firearms, and the state Department of Probation and Division of Youth Services, as well as by

PHOTOCOPY
PRESERVATION

MEMORANDUM FOR RAHM EMANUEL

FROM: SARAH BRADY
PETER HART
JANN WENNER
ANNE WEXLER

DATE: DECEMBER 31, 1996

SUBJECT: PRESIDENTIAL GUN CONTROL STRATEGY FOR THE
SECOND TERM

This memo is in response to your request for gun control strategy for President Clinton's second term.

Separately we have been working on the gun control issue for many years, yet this is the first time we have come together as a group. We each bring different resources to this issue -- lobbying, legislation, media/public education, and strategy.

This past election proved that the National Rifle Association is *significantly weakened and has alienated a majority of the voters*.

- The NRA spent more than \$5 million this cycle supporting 38 challengers to House incumbents, and lost every race.
- The NRA's worst enemies, the "Ten Who Gotta Go" -- all gun control proponents -- held on to their seats.
- HCI focused their efforts on 12 NRA-backed candidates, "The Dangerous Dozen," and won 10 of those races -- *an unprecedented victory*.

The American people know that gun control is a winning issue, they support the President on it, and they will support increased and tougher gun control measures during this next Administration.

The NRA has frightened Americans -- many of whom are women -- into believing that more guns will make them safer. Of course, we know the opposite of this is true:

- Guns are the second leading cause of death to children aged 10-19;
- A gun in the home is 43 times more likely to kill a family member than an intruder;
- And, if current trends continue, guns will be the leading cause of death to children by the year 2000.

Mr. Rahm Emanuel

Page 2

We recommend taking the NRA on even more directly: families, children, and guns. Through the extensive strategic research of Peter Hart, we have determined that women are the moveable constituency on this issue -- as women have the chief responsibility for their children, families, and neighborhoods.

We propose a program of coordinated legislation, lobbying, and public education, in coordination with the White House.

- We are concerned about the possibility that the U.S. Supreme Court might render the Brady Law unconstitutional sometime next year. We must work to see that, at a minimum, the required background checks be reinstated.
- The Brady Law's Waiting Period and Interim Provisions will sunset in 1998, and we must renew this legislation. We should also seek limitations on multiple handgun sales in an effort to reduce gun trafficking.
- The work of the Cease Fire Education campaign will receive the active endorsement of the President, as it continues on a national scale, with television, radio and print PSAs, as well as educational materials for parents, on the issue of guns in the home.

First step: Given the importance of reauthorizing Brady, we would like to bring together a small group of key players early next year at the White House to plan strategy. We can bring to this meeting key supporters and activists on this issue, to include representatives from law enforcement, education, and medical associations to create a strategy, timetable and a coalition.

Our long-term experience with this issue is that in order to bring together and keep together key players, it is important that this meeting is convened by the White House.

The following package includes a summary of proposed gun control legislation, public opinion findings on this issue, and an overview of the work of the Cease Fire Education campaign.

We look forward to working with you.

LEGISLATIVE OPPORTUNITIES

As the 105th Congress prepares to convene in January, there are three broad areas which need to be addressed:

- Preservation of the Brady Law
- Gun Trafficking
- Children and Guns

Of these, preservation of the Brady Law is the most important. In a very real way, the Brady Law is -- and must remain -- the cornerstone of any sensible gun policy. If we cannot stop felons and other prohibited persons from purchasing handguns at a gun store, other efforts aimed at curbing interstate gun trafficking and keeping guns out of the hands of children are doomed to failure.

If the Supreme Court rules the Brady law unconstitutional, every effort must be made to reinstate the required background check. But it would be a mistake, in waiting for the Supreme Court's ruling, to delay action on other important gun initiatives. Inaction, at this stage, would squander valuable momentum and put us in a weaker position, not stronger, should the Supreme Court ultimately rule against Brady.

Thus, while preparing for a possible adverse Court decision, we should simultaneously pursue new steps aimed at disrupting illegal gun trafficking and keeping guns out of the hands of juveniles. To that end, we strongly urge the Administration's support of the following two new initiatives.

Limit Handgun Purchases (and Private Sales) to One Per Month

This measure would drastically slow the flow of guns into the black market by preventing gun runners (and their straw purchasers) from making multiple purchases. Four years ago, the State of Virginia was a major supplier of guns to cities up and down the East Coast. Seeking to change its reputation as the top gun-running state in the country, Virginia passed a law limiting retail handgun purchases to one per month. A study by the Center to Prevent Handgun Violence found that the law, after two years, had drastically reduced the number of guns being traced back to Virginia from crime scenes in the Northeast. Responding to law enforcement concerns about multiple purchases, Maryland earlier this year passed a similar law. Both laws have worked with a minimum of inconvenience to gun owners -- buyers wishing, for whatever reasons, to make multiple handgun purchases may seek permission from the State Police.

While limiting handgun purchases to one-per-month, we should also require that anyone selling more than one handgun-per-month (to someone other than a licensed dealer) obtain a federal firearms permit. The Brady Law effectively regulates sales by licensed dealers. But while Federal law requires anyone who is in the business of selling guns to obtain a Federal license, many dealers circumvent the Brady sale requirements by selling guns from their "private collection." In some states, Florida most notably, gun show sales by unlicensed gun dealers are a major source of handguns for criminals and professional gun traffickers. A law limiting private handgun sales to one handgun-per-month would effectively limit this illicit trade without unduly burdening legitimate collectors.

National Child Safety Legislation

While many juveniles buy their firearms on the illegal market, many obtain their firearms from home. Despite the very real dangers posed by a gun in the home, surveys indicate that most gun-owning households do not unload their guns and lock them up. There are several different kinds of devices intended to prevent unauthorized users -- especially juveniles -- from being able to fire a handgun.

The most common is a simple, inexpensive "trigger lock," a padlock which is specifically designed to secure a gun. There are, however, a number of new technologies -- some being developed under government contract at Sandia Labs in New Mexico -- which "personalize" a gun, rendering it unusable by an unauthorized user. Federal law should be changed to require that a licensed Federal dealer may not sell a firearm without a trigger-lock or other device, approved by the manufacturer, which can be used to protect against the unauthorized use of the gun.

To reduce the risk of juvenile gun deaths, legislation is needed to require that every sale of a handgun by a licensed dealer be accompanied by: 1) a manufacturer-approved device designed to prevent unauthorized users from firing the weapon; and 2) a notice informing the purchaser that a gun in the home poses a special risk to children and, that improper storage of the handgun could, depending on local law, lead to civil and/or criminal liability.

In addition to legislation, the work of the Cease Fire public education campaign will continue, warning Americans that too many children have ready access to a family gun and that every American has a responsibility to keep handguns out of the hands of children.

Taken together, these two initiatives -- legislation and public education -- would:

Promote Safer Storage Practices -- A public debate on the issue of trigger lock legislation would: 1) alert many gun-owning Americans to the very real danger posed by a gun in the home; and 2) encourage them to either rethink their decision to own a handgun or be more vigilant in assuring that children do not gain access to the firearm.

Give Greater Attention to CAP Law Requirements -- While an increasing number of states now have Child Access Prevention (CAP) Laws imposing criminal liability on gun owners who fail to keep a loaded firearm out of the reach of children, many gun owners are still not aware of their legal responsibility and potential liability. A national debate on gun storage, together with a notice requirement of the sale of new handguns, would focus renewed attention on CAP laws and help to educate millions of gun owners.

THE CEASE FIRE EDUCATION PROJECT

Cease Fire, Inc., a 501(c)(3) organization, was started just over two years ago to bring together new leadership from the fields of media and entertainment, politics, and legal, medical and social organizations to create a long-term, national public awareness campaign on the issue of handguns in the home.

Our 40-person Advisory Panel includes:

Reg Brack, Chairman, Time, Inc.
Doug Carlston, Chairman and CEO, Broderbund Software, Inc.
Walter Cronkite
Barry Diller
Millard Drexler, CEO, Gap, Inc.
Michael Eisner
Tom Freston, President, MTV Networks
Gilbert Gallegos, President, the National Fraternal Order of Police
Keith Geiger, Immediate-Past President, National Education Association
Alan Hassenfeld, Chairman, President and CEO, Hasbro, Inc.
John Kennedy, Jr.
Paul Newman
Michael Ovitz
Ron Perelman
Roberta Cooper Ramo, President, ABA
James Todd, former Executive Vice President, AMA
Lois Jean White, President-Elect, National PTA

The strategy is relatively simple: the extensive research of Peter Hart has shown that women carry the chief responsibility of taking care of their children and families -- they can talk to their husbands about the dangers of keeping handguns in the home. Over time, handguns will be stigmatized as the unsafe and dangerous products they are, and not appropriate to have in *any* home.

Our materials include broadcast and print PSAs, as well as educational materials for parents on the issue of handguns in the home. A detailed description of our placement follows.

Similar to the efforts of Mothers Against Drunk Driving, Cease Fire has established a long-term, professional media campaign to raise public awareness and mobilize a broad cross-section of American leadership. Just as Americans now think twice about the health effects of smoking cigarettes, or of not using seatbelts when driving a car, they need to understand the severe health implications of bringing a handgun into the home -- particularly in homes where there are children.

Cease Fire has been endorsed by the Ad Council as a campaign that is "regarded and recognized as an expert" in the field. Cease Fire was nominated in 1996 by the Magazine Publishers of America as one of the best ad campaigns of the year.

The Cease Fire Education Campaign, Round One -- 1996

Working with the most award-winning ad agency in recent years, Fallon McElligott, a full-scale public awareness campaign was developed. We produced seven PSAs, directed by Jonathan Demme and featuring Paul Newman, Joanne Woodward, Walter Cronkite and Oprah Winfrey. Five black-and-white ads were also produced, all depicting true-life tragedies of children and handguns.

Our PSAs ran nationally on cable networks and systems, network affiliates, in movie theaters, and in national magazines. Our first quarter tally totaled more than 375 million impressions to people 12 years of age and older, with a total media value of over \$2 million.

In addition to the excellent national placement of our PSAs, Cease Fire established a strong network of supporters at the grassroots level -- parents, teachers, judges, clergy, children -- that will help us in our work during this next year.

Highlights of placement include the following:

CABLE NETWORKS

TOTAL 1,162 times
(A&E, CNBC, Comedy Central, Discovery, The Learning Channel, Lifetime, MTV, Mind Extension University, Nick At Night, USA, VH-1, E! Entertainment, History, Superstation TBS)

CABLE SYSTEMS

TOTAL 82,338 times
(Bresnan Communications, Cablevision Systems, Comcast, Continental Cablevision, Marcus Cable, Multivision, Time Warner, Time Warner - New York City)

NETWORK AFFILIATES AND INDEPENDENT STATIONS

TOTAL 4,052 times
(Including stations in Los Angeles, Philadelphia, Boston, Dallas, Seattle,
Cleveland, Phoenix and St. Louis)

MOVIE THEATERS

TOTAL 6,272 screens
(Carmike Theaters, Cineplex Odeon, General Cinema Theaters, Hoyts
Cinemas, National Amusements Theaters, Regal Theaters, Sony Theaters,
Syufy/Century Theaters, United Artists)

MAGAZINES

TOTAL 26 national insertions
(The Atlantic Monthly, Chatter, Elle, Family Fun, Glamour, Men's Journal, The
National Enquirer, Newsweek, The Oxford American, People, Rolling Stone, The
Star, Time, Today's Black Woman, US, Vanity Fair, Woman's Day)

The Cease Fire Education Campaign, Round Two -- 1997

The second phase of the Cease Fire campaign will be launched in March 1997. Working with the award-winning ad agency BBDO, we are creating an entirely new set of ads for both broadcast (television and radio) and print. We will seek an expanded commitment base for our PSAs in the second round, focusing on major television networks and affiliates, as well as increased placement commitments on cable networks and systems, as well as magazines.

During this second round, we will be developing educational materials for parents -- to be distributed through national partnerships with several major medical and education associations. Parents will then receive these messages exactly where they are most needed: their doctor's office, their child's school, their local emergency room. These materials will highlight to parents the dire consequences of keeping a handgun in the home, and include a general "safety tips" component. We will be drafting these materials with the assistance of the Johns Hopkins Center for Gun Policy and Research.

Our partnership commitments include:

- The American Medical Association
- The National Association of Children's Hospitals
- The American College of Emergency Physicians
- The National Association of Secondary School Principals
- The National PTA
- The National Association of City and County Health Officials.

During our second round, Cease Fire will also set up an automated 1-800 number and a homepage on the Internet for the distribution of collateral materials and continued identification of grassroots activists and supporters.

PUBLIC OPINION POLLING DATA

Public opinion polling data continue to show strong and broad support among Americans for the kinds of common sense gun control measures we are proposing, and survey research consistently demonstrates a positive environment for leaders who are willing to stand up to the excesses of the National Rifle Association.

Moreover, the polls – as well as recent real world experience on Election Day – underscore the power and saliency of the gun control issue in the political decision making of American voters. This is especially true among women, college-educated voters, and voters who live in the suburbs – all groups who played a key swing role in the 1996 elections.

A survey by NBC News and *The Wall Street Journal*, for example, showed that fully 74% of all Americans believe “the Brady law is good, **but more gun control laws will be needed to reduce crime.**” In that survey, another 9% said “the Brady law is good, and will be enough to make a difference in reducing crime,” and **only 12%** said “the Brady law goes too far in restricting Americans’ freedom to own handguns.”

Even after the passage of the Brady Law and the assault weapons ban, Americans said by a margin of 58% to 35% that they were **more concerned that government will not do enough to regulate access to firearms** than that government will go too far in restricting the rights of citizens to own firearms. (NBC News/ *The Wall Street Journal*)

Furthermore, a significant majority of 58% say that the National Rifle Association has too much political influence today, while just 12% say the NRA has too little political influence. (NBC News/ *The Wall Street Journal*)

The proposal to limit handgun purchases to one per month was extremely popular among voters in Virginia when Governor Wilder introduced it – both in public opinion polls and in terms of grass roots political response. When a more stringent version of this proposal – limiting handgun purchases to *two a year* – was tested more recently in a survey among voters in Maryland, the verdict was overwhelmingly favorable, with 75% expressing support, including 63% who *strongly* favored this initiative.

As to the proposal for national child safety legislation for firearms, an in-depth national survey commissioned by Cease Fire shows that the number one concern of Americans by far about having guns in homes is “that they can be fired accidentally by children.” In the Cease Fire poll, fully 90% of all respondents said they would favor a new federal regulation requiring that guns have safety triggers that would prevent a small child from firing them.

**Crime Meeting
December 18, 1996**

Agenda Items

Justice

- Need a general/rough outline of the Gang & Youth Violence Bill by the end of the week

--We need to know what you guys want to add to it
--Treasury should add what they want in it.

We want:

Title I	[Gang Prosecutors Grant Program]	
Title II	Fed Prosecution of Juveniles as Adults (and other leftovers from last year)	Grant Task Force amt (\$10) \$60 total
Title III	Danforth-Bradley Afterschools	(Prevention) initiative
Title IV	Reno Youth Violence Courts	
Title V	Reno Truancy Program	(Prevention \$ she demanded)
Title VI	Brady Extension to Juvenile Records	
Title VII	Whatever Crim Division is generating and whatever Treasury wants	- Pre-crut. backstop
Title VIII	Safety Lock for guns	✗
Title IX	Rewrite of Juvenile Justice Office??	Rewritten

Shomstein-sh

Boston

Production? Points
Youth Violence

- What is the gameplan with COPS and Prison grant announcement for tomorrow?
- Need a list of potential Supreme Court cases that we might have to react to and recommendations on how to fix them (legislatively, etc.):
 - Brady
 - Porn on Internet case
 - Sex offenders (Kansas case); and any others.
- Presidential Directive on Smart Guns
 - What can we do that has not already been announced by Travis?

Treasury

- New Brady Numbers
 - When do we get them?
- Youth Handgun Report
 - When do we get it?
- Safety locks -- work with Justice so that we have a joint recommendation

Crime Meeting
December 10, 1996

Agenda Items

Justice

Prosecutor Grant Program

Why hasn't Justice done an analysis of cost per prosecutor?

Survey of communities that have adopted curfews, etc.

Where is it?

\$51 million VAWA and new Female Victims of Crime Report

Can we do these together?

New COPS grants that get us to 50,000 funded

-When?

-End of December?

Sex Offender Registry

-When is it up and running?

-February?

Victims Directive

When does the President get a report back?

Treasury

New Brady Numbers

When do we get them?

Youth Handgun Report

-When do we get the Report?

-Multi-gun purchases has to be part of it

Safety Locks

Where is Treasury on our proposal to require safety locks on all guns?

Start working w/ Justice on alternatives to Brady in case we lose Supreme Ct case

What is the latest with the Lautenberg issue (domestic violence and cops)?

Crime/Drug Issues

January 3, 1997

Reports

- One Strike --- HUD
- Youth Handgun Initiative -- Treasury
- Drivers License/Drug Testing --- DoT/ONDCP
- 1997 National Drug Control Strategy -- ONDCP
- Curfews, Truancy, School Uniforms Survey -- DoJ
- Victims Directive -- DoJ

Funding

- COPS Program -- \$1.4 billion
- Violence Against Women --
- Drug Courts -- \$30 million
- Prison Funding -- \$670 million
- SCAAP -- \$500 million
- Victims Funding -- \$525.9 million

New Initiatives

- Gang and Youth Violence Bill
- Parental Responsibility*

Implementation

- National Gang Tracking Network -- DoJ
- National Sex Offenders Registry -- DoJ

Pending Supreme Court Cases

- Brady
- Porn Internet Case
- Sex Offenders (Kansas Case)

Other Issues and Announcements

- Lautenberg Bill (Domestic Violence Misdemeanors)
- New Brady Numbers
- Crack Cocaine
 - Sentencing Commission Report?
- Victims Bill of Rights Constitutional Amendment

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EXECUTIVE OFFICE OF THE PRESIDE
EXECUTIVE OFFICE OF THE PRESIDE

20-Dec-1996 03:43pm

TO: (See Below)

FROM: Lyndell Hogan
Domestic Policy Council

SUBJECT: Statutory Rape Event Ideas

Overview of the DOJ Statutory Rape Report

(DOJ is expected to send over a draft report for White House review on Monday, Dec. 23. The following is based on an overview of what should be in the report. We should hold off on talking with DOJ about the report until we receive their official draft on Monday. Thanks.)

Apparently, the report will provide a literature review of the incidences of statutory rape and the makeup of the victims and perpetrators; a summary of recent state administrative and legislative reforms; an overview of state statutory rape laws and defenses; and a summary of Federal law, including prosecutions and sentencing issues.

Apparently, the report does not contain recommendations for actions but it does contain a series of next steps, most of which have to do with future research, coordination, and information sharing.

The report should be a good compilation of information on statutory rape and should be extremely useful to many people at the Federal and state levels.

I have a couple ideas for announcements the President could make in conjunction with releasing this report.

1) The DOJ report apparently lists five examples of states that have gone back and toughened their stat rape laws. We could bring some of the Governors of those states together with the President to release the report, praise the Governors' efforts, and encourage other states to follow suit. States are: Delaware, California, Florida, Georgia, and Connecticut. This could be a nice bipartisan, get-tough-on-crime event.

2) Each of the 50 states and D.C. have statutory rape laws,

however, definitions, defenses (including age of consent and age differentials), and penalties vary state by state. Further, the state-by-state inclination to prosecute varies as well. There are Federal laws on the books, but most statutory rape cases are prosecuted at the state level.

Such nonconformity leads to a mixed and incoherent message to teen women and older men and makes Federal leadership on the issue more difficult.

The President could call for an interstate commission including state legislators, attorneys general, Governors, prosecutors, etc. to review all state statutory rape laws including

definitions, defenses, and overall terminology and issue a report outlining suggested uniform laws, definitions, etc. The report issue date could be six months from now, and would coincide with the release date of the ABA/Progressive Foundation Report on statutory rape. In fact, ABA and PF could work with the Interstate Commission to share information, etc. (I have no idea if this would appeal to ABA/PF but I think it is a good idea.)

The event could culminate with the President stating strong moral condemnation of older men preying on younger women, followed by a message of abstinence among teens, especially young teens.

3) The President could simply release the report, highlight the severity of the problem, and challenge states and communities to address it.

Distribution:

TO: Rahm Emanuel
TO: Dennis Burke
TO: Donald A. Baer
TO: Kevin Moran

CC: Bruce N. Reed
CC: Jeremy D. Benami
CC: Diana M. Fortuna

Crime Meeting December 18, 1996

Agenda Items

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- Title VI Brady Extension to Juvenile Records
- Title VII Whatever Crim Division is generating and whatever
Treasury wants
- Title VIII Safety Lock for guns
- Title IX Rewrite of Juvenile Justice Office??

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To: Rahm/ Bruce
From: Dennis
Re: Update on Upcoming issues
Date: November 19, 1996

Treasury

1. One-gun-a-month

Talked to Ben Nye in Rubin's office and told him we wanted ATF input on multi-gun sales and that if possible include it in the Youth Gun Report. He said Treasury wants to be involved in the process on this (which is what I was offering them). Leanne is doing research right now on the Virginia law and results.

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Treasury told me that they were working on it but they always need more prodding. I told them that you wanted it ready for a potential Radio Address in mid-December.

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I asked Treasury to conduct a new survey of Brady denials so that we can start using a higher # than 60,000. It would be nice to have with any new gun announcement or for SOTU.

4. Brady Extension Guidelines

Heads up -- Treasury is getting prepared to send a notices to all police stations telling them that they have to disarm (fire) officers with prior domestic violence misdemeanors.

Justice Department

1. State Prison Grant Drug Testing Program Guidelines

Pushing Justice to have these ready by Mid-December.

2. Victims Directive

Schmidt is sitting on this. This is a good issue. I think we should move forward.

3. Prosecutors Grant Program

Meeting with OMB tomorrow and told Justice we want to move forward. Their current draft is only \$125 million to hire 1000 new prosecutors. I think we can make it bigger if you guys agree.

Other issues

-- Drivers License/Drug Testing Directive

Going along well. Transportation and ONDCP being more responsive than expected but long way to go. They are committed to meeting the January 17th deadline.

--Missing Children

Talked to Ernie Allen, National Center for Missing/Exploited Children, about POTUS doing PSA for missing children cases. I think it is a good idea and this is always a great issue.

MEMORANDUM

To: Bruce Reed
Rahm Emanuel

From: Dennis Burke

Re: Crime Bill Funds for FY 1997

Date: November 22, 1996

Attached is a memo outlining key Justice Department grant programs -- other than the COPS program -- for FY 1997. Most of this money will probably not be released until the end of the fiscal year but at least this will give you an indication of what the Department will be granting for this fiscal year as a result of the 1994 Crime Bill.

Crime Bill Grant Amounts (other than COPS) for FY 1997

Drug Courts

FY97: \$30 million

This discretionary grant will subsidize state and local drug courts that provide specialized treatment and rehabilitation for certain non-violent substance abusing offenders.

State Criminal Alien Assistance Program (SCAAP)

FY97: \$500 million

Can be used to pay for incarceration of criminal aliens. Administered by BJA.

VIOLENCE AGAINST WOMEN

Grants to Combat Violence Against Women

FY97: \$145 million

The formula grant program aims to develop and strengthen law enforcement and prosecutorial strategies as well as strengthen victim services in cases involving violent crimes against women.

Grants to Combat Violence Against Indian Women

FY97: \$5.8 million

This discretionary grant programs aims to develop and strengthen tribal law enforcement prosecutorial strategies as well as strengthen victim services in cases involving violent crimes against Indian women.

Grants to Encourage Arrest Policies in Domestic Violence Cases

FY97: \$33 million

This discretionary grant program will encourage policies that treat domestic violence as a serious criminal offense.

Rural Domestic Violence and Child Abuse Enforcement Assistance

FY97: \$8 million

This discretionary grant program will implement, expand, and establish cooperative efforts and projects between law and law enforcement parties to investigate and prosecute incidents of domestic violence and child abuse; provide treatment and counseling to victims of domestic violence and child abuse, and to work in cooperation with the community to develop education and prevention strategies directed toward such issues.

PRISON FUNDING

Prison Grants: Violent Offender Incarceration and Truth-in-Sentencing Program

FY97: \$670 million (Formula Grant)

Part of the formula grant program will be allocated to SCAAP, VOI, TIS and Cooperative Agreement Program. The rest will build or expand correctional facilities for violent offenders, temporary or permanent correctional facilities for nonviolent offender and criminal aliens to free prison space for violent offenders, and jails.

FY97: \$1.46 million (Discretionary Grant)

This grant will be awarded to build jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction and target to two tribes to improve facilities for juvenile offenders.

PRISON DRUG TESTING

Residential Substance Abuse Treatment for State Prisoners

FY97: \$30 million

This formula grant provides individual and group substance abuse treatment activities for offenders in residential facilities operated by state and local correctional agencies.

VICTIMS

Office for Victims of Crime

FY97: \$525.9 (Formula Grant + Discretionary Grant)

The formula grant provides funds to states and territories for state crime victim compensation and victim assistance programs.

The discretionary grant is awarded to states, localities, and nonprofit organizations to train victim advocates and allied professionals.

BRADY

National Criminal History Improvement Program (NCHIP)

FY97: \$50 million

This discretionary grant will provide direct awards and technical assistance to states to help upgrade their criminal history record keeping systems and to support establishment of the NICS. It can also be used to address child abuse offenders.

National Stalker and Domestic Violence Reduction

FY97: \$1.75 million

This discretionary grant will help states improve processes for identifying, collecting, and entering data regarding stalking and domestic violence into local, state, and national crime

information databases.

OTHER AREAS

DNA Identification Grants: Funding to Improve the Quality and Availability of DNA analyses for Law Enforcement Identification Purposes

FY97: \$3 million

This discretionary grant will develop or improve DNA identification capabilities.

Technical Assistance and Training for Managing Sex Offenders in the Community

FY97: \$1 million

This discretionary grant will promote the safe and effective management of sex offenders in the community, directed primarily at assisting probation and parole officers who work directly with released sex offenders.

Missing and Exploited Children's Program

FY97: \$5.9 million

This program will focus on preventing abductions, investigating the exploitation of children, and locating missing children. The National Center for Missing and Exploited Children (NCMEC) will serve as a clearinghouse and resource center for the collection and distribution of data about missing and exploited children. NCMEC also provides training and technical enforcement to law and law enforcement agencies.

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Memorandum

DATE: November 15, 1996

TO: Rahm Emanuel
Bruce Reed

FROM: Bob Walker, Legislative Director

RE: Possible New Gun Initiatives

In preparation for our meeting next week, I have prepared the following menu of possible new initiatives. Offered in no particular order, they range from the important, but relatively ambitious, to the relatively unimportant, but non-controversial. If you would like any further information on any of these options, let me know. My direct line is (202) 289-5773.

Limit Retail Handgun Purchases to One Per Month -- A modest little proposal, this measure would drastically slow the flow of guns into the black market by preventing gun runners (and their straw purchasers) from making multiple purchases. Four years ago, Virginia was a major supplier of guns to cities up and down the East Coast. Seeking to change its reputation as the top gun running state in the country, Virginia passed a law limiting retail handgun purchases to one per month. A study by our Center to Prevent Handgun Violence found that the law, after two years, had drastically reduced the number of guns being traced back to Virginia from crime scenes in the Northeast. Responding to law enforcement concerns about multiple purchases, Maryland earlier this year passed a similar law. Both laws have worked with a minimum of inconvenience to gun owners; buyers wishing--for whatever reasons--to make multiple handgun purchases may seek permission from the State Police.

Limit Private Sales of Handguns to One Per Month -- The Brady law effectively regulates sales by licensed dealers. But while federal law requires anyone who is in the business of selling guns to obtain a federal license, many dealers circumvent that requirement by selling guns from their "private collection" at well-attended gun shows. In some states, Florida most notably, gun show sales by unlicensed gun dealers are a major source of guns for criminals and professional gun traffickers. Some jurisdictions, worried about this gun trafficking, have banned private sales at gun shows. That, however, may not be necessary. A federal law prohibiting non-licensees from selling more than one handgun per month, would effectively shut down this illicit trade, without imposing any substantial burden on the law-abiding gun owner. Individuals wishing to dispose of more than one handgun per month could either sell their handguns to a licensed dealer or obtain a special permit from the local police.

Extend the Brady Law to Cover Private Sales -- The Brady Law has done a great job of preventing criminals from buying a handgun at a gun store, but it does nothing to regulate private or secondary sales. Some states, Maryland for example, have passed laws requiring that private sales or transfers must be conducted through a gun store so that the waiting period and background checks requirements can be met. Such a measure, if adopted as part of the national instant check system, would go a long way toward shutting down the illegal gun market.

Extend the Brady Law to Cover Pawn Shop Redemptions -- In implementing the Brady Law in 1994, ATF issued regulations treating a pawn shop redemption as a "transfer" for purposes of the Brady law. As a result, individuals wishing to get their gun out of hock were subjected to a waiting period and a background check. A number of states, such as Nevada, reported a large number of denials for pawnshop redemptions (i.e. a lot of convicted felons routinely hocked their illegally possessed guns for cash). But, at the urging of the pawn shop industry, Jack Brooks added an amendment to the 1994 crime bill that exempted pawn shop redemptions from the Brady bill. Subsequent research by HCI indicates that the exemption lowers the number of Brady denials by up to 15 percent.

Child Access Prevention (CAP) Law -- Thirteen states have adopted laws requiring adults to keep handguns locked up and inaccessible to young children. When Florida passed the first such law in 1989, it was called a "child accident prevention" law, but since then the emphasis has shifted to access prevention, reflecting the growing concern that children are not just playing with their parent's gun, they're taking it to school. A national CAP law could be coupled with a requirement that all new handguns be sold with a CAP warning.

Trigger-Lock Requirement -- There are several different kinds of devices intended to prevent unauthorized users from being able to fire a handgun. The most common is a simple, inexpensive "trigger lock," a padlock which is specifically designed to secure a gun. There are, however, a number of new technologies--some being developed under government contract at Sandia Labs in New Mexico--which "personalize" a gun, rendering it unusable by an unauthorized user. Federal law could be changed to require that a licensed federal dealer may not sell a firearm without a trigger-lock or some other approved device which allows the user to protect against the unauthorized use of the gun.

"Cop-Killer" Bullets Ban -- Legislation is still needed to prevent future "cop-killer" bullets from coming on the market. While Congress has authorized a limited study of this issue, we really need to establish a standard performance test for all new handgun bullets to determine whether they have armor-piercing capabilities.

✓ \$10.95 each
- Can apply to almost any gun
- mount a public safety campaign

How many kids are injured
a year using parents gun?

Require Pistol Manufacturers to Include a Magazine Safety -- The manufacture of handguns in this country is virtually unregulated. In the absence of any safety requirements, many pistol manufacturers fail to include a magazine safety on some or all of their guns. As a result, several children are killed every year when a child picks up a pistol, takes the magazine out, and pulls the trigger, not realizing that there is a bullet in the chamber.

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Boston's falling murder rate

By Globe Staff, 01/03/97

The great surge of murder that has overwhelmed American cities since the mid-1960s is ebbing. Law enforcement authorities seemed powerless to stop the killing at its worst in the '70s and '80s, but in Boston they have developed an effective strategy that targets the young men most prone to violence and the neighborhoods where murder is most prevalent.

Not all American cities have experienced a decline in murders this year. Las Vegas set a record with 168, up from 134 in 1995. The number in Washington, D.C., rose 9 percent, to 395. However, homicides in Los Angeles were down by 17 percent, to 688 through mid-December. In Chicago, they declined 5 percent, to 787, and in New York, 983, down 15 percent from last year. In Boston, 58 murders were reported, a drop of 35 percent.

Some of the decreases across the nation can be attributed to a decrease in the number of young men ages 19 through 24. Beyond that, some police officers are baffled..

[Authorities in Boston attribute their more dramatic decrease to a two-year campaign by law enforcement agencies and community groups to reduce the rate of violent crime among young people in Roxbury and Dorchester, where most murders are committed in the city. This initiative involved the Boston police, of course, but also the Boston office of the US Bureau of Alcohol, Tobacco and Firearms, which focused on reducing the number of handguns available for murder, and the state's probation and parole departments to discourage young offenders back on the street from resorting to violence. Youth workers developed lines of communication with the members of street gangs, and the US attorney's office brandished the threat of federal prosecution for repeat offenders. At long last, all the agencies and groups concerned with reducing violence in the city have acted with a common goal and an assured strategy.

The plan is working. Firearms homicides among young people declined 65 percent from 1995 to 1996. And nobody under the age of 16 was killed. Last July, President Clinton singled out the Boston program to reduce the number of pistols on the street as a national model and promised to extend it to 17 other cities.

One program by itself will not guarantee that other communities will repeat Boston's success. Coordination and constant pressure to reduce violence are necessary.

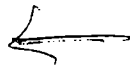
Perhaps the most important moment in the antiviolence campaign came in May, when 15 young gang members from the Bowdoin street area of Dorchester were invited to Dorchester District Court to meet the unified leadership of law enforcement agencies in Boston.

They were told of Eddie Cardoza, a career criminal from Roxbury, who had just received 20 years in a federal

penitentiary for carrying a single bullet in his pocket. Word soon spread of the crackdown, and the gang violence stopped.

Police officers, prosecutors and youth workers may, of course, slacken their effort, or they may be replaced by others not so committed to a coordinated strategy. Young lawbreakers may develop new sources for weapons or lose their fear of becoming another Cardoza. It is premature to declare a victory against crime.

Still, all the people in Boston responsible for the reduction in murders have proved that something can be done about homicide without flooding the streets with police officers, abridging civil liberties or holding meaningless media events. The Boston model, in all its complexity, deserves to be emulated across the country.



This story ran on page a26 of the Boston Globe on 01/03/97.

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Crime Meeting
January 6, 1997

Agenda Items

Gang Bill

We need a draft by the end of the week

— Kent
wed next
wk

Where is Schumer?
" " Biden?

—> Probably tomorrow
↗

Will they have their own bills?

yes

What are the Republicans plans? Will they have a bill introduced tomorrow on the first day back?

Tacey → not yet

Prosecutor Grant Program

Is it ready?

Do we have spokespersons/criminologists to back it up?
(Shorstein, James Q. Wilson, etc.)

Rewrite of Juvenile Justice Office

What stage is this at?
Support?

yes

Safety Locks

Has Justice and Treasury worked on joint proposal?
What is the recommendation?

several
proposals

New Brady Numbers

When do we get them?
What does it look like they will be?

yes

Lautenberg

Reno/Rubinn need to make any recommendations now
How many cops have actually lost their jobs?

Brady Strategy

Rahm wants strategy by 1st week of Feb

To: Jamie Gorelick
From: Kent Markus
Subject: Background Check Policy
Date: December 5, 1996

MEMORANDUM

As you are aware, there are two primary means of conducting criminal history record background checks: fingerprint checks and name checks. Since, as a legal matter, it is almost always in our discretion to determine whether checks for various purposes should be name based or fingerprint based, Merrick has indicated that you'd like a recommendation and brief discussion of what I believe the general DOJ policy ought be regarding the use of the two different background check approaches.

Current Laws and Policies

Federal law controls access to federally maintained criminal history records. Currently, name based checks of these records can be performed by any authorized law enforcement agency with a National Crime Information Center (NCIC) computer terminal. Fingerprint based checks are conducted by the FBI using some computerized and many manual fingerprint files. Law enforcement agencies may do name based background investigations, and obtain from the FBI the results of fingerprint based checks, for free when the information is sought for direct law enforcement purposes (e.g. - making a sentencing decision).

When checks are sought as part of employment or licensing decision-making, there must be either a federal law explicitly authorizing access to FBI criminal history records for that purpose (e.g. - prospective employees of federally insured banks) or there must be a state law, meeting certain federally established standards, that authorizes such checks (e.g. - prospective employees of day care facilities or prospective licensees for the handling of hazardous waste). The FBI may recover its costs for providing non-criminal history background checks, but they have never charged requesters for name checks (although in the recent discussion about HUD's access, the FBI has suggested charging six dollars for each name check if they are required by the A.G. to permit name checks for prospective public housing tenants). Federal agencies are charged \$18 for employment/licensing fingerprint checks; state and local law enforcement agencies are charged \$24 for those checks, and may pass those costs on to the employer/licensing entity.

Name checks are fast, free, and less reliable than fingerprint checks. Unfortunately, name checks yield a small but troubling number of false positives -- background check determinations wrongly associating criminal history information of a person with a name which is the same as or similar to that of the person being inquired about. More significantly, name checks yield false negatives -- wrongful determinations that no criminal history is associated with the individual being checked. False negatives frequently stem from record systems which are incomplete, records which are inaccurate, or the use of a false name. Background checks of people with similar names or false identification cards may, therefore, regularly yield inaccurate information, leading to the hassle of innocent individuals, while failing to reveal criminal background information about those using assumed names or aliases.

The FBI View

The FBI prefers, in all cases, fingerprint checks which are slow (average 6 weeks processing time), more costly, and highly accurate. The Bureau believes that it is inadvisable, in all circumstances, to rely (or allow any one else to rely), as the final step in a background check process, upon unreliable name checks. By the end of the decade, the FBI expects that technological improvements will substantially increase the speed and reduce the cost of fingerprint checks as more and more fingerprint records are digitized and searchable by computers. Until that time, there remains a tension between the two approaches.

Why Ever Use Name Checks?

When the Brady law was being debated, there was no question that Brady checks at the time of implementation would be name checks, not fingerprint checks. It was and is politically unimaginable that gun buyers would wait 6 weeks while a fingerprint check was conducted.

In the controversy about whether public housing authorities should be permitted to conduct name based rather than fingerprint based criminal history background checks on prospective tenants, HUD has insisted that local authorities be permitted to use name checks because of the prohibitively high cost of tens of thousands of fingerprint checks and because of the 6 week delay in processing fingerprint requests. Further research showed that the 6 week delay would in no way influence the time necessary to get a new prospective tenant through the process and into public housing since requests could be submitted simultaneously with other public housing processing. Accordingly, the issue raised by the public housing situation is/was limited to whether the inaccuracies of name checks were acceptable given that they are free (or least much cheaper than fingerprint checks) and a source of funds for conducting fingerprint checks could not be identified. The FBI has been insistent that fingerprint checks be conducted if we are going to indicate to public housing tenants that all of their new neighbors have been checked and none have felony criminal history records. This controversy rages on.

Recommendation

DOJ's long term orientation is and ought to be toward fingerprint checks because they are almost completely reliable and the cost and delays which come with fingerprint checks today will disappear in the not too distant future as the International Automated Fingerprint Identification System (IAFIS) comes on line. We should be quite reluctant to authorize name based background checks. Name checks should only be authorized after examining carefully the significance of the cost and delay issues, and the dangers of using less reliable name checks as those factors relate to the purpose for which the check would be done.

Fingerprint checks should be required unless the time delay and/or cost differences associated with fingerprint checks create a compelling basis to accept a degree of unreliability in exchange for the speed and/or cost advantages of name checks.

cc: Merrick Garland