

4. Reentry of Criminal Offenders

Submission by the Office of Justice Programs

REENTRY OF CRIMINAL OFFENDERS

Background

Offenders reentering society pose a serious challenge to community safety. In CY 2000 alone, the Bureau of Justice Statistics (BJS) projects that more than 585,000 offenders will have been released from state and federal prisons and return to communities across the country. Approximately 62 percent of released state prisoners are rearrested within three years, and about 41 percent return to prison or jail. The Office of Justice Programs (OJP) within the Department of Justice is helping communities develop more effective strategies for offender supervision and accountability, and to address the need for job training, employment, and substance abuse treatment. The focus is on ensuring that offenders stay crime and drug-free and become productive citizens who can attend to their family and community responsibilities, including paying child support and restitution. Our efforts are also oriented to ensuring the entire community's – especially victims' – public safety needs are addressed.

In many communities, community corrections has been trying to supervise returning offenders with limited resources and little or no support from other agencies and the community. Our new approaches call upon law enforcement officers – including community police, institutional and community corrections officers, and state and local law enforcement agency officials – to work with other representatives of government, service providers, and the community to address offender supervision and other reentry challenges.

Major Goals and Guiding Policies

Our goal is to help states and communities work together to improve offender supervision and accountability, as well as essential support services, to minimize threats posed by high risk or special needs adult and juvenile offenders returning to the community from state prisons and juvenile correctional facilities (or local facilities housing state prisoners).

This approach recognizes that the reentry problem is simultaneously a criminal justice problem, an employment problem, and a public health problem that needs to be tackled in a coordinated way at the local, state, and federal levels. Our approach orients reentry from both community and offender perspectives. Programmatic emphasis is placed on targeting offenders at high risk of reoffending, including violent offenders and those serving maximum prison terms and released with no supervision

Review of Major Activities and Accomplishments

OJP is working with 27 communities to develop and test collaborative approaches to reentry. In 17 sites, we are testing two approaches – Reentry Partnerships (8 sites) and Reentry Courts (9) – helping communities adapt to these strategies to local factors. Both approaches require a broad-based coalition of law enforcement, corrections, business, municipalities, faith-based groups, victims organizations and other appropriate governmental and community organizations to support the successful reintegration. Through the Partnerships, reentry plans are developed to ensure a continuity of offender supervision and services, beginning during incarceration and following release. Risk assessments of offenders, identification of neighborhoods to which they will return, and assessment of community readiness are part of the reentry planning. In the Reentry Partnerships approach, any one or more of the partners can take the lead in managing the reentry process. There are nine Executive Office of Weed and Seed (EOWS) reentry sites, which also draw heavily on the partnership concepts, as well as other Weed and Seed community intervention strategies. A special reentry program has also been undertaken in Boston that builds upon its successful law enforcement partnerships established in the city's Cease Fire program.

Reentry courts draw upon our successful drug court experience. A court manages the returning offenders, using its authority to apply graduated sanctions and positive reinforcement and to marshal resources to support reintegration and positive behavior. In selecting an approach, each jurisdiction takes into account what agency has supervisory authority over returning offenders, target population, and other local issues. Communities are encouraged to target offenders who pose a significant public safety risk and will likely benefit from these structured interventions, particularly those offenders requiring intensive supervision, including those with special needs such as job training, substance abuse treatment, and dually diagnosed with a mental illness and a substance abuse disorder. Communities have been eager to tackle the reentry challenge, recognizing it as a critical, longstanding public safety issue. Because OJP has not had specific resources to support these new programs, 20 of the 27 sites are currently receiving no direct federal funding. OJP's role has been to provide the sites technical assistance, through cluster meetings, a Website, newsletters, and OJP staff liaisons.

State of Affairs Today

Reentry Partnerships pilot sites include Florida, Maryland, Massachusetts, Missouri, Nevada, South Carolina, Vermont, and Washington. State/local agencies developing pilot Reentry Courts include El Paso County, Colorado-Pikes Peak Mental Health Organization; Delaware Superior Court; Broward County, Florida Drug Court; Iowa Department of Corrections; Kentucky Administrative Office of the Courts; Division of Parole, Albany, New York; Richland County, Ohio, Adult Probation Department; San Francisco Sheriff's Department; and the West Virginia Department of Military Affairs and Public Safety, Division of Juvenile Services. Weed and Seed reentry sites include Los Angeles, CA; Atlanta, GA; San Antonio, TX; Seattle, WA; East

Baltimore, MD; Durham, NC; Lima, OH; Des Moines, IA; and Washington, DC. OJP is also assisting the development of a reentry program in Boston, MA.

Next Steps and Challenges

Under an interagency Reentry Offender Reentry Initiative to be launched in FY 2001, OJP will dedicate \$30 million to support the development of reentry programs using the Reentry Partnerships and Reentry Courts approaches, focusing on offender supervision and accountability through a broad range of law enforcement, technical assistance, and evaluation efforts. The Department of Labor will provide approximately \$55 million to test new approaches for reintegrating offenders into the workforce and mainstream economy, focusing on job training and other employment programs. The Department of Health and Human Service's Substance Abuse and Mental Health Administration's Center for Substance Abuse Treatment has dedicated \$10 million to substance abuse treatment. The initiative will provide direct support for Reentry Partnerships and Reentry Courts programs that will respond to public safety issues by addressing critical aspects of reentry -- offender supervision, employment, and substance abuse treatment -- in a coordinated fashion.

The FY 2001 initiative will allow jurisdictions to choose among three approaches to reentry: Reentry Partnerships, Reentry Courts, and Juvenile Reentry Programs. Each requires a broad-based coalition to support the successful reintegration of those offenders and the development of individual offender reentry plans and a commitment to a continuum of offender supervision and support services, beginning during incarceration and continuing after release into the community. In selecting an approach, each jurisdiction takes into account who has supervisory authority over returning offenders, target population, and other local issues.

(1) Reentry Partnerships draw together representatives of state, local, or tribal law enforcement, corrections, business, municipalities, faith-based groups, and other governmental and community organizations to work in partnership to plan and implement a comprehensive reentry program. This partnership involves institutional and community corrections, local law enforcement, and community-based organizations working together, both to develop reentry plans for offenders scheduled for release into a community and to oversee the implementation of those plans. One or more of the partners can take the lead in managing the reentry process. Reentry plans would be based on a network of community resources, e.g., employment, treatment, family, faith-based organizations, and peer support to encourage positive reinforcement and reintegration. Law enforcement agencies (including correctional agencies) are required partners to ensure accountability and supervision.

(2) Reentry Courts, which draw upon our drug court experience, will be established to develop and operate a Reentry Court program and to build the same kind of broad partnership discussed above to support the effort. A reentry court is a court that manages the return to the community of individuals being released from prison, using the authority of the court to apply graduated sanctions and positive reinforcement, and to marshal resources to support the prisoner's

reintegration and positive behavior. In this approach a broad partnership is still central to the effort, with the court serving as the supervisory authority. Essential partners for Reentry Court programs specifically include state, local, or tribal criminal or juvenile justice agencies; state, local, or tribal courts; or municipalities, working closely with other state and local government agencies and nonprofit or community-based organizations. The appropriate state, local, or tribal judiciary would be required.

(3) Juvenile Reentry programs will address public safety concerns and needs of youth in the custody of the juvenile justice system. Jurisdictions looking to develop a juvenile reentry program will choose either a Reentry Partnership or Reentry Court approach. Essential partners include state and local juvenile justice agencies, juvenile justice correctional agencies, juvenile courts, and parole agencies, working in collaboration with community-based organizations, law enforcement agencies, as well as state and local workforce investment boards and substance abuse treatment providers. Law enforcement agencies (including juvenile justice correctional agencies) are required partners.

DOJ funds will support reentry planning, implementation, or enhancement, with a focus on law enforcement-related reentry activities in the communities of successful applicants. DOJ funds will also support a Research, Development, Testing and Evaluation component to fully assess these reentry programs nationally in order to show what works. DOJ will devote approximately \$3.5 million to a national research and evaluation project and related efforts. The Department of Labor is also planning to devote a portion of its resources to evaluating employment-related program elements. We are planning to coordinate our evaluation efforts. In addition, up to \$1 million of DOJ funds will be set aside to provide technical assistance to grantees under the interagency initiative to supplement technical assistance resources provided by the other participating federal partners.

OJP is working with Labor and CSAT on developing a joint grant solicitation through which jurisdictions will be able to apply for all federal funds with one application. We plan a unified grantee selection process and reporting requirements. Interagency resources will jointly target the same communities, particularly areas with a high concentration of returning offenders. Successful applicants will represent urban, rural, and tribal communities. Communities will be encouraged to target offenders who pose a significant public safety risk and will likely benefit from this structured intervention. Special emphasis will be placed on high-risk offenders, especially those at high risk of reoffending, including violent offenders and those serving maximum prison terms and released with no supervision. The focus will also be on offenders with special needs, such as job training, substance abuse treatment, and those dually diagnosed with a mental illness and a substance abuse disorder. The majority of resources will be targeted to offenders ages 18-35. This group represents a large portion of the offender reentry population at risk; however, we will also address juvenile reentry challenges by assisting a select number of jurisdictions in developing juvenile reentry programs.

Federal partners anticipate funding reentry programs for three years, with equal funding available each year. To ensure good planning, during the first-year, there would be special conditions allowing for spending of only a modest amount of the funds until a strategic plan is approved, at which time the remainder of the first-year funding would be released. No-cost extensions could be requested at the end of the third year, to allow a full year planning phase as needed, followed by a full three-year implementation.

Documentation

1. United States, U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, "When Prisoners Return to the Community: Political, Economic, and Social Consequences," (Washington, November 2000), NCJ 184253
2. United States, U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, "But They All Come Back: Rethinking Prisoner Reentry," (Washington, November 2000), NCJ 181413
3. United States, U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, "Reintegrating Juvenile Offenders Into the Community: OJJDP's Intensive Community-Based Aftercare Demonstration Program," (Washington, December 1998)
4. United States, U.S. Department of Justice, Office of Justice Programs, "Reentry Reports," Issue 1 (Washington, July 2000) and Issue 2 (Washington, October 2000)
5. United States, U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, "Texas' Project RIO (Re-Integration of Offenders), (Washington, June 1998), NCJ 168637

D. Preventing Violence Against Women and Aiding Victims of Crime

1. Submission by the Office of Justice Programs / Violence Against Women Office

COMBATING VIOLENCE AGAINST WOMEN

BACKGROUND

When the Congress and President Clinton teamed up to make the Violence Against Women Act (VAWA) become law in 1994, the nation took a giant step forward in its recognition of, and response to violence against women, particularly domestic violence, sexual assault, and stalking. This law not only strengthened criminal laws and provided funding to enhance their enforcement, but also provided a foundation for a successful long term criminal justice effort to end violence against women. By encouraging collaboration among police, prosecutors, and victim service providers, VAWA is assisting communities in building a comprehensive response to violence against women all across America.

"This is not a women's issue. This is an issue for families and for children and for men as well. And it is an American challenge that we have to face. This issue has been swept under the rug for too long. We have tried to take it out into the daylight, to let people talk about it, to give people a chance to find courage in the efforts of others and to know that they can find help. That's what the Violence Against Women Act is all about."

President Bill Clinton

"The Violence Against Women Act provides us with a powerful tool with which to fight the scourge of domestic violence, sexual assault, and stalking. While we have made significant progress, we must continue to use all necessary means and available information to help reduce – if not eliminate – all types of violence against women."

Attorney General Janet Reno

The Justice Department has awarded more than one billion dollars in VAWA-related grant funds to law enforcement officials, prosecutors, victim advocates, and courts to address the problem of violence against women at the state, tribal, and local levels. The Department, through the Offices of the United States Attorneys, has prosecuted more than 179 cases involving interstate domestic violence, interstate stalking, interstate violation of a protection order, or possession of a firearm while under a protection order or after conviction for a misdemeanor crime of domestic violence.

Although progress has been made in recent years, domestic violence – violence by

intimates – still accounts for about 20 percent of all violent crimes against women and about 30 percent of all murders of women in America. More than one million women are stalked each year. The Clinton Administration has laid the groundwork for a strong and effective strategy for building collaborative community partnerships to keep women safe and hold perpetrators accountable. Now, as the goal of a safer America is within reach, it is essential to continue this effort to bring an end to violence against women.

MAJOR GOALS AND GUIDING POLICIES

Since the passage of VAWA, the Department of Justice has launched a multifaceted initiative to combat domestic violence, stalking, and sexual assault. The Department's efforts have been guided by two key principles: ensuring the safety of victims and holding perpetrators of violence accountable for their acts. The Department has made issues of violence against women central to its work in three important ways: bringing prosecutions under the federal domestic violence, stalking, and firearms laws; raising awareness of VAWA and the issues of domestic violence, stalking, and sexual assault in communities throughout the country; and forging partnerships among police, prosecutors, and victim service providers at the state, tribal, and local levels through the STOP Violence Against Women Formula Grant Program and other VAWA grant programs. The Department has also worked closely on this initiative with state, local, and tribal judges.

President Clinton, Attorney General Reno, and others have led a historic effort to reduce crime in our nation's communities. As part of that effort, President Clinton signed into law the Violence Against Women Act, which was enacted as part of the Violent Crime Control and Law Enforcement Act of 1994. The law takes a comprehensive approach to fighting violence against women. It combines tough penalties with programs to prosecute offenders and aid victims of such violence. This groundbreaking law has transformed the legal landscape, by bringing these issues from behind closed doors into the center of public debate, thereby helping to shift social attitudes toward violence against women.

VAWA recognized the devastating consequences that violence has on women, families, and society as a whole. For the first time, federal resources, federal law enforcement, and federal prosecutors joined the front lines of the struggle to end violence against women. VAWA encourages federal, state, tribal, and local governments to collaborate – to work together to figure out how to end the scourge of domestic violence, sexual assault, and stalking that has shattered the lives of so many of this nation's women, children, and families. Today, law enforcement, prosecutors, judges, and women's advocates are working together, sharing information and ideas to keep women safe and hold offenders accountable.

REVIEW OF MAJOR ACTIVITIES AND ACCOMPLISHMENTS

There is no question that VAWA is making a difference. Under VAWA, communities across the country and all levels of government are creating coordinated, community-wide

responses and are establishing the infrastructure needed to improve the response to violence against women:

- States and tribes are changing their laws to treat violence against women as a serious crime. Twenty-one states and the District of Columbia mandate arrest for most domestic violence offenses and all states now authorize law enforcement to make an arrest based on a probable cause determination that an offense has occurred.¹
- Jurisdictions are changing the way they handle domestic violence cases to ensure these cases are given the attention they need. Thirty-six court systems have some type of special court jurisdiction, structure, or services to handle domestic violence cases.
- States are acting to lift some of the costs from women who were victimized by violence. As required by VAWA, all states and the District of Columbia now have some provision for covering the cost of a forensic rape exam. All states and the District of Columbia mandate or authorize that convicted or charged sex offenders be tested for HIV.²
- States are increasingly recognizing that domestic violence hurts children too. Forty-two states and the District of Columbia include domestic violence as a factor for a court to consider in child custody decisions.
- United States Attorneys, at the Attorney General's request, have each appointed special VAWA points of contact in their offices to help coordinate prosecution of federal VAWA crimes.

Federal Funds Are Making a Difference

VAWA established grant programs that are being used to forge focused and effective partnerships among federal, state, and local governments, the criminal justice system, and victim advocates to combat violence against women. There are six VAWA-related grant programs, which assist state and local governments and agencies in training personnel, enforcing laws, assisting victims of violence, and holding perpetrators accountable. The VAWA grants finance community initiatives involving victim service providers, victims' advocates, law enforcement, prosecutors, courts, health care providers, and community organizations.

Federal funds have reached across the nation -- from remote, rural and tribal communities, to large urban centers; from non-profit domestic violence shelters to state prosecutors' offices.

¹Miller, N., A Review of State Domestic Violence-Related Legislation: A Law Enforcement and Prosecution Perspective, Institute for Law and Justice, October 2000.

²National Conference of State Legislatures, "HIV/AIDS Facts to Consider", January 1999

They are making a difference in the lives of women everywhere. And they have made a difference in how communities respond to violence against women – by bringing together police, prosecutors, advocates, judges, and others to make America safer for women and families.

STOP Formula Grant Program

The Department's largest VAWA grant program is the STOP Violence Against Women Formula Grant Program. STOP stands for Services*Training*Officers*Prosecutors* – reflecting the collaborative goals of this program. It promotes a coordinated approach by encouraging the States to pool the expertise of law enforcement, prosecutors, courts, and victims advocates. Since 1994, the STOP Program has provided \$681.6 million to all 50 states, the District of Columbia, and five territories, including \$131.6 million in Fiscal Year 2000. Under VAWA, states have pulled together law enforcement representatives, prosecutors, and victim services providers to design a statewide plan for the use of these funds. States have awarded over 6,000 STOP subgrants.

The Department is building on these initial successes and is supporting the expanded involvement of courts in STOP grant partnerships, and continues its emphasis on sexual assault and stalking prevention and prosecution.

In Cache County, Utah, STOP funds support a sexual assault prosecutor. In the seven years before this prosecutor was hired, the County had not charged a single sexual assault case. By January 1998, the prosecutor's office handled 63 sexual assault cases.

In California, STOP funds have been used to provide training on stalking investigations to more than 6,000 law enforcement officers.

In Delaware, STOP funds have trained police officers on domestic violence. From 1996 to 1999, every police officer in the state (1400) received basic domestic violence training.

Communities around the country are using STOP funds to set up programs that give women who are stalked immediate contact with police in an emergency.

In Alabama, STOP funds have helped establish mobile units that provide on-site assistance to domestic violence victims in rural areas.

STOP Violence Against Indian Women Grant Programs

Under the STOP program, VAWA sets aside funds each year to combat domestic and sexual violence against women in Indian country. Data from the National Violence Against Women Survey show that Native American and Alaska Native women are more likely to be stalked and to disclose victimization by rape and physical assault than women of other racial and

ethnic backgrounds.

The Department is committed to addressing and reducing domestic violence and sexual assault against Indian women. Since the program began in 1995, VAWO has awarded 343 grants totaling \$28.7 million to tribes, including nearly \$7 million in Fiscal Year 2000. Tribes are using the funds to develop and strengthen the response of tribal justice systems to violent crimes against women. The activities of the STOP program have raised awareness of domestic violence among tribal leaders and communities.

Domestic violence arrests on the Cheyenne River Reservation in South Dakota increased from 84 in 1993 to 451 in 1999. On the Rosebud Sioux Tribe Reservation, the number of complaints filed by the prosecutor increased from 35 percent of the domestic violence and sexual assault arrests to 100 percent of the arrests in the first six months of 2000.

The White Mountain Apache Tribe of Arizona uses its prosecution allocation to support an advocate who works within its prosecutor's office to assist and support victims of domestic violence and sexual assault.

Grants to Encourage Arrest Policies Program

The Grants to Encourage Arrest Policies Program has enabled communities across the country to use the power of the criminal justice system to keep victims safe and hold offenders accountable. Through this program, the Department has awarded 400 grants totaling approximately \$165.4 million, including \$28.3 million in Fiscal Year 2000. To qualify for these funds, communities must demonstrate their community-wide collaboration of efforts to prevent domestic violence. The result has been the development of new partnerships and a deeper understanding of violence against women.

To promote the effective preparation and prosecution of domestic violence cases, Milwaukee County, Wisconsin has used funding from the Arrest Program to add three assistant district attorneys and three victim liaisons to the Office of the District Attorney's Domestic Violence Unit. Milwaukee County has also used grant funds to make available on weekends the services of nonprofit victim advocacy agencies.

With Arrest funds, St. Tammany Parish, Louisiana has strengthened its ability to provide victims of domestic violence with support, advocacy, and safety as cases against their abusers proceed through the criminal justice system. St. Tammany has made training on the proper and effective treatment of domestic violence cases available to all law enforcement officers in the Parish, created domestic violence units within the Sheriff's Office and the prosecutor's office, and opened a satellite office of the local shelter, Safe Harbor, to serve women on the Parish's west end.

Rural and Domestic Violence and Child Abuse Enforcement Program

The Rural Domestic Violence and Child Abuse Enforcement Program assists rural areas in the investigation and prosecution of cases involving domestic violence and child abuse, as well as enhances the delivery of services to such victims. The Department has awarded 239 grants totaling more than \$74 million under this program. Rural communities often have to reach farther to respond to domestic violence and child abuse. Rural funds are important to identifying and securing the means to address the geographic isolation that has limited response and services. Rural grants are also helping communities to develop partnerships between child protective services and domestic violence advocates to address the co-occurrence of domestic violence and child abuse, as well as to ensure the safety of battered women and their children.

In Bonner County, Idaho, where no domestic violence program existed prior to a 1997 Rural award, advocates respond with law enforcement to domestic violence calls and provide outreach and follow-up services to victims. VAWA funds have also supported the opening of a shelter for battered women and their children.

In rural Massachusetts, health and human services providers, law enforcement officials, clergy, and others are receiving training to address domestic violence and child victimization in their communities. The goals of the project include prevention through community education and outreach, advocacy, and counseling to children and non-offending parents, and coalition building to address victims' safety and access to community resources.

Domestic Violence Victims' Civil Legal Assistance Grants Program

"These funds can help victims begin to pick up the pieces and take practical steps to bring order to their lives." Bonnie Campbell, Director, Violence Against Women Office

While the central goal of VAWA is to improve the criminal justice system's response to violence against women, victims of domestic violence often face related problems in civil matters such as custody and visitation, abuse and neglect, child support, divorce, or other civil cases where domestic violence is involved. Child custody cases involving domestic violence pose particularly difficult challenges for judges, battered women, and children. In Fiscal Year 1998, the first year of the program, the Department awarded \$11.5 million to legal services and victims organizations, battered women's shelters, law school clinics, and bar associations to strengthen civil legal assistance for victims of domestic violence. The Department awarded a total of more than \$45 million in Fiscal Years 1999 and 2000.

Through the George Washington University Law School's Domestic Violence Advocacy Project in Washington, D.C. law students work with hospital emergency room personnel and are available 24 hours a day to respond to the legal needs of battered women.

In Eugene, Oregon, the grant funds allow the Lane County Legal Aid Society to partner with shelters to provide representation to battered women in protection order hearings and other civil matters.

Grants to Combat Violent Crimes Against Women on Campuses

This program, the newest program providing grants to combat violence against women, is designed to encourage institutions of higher education to develop comprehensive, coordinated responses to violent crimes against women on campuses, including sexual assault, domestic violence, and stalking. Authorized under the Higher Education Amendments of 1998, the program requires institutions of higher learning to develop partnerships with nonprofit victim advocacy organizations and local criminal justice or civil legal agencies to enhance victim safety and offender accountability and to prevent these crimes.

To receive funds under this program, institutions must comply with three minimum requirements. The institution must create a coordinated community response to violence against women on campus; train campus police about responding to stalking, domestic violence, and sexual assault; and establish a mandatory prevention and education program on violence against women for all incoming students. In Fiscal Year 1999, the first year of the program, the Department awarded twenty-one colleges and universities a total of \$8.1 million. Another 21 grants totaling approximately \$6.8 million were awarded in Fiscal Year 2000.

Michigan State University is using grant funds to educate resident assistants, incoming students, sorority and fraternity members, athletes and university staff about violence against women and consequences for offenders.

Vanderbilt University in Nashville, Tennessee is conducting domestic violence training for student health center doctors and nurses and Vanderbilt Medical Center emergency room staff.

Idaho State University is instituting an education program for athletes and improving safety on campus by installing blue emergency telephones and enhanced lighting.

COPS Domestic Violence Grants

The Department's Office of Community Oriented Policing Services (COPS) is the core component of the Clinton Administration's commitment to increase community policing as part of a community-wide response to crimes, including domestic violence. The COPS Domestic Violence Grants fostered partnership and coordination between law enforcement and victims advocates at the community level. The Department's COPS office has dedicated over \$58.5 million to efforts designed to address domestic violence through community policing. In 1996, under the Community Policing to Combat Domestic Violence Program, COPS awarded over \$46 million to 336 law enforcement agencies for this purpose. Under this program, law enforcement

agencies were asked to apply jointly with community service or victim advocate organizations to execute well-planned, innovative strategies. In 1998, COPS expended \$10 million for training, research and evaluation, and test sites in communities where law enforcement established such partnerships to enhance coordinated responses to domestic violence.

The Bristol, Connecticut Police Department has held training for all officers on how to assist victims of domestic violence with safety planning and risk assessment. It has also developed a video for local cable television on domestic violence, and formed community policing partnerships with court personnel, educators, state social services officials, and the religious community to combat domestic violence.

The Colorado Springs, Colorado Police Department created a 21-person domestic violence team representing a variety of community groups to train officers on dealing with domestic violence issues. Each officer works with the team for 100 hours to learn and develop strategies to combat domestic violence, assist victims, and to use risk assessments to reduce future incidents.

Training and Technical Assistance Grants

Using funds drawn from each of the major VAWA grant programs, the Department also works to build the capacity of national criminal justice and victim advocacy organizations to foster community partnerships and to respond effectively to violence against women. The Department has awarded more than \$36 million through Fiscal Year 2000 for this purpose. The Department also sponsors mentoring efforts and peer-to-peer consultations, making it possible for people who want to establish effective programs in their community to visit other communities and learn from experts in the field.

Technical assistance includes training, policy development, and information. Examples include:

Holding Judicial Institutes, sponsored by the National Council of Juvenile and Family Court Judges and the Family Violence Prevention Fund, for assisting judges in handling civil and criminal cases involving domestic violence;

Development by the International Association of Chiefs of Police of a model policy and procedures for handling domestic violence and abuse cases involving police officers;

Development of a Promising Practices Manual by the STOP Violence Against Women Technical Assistance Project; and

Development by the Washington Coalition of Sexual Assault Programs of a partnership with other state sexual assault coalitions (Minnesota, New York, Connecticut, and Illinois) for sharing resources, information, and strategies and mentoring newly formed coalitions nationwide.

Criminal Prosecutions Under VAWA

VAWA provides federal prosecutors important tools to support and supplement state and local prosecution of domestic violence and stalking crimes. In some cases, a federal prosecution may carry a more severe and appropriate punishment for an offender than a prosecution under state law. Where a defendant has traveled from state to state, the resources of the FBI are available to investigate and build a case for prosecution. In other cases, a state prosecutor may request that the case be referred for federal prosecution because, once detained by a federal court, a defendant is more likely to remain in custody prior to trial.

VAWA strengthens the penalties for sex offenders and domestic violence perpetrators – doubling the maximum term of imprisonment for repeat sex offenders and authorizing severe sentences for abusers who cross state lines and tribal boundaries to stalk or to commit acts of domestic violence. VAWA and VAWA-related criminal provisions prohibit crossing state or tribal borders to commit domestic violence, interstate stalking, crossing state or tribal lines to violate a protection order, and possessing a firearm while subject to a domestic violence protection order or if convicted of a misdemeanor crime of domestic violence. While the vast majority of domestic violence cases will continue to be prosecuted by states, localities, and tribes, these statutory tools enable federal law enforcement to prosecute and to obtain severe penalties in appropriate cases in cooperation with the state, local, and tribal authorities. Vigorous prosecution of federal domestic violence offenses is a top priority for the Department. These prosecution efforts have succeeded, and will continue to succeed, because the United States Attorneys Offices have prosecuted federal cases where appropriate and formed prosecution partnerships with their state, local, and tribal counterparts in the nationwide fight against domestic violence.

The Department has prosecuted more than 179 cases under VAWA and VAWA-related criminal provisions of federal law. The following cases exemplify successful federal prosecutions that resulted in convictions and lengthy sentences for the defendants:

The United States prosecuted a defendant who traveled from Alabama to Texas for interstate stalking. He had been released from federal custody in Alabama for making interstate threatening phone calls to one ex-wife. In Texas, he terrorized another ex-wife and his three grown children. The defendant was convicted. At sentencing, the court considered the defendant's lengthy history of domestic abuse of four stalking victims – a history that included beatings, torture, abandonment, threats to kill, stabbing and burning – and departed upward from the sentencing guidelines to impose a maximum sentence of 20 years in federal prison.

The United States prosecuted the defendant for shooting at his estranged wife while she was working in a pre-school playground. At the time of the shooting, the defendant was subject to a qualifying protection order. Although the case was initially presented to the

district attorney's office, state prosecution of attempted murder would have required proof of the defendant's intent at the time of the shooting. Federal prosecution instead required only possession of the firearm while subject to a qualifying protection order. The district attorney's office referred the case for federal prosecution and the defendant pled guilty to the federal charge. At sentencing, the court granted the federal prosecutor's request for an upward departure, based upon the danger presented to the young children in the playground, and sentenced the defendant to a 66-month term of imprisonment.

Enforcement of Protection Orders

VAWA requires states and tribes to honor protection orders issued by other jurisdictions if certain statutory requirements are met. The Department has adopted a strategy for implementing this full faith and credit provision that focuses on providing training, technical assistance, and grants to law enforcement agencies, prosecutors, courts, and victim advocates. The Department funds the Full Faith and Credit Technical Assistance Project of the Pennsylvania Coalition Against Domestic Violence, which provides nationwide assistance on a wide range of issues related to interstate and intertribal enforcement of protection orders and sponsored a national training conference in October 1997 that has led to several local and regional conferences. Tribes in Alaska, the Southwest and the Midwest are also working to strengthen protection order enforcement between tribes, as well as between tribes and states.

The Department has also worked to develop, produce, and disseminate a series of brochures on interjurisdictional enforcement of protection orders for the different components in the criminal justice system. For instance, in October 1998, the Attorney General introduced a brochure for law enforcement that was developed with the International Association of the Chiefs of Police. A "benchcard" for judges was released in August 1999 at a meeting of the Conference of Chief Justices and similar brochures for advocates, survivors, and prosecutors are in development.

To help confirm the existence and terms of protection orders issued by jurisdictions nationwide, the FBI developed the National Crime Information Center Protection Order File, a national registry that came on line in May 1997. States participate either by linking their existing state system to the national registry or by entering protection order information directly into it. The Department is assisting an ever-increasing number of states in developing their own protection order registries.

Addressing the Needs of Battered Immigrant Women

Prior to the enactment of VAWA, many battered immigrants found themselves trapped between abuse and deportation because those individuals, who were authorized to act for them under the immigration law and also were their abusers, refused to file immigration papers on their behalf. VAWA responded to their plight by enabling the battered spouses and children of

U.S. citizens and legal permanent residents to self-petition for permanent residency, without depending on the help of their abusers. Since the enactment of VAWA, the Immigration and Naturalization Service (INS) and the Violence Against Women Office have issued regulations to implement the self-petitioning provisions of VAWA.

Understanding Violence Against Women Through Research and Statistics

The Department of Justice plays a unique role in collecting data on crime and increasing knowledge about the causes and consequences of crime and effective strategies for prevention and intervention. With the enactment of VAWA, the Department has contributed to the expanding body of research on violence against women. This data and research make clear the gravity of the problem and demonstrate the need for continuing efforts to end violence against women through the initiatives authorized by VAWA.

The Department, through its National Institute of Justice (NIJ), a component of the Office of Justice Programs, continues to play a central role in supporting research to understand the nature, scope, causes, and consequences of violence against women. This research is used to develop strategies to prevent and respond effectively to violence against women. NIJ funds family violence research directly, jointly conducts research with the Centers for Disease Control and Prevention, and participates in the Interagency Consortium for Research on Violence Against Women and Family Violence. NIJ also is making special efforts to support community-driven evaluations that promote partnerships between researchers and practitioners.

The Bureau of Justice Statistics (BJS), a component of the Department's Office of Justice Programs, is the United States' primary source for criminal justice statistics. BJS collects, analyzes, publishes, and disseminates information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government.

Providing National and International Leadership on Combating Violence Against Women

In 1995, President Clinton named former Iowa Attorney General Bonnie Campbell as the Director of the Violence Against Women Office (VAWO) at the Department of Justice. VAWO, housed in the Office of Justice Programs, administers the VAWA grant programs, coordinates Departmental efforts on violence against women, and provides national and international leadership to combat violence against women. Director Campbell works within the federal government representing the Department of Justice on the President's Interagency Council on Women and works to bring focus within the missions and jurisdictions of other agencies on issues of violence against women. Through VAWO, the Department is collaborating with the Departments of Health and Human Services and Housing and Urban Development and other federal agencies on a wide variety of initiatives to address violence against women. Director Campbell has traveled to every region of the country and has met with and spoken to prosecutors, law enforcement groups, judges, domestic violence advocacy groups, women's centers, colleges and universities, health professionals, and many others.

As the issue of violence against women has taken on global importance, Director Campbell and other Department staff have represented the Department internationally as well. For example, in October 1998, Director Campbell led a delegation of United States experts to the United States - Russian Conference on Domestic Violence in Moscow, the first high-level meeting on this issue in Russia. In September 1998, VAWO senior staff, together with the Department's Office for Victims of Crime, led a workshop at the World Conference on Family Violence in Singapore. Other countries look to the United States Department of Justice for leadership and technical assistance on strategies to develop laws, change policies, and promote public discourse on violence against women within their own societies. Director Campbell has been a leader within this country and internationally not only on issues of domestic violence and sexual assault, but also on trafficking in women, which, with increasing globalization, appears to be a growing form of violence against women in which women and girls are taken from one country to another and forced to work in dehumanizing conditions stripped of their rights, safety, and dignity.

The Department also ensures that everything the Department is learning about violence against women is in the hands of advocates, prosecutors, judges, and others who need it most. Through newsletters, reports, and an actively maintained and expanding Website, the Department ensures that information about violence against women research, programs, and intervention strategies is readily available and accessible.

National Advisory Council on Violence Against Women

The 43-member Advisory Council advises the Attorney General and the Secretary of the Department of Health and Human Services on outreach strategies and implementation of VAWA and issues related reports. The Council's membership includes representation from law enforcement, business, health and human services, academia, the sports industry, victims service providers, advocates, and religious organizations.

The Advisory Council has produced two widely requested and disseminated pamphlets: "*A Community Checklist: Important Steps to End Violence Against Women*" and "*Stop the Cycle of Violence: What You Can Do*", handbooks on what individuals and communities can do to fight violence against women and assist victims. The Advisory Council has also developed an "*Agenda for the Nation to End Violence Against Women in the 21st Century*," which will guide communities in their efforts to address this problem.

STATE OF AFFAIRS TODAY

Six years after the landmark Violence Against Women Act was signed in September 1994, tremendous progress has been made. Police officers, prosecutors, victim advocates, and others across the country are working together in teams to address violence against women in their communities. Specialized domestic violence units have been established in police and prosecutors' offices. Tens of thousands of police officers and others have received specialized

training on how to respond to domestic violence cases, and victim advocates are accompanying police to domestic violence scenes to provide victims the services they need. And, according to a Justice Department report released in May 2000, violence against women by intimate partners decreased by 21 percent from 1993 through 1998, and intimate partners committed fewer murders in 1996, 1997, or 1998 than in any other year since 1976.

Although much has been accomplished, violence continues to devastate the lives of many women. Simply put, violence against women remains a critical problem in this country, and continues to call everyone to action.

NEXT STEPS AND CHALLENGES

The Department will continue to focus not only on the need to expand current efforts but also on new and emerging issues, such as cyberstalking and trafficking in women. The Department has a responsibility to ensure that efforts to improve the justice system's response to violence against women work for everyone in communities. Race, ethnicity, income, and other factors may affect the way victims respond to violence and the options available to them for dealing with it. The Department must ensure that efforts to build a coordinated community response to violence against women addresses the needs of diverse and underserved populations, including racial or ethnic minorities, Native Americans, immigrants, the elderly, women with disabilities, and gays and lesbians.

New Federal Legislation

The Administration strongly supported a five-year reauthorization for the VAWA grant programs and worked closely with Congress to improve and strengthen VAWA and the nation's response to these crimes. As a result, on October 28, 2000, President Clinton signed into law the "Violence Against Women Act of 2000." The Act reauthorizes the grant programs created by the Violence Against Women Act of 1994 and subsequent legislation through Fiscal Year 2005, establishes new programs, and strengthens federal laws. The Department will work to implement this new legislation.

The Act improves several current programs by directing resources toward certain traditionally underserved populations, such as victims of dating violence, older women, and women with disabilities and expands protections for battered immigrant women. It also increases the set aside of VAWA grant funds for tribes under the STOP Violence Against Women Formula Grant Program from four percent to five percent and creates a five percent set aside for tribes under the Arrest, Rural, and Civil Legal Assistance Programs, as well as the new Safe Havens for Children Program (supervised visitation). This program will help ensure that children are safe when visiting with their parents and that battered women remain safe during visitation exchanges. The legislation also authorizes civil legal assistance for victims of domestic violence, sexual assault, and stalking and makes state and local courts eligible grantees under the Arrest and STOP programs. The Act also requires Arrest Program grantees to facilitate

the filing and service of protection orders without cost to victims.

The new Violence Against Women Act will also improve the ability of federal prosecutors to prosecute interstate crimes of domestic violence, stalking, and violations of protection orders. The Act creates an interstate cyberstalking offense. It also enhances the enforcement of protection orders across state and tribal lines by prohibiting registration as a prerequisite to enforcement of out-of-state or tribal orders, and by prohibiting notification of a batterer when an order is registered in a new jurisdiction, unless the victim requests the notification.

DOCUMENTATION

1. The Urban Institute, "Evaluation of the Stop Formula Grants to Combat Violence Against Women," Washington, DC for 1996, 1997 1998, 1999, 2000.
2. United States, Department of Justice, Office of Justice Programs, Violence Against Women Office, "Domestic Violence and Stalking: the Second Annual Report to Congress," (Washington, DC: July 1997)
3. United States, Department of Justice, Office of Justice Programs, Violence Against Women Office, "Stalking and Domestic Violence: the Third Annual Report to Congress," (Washington, DC: July 1998)
4. All of the news releases pertaining to the programs and studies of the Violence Against Women Office, organized by grant program.
5. Various remarks and testimony of Department of Justice Officials, including Attorney General Janet Reno before the Senate Judiciary Committee on May 15, 1996; Attorney General Janet Reno speaking before the Emory University Institute for Women's Studies in Atlanta, Georgia on October 23, 1997; prepared testimony (but not delivered) of Associate Attorney General Ray Fisher before the Senate Judiciary Committee (scheduled for July 22, 1998); prepared testimony of Violence Against Women Office Director Bonnie Campbell before the House Committee on the Judiciary, Subcommittee on Crime (August 1999).
6. Selected State Profiles, prepared by the Muskie School of the University of Southern Maine, Portland, Maine, showing how Violence Against Women Act Formula funds affected those states.

2. Submission by the Executive Office for United States Attorneys / Criminal VAWA Prosecutions

VIOLENCE AGAINST WOMEN

According to the FBI's Uniform Crime Report, one out of every four American women have been abused by a spouse or boyfriend. Since 1994, the Department of Justice has aggressively worked with state, tribal, and local law enforcement to curb domestic violence. As part of the 1994 Crime Bill, the Violence Against Women Act (VAWA) was created which combined tough law enforcement strategies with important safeguards for victims of domestic violence and sexual assault.³ Today, we are seeing the results of this act. According to a recent National Institute of Justice study, domestic abuse has fallen by 21 percent, decreasing from an estimated 1.1 million cases in 1993 to 876,000 cases in 1998. Domestic abuse cases have dropped to their lowest in a quarter-century.⁴ Much of the credit has been given to the Violence Against Women Act and increased prosecution of these cases.

The United States Attorneys and the Department of Justice continue to work together to prosecute cases under the federal domestic violence statutes. These statutes include: Section 2261 (Interstate Domestic Violence); Section 2262 (Interstate Violation of a Protection Order); Section 922(g)(8) (Possession of a Firearm while Subject to a Protection Order); Section 922(g)(9) (Possession of a Firearm after a Misdemeanor Domestic Violence Conviction); and Section 2261A (Interstate Stalking). To date, the United States Attorneys have brought over 350 indictments resulting in over 250 convictions under these federal domestic violence laws. These prosecutions have resulted from the Department initiatives emphasizing the importance of combating domestic violence and the coordinated effort by the United States Attorneys Offices to work together with state, local and tribal counterparts to ensure that appropriate cases are referred for federal prosecution. It has been the Department's goal to increase awareness of the problem of domestic violence in our country and the usefulness of the federal domestic violence statutes in prosecuting the most troubling offenders. This has been accomplished through increased training and education of federal prosecutors and federal law enforcement and training efforts involving state, local and tribal law enforcement. In addition, the designation of a VAWA Point of Contact in each USAO and the assignment of a VAWA Specialist at EOUSA all serve to ensure that the federal domestic violence laws are used to their full potential. These policies are mindful of the primary law enforcement responsibility that rests with the local authorities on domestic violence. However, the federal statutes are powerful tools that can and have

³ *The Violence Against Women Act: Breaking the Cycle of Violence*, Violence Against Women Office Website www.ojp.usdoj.gov/vawo/laws/cycle, April 3, 2000.

⁴ Eric Lichtblau, *Domestic Abuse Falls 21% Justice Dept. Study Finds*, *Los Angeles Times*, May 18, 2000, at A-1.

supplemented, but not supplanted, existing local efforts.

Recently, the Department worked together with Congress in the passage of the October 2000 Amendments to the VAWA. These amendments loosen some of VAWA's prosecutive restrictions and criminalize cyberstalking. Training and education on these new statutes will continue.

E. Improving Tribal Justice

Submission by the Office of Tribal Justice

STRENGTHENING OUR TRUST RELATIONSHIP WITH NATIVE AMERICAN NATIONS

Background

The United States has long recognized Indian tribes as governments that exercise authority over their members and their territories. Through treaties, our nation guaranteed tribal rights to self-government and extended its protection to Indian tribes. Under the Federal Trust responsibility, through the Department of Interior and Justice the United States has provided felony law enforcement in most of Indian country since the 1880s. In other areas, Congress delegated authority to states to exercise felony jurisdiction in Indian country. Throughout Indian country, Indian tribes exercise concurrent authority over misdemeanor crimes by Indians.

Historically, the Office of Justice Programs (OJP) provided minimal assistance and service to tribal governments in supporting their law enforcement functions, which resulted in an American population -- American Indians and Alaska Natives -- who missed out on many formula and discretionary grants, as well as training and technical assistance opportunities for which they might otherwise have been eligible. Since 1993, OJP has taken a comprehensive approach towards the offender, the victim, and the community, working to restore balance and harmony to the tribal community and to improve services in Indian country.

Major Goals and Guiding Principles

Attorney General Janet Reno has been committed to ensuring that all of the Department of Justice carries out its responsibilities in Indian country in a manner consistent with the government-to-government relationship between tribes and the Department. All of OJP's programs in Indian country are measured against the standards set forth in the DOJ Policy on Indian Sovereignty and Government-to-Government Relations With Indian Tribes, which was signed by the Attorney General on June 1, 1995. In addition, OJP's responsibility to improve services in Indian country reflected the Attorney General's deep personal commitment to this issue.

OJP's then-Assistant Attorney General Laurie Robinson established the American Indian and Alaska Native Affairs Desk (Indian Desk) within OJP in June 1995 to facilitate effective grant funding programs, training, and technical assistance. The Indian Desk was designed to provide ease of entry for tribes into the sometimes complex maze of OJP's assistance programs. The Indian Desk provides help in coordinating current tribal funding among various OJP components to enhance technical assistance, monitoring, and program support; assists in the

planning and development of new program initiatives throughout DOJ bureaus and program offices in ways that address the needs of tribal governments; and works closely with DOJ's Office of Tribal Justice and other federal agencies to improve and increase services to tribes, tribal governments and organizations.

Along with the establishment of the Indian Desk within OJP, all bureaus and offices were encouraged to find ways to increase outreach to and coordination with tribal governments to help them improve services.

In 1997, President Clinton directed the Attorney General and the Secretary of the Interior to work with tribal governments to examine law enforcement problems in Indian country and to develop a plan to improve public safety and criminal justice in Indian communities. Through the resulting Indian Country Law Enforcement Improvement Initiatives, the two agencies are working together with tribal leaders to promote effective law enforcement and public safety in Indian communities across the nation.

Review of Major Activities and Accomplishments

Perhaps one of the most stunning accomplishments is the dramatic growth of assistance to tribes in the past eight years. In 1993, OJP provided awards and tribal assistance of approximately \$2.6 million, while in FY 2000, the comparable figure for OJP alone was over \$70 million. If Department-wide assistance is included, DOJ as a whole provided over \$91 million in FY 2000 for tribal law enforcement salaries and equipment, training, construction of detention facilities, juvenile justice programs, tribal courts, research and evaluation, and federal law enforcement efforts. Many of these newly-funded programs were the result of the 1994 Crime Act, which allowed OJP to expand its efforts in many areas, some of which -- such as the four percent set aside in the STOP Violence Against Women program -- were mandated by the legislation. While funding is only one measure of accomplishment, this is a true indication of OJP's increased commitment of tribes.

Another critical priority is to assist tribal governments in building comprehensive and effective law enforcement and public safety systems to provide a foundation for healthy communities through comprehensive problem-solving (planning, implementation, and evaluation) based on indigenous justice practices and systems. The goal of the Comprehensive Indian Resources for Community and Law Enforcement Project (CIRCLE) is to enhance tribal governments' response to public safety and to improve the quality of life in tribal communities. This historic partnership draws support from a broad range of federal agencies, including the Department of Justice, Interior, Labor, and Health and Human Services. The CIRCLE Project includes the Northern Cheyenne Tribe in Montana, the Oglala Sioux tribe in South Dakota, and the Pueblo of Zuni in New Mexico. The tribes are using various DOJ resources to support a range of prevention, intervention, and victim assistance efforts.

Following are some select examples of OJP assistance -- training and technical expertise,

as well as monetary -- to tribes and communities in Indian country over the past eight years.

- Law Enforcement

Under the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program (Byrne), tribes have received over \$2.9 million since 1993 to improve their criminal justice systems, combat illegal drugs, and fight violent crime. Tribes have also received over \$4.7 million since FY 1996 under the Local Law Enforcement Block Grant (LLEBG) program to hire, train, and employ law enforcement officers, enhance security measures around schools or other special risk areas, establish multi-jurisdictional task forces, and establish crime prevention programs. (Both the Byrne program and LLEBG can be used for a variety of legislatively determined purposes not limited to those listed.)

- Corrections

The Violent Offender Incarceration and Truth-in-Sentencing Grants for Indian Tribes program provides Indian tribes an opportunity to build or renovate jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction. Since FY 1996, 15 tribes have received over \$72.8 million in design and construction funds. The OJP Corrections Program Office, which administers the program, has provided an additional \$1.8 million in technical assistance in design, oversight, construction, environmental issues, and opening new facilities.

- Courts

The Tribal Drug Court Initiative was created in 1997 by OJP, in partnership with the National Association of Drug Court Professionals, to assist interested tribal governments with the development of drug courts. Since research has shown that alcohol is the most abused substance by both adults and juveniles in tribal communities, these courts address alcohol as well as other substance abuse issues. A specialized training and technical assistance program helps tribal communities develop drug court programs that work effectively within tribal justice systems and tribal culture. In FY 1995, prior to creation of the tribal initiative, 4 grants were awarded. Since 1997, grants have been awarded for planning, implementation, or enhancement of tribal drug courts. Currently, 30 tribal drug courts are operational with 53 in the pilot or planning stages.

In addition, OJP continues to work with tribal governments to develop, enhance, and operate tribal judicial systems through the Tribal Court Initiative.

- Juveniles

The *SafeFutures* Program is a discretionary grant program offered by the Office of

Juvenile Justice and Delinquency Prevention (OJJDP) that concentrates on a continuum of care to reduce the number of serious, violent, and chronic juveniles offenders. It combines efforts such as community-wide gang prevention and intervention, programs and sanctions for juvenile offenders, and prevention programming, into a comprehensive, collaborative initiative that targets at-risk and delinquent youth. Ft. Belknap College in Montana was selected to support the *SafeFutures* site in Indian country - one of six sites chosen nationwide. This site received more than \$4.7 million in funding over the five years of the *SafeFutures* initiative, as well as significant training and technical assistance.

In Fiscal Year 2000, 34 American Indian and Alaska Native tribal communities received nearly \$8 million in grants to prevent and control youth violence and substance abuse as part of OJJDP's Tribal Youth Program. These funds, which can be used for such things as truancy reduction, accountability-based sanctions, training for juvenile court judges, substance abuse counseling, and strengthening families, represented an unprecedented federal investment in tribal lands to address youth violence. (This program is part of the Indian Country Law Enforcement Improvement Initiative.)

The Juvenile Justice and Delinquency Prevention Act specifies that a portion of each states juvenile justice formula grant funding be made available to fund programs for Indian tribes. Each year, an amount is designated as the minimum that a state must pass through to its Indian tribes. Historically, many state awards for exceed the statutorily required amount. Since 1993, tribes have received over \$2.7 million under this program.

Victims and Domestic Violence

The Office for Victims of Crime (OVC) supports victims in Indian country in many ways. Its Victim Assistance in Indian Country Program provides discretionary grants to states to establish "on reservation" victim assistance programs in areas of Indian country where there are few or no services for crime victims. Over \$9.2 million has been awarded under this program since 1993 to provide services such as crisis intervention, emergency shelter, mental health counseling, and court advocacy. In addition, \$8 million has been provided in subgrants from the states to tribes under the regular Victim Assistance program. OVC also does extensive work to improve investigation, prosecution, and handling of child abuse cases in Indian country under the Children's Justice Act, as well as other outreach programs.

The STOP Violence Against Indian Women Discretionary Grants authorized by the Violence Against Women Act (VAWA) and administered by OJP's Violence Against Women Office (VAWO) provides 4 percent of funds allocated yearly for the STOP Violence Against Women Grant Program. The grants are intended to improve services for domestic violence victims and to improve the investigation and prosecution of violent crimes against Indian women, who have traditionally been underserved, especially those who live in isolated rural areas where no services are available. Since 1995, tribal

communities have received over \$29.8 million in funding under this program. Tribal communities have also received \$7.9 million in funding under VAWO's Rural Domestic Violence and Child Abuse Prevention Program, and \$6.6 million under the Grants to Encourage Arrest Policies Program. In the September 2000, VAWA was reauthorized and the amount set aside for tribes under the STOP Violence Against Women Grant Program was increased to 5 percent.

Both OVC and VAWO do significant training and technical assistance within Indian country, contracting with culturally-sensitive technical assistance providers, such as Mending the Sacred Hoop -- an Indian service provider.

In November 2001, OVC will also sponsor the Seventh National Conference on Strengthening Indian Nations, which will bring together victim service providers, law enforcement officials, prosecutors, and mental health professionals to address issues of victimization in Indian country. Since 1988, OVC has funded six such conferences, with the most recent in 1997.

State of Affairs Today

With partnerships and support from OJP in place, tribes have moved forward on many initiatives. Creative thinking and innovative responses by Indian tribes have resulted in some progress in addressing crime and victimization in Indian country. Through Western criminal justice approaches, some tribes have diverted tribal resources to improve public safety by investing in jails and detention facilities, as well as adopting graduated sanctions. Other tribes have begun to enhance tribal justice practices and systems. For example, one Southwest Pueblo is enhancing the role of traditional sheriffs in the Pueblo. Indian tribes throughout the nation are also returning to indigenous justice ways, such as Peacemaking and Circle Sentencing. Others are combining Western approaches and indigenous justice ways. In short, tribes are developing response systems that accurately reflect their communities' problems and unique problem-solving methods. In addition, the federal focus on addressing crime in Indian country has also increased.

Funding had continued to increases for programs in Indian Country, with an anticipated expenditure of \$106 million in FY 2001, which includes funds for two new programs -- one focusing on enforcing laws relating to alcohol sales and use and the other to help tribes collect important justice statistics.

Over the past eight years, OJP has demonstrated its willingness to reach out to and support the efforts by tribal communities to improve public safety, which has resulted in newly forged partnerships between tribes, between tribes and state and local governments, and between tribes and DOJ. These partnerships are key to the cooperation necessary to ensure that communities in Indian country are safe and healthy.

Next Steps and Challenges

Despite the strides that have been made in the past few years, Indian communities still face serious crime problems. While crime rates have fallen throughout the nation, federal and tribal law enforcement agencies report that violent crime in Indian communities is rising. The February 1999 Bureau of Justice Statistics' (BJS) report, *American Indians and Crime*, found that American Indians and Alaska Natives suffer the highest violent crime victimization rates in the nation. From 1992-1996, the violent victimization rate for American Indians (124 violent crimes per 1,000 persons) was more than twice the rate for other Americans (50 per 1,000 persons). Violence against American Indian women is particularly severe. The violent crime rate for Native American women during this period was 98 per 1,000 females, a rate considerably higher than that found among white females (40 per 1,000) or black females (56 per 1,000). Native Americans suffer 7 sexual assaults per 1,000 compared to 3 per 1,000 among blacks, 2 per 1,000 among whites, and 1 per 1,000 among Asians. American Indians also suffer the nation's highest rate of child abuse, and the number of Indian juveniles in federal custody has increased 50 percent since 1994.

Many crime-related problems in Indian country are fueled by alcohol abuse. Alcohol remains the most pervasive substance abuse problem in Indian country. American Indians continue to experience high arrest rates for alcohol-related offenses (such as driving under the influence, liquor law violations, and public drunkenness). American Indian victims of violence were the most likely of all races to indicate that the offender committed the offense against them while drinking. The Indian Health Service reports that the alcoholism death rate for Indians 15 to 24 years of age is over 17 times the comparable rate for other races.

The public safety crisis in Indian country is further magnified by emerging gang violence, offenders returning to tribal communities after incarceration, and a substantially higher rate of interracial violence than experiences by white or black victims. Both Indian tribes and the federal government are challenged to address these problems and to ensure the deliver of services to victims.

Again, despite recent advances, gaps in information and services also persist. The Justice Department will continue to request support and assistance for Indian tribes to improve tribal justice systems and to enhance the quality of life on Indian reservations, in tribal communities, and in Alaska Native villages. Information promoting promising approaches or lessons learned through research and evaluation projects supported by the National Institute of Justice (NIJ) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) will be developed and published.

OJP will continue to increase its efforts to channel justice-related resources through discretionary grants and to make existing programs traditionally available to states and local entities more relevant to the needs of tribal governments. OJP also encourages the coordination of resources at the tribal level to more effectively combat crime in tribal communities. OJP is

working to ensure that tribal governments are included in efforts to improve access to and integration of criminal justice and information technology so that Indian tribes can more effectively combat crime and share information among various tribal justice components, as well as within and among jurisdictions.

Overall, OJP's goal is continue to implement the programs now in place, which have begun to address the problems of Indian people who have long been left out of or short-changed in the delivery of justice-related services.

Documentation

1. United States, Department of Justice, Office of Justice Programs, "Office of Justice Programs Partnership Initiatives in Indian Country," (Washington: February 1997).
2. United States, Department of Justice, Office of Justice Programs, "Office of Justice Programs Fiscal Year 2000 Program Plan: Resources for the Field," (Washington: FY 2000).
3. United States, Department of Justice, Office of Justice Programs, "OJP Issues and Practices Report: *Promising Practices and Strategies to Reduce Alcohol and Substance Abuse Among American Indians and Alaska Natives*," (Washington: August 2000).
4. United States, Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, "American Indians and Crime," (Washington: February 1999).
5. United States, Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, "Jails in Indian Country, 1998 and 1999," (Washington: July 2000).

F. Combating High-Tech Crime, International Crime, and Terrorism

I. Fighting High-Tech Crime

a. Submission by the Criminal Division

Background

In 1993, the CERT Coordination Center at Carnegie Mellon¹ received 1,334 reports of "computer incidents." By 1999, this number jumped to 9,859. In the first three quarters of 2000, the Center already has received 15,167 reports of incidents. While the CERT figures do not capture all incidents of cybercrime, they do demonstrate a well-documented phenomenon: cybercrime is increasing rapidly. As demonstrated by the e-commerce denial of service attacks and the dissemination of the Love Bug virus in early 2000, the number of computer incidents and the damage caused by computer criminals are staggering.

The increased use of computers and computer networks has raised significant challenges for the U.S. government and, in particular, the Department of Justice. For the most part, the Department of Justice's efforts to address issues related to computer crime can be divided into the following categories:

Computer as Target

There have been an increasing number of attacks on the confidentiality, integrity, and availability of computers and other communications devices. The types of crimes in this category include "hacking" (by insiders, criminal groups, foreign intelligence agents, and crackers who break into system for fun or for bragging rights), "hacktivism" (making a political statement by attacking a computer), virus dissemination, and information warfare. In coming years, we expect these types of computer crime will continue to increase and pose a significant threat to the Internet, e-commerce, and our critical information infrastructure.

Computer as Tool

Computers and modern communications networks increasingly are used as "tools" of unlawful conduct, allowing criminals to expand their illegal activity to the Internet and other technologies. In most instances, the crimes appearing in this category are the same "traditional" crimes we combat in the physical world, only now these crimes are committed via technologies such as the Internet and electronic devices. More details on unlawful conduct on the Internet can be found in *The Electronic Frontier: The Challenges of Unlawful Conduct on the Internet*, the

¹ The CERT Coordination Center was established in November 1988, after a Cornell University graduate student released the "Morris Worm," which brought down much of the Internet and demonstrated the growing network's susceptibility to attack.

report by the President's Working Group on Unlawful Conduct on the Internet, which is attached.

Computer as Incidental Accomplice

The explosive increase in the use of all types of high-tech devices (e.g. PDAs, computers, smart devices, satellite & wireless services) has resulted in criminals using computers as "incidental accomplices"- most notably to communicate, store information, and perform financial and other transactions. Information which at one time was maintained in paper files or not at all now resides in digital format on hard drives and networks, and information that was once transmitted as analog voice over plain old telephone wire is now transmitted in digital format over the Internet. As a result, high-tech devices often contain critical evidence of criminal activity, both with respect to the computer crimes described above and to crimes in the physical world that do not directly involve the use of a computer (e.g. a kidnapper drafting, printing, and saving a ransom note with this printer and computer).

Major Goals and Guiding Policies

Combating the computer crimes discussed above has required a team of professionals, including investigators, forensic experts, and prosecutors, all of whom have technical expertise. Unlike law enforcement agents fighting "traditional" crimes, these individuals not only need to know generally how to investigate or prosecute a crime, but also must have specialized skills and training in computers and technology. That is, investigators must not only know how to run investigations, they must be versed in the intricacies of technology to insure that evidence is not lost or overlooked. Forensic experts need to know how to handle evidence to protect its integrity for prosecution and how to recover, analyze, and protect digital evidence that is often perishable and easily damaged. Prosecutors must know more than standard evidentiary and procedure rules; they must understand the jargon and complexities of high-technology crimes and be able to translate the evidence in a manner understandable to a judge and jury.

While almost every component within the Department is confronting high-tech and/or computer crime issues, there are several key components that have lead our efforts on these matters. The National Infrastructure Protection Center ("NIPC"), housed at the FBI, is an interagency center that serves as the focal point for the government's efforts to warn and respond to cyber attacks. The NIPC oversees the National Infrastructure Protection and Computer Intrusion squads that exist in 16 field offices (Washington D.C., New York, San Francisco, Chicago, Dallas, Los Angeles, Atlanta, Charlotte, Boston, Seattle, Baltimore, Houston, Miami, Newark, New Orleans, and San Diego) and specialize in investigating computer crimes.

The Computer Crime & Intellectual Property Section ("CCIPS") is the cornerstone of the Department's prosecutorial computer crime efforts. The section currently has 21 attorneys who focus exclusively on issues relating to computer crime and intellectual property crime. In addition to having primary responsibility for intrusion and intellectual property cases, CCIPS provides support, training, and advice to other components responsible for certain types of crimes facilitated by or using computers. CCIPS also trains and works closely with the one or

two Computer-Telecommunications Coordinators ("CTC") in each U.S. Attorney's Office (and in designated components within other parts of Justice) who serve as the district's prosecutorial expert on computer crime cases. CCIPS and CTCs provide widespread training and advice to non-DOJ groups on computer crime issues, including the Secret Service, the Postal Service, the Inspectors General, and international, state, and local law enforcement groups. While CCIPS and CTCs exclusively focus on computer crime issues, there are other components within the Department that are devoting significant resources and personnel to cybercrime matters. For example, the Child Exploitation and Obscenity and Fraud Sections of the Criminal Division have dedicated programs to address matters involving online child pornography and fraud, respectively. Other components that are actively developing specialized areas of expertise include the DEA, the Tax Division, the Civil Rights Division, the Office of Consumer Litigation, and the Criminal Division's Terrorism and Violent Crimes, Asset Forfeiture and Money Laundering, and Narcotic and Dangerous Drug Sections.

The Department also has forensic teams who are specially trained to preserve electronic evidence and analyze computers. The FBI's Computer Analysis and Response Team ("CART") has primary responsibility for performing forensic analysis in computer-related cases. In addition, the FBI's Applied Science and Engineering provides assistance in data collection (including interception and search and seizure) and analysis of digital evidence, as well as technical assessment support to assist investigators in developing leads. Other components with specialized forensic capabilities include the DEA Computer Forensics Program and the INS Seized Computer Evidence Recovery Specialist Program.

The Department also has other resources dedicated to computer crime and related activities. For example, the Bureau of Justice Statistics ("BJS") gathers relevant statistical information regarding cybercrime. The National Institute of Justice ("NIJ") assesses law enforcement agencies' technology needs and is developing investigative training materials and forensic tools.

Review of Major Activities and Accomplishments

The Department's major activities and accomplishments are as follows:

Investigations & Prosecutions

The Department has personnel dedicated to investigating and prosecuting cybercriminals. As described in more detail above, dedicated personnel include computer forensic examiners, investigators, and prosecutors. In the attachments are two lists of press releases, speeches, Congressional testimony, letters, reports, manuals, select media reports, and court filings related to computers and cyberspace documenting the Department's accomplishments in combating cybercrime. Also attached are the index pages for www.cybercrime.gov, www.nipc.gov, and www.internetfraud.usdoj.gov, the websites of CCIPS, the NIPC, and the Fraud Section, respectively, that provide valuable information on the Department's cybercrime efforts.

Specific initiatives that are noteworthy in the cybercrime area include the FBI's Innocent Images National Initiative, the Intellectual Property Initiative, and the Internet Fraud Initiative. In early 2000, the Internet Fraud Complaint Center ("IFCC") opened. The IFCC, which has a website at www.ifccfbi.gov, is a joint venture between the FBI and the National White Collar Crime Center that fields fraud complaints from citizens, analyzes data on Internet fraud, and develops investigative packages for law enforcement.

Training

CCIPS spearheads the Department's efforts to train local, state, and federal agents and prosecutors on the laws governing cybercrime. In 1999 alone CCIPS attorneys gave over 200 presentations to a wide variety of audiences. In addition, CTCs across the country are frequently training prosecutors and agents in their districts. Under the Department's training model, CCIPS attorneys train CTCs who then can train other AUSAs (or component colleagues) and state and local law enforcement agencies. In addition, the National Advocacy Center/Office of Legal Education, in conjunction with various components, regularly sponsors classes regarding computer crime and electronic evidence.

The National Cybercrime Training Partnership ("NCTP") is a ground-breaking consortium of federal, state, and local entities dedicated to improving the technical competence of law enforcement in the information age.

State/Local

The FBI has directly supported the development of two Regional Computer Forensic Laboratories ("RCFLs"). These laboratories are cooperative ventures between the FBI, DEA, other federal agencies, state and local law enforcement agencies. The FBI contributed significant funds to these first two RCFL's and they are housed in FBI space. These RCFL's provide computer forensic support to all law enforcement agencies within their respective territories.

The Department announced earlier this year the creation of a network of federal, state, and local law enforcement officials with expertise in, and responsibility for, investigating and prosecuting cybercrime. The network would include the creation of a 24 hour/7 day a week cybercrime contact at each agency.

Industry Relations

The Department of Justice works in partnership with industry to address cybercrime and security. In April 1999, the Department of Justice initiated with the Information Technology Association of America ("ITAA") the Cybercitizen Partnership, a partnership on a national campaign to educate and raise awareness of computer responsibility and to provide resources to empower concerned citizens. The campaign received \$300,000 in grants from the Department of Justice's Office of Justice Programs. The Partnership also has initiated a personnel exchange program between private sector and the NIPC that is designed to educate each group about how the other responds to threats and crimes over the Internet.

Over the past seven years, CCIPS, NIPC, and the CTC network have engaged in regular outreach to industry to ensure that communications channels are open between government and the private sector and to encourage cooperation on efforts to prevent and combat cybercrime. In 2000, the NIPC and CCIPS organized industry outreach conferences with the ITAA. Thus far, conferences have been held in Palo Alto, Herndon, Seattle, and Denver.

The NIPC, in conjunction with the private sector, has developed the "InfraGard" initiative to expand direct contacts with the private sector infrastructure owners and operators and to share information about cyber intrusions, exploited vulnerabilities, and infrastructure threats. The initiative encourages and facilitates the exchange of information by government and private sector members through the formation of local InfraGard chapters within the jurisdiction of each FBI Field Office. Chapter membership includes representatives from the FBI, private industry, other government agencies, state and local law enforcement, and academia.

International

Because of the borderless nature of the Internet, we must develop effective partnerships with other nations to encourage them to enact laws that adequately address cybercrime and to provide assistance in cybercrime investigations. A balanced international strategy for combating cybercrime has been at the top of the Department's national security agenda.

International Organizations

Several multilateral groups currently are addressing high-tech and computer-related crime. Of these groups, the Council of Europe ("COE"), and the Group of Eight ("G-8") countries are the most active. To begin to address the need to harmonize countries' computer crime laws, the COE is drafting a Cybercrime Convention, which will define cybercrime offenses and address such topics as jurisdiction, international cooperation, and search and seizure. The Department, through CCIPS and the Office of International Affairs ("OIA"), has played an active advisory role to the COE in this process. The G-8 Subgroup on High-tech Crime, which is chaired by CCIPS, has been focusing on ways to enhance the abilities of law enforcement agencies to investigate and to prosecute computer- and Internet-facilitated crimes, such as establishing a global network of high-tech crime experts and developing capabilities to locate and identify those who use the Internet to commit crimes. The NIPC and OIA also serve as members of the U.S. delegation to the subgroup. In May 1998, President Clinton and his G-8 counterparts adopted a set of principles and an action plan, developed by the Subgroup, for fighting computer crime.

Coordination/Training

The FBI, through its legal attache program, coordinates international cybercrime investigations. CCIPS serves as the U.S. Point-of-Contact for the G-8's 24-7 Network, which was established so that countries can rapidly respond to international requests for assistance in cybercrime and preservation of electronic evidence.

OIA has spearheaded efforts to highlight computer crime issues during the negotiation of bilateral mutual legal assistance treaties ("MLATs") and extradition treaties, insuring that these agreements cover these offenses. These efforts have been quite successful. The number of MLATs has increased sharply, from 13 in 1995 to 36 in FY 2000, and 24 new extradition treaties entered into force during this period.

Critical Infrastructure Protection

The NIPC and CCIPS have worked closely with the National Security Council (NSC) on the National Plan for Information Systems Protection (version 1.0). In addition, the NIPC and CCIPS are represented on several of the Critical Infrastructure Coordinating Groups managed by the NSC and lead the Department's efforts on PDD-63, the Five-Year Counterterrorism Strategy.

The NIPC serves as the U.S. government's center for threat assessment, warning, investigation, and response for threats or attacks against our critical infrastructures, which include telecommunications, energy, banking and finance, water systems, government operations, and emergency services. CCIPS also has provided expert legal and technical instruction and advice for exercises and seminars to senior personnel on information warfare, infrastructure protection, and related topics, working with various intelligence agencies.

State of Affairs

While the Department has taken the threat of cybercrime seriously, it has been unable to dedicate adequate personnel and equipment to keep up with the explosion of cybercrime. CCIPS, NIPC, and other components are in constant danger of losing personnel to lucrative positions in the private sector. As a result, the Department is unable to devote adequate forensic experts, investigators, and prosecutors to cybercrime cases, as well as meet the increasing requests that it receives for advice and for assistance on cases, training, and international matters.

Next Steps/Challenges for the Incoming Administration

Operational Challenges

The most pressing cybercrime challenge is providing adequate funding for personnel (computer forensic examiners, investigators, prosecutors), training, and equipment for cybercrime cases and policy. Without this funding, other challenges simply cannot be met.

Technical Challenges

As networked communications and e-commerce expand around the globe, businesses and consumers become more vulnerable to the reach of criminals. The global nature of the Internet enables criminals to hide their identity, commit crimes remotely from anywhere in the world, and to communicate with their confederates internationally. This can happen in nearly any type of crime, from violent crime, terrorism, and drug-trafficking, to the distribution of child pornography and stolen intellectual property, and attacks on e-commerce merchants.

Legal Challenges

Deterring and punishing computer criminals requires a legal structure that will support detection and successful prosecution of offenders. Yet the laws defining computer offenses, and the legal tools needed to investigate criminals using the Internet, can lag behind technological and social changes, creating legal challenges to law enforcement agencies.

Documentation

- A. Index page of www.cybercrime.gov, the Computer Crime & Intellectual Property Section's website.
- B. Index page of www.nipc.gov, the National Infrastructure Protection Center's website.
- C. Cybercrime Documents: List of press releases, speeches, Congressional testimony, letters, reports, manuals, and court filings related to computers and cyberspace (available from www.cybercrime.gov).
- D. National Infrastructure Protection Center Press Room: List of press releases, Congressional testimony, and media articles.
- E. Index pages of www.ifccfbi.gov, the Internet Fraud Complaint Center website and www.internetfraud.usdoj.gov, the Fraud Section's website on Internet fraud.
- F. *The Electronic Frontier: The Challenge of Unlawful Conduct Involving the Use of the Internet* (March 9, 2000).
- G. *Cyberstalking: A New Challenge for Law Enforcement and Industry: A Report from the Attorney General to the Vice President* (August 1999).
- H. *Report on the Availability of Bombmaking Information* (April 1997).

b. Submission by the Criminal Division, Fraud Section

CYBERCRIME/INFORMATION TECHNOLOGY

Internet Fraud

With the continuing expansion of the Internet as a global medium for electronic commerce and communication, Internet fraud is the type of cybercrime most likely to cause significant harm to consumers and businesses here and abroad, and to undermine consumer confidence in the Internet. Law enforcement authorities are observing a growing variety of fraudulent schemes that exploit the Internet. The range and variety of these schemes increasingly mirror the types of fraudulent schemes that predate the creation of the Internet. Fraudulent investment schemes, securities market manipulations, fraud in the sale of online goods and services, credit-card fraud, and other advance-fee schemes are now widely prevalent on the Internet.²

Because of the rapid changes in information technology, and the ability of criminals to use the Internet to conduct their fraudulent schemes from anywhere in the world, the Department recognized the need for a comprehensive and coordinated response to the problem. As a result, in February 1999, Attorney General Reno established the Internet Fraud Initiative. The Initiative, which President Clinton announced in May 1999, is a Department-wide initiative that established six objectives in a comprehensive approach to investigating, prosecuting, and preventing Internet fraud of all types. These six objectives are: (1) providing coordination between federal, state, local, and foreign law enforcement and regulatory agencies in Internet fraud prosecutions; (2) supporting and advising on Internet fraud prosecutions; (3) fostering the development of investigative and analytical resources; (4) ensuring sufficient training for prosecutors and agents on Internet fraud; (5) conducting public education and prevention on Internet fraud; and (6) developing information on the nature and scope of Internet fraud.

To date, the Initiative has made substantial progress. The establishment of the Internet Fraud Complaint Center, as a joint project of the FBI and the National White Collar Crime Center, provides law enforcement at all levels with a new and powerful mechanism for receiving and analyzing complaints about Internet fraud, identifying trends and patterns in Internet fraud schemes, and assisting law enforcement in investigating Internet fraud.³ The Department, through the G-8 High Tech Crime Subgroup, is actively engaged with other nations in addressing how to improve international cooperation and coordination of Internet fraud enforcement.

² See U.S. Department of Justice, "Internet Fraud," <<http://www.internetfraud.usdoj.gov>>.

³ The IFCC's Website is <<http://www.ifccfbi.gov>>. In its first six months of operation, the IFCC has already received more than 19,000 complaints about all types of Internet fraud, from consumers and businesspeople in 106 countries. *Id.*

Through its National Advocacy Center, the Department now provides basic and advanced training on Internet fraud for prosecutors and agents, including foreign prosecutors from a variety of jurisdictions such as the United Kingdom, Germany, Japan, and Hong Kong. In addition, the Department's outreach and prevention efforts include creation of Webpages on Internet fraud for the Department's Website.⁴

* * *

⁴ See <<http://www.internet.fraud.usdoj.gov>>.

c. Submission by the Federal Bureau of Investigation

Cybercrime/Information Technology:

Cyber criminals include hackers, virus writers, criminal groups, con artists, pedophiles and sexual predators, terrorists, foreign intelligence services, foreign militaries conducting information warfare, trade secret thieves, and intellectual property pirates.

The Computer Security Institute's "Computer Crime and Security Survey" of companies indicates that 74% of the respondents reported security breaches including theft of proprietary information, financial fraud, system penetration by outsiders, data or network sabotage, or denial of service attacks. Total damages in 2000 were up from \$124 million in 1999, \$265.6 million. The survey did not include the estimated costs of recent major cyber attacks/investigations: "Love Bug"--estimated \$10 billion in damages/losses; Hacking by Kevin Mitnick--at least \$291.8 million in losses over two years; the 2/00 denial-of-service attacks (e-Bay, Amazon, Yahoo, etc.)--over \$100 million; and the "Melissa virus"--estimated \$80 million in damages.

To address a growing workload in the area of computer-related crime, the FBI requested additional Agents in 1997 for the establishment of computer crime squads in key field offices to address such crimes across the nation. These offices would simulate the three computer crime squads established in San Francisco and New York City in 1995, and the National Computer Crimes Squad established in Washington, D.C., in 1992. Assisting the FBI's Field Computer Crime Agents was the Computer Investigation and Infrastructure threat Assessment Center (CITAC), created in 1996 at FBI Headquarters to manage computer investigations and infrastructure threat assessment matters. With the approval of the Attorney General in September 1995, a National Security Threat List (NSTL) issue was established within the FBI's National Foreign Intelligence Program. This provided the FBI with investigative responsibility for criminal violations involving computer networks and national security implications of such incidents. On July 15, 1996, President Clinton signed Executive Order 13010 to establish, on an interim basis, an Infrastructure Protection Task Force (IPTF) chaired by the FBI within the Department of Justice to include the Department of Defense and the National Security Agency as well as other agencies. This interagency body coordinated existing infrastructure protection efforts during an in depth study for long-term recommendations.

On February 26, 1998, the FBI created the National Infrastructure Protection Center (NIPC) to create a partnership of information sharing in detecting, preventing, and responding to unlawful acts involving computer and information technologies as well as those that threaten or target the critical infrastructures. The NIPC incorporated and expanded on the mission of the former CITAC. NIPC resulted from President Clinton's Presidential Decision Directive 39 that directed the Attorney General to chair a Cabinet Committee to assess the vulnerability of the Nation's critical infrastructures and recommend measures to protect them. As a result, the Attorney General created the Critical Infrastructure Working Group (CIWG). The CIWG led to

Executive Order 13010, creating the President's Commission on Critical Infrastructure Protection to study the problem in depth. This Commission provided its report to the President in October of 1997 and recommended the creation of a national warning center. In recognition of the Department of Defense and the FBI's necessary need for coordination in dealing with attacks on infrastructures, the Attorney General and Director Freeh created NIPC.

In FY 1998, the FBI opened 547 computer intrusion cases; in FY 1999, that number jumped to 1,154. Similarly, the number of pending cases increased from 206 at the end of FY 1997 to 601 at the end of FY 1998. By the end of FY 1999 the number of pending cases was 834 and, in FY 2000, the number is over 1,100. These statistics include only computer intrusion and virus cases, and do not account for computer-facilitated crimes such as Internet fraud, child pornography, or e-mail extortion efforts. In these cases, the NIPC and NIPCIP squads often provide technical assistance to traditional investigative programs responsible for these categories of crime.

As the result of the May 1993 disappearance of 13-year old, George Stanley Burdinski, the FBI initiated an innovative and proactive investigation referred to as "Innocent Images." Innocent Images focuses on the sexual exploitation of children through the Internet and on-line services. It allowed the Department of Justice and the FBI to develop the investigative techniques needed in addressing child pornography and other crimes in cyberspace. Computer Analysis Response Team (CART) Agents and technicians, operational since 1984 and trained under the FBI Laboratory, assist in the search and examination of computer and telecommunications equipment used by pedophiles and sexual predators. The FBI's Information Resources Division provides critical automation services as well to support child pornography investigations and other crimes against children. Such services include the Rapid Start Team. The Rapid Start Team is deployed to cities where a child abduction or similar crime has occurred and there are large volumes of information that must be computerized, indexed, and made available for analysis for the investigators.

As mandated by President Clinton by Executive Order 137789 and the Pam Lyncher Sexual Offender Tracking and Identification Act of 1996, the FBI established an interim capability in February 1997 for a national sexual predator and child molester registration system. In the Spring of 1998, the FBI conducted the first of five regional On-line Child Pornography/Child Sexual Exploitation conferences in Atlanta, Georgia. Thirty FBI Agents and 200 state and local law enforcement officers from 7 Southeastern states attended the conference. Currently, the central operation and case management system for all FBI on-line child pornography and child exploitation investigations are located at the Maryland Metropolitan Office at Calverton in the Baltimore Division. This Innocent Images National Initiative provides a multi-agency investigation of on-line child pornography and child exploitation through Agents and task force officers going undercover on-line. In FY 1999, a total of 1,497 Innocent Images cases were opened; 245 search warrants and consent searches were executed; 193 arrests were made; and 154 indictments and information and 108 convictions were obtained as a result of the Innocent Images National Initiative.

The "Protection of Children from Sexual Predators Act of 1998," enacted January 27, 1998, established the National Center for the Analysis of Violent Crime (NCAVC). In addition to prohibiting the use of computers in committing crimes against children, this act included increased penalties for the use of a computer in the sexual abuse or exploitation of children. The act also required Electronic Communication Service Providers engaged in providing interstate or foreign commerce computer services to the public, to notify law enforcement of child pornography evidence during the transaction of computer services. The NCAVC is a major component of the FBI's Critical Incident Response Group (CIRG), created by Director Freeh on May 17, 1994 to facilitate the FBI's rapid response to, and management of, crisis incidents. The NCAVC also houses the Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resource Center, created by law in 1998 to provide investigative support to federal, state, and local authorities. The NCAVC works closely with the National Center for Missing and Exploited Children in child abductions and other child victimization cases. On March 9, 1998, the National Center for Missing and Exploited Children launched the Cybertipline for individuals to report child sexual exploitation incidents, a significant source of complaints of Internet related child pornography and sexual exploitation.

2. **Fighting International Crime**

a. Criminal Division

(See generally other Criminal Division submissions)

b. Federal Bureau of Investigation

(See generally other Federal Bureau of Investigation submissions)

3. Fighting Domestic Terrorism

a. Submission by the Criminal Division

BRINGING TERRORISTS TO JUSTICE

I. Background

Presidential Decision Directive 39 (PDD-39), issued in 1995, sought to organize more systematically the federal government's counter-terrorism activities. Responsibility for coordination was placed with the interagency Coordinating Sub-Group (CSG) of the Deputies Committee. This National Security Council-chaired group has included the Departments of State, Defense, Justice, FBI, CIA, Treasury and, when appropriate, Transportation, the Federal Aviation Administration (FAA), Federal Emergency Management Agency (FEMA) and Health and Human Services (HHS). The Terrorism and Violent Crime Section (TVCS) serves as the Department's primary representative on the National Security Council's Counterterrorism Security Group (CSG).

Under the leadership of the CSG, significant strides were made in counter-terrorism measures, including the rendition of an unprecedented number of foreign terrorists both to the United States and to other countries. The CSG has also coordinated defensive efforts against terrorism, including coordination of security arrangements for the Atlanta Olympics, which was judged to be an attractive target for attack by terrorists using unconventional weapons. The CSG was also involved in initial implementation of a nationwide effort to build state and local first response and consequence management capabilities, and it sponsored an unprecedented series of complex exercises to test our national capacity for responding to simultaneous unconventional threats. Because the threat of a terrorist attack involving unconventional weapons has grown, and the vulnerability of our critical infrastructure has emerged, President Clinton decided to expand and elaborate the system developed by PDD 39 and the CSG, and did so by issuing PDD 62 and PDD 63 on May 22, 1998. These new PDDs created interagency working groups to deal with these new issues: the Weapons of Mass Destruction Preparedness Group (WMDPG) and the Critical Infrastructure Coordination Group (CICG). In addition, the CSG was renamed the Counter-Terrorism Security Group to reflect more accurately its new mandate.

The Department's responsibility to perform specific international and domestic terrorism functions - functions of unquestionable national importance - is mandated by Presidential Decision Directives 39 and 62 (PDDs 39 and 62) and the Five-Year Interagency Counter-Terrorism and Technology Crime Plan (Five-Year Plan). The Antiterrorism and Effective Death Penalty Act, enacted in 1996, and predecessor legislation created a broad base of federal counterterrorism statutes which require priority implementation pursuant to PDDs 39 and 62.

The Conference Committee report which accompanied the Department's 1998 Appropriations Act directed the Attorney General to consult with the Secretaries of Defense, State, and Treasury and with the Directors of the FBI and CIA, to develop a baseline strategy for coordination of national policy and operational capabilities to combat terrorism in the U.S. and against American interests overseas. In order to represent all participating agencies involved in the nation's counterterrorism efforts, extensive interagency coordination was undertaken to assess each agency's efforts, to identify and eliminate unnecessary duplication and overlap, and to discover and remedy any existing gaps. The Five-Year Plan was submitted to Congress on December 30, 1998, following a year-long process involving 24 federal agencies, as well as state and local authorities and academia.

The Five-Year Plan encompasses government-wide efforts to prevent and deter terrorist attacks, reduce vulnerabilities to terrorism, improve law enforcement capabilities to manage a crisis created by a terrorist incident and handle the consequences of such an incident, including national preparedness to counter the use of conventional and unconventional weapons by terrorists. No single federal agency is responsible for this range of effort; indeed responsibility in a number of these areas extends beyond the federal government to state and local authorities. Hence broad-based coordination of numerous agencies and components is required on an on-going basis to ensure an effective strategy for national preparedness. The National Security Council's National Coordinator for Security, Infrastructure Protection and Counter-terrorism has called the Five-Year Plan the Administration's broadly based and detailed strategy for counterterrorism and national preparedness.

Annual updates of the Five-Year Plan track the national effort to move beyond the baseline level and to accomplish the numerous specific actions, objectives and goals which comprise the Five-Year Plan. The FY 1999 Update was submitted to Congress in March 2000. TVCS is currently drafting the FY 2000 Update based on input obtained from participating agencies as to their accomplishments during fiscal year 2000.

3. Major Goals and Guiding Policies

The Five-Year Interagency Counter-Terrorism and Technology Crime Plan outlines the steps necessary to achieve nationwide readiness to address the full range of terrorist threats. The Plan describes emerging terrorist threats which present new challenges and lays out a number of strategies to begin to meet those challenges. As national policy on combating terrorism continues to evolve, our nation extends its focus beyond the acts of terrorism which we have experienced both at home and abroad through the use of conventional weapons to the threat of catastrophic terrorism and the use of weapons of mass destruction (WMD). Through the Five-Year Plan, the Administration outlined specific steps we can take to work internationally, on the federal level, and with state and local authorities to improve our counterterrorism capabilities.

Over the past decade, our diplomatic and law enforcement efforts have sensitized the international community to the need to treat terrorism as criminal conduct and have resulted in

increased international cooperation in our efforts to investigate and prosecute those responsible for terrorist incidents. As part of our message equating terrorism with criminal conduct, we have maintained that sanctuaries for terrorists must be eliminated, that countries that sponsor terrorism must be penalized, that criminal acts committed by terrorists should be punished, and that states victimized by terrorism, as well as states that help bring terrorists to justice, should receive assistance from the United States. We must continue to build international cooperation in counter-terrorism efforts.

Domestically, we have devoted substantial effort to augmenting the Department's crisis response capability. On January 22, 1996, the Attorney General approved the creation of an Attorney Critical Incident Response Group (ACIRG) designed to provide a core of specially-trained personnel from which the Attorney General can draw for use in a law enforcement crisis. ACIRG is comprised of six Criminal Division attorneys (four from the Terrorism and Violent Crime Section), six Assistant U.S. Attorneys, and one attorney from the Civil Rights Division. The Attorney General further specified that TVCS, in conjunction with EOUSA, was to provide training for at least one AUSA from each district in crisis response. Accordingly, each U.S. Attorney designated a senior Assistant U.S. Attorney as a Crisis Management Coordinator (CMC) to act as the district's point of contact on crisis response matters and to receive specialized training. As part of its training efforts, TVCS prepared an extensive crisis response manual, which has progressed through three editions.

4. Review of Major Activities and Accomplishments

The Department of Justice, primarily through the Terrorism and Violent Crime Section of the Criminal Division, is actively involved in the investigation of all major international terrorist acts, i.e., those committed by international terrorists against the United States and its citizens, occurring both overseas and within the United States, as well as domestic terrorist acts, i.e. acts such as the bombing of the Murrah Federal Building in Oklahoma City perpetrated by home-grown extremists within our own nation. This function requires TVCS emergency response following particularly major terrorist acts, to include round-the-clock staffing of the FBI Strategic Information and Operations Center (SIOC) and, on some occasions, dispatching prosecutors to the scene of the act to assist the FBI. Following the initial investigative response, TVCS works with the FBI on the continuing investigation. These investigations often result in the filing of sealed indictments against identified defendants who have committed criminal acts against U.S. persons and property in the U.S. or abroad. Some of these cases may take years to bring to trial, due to the extraordinary international and inter-agency cooperation often required to bring fugitive defendants to justice. However, the investigation and prosecution of such cases remains an important legal tool in the continuing fight against terrorism.

In partnership with the U.S. Attorney's Office in the District of Columbia, TVCS is directly involved in the initiation and prosecution of all extraterritorial terrorism cases venued in the District of Columbia pursuant to the federal venue statute, and TVCS supports international and domestic terrorism prosecutions venued in other districts. That support includes the

processing of requests for Attorney General certification required for initiation of a prosecution under 18 U.S.C. § 2332 and, frequently, the handling of the Classified Information Procedures Act (CIPA) portion of cases handled by U.S. Attorneys' Offices outside the District of Columbia. Involvement in CIPA issues is based on the Section's longstanding knowledge of critical terrorism issues and the insistence of U.S. foreign intelligence agencies that their interface with the Department on terrorism prosecutions occur at the headquarters level.

Specific accomplishments include investigation and prosecution of those responsible for the following acts of terrorism:

Bombing of the Murrah Federal Building in Oklahoma City

Recent accomplishments include the successful prosecutions of Timothy McVeigh and Terry Nichols for the bombing of the Murrah Federal Building in Oklahoma City. Defendants Timothy McVeigh and Terry Nichols were both convicted in federal court on numerous charges arising out of the April 19, 1995 bombing of the Murrah Building in Oklahoma City which killed 168 people. McVeigh received a sentence of death, Nichols received a life sentence.

World Trade Center Bombing

On February 26, 1993, a bomb exploded in the underground parking lot of the World Trade Center in New York City, killing six people and injuring hundreds of others. Four defendants were apprehended and prosecuted on the following violations: 18 U.S.C. §§ 33, 111, 371, 844(d), (f) & (i), 924(c), 1546, and 1952. Trial began in September 1993 and concluded in March 1994 with convictions of all defendants. All defendants received sentences that will ensure their incarceration for the remainder of their lives.

A fifth defendant, conspiracy leader Ramzi Yousef, was a fugitive at the time of the trial. He was subsequently apprehended and rendered from Pakistan in February 1995. By that point, evidence had been developed concerning the involvement of Eyad Ismoil. He was extradited from Jordan. Yousef and Ismoil went to trial on World Trade Center charges in August 1997 and were convicted in November 1997. They both received life sentences. The final defendant, Abdel Rahman Yasin, remains a fugitive.

Sheik Rahman's Conspiracy to Bomb New York Landmarks

On August 25, 1993, an indictment was obtained against Sheik Abdel Rahman and numerous other defendants for conspiracy to bomb the World Trade Center, the United Nations Building, the Lincoln and Holland Tunnels, the New York headquarters of the FBI, and to assassinate Egyptian President Hosni Mubarak. Some defendants were also charged with the 1990 murder of Rabbi Meir Kahane. Violations of the following statutes were included in the indictment: 18 U.S.C. §§ 111, 371, 373, 844, 924, 1114, 1117, 1502, 1546, 2231, & 2384. Trial

began in January 1995 and concluded in October 1995 with the conviction of 11 defendants. The sentences on non-cooperating defendants ranged from 25 years to life.

Manila Air Case

In January 1995, the U.S. learned of a plot based in Manila to bomb 12 commercial U.S. jumbo jets flying Asian-Pacific routes. In December 1994, the conspirators had engaged in a test on a Philippines airliner using only about 10% of the explosives that were to be used in each of the bombs to be planted on the U.S. airliners. The test resulted in the death of a Japanese national on board a flight from the Philippines to Japan. Three defendants were prosecuted for violations of the following statutes: 18 U.S.C. §§ 32, 371, 751, 924(c), 2332, & 2332a. Trial began in May 1996 and concluded in September 1996. The following sentences were subsequently imposed: Ramzi Yousef (rendered from Pakistan)—life; Wali Khan (rendered from Malaysia)—awaiting sentence; & Murad Hakim (rendered from the Philippines)—life. There is one remaining fugitive defendant, Khalid Sheikh Mohammad.

Bombing of Pan American Flight 103

The Department continues to devote considerable resources to the on-going prosecution of two Libyan defendants charged with the bombing of Pan American Flight 103, en route from London's Heathrow Airport to New York's JFK Airport, on December 21, 1988. All 259 passengers and crew members on board, as well as 11 residents of the Scottish town of Lockerbie, were killed. Ensuing investigation established that the bomb had been placed in the airline baggage system in Malta, on Air Malta Flight KM-180 to Frankfurt, where it was transferred to Pan Am Flight 103A to London Heathrow and on to Flight 103. The investigation developed evidence that the bombing was carried out by Abdel Basset Ali Al-Megrahi and Lamén Khalifa Fhimah, who were acting as officers or agents of the Libyan intelligence service, known as the Jamahiriya Security Organization (JSO).

On November 14, 1991, a 193-count indictment was unsealed in the District of Columbia charging Megrahi and Fhimah with conspiracy, destruction of an aircraft, and murder. United States v. Abdel Basset Al-Megrahi, Lamén Khalifa Fhimah, (D.D.C.) No. 91-0645 (SH). On the same date similar charges were announced by the Crown Office in Scotland.

The United Nations imposed sanctions against Libya pursuant to U.N. Resolution 748 (March 31, 1992), which took effect on April 15, 1992, in an effort to obtain compliance with U.N. demands emanating from Libyan involvement in the bombing of Pan Am 103 and the September 19, 1989, bombing of French airliner UTA 772 in North Africa.

On March 3, 1992, Libya filed applications with the International Court of Justice (ICJ) at The Hague, claiming that the United States and the United Kingdom had breached their obligations to Libya under the Montreal Convention by failing to turn over to Libya the evidence against the defendants for use in a Libyan prosecution as required under the Convention. On

February 27, 1998, the ICJ handed down a decision rejecting the Preliminary Objections filed in 1995 by the United States and the United Kingdom to the jurisdiction of the ICJ to decide the issues raised by Libya, causing the case to proceed to the merits phase. On March 31, 1999, the United States and the United Kingdom filed their Memorials on the merits of the case. Since Libya surrendered the two defendants for trial before a Scottish court in the Netherlands on April 5, 1999, it is not clear whether Libya will file a Reply, as many now consider the case moot.

In January 1998, the U.K. asked the U.S. to join with it in proposing a Scottish trial to be held in the Netherlands. The Department was involved over the next seven months in negotiations with Scottish prosecutors, the U.K. foreign office, the U.S. State Department, and Dutch officials over this proposal. Notwithstanding this Department's objections, the U.S. ultimately agreed to the proposal. However, the Department was able to achieve some modifications, to include a U.N. Resolution setting forth the obligation of Libya to provide evidence to the court. The initiative was announced in August 1998.

On April 5, 1999, the two Libyan defendants were delivered to the custody of Dutch authorities in the Netherlands, and were immediately extradited to the custody of Scottish authorities at the enclave in the Netherlands created for the Scottish trial.

Department attorneys from the Criminal Division's Terrorism and Violent Crime Section assisted Scottish prosecutors in their trial preparations, including the handling of pretrial witness interviews (precognitions) of all U.S.-based witnesses and the processing of documentary and physical evidence held within the United States.

On May 3, 2000, trial began at Camp Zeist, presided over by Lord Sutherland and three other High Court Judges sitting as the Scottish Court in the Netherlands. TVCS has had a continuing presence at the trial and continues to provide assistance as needed.

African Embassy Bombings

On August 7, 1998, at approximately 3:20 a.m., EDT, large vehicle bombs were detonated outside the U.S. Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania. Eleven Americans were killed in Nairobi. There were heavy casualties among Kenyan civilian, and some foreign service nationals employed by the U.S. Embassy were killed. In Dar es Salaam, no Americans were killed but four were injured. Several foreign service nationals who worked at the Embassy were killed.

In the immediate aftermath of the bombings, TVCS and the U.S. Attorney's Office for the Southern District of New York (SDNY) deployed attorneys to both bombing locations. TVCS also covered FBI SIOC. Once the initial investigation confirmed the involvement of the Usama bin Laden (UBL) organization, SDNY assumed the prosecutorial lead responsibility, as UBL was already the subject of indictment in that venue. SDNY has charged 16 defendants in this case. Five defendants are in custody in the U.S. and three others are under arrest, pending

extradition from the U.K. Trial is scheduled to begin in January 2001.

Millennium Threat

On December 14, 1999, Algerian citizen Ahmed Ressay was arrested by U.S. Customs authorities as he sought to enter the United States at Port Angeles, north of Seattle, Washington. The arrest was based on discovery of four timing devices and a substantial amount of explosives in the trunk of Ressay's vehicle. The only components missing to achieve the detonation of one to four powerful explosive devices were readily available batteries. Ressay was initially indicted on charges of illegal transportation of explosives in foreign commerce and false statement to Customs agents. On January 20, 2000, a superseding indictment was returned charging Ressay and Abdelmajid Dahoumane with explosives, false statement, and false documents violations as well as violations of 18 U.S.C. §§ 33, Placing an Explosive in Proximity to a Terminal, and 2332b(1)(B), an Act of Terrorism Transcending a National Boundary. Dahoumane, who is also wanted by Canadian authorities, is a fugitive. Trial is set for March 12, 2001 in Los Angeles, California.

Material found on Ressay's person linked him to Abdel Ghani Meskini (Ghani). On December 30, 1999, Ghani, who was in the U.S. illegally, was taken into custody pursuant to a complaint filed that day in the Southern District of New York alleging that he concealed his material support of Ressay's efforts to violate federal explosives laws (18 U.S.C. §§ 2339A & 844(i)) and that he trafficked in and used fraudulent access devices, including credit and bank cards (18 U.S.C. § 1029(a)(2) & (b)(2)). The complaint specifically alleged that during the period from December 11-16, 1999, Ghani traveled to and stayed in the Seattle area for the express purpose of meeting Ressay. In addition, SDNY indicted Mokhtar Haouari for violations of 18 U.S.C. §§ 371, 1028(a)(2), (b)(1), (b)(4), (c)(1), (c)(3), and (f), 1029(a)(2) and (b)(2), and 2339A. Mokhtar waived extradition proceedings in Montreal and is in custody in the Southern District of New York.

Bombing of the USS Cole

On October 12, 2000, at approximately 11:22 a.m., the USS Cole was attacked while refueling off the coast of Aden, Yemen by a small boat containing explosives. The explosion blew a forty foot square hole in the USS Cole, killing 17 U.S. sailors and injuring 39. A large contingent of FBI agents was assigned to the investigation, and deployed to Aden. The Yemeni government initiated its own investigation, and balked at the presence of FBI agents and at the suggestion of a joint investigation. As a result, the FBI was limited in its attempt to pursue an independent investigation of the crime scene, but has interviewed surviving American sailors who witnessed the attack, processed some of the evidence provided by the Yemeni authorities, and received results of the Yemeni investigation. Through the efforts of the Department, the U.S. successfully negotiated and signed guidelines for a joint investigation, and these guidelines are currently being implemented.

Other Pending Cases

Other examples of ongoing international terrorism cases include, the Rashed case in the District of Columbia, which stems from the bombing of Pan Am Flight 830 in 1982; and the Brothers to the Rescue case in Miami.

IV. State of Affairs Today

As mandated by PDD 62, the Department is involved in the development of investigative and prosecutorial strategies to address the problem of fundraising within the United States in support of the terrorist activities of foreign terrorist organizations. The Department plays a leadership role in the NSC CSG subgroup which addresses this area.

The Department devotes considerable effort to work with the Secretary of State and the Secretary of the Treasury to designate foreign terrorist organizations (FTOs) which are subject to the fundraising restrictions enacted as part of the Antiterrorism and Effective Death Penalty Act. Such designations have a life of two years at which point they must be redesignated or, by act of law, dissolved. In 1997, TVCS took the lead in the initial round of designations and devoted extraordinary resources to the designation of 30 FTOs. In 1999, TVCS participated in the redesignation of 27 FTOs and the designation of one additional FTO. Since then, one additional FTO has been designated and several others are under consideration. The on-going efforts to designate FTOs as well as the need to redesignate FTOs every 2 years require the continued dedication of experienced resources for this function.

The Criminal Division's responsibility for weapons of mass destruction (WMD) preparation - a function of national importance - is outlined in PDDs 39 and 62 and the Five-Year Plan. In addition, the Nunn-Lugar-Domenici Act of 1996 mandates extensive Executive Branch preparatory activity relating to a potential WMD attack and provides new authorities for responding to such acts. The Department continues to identify areas where improved WMD authorities are required and develops the requisite legislative or regulatory proposals. For example, in FY 2000 the Department drafted legislation designed to improve the government's ability to prevent biological terrorism attacks. Similarly, analysis of the sufficiency of current federal quarantine law and the subsequent initiation of efforts with HHS to improve federal quarantine authority is on-going. The Department is also engaged in active coordination with other agencies, including particularly DOD, in the resolution of conflicting views between the military and law enforcement concerning appropriate procedures and authorities for WMD prevention and response capabilities.

V. Next Steps

The level of resources devoted to counterterrorism efforts must match the high priority given to this issue. Any reduction in resources assigned for the prosecution of international and domestic terrorism cases will seriously impede U.S. national policy, e.g., as set forth in PDDs 39

and 62, to bring terrorists to justice regardless of when or where they are found. Because of the significance of these cases, the need for a uniform approach, and the expertise required to address the unique intelligence and other issues that arise, it is essential that the Department of Justice continue to centralize policy and enforcement efforts at headquarters, and that TVCS continue to have primary responsibility for this function at the current or enhanced level.

Federal, state and local agencies have developed crisis and consequence management plans to respond to a variety of critical situations, including terrorist acts. State and local governments continue to modify their existing emergency response plans to address terrorist incidents. This process should be completed as soon as possible, and federal, state and local plans should be integrated so that in the event of a terrorist incident, all jurisdictions and individuals involved in the response and mitigation can work together in a jointly planned, fully integrated effort. By educating themselves as to the scope and provisions of each agency's and jurisdiction's plan, and by exercising and training together, these entities can learn to work effectively together and enhance our overall readiness.

We must make every effort to prepare to identify and respond to the consequences of a WMD attack, should one occur. To do so, we must continue to assist state and local authorities to train and equip first responders and emergency workers. These efforts should include a concentrated effort to train and equip medical and public health personnel and to strengthen the existing public health infrastructure, particularly the surveillance system, so that we are more likely to detect a surreptitious biological attack.

The Five-Year Plan outlines specific steps we can take to safeguard public safety by improving state and local capabilities. These steps include increased communication and intelligence sharing among federal, state and local law enforcement agencies; increased training, planning and equipping of first responders and emergency personnel to address terrorist acts involving WMDs; enhancement of strategically placed resources to enable local medical providers to quickly and safely treat victims of WMD attack and protect others at risk; and enhancement of public health systems and resources to detect and respond to WMD attacks. Working in partnership with state and local officials and emergency responders, we will continue to refine and augment these objectives through the annual updating process.

Our counter-terrorism efforts must also include protection of our critical infrastructures, those vital networks of independent, interdependent, mostly privately-owned, systems and processes that work together to produce and distribute a continuous flow of essential goods and services. According to The President's Commission on Critical Infrastructure Protection, these infrastructures are deemed critical because they are "so vital that their incapacity or destruction would have a debilitating impact on our defense and economic security" The Commission identified eight critical infrastructures: transportation; oil and gas production and storage; water supply; emergency services (police, fire, medical); government services; banking and finance; electrical power; and telecommunications. Most of our nation's critical physical infrastructure is privately owned, making partnerships between the public and private sectors vital to its

maintenance and protection. PDD 63 outlines comprehensive steps to be taken nationwide to achieve and maintain the ability to protect our nation's critical infrastructures from intentional acts, including terrorist acts, to disrupt their operations.

Technological development has a significant role to play in protecting U.S. citizens and assets from the terrorist threat. Technology is a vital tool to be used in conjunction with intelligence gathering, law enforcement and other activities to safeguard U.S. persons and interests both within the U.S. and abroad. While there is no technological "fix" for terrorism, many terrorist acts, particularly against fixed targets, can be deterred, prevented or mitigated by judicious use of technical tools.

A number of agencies are engaged in independent research and development efforts, consistent with their individual agency missions, which relate to our nation's overall counterterrorism strategy. In addition, agencies pursue joint research and development projects to develop technologies which further their individual agency goals; these joint efforts allow them to leverage their resources for greater gains than they might achieve independently. Some of these joint efforts impact on our overall counterterrorism R & D goals. There are a number of working groups and other mechanisms in place which enable agencies involved in research and development to exchange ideas, keep abreast of each other's progress, and minimize duplication. Efficient management of these various research and development efforts will spur progress toward targeted areas of need identified by federal, state and local officials and by the responder community.

b. Submission by the Federal Bureau of Investigation

Bringing Terrorists to Justice:

On November 11, 1999, Director Freeh announced the creation of a Counterterrorism Division to consolidate all FBI counterterrorism initiatives, formerly under the National Security Division, into one division. To effectively accomplish the Counterterrorism's mission, the FBI divides this program into four components; the International Terrorism Program, the Domestic Terrorism Program, the National Infrastructure Protection and Computer Intrusions Program, and the National Domestic Preparedness Office.

Under Title 28, U.S.C., Section 533, the Attorney General "may appoint officials to detect and prosecute crimes against the United States." This statute confers on the Attorney General broad general investigative authority with respect to federal criminal offenses. Historically, the Attorney General has consistently delegated that investigative authority to the FBI for all crimes not otherwise assigned by Congress to another agency. This delegation was officially published under 28 C.F.R. O.85, which also provides in paragraph (I) that the FBI should "exercise lead agency responsibilities in investigating all crimes for which it has primary or concurrent jurisdiction and which involve terrorist activities or acts in preparation of terrorist activities within the statutory jurisdiction of the United States."

Various statutes give the FBI authority to investigate terrorist crimes committed overseas. Chief among these are the Comprehensive Crime Control Act of 1984, which created a new section in the U.S. Criminal Code for Hostage Taking, and the Omnibus Diplomatic Security and Anti-terrorism Act of 1986, which established a new statute pertaining to terrorist acts conducted abroad against U.S. nationals and/or its interests (Extraterritorial Terrorism Statute).

In the aftermath of the Oklahoma City tragedy, Congress passed the Anti-Terrorism and Effective Death Penalty Act on April 24, 1996, which bolstered federal powers to fight terrorism and limits appeals by death row inmates. The House-Senate compromise on the bill stipulated a ban on fund-raising activities in the United States by terrorist-linked organizations and outlined procedures to expedite deportation of aliens convicted of felonies.

The FBI's role as a lead agency in terrorism matters is further supported by Presidential Decision Directive (PDD)-39 and PDD-62. PDD-39 sets forth the U.S. CT policy and outlines the FBI's jurisdictional responsibilities in relation to terrorism. PDD-39 also grants the Department of Justice, acting through the FBI, responsibility for leading operational response to a WMD incident. Moreover, the FBI is responsible for investigating acts of terrorism.

The FBI's role as lead agency relating to Critical Infrastructure Protection comes from PDD-63, from the Computer Fraud and Abuse Act, 18 U.S.C. 1030, Executive Order 12333 (which sets out the responsibilities of the U.S. Intelligence Community), and from statutes that grant the FBI authority to investigate possible violations of criminal law, terrorist activities, or

possible terrorist activities. In PDD-63, the President directed that the National Infrastructure Protection Center (NIPC) serve as a national critical infrastructure threat assessment, warning, vulnerability, and law enforcement investigation and response entity.

The National Domestic Preparedness Office (NDPO) draws its authority from the United States Attorney General who, in October 1998, announced the office's creation after conferring with the National Security Council, the FBI, and with over 200 state and local level emergency responders. The NDPO received Congressional authorization in November 1999 through Commerce/Justice/State Appropriations for Fiscal Year 2000.

As a direct result of terrorist bombings in the late 1970s and early 1980, the first Joint Terrorism Task Force (JTTF) was established in New York City. JTTFs currently exist in 29 FBI Field Offices where over 500 FBI Agents work side by side with over 430 local, state, and other federal law enforcement personnel.

The FBI's Counterterrorism Center, the forerunner of the Counterterrorism Division, supports and advises ongoing field investigations; reviews raw information and disseminates finished reports and alerts; expedites threat/warning/law enforcement information to other U.S. Government agencies and organizations. It also manages the National Threat Warning System (NTWS), which provides warnings to over 40 U.S. Government agencies, to over 17,000 law enforcement agencies, and to over 100,000 private sector security personnel. There are currently 18 federal agencies participating in the FBI's Counterterrorism Center.

World Trade Center Bombing

In February 1993, a massive explosion at the World Trade Center in New York City killed six people, injured 1,042, and caused over \$500 million in damage. Two days after the explosion, investigators identified the vehicle which carried the explosive device into the parking garage, a discovery which eventually led to the arrests of four of the perpetrators. In March 1994, a jury in the Southern District of New York convicted Muhammad Amin Salameh, Nidal Ayyad, Mahmud Abouhalima, and Ahmed Ajaj for their roles in the bombing. They were each sentenced to 240 years in prison. Ramzi Yousef, another bombing suspect, was arrested in Pakistan by the FBI and returned to the U.S. He and Eyad Mahmoud Simail Najim were convicted for their roles in the bombing, and each were sentenced to 240 years in prison.

Oklahoma City Bombing

On April 19, 1995, the Murrah Federal Building in Oklahoma City was destroyed by a bomb blast that took the lives of 168 innocent men, women, and children, and wounded over 700 others. On August 10, 1995, Timothy J. McVeigh and Terry Lynn Nichols were indicted by a federal grand jury in Oklahoma City, charging them with conspiracy to use a weapon of mass destruction, use of a weapon of mass destruction, destruction by explosive, and eight counts of first degree murder. On Friday, June 13, 1997, Timothy McVeigh was sentenced to death after

having been found guilty on all counts. On February 26, 1999, Terry Nichols was convicted of conspiring to use weapon of mass destruction and eight counts of involuntary manslaughter and sentenced to life in prison without parole. Michael Fortier, the third person charged in connection with the bombing, was a key witness at both trials. He was sentenced to two years in prison.

UNABOMB

Beginning on May 25, 1978, the FBI began a 17-year investigation into 16 improvised bombs mailed or placed during this period. The bombings resulted in three deaths and 23 injuries to people throughout the U.S. In February 1996, the FBI received information on the possible involvement of Theodore J. Kaczynski, a former professor of mathematics at the University of California at Berkeley, who was a recluse living in Lincoln, Montana. In April 1996, the FBI and the Bureau of Alcohol, Tobacco, and Firearms obtained a search warrant, and Kaczynski was subsequently arrested during the search. On June 18, 1996, a ten-count indictment was returned against Kaczynski, charging him with four bombings that killed two individuals and injured two others. On October 1, 1996, a three-count indictment was returned against Kaczynski, charging him with a bombing that killed one individual. At the beginning of his trial, Kaczynski agreed to an unconditional plea of guilty to all of the charged acts as well as bombings for which he was not formerly charged. He was sentenced on May 15, 1998, to life in prison with no chance for parole.

UBL/KENBOMB/TANBOMB

On August 7, 1998, the U.S. Embassies in Nairobi, Kenya, and in Dar es Salaam, Tanzania, were destroyed in simultaneous suicide truck bomb attacks. The attacks resulted in the deaths of 225 people, the injury of 4,735 people, and the launch of the largest overseas investigation in FBI history. Currently, there are three ongoing simultaneous criminal investigations: one case concerning Usama Bin Laden (UBL) and his Al Qaeda organization; one case concerning the Nairobi bombing which, resulted in the death of 12 U.S. persons; and one case concerning the Dar es Salaam bombing, which resulted in the injury of 12 U.S. persons. To date, a total of 17 subjects, including UBL, have been charged in these criminal cases, nine of whom are incarcerated (six in the United States and three in the United Kingdom), while the remaining eight are fugitives.

ADENBOMB

On 10/12/00, a small fiberglass boat exploded next to the U.S. Naval Destroyer *U.S.S. Cole* while it was in the process of refueling in the Port of Aden, Yemen. The explosion caused a 40-foot large gash in the port (left) side of the ship. In cooperation with the Department of Defense and the Department of State, the FBI immediately began to deploy investigative personnel to Yemen, and established a 24-hour command center at FBIHQ, which is staffed with representatives from numerous federal agencies. Command centers have also been established at

the New York and Washington Field Offices and in Aden, Yemen. The investigation is being conducted jointly with Yemeni authorities.

c. Submission by the Office of Justice Programs

BRINGING TERRORISTS TO JUSTICE

Background

There are several perspectives that must be taken into account when focusing on bringing terrorists to justice. Agencies within the Office of Justice Programs (OJP) have varying responsibilities. First, we have an obligation to support those law enforcement and other first responders who must be prepared for and respond to an incident of mass destruction and casualty. And, second, we have no less an obligation to support the victims of such crimes.

On April 30, 1998, the Attorney General delegated authority to the Office of Justice Programs (OJP) to administer new state and local domestic preparedness programs for the Department of Justice. On August 21, 1998, OJP created the Office for State and Local Domestic Preparedness Support (OSLDPS) to deliver financial and technical support to first responder communities across the nation.

The Office for Victims of Crime (OVC) works to meet the needs of victims of crime by funding a network of victim service providers, helping communities respond to crises, funding state compensation and assistance programs, and ensuring that victims' voices are heard. In recent years, the federal government has been called upon to play a larger role in mitigating and responding to all types of human-caused violent events and disasters.

Historically, through its Community Crisis Response (CCR) program, OVC has funded services to communities that have suffered crimes resulting in multiple victimizations or community-wide trauma. For example, OVC's CCR program promptly deployed crisis response teams to Oklahoma City after the 1995 terrorist bombing of the Alfred P. Murrah Federal Building. Based upon the lessons learned in working with victims in Oklahoma City, OVC released the report, *Responding to Terrorism Victims, Oklahoma City and Beyond*, which identifies the special measures needed to protect the rights and meet the needs of victims of a large-scale terrorist attack involving mass casualties. In particular, the Report emphasizes when the federal government responds to acts of terrorism involving massive casualties, victims' rights must be upheld, and victims' short- and long-term emotional and psychological needs must be met.

Major Goals and Guiding Policies

First Responders

The primary mission of OJP/OSLDPS is to develop and implement a national program to enhance the capacity of state and local agencies to respond to weapons of mass destruction

(WMD) terrorist incidents through coordinated training, equipment acquisition, technical assistance, and support for state and local exercise planning.

Under this initiative, OJP/OSLDPS is focused on five interrelated areas: equipment acquisition, training, exercises, technical assistance, and engaging the field.

Victims

In 1996, the President signed the Anti-terrorism and Effective Death Penalty Act into law. The act authorized OJP's Office for Victims of Crime to assist victims of terrorism by using monies from the federal Crime Victim Fund to pay for emergency medical and psychological services for victims, victim advocacy throughout the criminal justice proceedings, and limited financial compensation for costs incurred by victims as a result of terrorism.

In the past, OVC's goal was to provide short-term training and technical assistance to communities in crisis. However, experience has demonstrated that every community would benefit by having its own extensive community-based response plan. Since 1996, OVC has worked to help states and communities accomplish this by helping them prepare crisis response plans that include local and state-based emergency counseling and intervention and long-term mental health services for victims and surviving family members. Where states already have the personnel, resources, and teams to respond to major crises, OVC is encouraging them to develop strategies to ensure victims are provided long-term services.

Of course, terrorist acts against Americans also occur beyond our nation's borders -- two notorious examples are the embassy bombings in Kenya and Tanzania, and the Pam Am 103 bombing over Lockerbie, Scotland. The Justice for Victims of Terrorism Act, signed into law in 2000 by President Clinton, enables OVC to provide more assistance to these victims by expanding the types of assistance for which the Victims of Crime Act (VOCA) emergency reserve fund may be used, and the range of organizations to which assistance may be provided. These changes will not require new or appropriated monies; they simply allow OVC greater flexibility in using existing reserve funds to assist victims of terrorism abroad. The act authorizes OVC to raise the cap on the VOCA emergency reserve fund from \$50 million to \$100 million, so that the fund is large enough to cover the extraordinary costs that would be incurred if a terrorist act caused massive casualties. Together, the 1996 Victims of Terrorism Act and the 2000, Justice for Victims of Terrorism Act have enhanced the federal government's capacity to respond quickly and effectively to the needs of victims of terrorist act, whether that act occurs within or beyond our national borders.

Review of Major Activities and Accomplishments

First Responders

Funding

OJP/OSLDPS funds state and local agencies to enhance the nation's first responder capabilities through equipment acquisitions that will help the first responders' response to incidents of domestic terrorism involving chemical and biological agents, as well as radiological and explosive devices.

In FY 1998, OJP/OSLDPS awarded its first equipment grants totaling \$11,857,720 under the *State and Local Domestic Preparedness Equipment Support Program*. The 120 largest jurisdictions in the United States were eligible to apply for FY 1998 funding. Competitive grant awards were made to 41 jurisdictions to purchase equipment in four categories—personal protection, decontamination, detection, and communication.

In FY 1999, OSLDPS developed two levels of grant equipment programs that were aimed to cover more of the country. The FY 1999 equipment grants reached out and funded counties and states that weren't receiving grants from other programs. The first grant equipment program, *FY 1999 County and Municipal Agency Domestic Preparedness Equipment Support Program* provided direct grants totaling \$30.7 million to 157 of the most populated cities and counties in the nation for the procurement of basic defensive level equipment. Also, in FY 1999, OJP/OSLDPS awarded \$51.8 million through its *State Domestic Preparedness Equipment Program* to the nation's 50 states and the District of Columbia to purchase personal protective, chemical, biological, and radiological detection, decontamination, and communications equipment. This funding is administered by a governor-designated state agency. In FY 2000, territories were also included in the *State Domestic Preparedness Equipment Program*.

To qualify for OSLDPS assistance, the states, territories, and the District of Columbia are required to develop a Needs Assessment and a Three-Year Statewide Domestic Preparedness Strategy to plan the allocation of OJP and other resources. A Web-based data collection tool was created to allow states and local jurisdictions to submit their assessment data and statewide strategic plans on-line. To assist in this effort, OJP/OSLDPS released the following publications: *State Domestic Preparedness Equipment Program Assessment and Strategy Development Tool Kit*, and *Guidance for the Development of a Three-Year Statewide Domestic Preparedness Strategy*. FY 2000 and FY 2001 State Equipment funding will be awarded after OJP/OSLDPS receives a completed Needs Assessment and Statewide Domestic Preparedness Strategy from each state. The 50 states will receive a total of \$70, 103,000 in equipment grants through FY 2000 funds. It is projected that states will receive \$78.4 million in FY 2001.

The Equipment Training Support program, a partnership with Pine Bluff Arsenal, was designed to insure that jurisdictions purchasing equipment under the OJP/OSLDPS equipment

acquisition grant program receive proper training in the operation and maintenance of the equipment purchased.

OJP/OSLDPS addressed the issue of interoperable communications through a FY 1999 \$4 million grant to JPS Communications, which provided a complete, self-contained, and transportable communications interoperability package to local emergency response agencies in 12 selected jurisdictions. Once the systems are in operation, OJP's National Institute of Justice (NIJ) will evaluate the program and compile a report of its findings.

Training

The National Domestic Preparedness Consortium (NDPC) was formally organized on June 11, 1998 to bring together the various entities receiving funding under OJP's domestic preparedness initiative into a singular, coordinated, and integrated training program. On Consortium member, OJP's Center for Domestic Preparedness (CDP) was established as an OJP component on June 1, 1998 and operates as part of OJP/OSLDPS. Over 60,000 first responders, including firefighters, law enforcement, EMS, HAZMAT, and emergency management personnel, were trained through OJP/OSLDPS programs in the areas of awareness, technician, operations, and terrorist incident command. Currently, OJP/OSLDPS offers 16 domestic preparedness training courses and has produced three videos for use by public safety officials. OJP/OSLDPS is developing additional courses and videos.

Exercises

In May 1999, OJP/OSLDPS convened a conference in Chantilly, Virginia to plan an exercise to respond to a major domestic terrorism incident. Conference participants included first responders, practitioners, and emergency management officials from federal, state and local agencies, who recommended that the exercise had to be a multi-site, multi-threat exercise to "stress the system" that responds to such incidents. It also had to involve the participation of Cabinet-level and other key federal officials. Exercise planning was based on meeting objectives articulated at this conference.

In May 2000, OJP/OSLDPS worked with more than 25 federal organizations to conduct TOPOFF 2000, the most comprehensive counterterrorism exercise conducted to date in America. The exercise simulated a chemical weapons attack on Portsmouth, New Hampshire and a biological attack on Denver, Colorado. More than 1,000 federal, state, and local officials participated in the exercise, which was co-chaired by the Federal Emergency Management Agency. A coordinated exercise was also held in the Washington, DC metropolitan area.

TOPOFF 2000 was conducted to assess the ability of the federal, state, and local assets working together to mitigate the consequences of a WMD attack. The exercise spanned a 10-day period during which local, state, and federal personnel were challenged to employ the measures they normally would in the event of a real incident or attack involving chemical or

biological agents. An after-action report detailing the lessons learned and making recommendations for future counterterrorism activities will be released in early calendar year 2001. A second TOPOFF exercise is being planned for 2002.

OJP/OSLDPS assisted the City of Seattle, Washington in the SEAKING 2000 exercise. As a result of this exercise series, Seattle's capability to respond to a WMD event has been greatly enhanced. OJP/OSLDPS is currently working with the City of New York, New York to develop a biological incident response plan. These exercises will continue in 2001.

Technical Assistance

Through OJP/OSLDPS technical assistance programs, states and local agencies are able to receive assistance on:

- VI. needs assessment of threat, vulnerabilities, response capabilities, and response
- VII. response plans
- VIII. exercise scenario development and evaluation
- IX. state strategy development and implementation.

Engaging the Field

State and local capacity building requires listening to and working with the state and local communities and the entire emergency response community to formulate and guide program activities. OJP/OSLDPS works as a partner with those on the front lines of WMD response. This outreach takes two forms, meetings and conferences and assessments. OJP/OSLDPS has held several conferences – National Stakeholders Conference (August 1998 and May 1999), State Terrorism Policy Summit (NGA/NEMA), Executive Session (Kennedy School of Government, Harvard University), Regional Policy FY 2000 Conferences (NGA/NEMA), and Executive Training for the National Sheriff's Association—to focus policymakers on WMD issues.

Assessments are an essential means for gathering information, understanding the current state of readiness among states and localities, and for helping guide program direction and development, including decisions for prioritizing and allocating the resources (training, equipment, and exercises). Assessments ensure that measures taken to reduce vulnerabilities are justifiable and that resources are appropriately targeted. Formal assessments have been largely absent from most federal programs directed at addressing WMD terrorism. OJP/OSLDPS is changing that. During FY 1999, OJP/OSLDPS undertook a major, two-phase nationwide needs assessment. Phase I of this assessment entitled, *Responding to Incidents of Domestic Terrorism: Assessing the Needs of State and Local Jurisdictions* was released in June 1999. Phase II of the report was released in March 2000.

OJP/OSLDPS is currently focused on these assessments at the state and local levels. As part of the OJP/OSLDPS *FY 1999 State Domestic Preparedness Equipment Program*, states will

be required to conduct individual needs and risk assessments and, using the information gathered, develop individual state strategies addressing issues of training, equipment, and technical assistance needs. These assessments, collectively known as the OSLDPS State Domestic Preparedness Equipment Program Needs Assessment and Strategy Development Initiative, will result in detailed information for each of the 50 states. In FY 1999, to assist states in completing this project, OSLDPS provided both planning grants and technical assistance, including assessment tools and instruments.

These OSLDPS state-based needs assessments are intended to provide a national survey of the current WMD response environment. Working closely with other federal agencies, including the Centers for Disease Control and Prevention (CDC) and the Federal Bureau of Investigation (FBI), OSLDPS will engage city, county, and state emergency managers, law enforcement officers, and public health officials to help individual jurisdictions pinpoint vulnerabilities and develop plans for countering WMD terrorism. The assessment results will serve not only as a roadmap for program planning, but also as a benchmark for measuring program effectiveness. Each state, as part of its responsibilities under the OSLDPS *FY 1999 Equipment Program*, will use the assessments as the basis for developing a Three-Year Strategy, which will be carried out in 2001. To facilitate the process, OSLDPS sponsored a series of regional workshops.

Victims

- In the wake of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, OVC funded three crisis response teams that debriefed and trained more than 1,000 emergency responders, teachers, and school children.
- Prior to the 1996 Summer Olympics in Atlanta, Georgia, OVC provided funds to train victim advocates and volunteers on national and international crisis intervention and response, including instruction from experts on how to assist foreign nationals victimized in the United States. After the bombing during the Olympics in Centennial Park, these advocates were instrumental in ensuring that victims received needed services.
- In Littleton, Colorado, where hundreds witnessed the brutal murder of a teacher and classmates, OVC funded, mobilized, and trained emergency service providers and mental health counselors to serve hundreds of students, parents, school officials, and other community members.
- In the aftermath of the simultaneous bombings of 2 U.S. Embassies in East Africa on August 7, 1998, OVC worked with many different federal agencies including the U.S. Departments of State, Defense, Labor, Health and Human Services, the Office of Personnel Management, the Agency for International Development, and the Central Intelligence Agency to ensure that information, benefits, and services are made available to the victims of those attacks.

- Following the bombing of Khobar Towers in Dhahran, Saudi Arabia, OVC used its new authority under the Antiterrorism Act to ensure that the survivors of the 19 military service members killed in that attack were aware of compensation and assistance benefits. OVC, in conjunction with the U.S. Attorney's Office in the District of Columbia, established a 1-800 line for the families and the other victims to call for current information about the case investigation and status of the alleged terrorists.
- OVC established a Training and Technical Assistance Center (TTAC) that serves as a centralized access point for information about OVC's training and technical assistance resources. TTAC provides rapid response to communities affected by a major crisis involving multiple victims through the Community Crisis Response program. TTAC also promotes information sharing and networking opportunities among administrators of federal, state, tribal, and local service agencies to improve responses to victims of mass violence through organizing state, regional, and national conferences, sponsoring focus groups, and developing publications and videos.

State of Affairs Today

OJP/OSLDPS and OVC continue:

- to develop and deliver domestic preparedness courses for first responders,
- to work with state and local communities regarding equipment acquisition,
- to support state and local communities in enabling them test domestic terrorism response plans, and
- to incorporate emergency- and long-term victim services into preparedness strategies and training.

Documentation

1. United States, Department of Justice, Office of Justice Programs, Office for Victims of Crime, "Responding to Terrorism Victims: Oklahoma City and Beyond." (Washington: October 2000) NCJ 183949
2. Speech of Attorney General Janet Reno at the National Symposium on Victims of Federal Crime, Washington, DC, February 11, 1999, "Assisting Victims of Terrorism."
3. Testimony of Curtis H. Straub, Director, Office of State and Local Domestic Preparedness Support, Office of Justice Programs, before the Subcommittee on Youth Violence, Committee on the Judiciary, United States Senate, June 11, 1999.
4. Testimony of Michael J. Dalich, Chief of Staff, Office of Justice Programs, before the

Subcommittee on National Security, International Affairs, and Criminal Justice, Committee on Government Reform and Oversight, U.S. House of Representatives, October 2, 1998.

II

Enforcing Federal Laws, Protecting American Consumers and Taxpayers, and Representing the Federal Government in Judicial Proceedings

A. Enforcement of Civil Rights Laws

I. Submission by the Civil Rights Division

The Civil Rights Division of the Department of Justice was established in 1957 following enactment of the first civil rights statutes since Reconstruction. Since its creation, the Division has grown dramatically both in size and responsibility. The Civil Rights Division continues to serve as the Federal Government's chief guardian of the civil rights laws of the United States. The federal civil rights laws are historic legislative achievements that address the inequality and unfairness imposed on too many of our people on the basis of race, sex, disability, religion, national origin, familial status, and citizenship status. But these laws mean nothing unless they are faithfully executed. When the dedicated and talented lawyers and staff of the Civil Rights Division vigorously enforce these laws, they honor a sacred pledge to our nation to provide equal justice under law.

During the past eight years, the Department has honored that pledge. Together, the Attorney General, the Division, the Community Relations Service and other components have worked to further the Department's mission in each area of our jurisdiction, with particular emphasis on police misconduct, hate crimes, disability rights, fair lending, and protecting the voting rights of all Americans.

Police Misconduct. The Division played an integral part in the Attorney General's Police Misconduct Initiative, created to coordinate Department-wide civil enforcement efforts in the area of police/community relations. The remarkable decrease in crime in many areas of the country has, unfortunately, been accompanied in some communities -- particularly minority communities -- with a decrease in confidence in the police. Many residents believe that law enforcement is biased, disrespectful, or simply too aggressive. When people do not trust their local police officers, they are less willing to report crime and to be witnesses in criminal cases, and encounters between citizens and police officers generate more tension. The Division worked to rebuild the bond of trust between law enforcement and the communities they serve by addressing police misconduct in several ways.

Criminal Enforcement. Working with the FBI, the Division investigates hundreds of individual allegations of misconduct by police and other law enforcement officers for violations of criminal civil rights laws around the country. Since 1993, we have criminally prosecuted more than 350 law enforcement officers for willful violations of constitutional rights, and obtained convictions of over 200.

Pattern and Practice. Second, under authority created by Congress in 1994, the Civil Rights Division investigates cases in which we receive significant allegations of a pattern or practice of misconduct, including the excessive use of force. From 1995 - 2000, the Division conducted approximately twenty investigations and brought five lawsuits pursuant to the police

misconduct provision of the Violent Crime Control and Law Enforcement Act of 1994. We obtained consent decrees to remedy systemic misconduct such as excessive force, false arrest, and improper searches and seizures by municipal police departments in Pittsburgh and Steubenville, Ohio that established guidelines for training, supervision, discipline and complaint procedures. The Division has also entered into a consent decree with the City of Los Angeles which is pending before the district court. In addition, the Department filed suit against the Columbus, Ohio police department, alleging a pattern or practice of civil rights violations. Investigations of the Washington, DC and Detroit, Michigan police departments are underway.

Several of our investigations into alleged patterns or practices of police misconduct have involved allegations of discriminatory traffic and pedestrian stops – often referred to as racial profiling. Discriminatory stops by law enforcement of minorities traveling on highways or in urban areas are incompatible with fundamental notions of equal justice, and further erode trust between police and the community. Our investigation of discriminatory traffic enforcement by the New Jersey state police led to a consent decree that emphasized non-discriminatory policies and practices as well as improved data collection, training, supervision, and monitoring of officers. The Department reached a similar agreement with the Montgomery County, Maryland Police Department.

Fair Employment Practices. Third, we worked to bring about positive change in law enforcement through employment discrimination litigation. Breaking down barriers that unfairly deny talented women and people of color the opportunity to serve is key to creating high-performing law enforcement teams. Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment on the basis of race, sex, national origin and religion. The Civil Rights Division enforces the statute with respect to state and local government employers. For example, in a suit against the Louisiana State Police, the Division alleged that the written examination for entry level officers had an adverse impact on African-Americans. We obtained a consent decree requiring the State to develop a new, job related examination that reduced the adverse impact on African-Americans nearly 60%, and to provide back pay, hiring and seniority relief. In a suit against the Arkansas Department of Corrections, where we alleged discrimination against women in filling positions at mens prisons, we obtained a consent decree that provided women equal opportunity to compete for all correctional officer assignments, except those in which strip searches are a continuing part of the job. The decree also provided for \$7.2 million in back pay, together with hiring, seniority, and promotional relief for some 400 women.

Strengthening Police-Community Relations. Finally, the Civil Rights Division and other components of the Department have developed cooperative strategies for improving police integrity and police-community relationships. In a series of meetings that began in December 1998, some 200 individuals from law enforcement, civil rights groups, community organizations, and academia have worked together to reach consensus on "best practices" in the areas of police accountability systems, use of force, recruitment and selection, data collection and racial profiling, and community partnering. The effort was highlighted by a landmark conference led

by the President and the Attorney General in 1999, and produced resource guides on traffic stop data collection and hiring and training model practices.

Hate Crimes. The Department's fight against hate crimes remains critically important. A few examples make this abundantly clear.

In June of 1999, three synagogues in Sacramento were set on fire. In July, a gay couple was brutally murdered in their home in Redding, California. Over the 4th of July weekend, a young man linked to a white supremacist organization shot and killed an African-American man and a South Korean student. The assailant began his crime spree in a Chicago neighborhood by shooting at a number of Orthodox Jews on their way home from Sabbath services.

That August, another self-avowed white supremacist shot and killed Joseph Ito, a Filipino-American postal worker in Los Angeles. This took place after the shooter opened fire at a Jewish Community Center, wounding several young children. In September, a gunman entered a Baptist Church in Fort Worth, Texas, killing 7 innocent people -- mostly teenagers. These tragic events followed the barbaric killings of James Byrd, Jr., who was beaten and dragged behind a moving truck in Texas, and Matthew Shepard, a gay college student who was beaten and left tied to a fence on a bitterly cold night in Wyoming.

While much remains to be done, we are proud of what we've accomplished so far. During 1993-2000, the Department prosecuted and obtained convictions against approximately 400 defendants on federal hate crime charges for interfering with federally protected rights of African American, Latino, Native American, and Jewish victims. Nearly 100 of those defendants were affiliated with the Ku Klux Klan or other organized hate groups.

The Civil Rights Division prosecutes such hate crimes under a statute enacted in 1968. But this statute restricts the federal government's jurisdiction to a limited number of hate crimes that occur in particular kinds of places or involve certain "federally protected activities." The Department sought legislation to eliminate these limitations on our enforcement capability. In 2000, the Senate passed the Local Law Enforcement Enhancement Act, which eliminated the unnecessary jurisdictional obstacles and provided for federal prosecution of hate crimes committed on the basis of gender, sexual orientation, and disability. Unfortunately, the House did not take action on the bill. The time is long past for giving the Department the tools it needs to respond effectively to such violence.

The Division also played a leading role in the Department's Hate Crimes Initiative, which established community-based hate crime working groups and training initiatives in each United States Attorney's office.

Related to our hate crimes initiative is the Department's work to combat arson at houses of worship. In 1996, following a rash of fires at churches in the South, the President and Attorney General, together with the Department of Treasury, created the National Church Arson

Task Force. Co-chaired by the Assistant Attorney General for Civil Rights and the Undersecretary for Enforcement at the Department of Treasury, the interagency Task Force opened nearly 1,000 investigations into arsons, bombings, or attempted bombings at our nation's houses of worship and prosecuted more than 300 defendants. Since 1996, the number of such arsons, bombings, or attempted bombings has declined by 53%. The Task Force's arrest rate of 36.2% was more than twice the national average for arson cases. On November 14, 2000, Jay Scott Ballinger was sentenced to 42 years and seven months imprisonment in connection with arsons he committed at 26 houses of worship in eight states. The Ballinger pleas represent the largest number of fires linked to a single defendant since the Task Force was created.

Disability Rights. Among the Department's highest Civil Rights priorities was the vigorous enforcement of the Americans with Disabilities Act, passed in 1990. The Americans with Disabilities Act is the most comprehensive civil rights law in our nation's history. The Division entered into hundreds of landmark settlement agreements ensuring greater access to thousands of businesses and governments, thereby opening up the mainstream of American life to people with disabilities.

Our ADA enforcement focuses on fundamental barriers. The ADA protects the right of people with disabilities to have equal access to the basic institutions of State and local government. The Department has sought to eliminate physical, communication, and policy barriers in law enforcement, town halls, jails, courtrooms, and legislative chambers.

A primary goal of the ADA is to bring people with disabilities into the mainstream of the American economy. The Department has achieved greater accessibility in a wide variety of private-sector settings, including shopping, dining, recreation, and business and leisure travel. Educational opportunity is essential to economic access. The ADA is lowering barriers to educational and professional advancement faced by many people with disabilities. The Department has attacked discrimination in pension and retirement benefits and the failure to provide reasonable accommodations. It has enforced the right to testing accommodations, to accessible educational facilities, and to be free from undue requests by professional licensing authorities for personal and private information about physical or mental conditions.

The ADA requires that people with disabilities have equal access to health care provided by both the public and private sectors and that the care be provided in the most integrated setting appropriate. The Department has acted forcefully to ensure compliance by 9-1-1 systems, dentists, doctors, hospitals, and State long-term care programs.

The ADA protects children with disabilities from discrimination in admission to child care and guarantees reasonable modifications in policies, practices, and procedures to allow full participation in child care programs. The Department has pressed for an end to HIV discrimination and for reasonable efforts by child care providers to accommodate children with diabetes, asthma, food allergies, and other disabilities requiring monitoring, medication, or other assistance.

The Department seeks every opportunity to maintain and expand the effectiveness of the ADA. The Department has fought nationwide to uphold the constitutionality of ADA suits against States. It has also actively pursued alternative dispute resolution to increase ADA compliance.

The ADA specifically recognizes the importance of the built environment in enabling people with disabilities to participate in the mainstream of American life. The ADA requires new or altered places of public accommodation and commercial facilities to comply with the Department's ADA regulations, including the ADA Standards for Accessible Design. The Department has taken a wide range of enforcement actions to ensure that owners, architects, and others involved in the design and construction process meet their ADA obligations. The Department has encouraged local governments to implement local building code responsibilities in a way that enhances compliance with the ADA Standards for Accessible Design. To facilitate compliance with both Federal and local laws, the ADA authorizes the Department, upon request of State or local officials, to certify that State or local building codes meet or exceed the ADA requirements. The Department has certified the accessibility codes of Washington, Texas, Maine, and Florida. Requests from California, Indiana, Minnesota, New Jersey, New Mexico, North Carolina, Maryland are under review.

The ADA mandated an unprecedented technical assistance program to educate businesses, government agencies, and people with disabilities about their rights and responsibilities under the Act. This program has been one of the Department's top priorities. We operate a toll-free ADA Information Line that receives an average of 110,000 calls a year. We have produced numerous technical assistance publications providing guidance on a wide variety of ADA issues. All are available in accessible formats and many are available in Spanish and a number of other languages. The ADA website is one of the Department's most popular and enables the public to download technical assistance publications, policy letters, settlement agreements, and quarterly status reports 24 hours a day. Enforcement activity often provides the basis for future technical assistance. For example, our comprehensive agreement with Days Inns of America, the nation's largest hotel chain, is now a model for other chains. To assist in compliance we published three technical assistance documents for hotel franchisers, their architects and contractors. The Division then wrote to over 300 hotel franchisers, enclosing these materials.

It's no longer unusual to see people with disabilities participating in city council meetings, dining out at restaurants, watching a movie, or cheering at a stadium. But much more remains to be done before people with disabilities can experience all that society has to offer. For example, new buildings that do not comply with the ADA Standards for Accessible Design are still all too common and signal a need for enhanced technical assistance and enforcement. Small businesses, particularly in minority language communities and rural areas, still need more information about how to open their businesses to people with disabilities. Many local governments need more technical assistance and more prodding to make accessible the services that every resident is entitled to. Finally, the Department must continue to defend vigorously the

constitutionality of the ADA within the parameters of the upcoming Supreme Court decision in Garrett v. University of Alabama at Birmingham.

Fair Lending. In a major initiative, the Department worked to combat discriminatory activities by lending institutions and insurance companies against African Americans, Latinos, Native Americans, women, and the elderly. Since 1993, the Department has filed and resolved twenty lawsuits against banks and mortgage companies, resulting in the cumulative payment of approximately \$50 million in damages to victims and civil penalties paid to the United States.

The borrowing experiences of many minority borrowers reaches into the past, when redlining and lack of access to "A" class credit was commonplace. This has contributed to the home ownership gap and the wealth gap, and has also developed the tradition among such borrowers of seeking credit from alternative lenders. Whether their roots are in the inner cities or rural America, many minority and older borrowers may be unfamiliar with banks and banking, may never have had access to an unsecured line of credit, or may not until recently even had a credit card.

The objective of our enforcement program is fair access to credit, and credit that is provided on fair terms and at fair prices. All Americans are entitled to such access -- whether for buying or improving a home or for starting or supporting a business -- so that they can have their fair share of the enormous prosperity our country enjoys.

Our lawsuits have targeted practices that created impediments to fair access to credit. Some involved marketing practices such as redlining -- a determination by a lender to avoid making loans in heavily minority residential areas. For example, in United States v. Albank, we alleged that an Albany, New York lender that was expanding its business into Westchester County and Connecticut excluded the areas where the majority of blacks and Hispanics lived. The consent decree required the lender to abandon its geographic limitations, to make \$55 million in loans at below market rates to borrowers in the previously excluded areas, and to fund education and mortgage counseling services.

Other suits have involved discriminatory underwriting practices -- imposing stricter or less favorable eligibility criteria for loans sought by minorities, as compared with other similarly situated borrowers. For example, in United States v. First National Bank of Dona Ana County, New Mexico, we alleged that the bank discriminated against Hispanics in making mortgage loans for mobile homes. Under the settlement, the bank agreed to pay \$485,000 in damages to individuals who had been denied loans, to provide another \$100,000 for a subsidized mobile home loan fund, and to conduct a program of community outreach.

A third category of cases have involved pricing discrimination -- charging higher interest rates and other costs to minorities or other protected groups than those charged to other similarly qualified borrowers. In United States v. Long Beach Mortgage Company, the lender allowed its

employee loan officers and independent loan brokers to charge, at their discretion, an additional amount over its base price for the loan. Our complaint alleged that African American, Hispanic, female, and older borrowers paid a greater amount for their loans than other borrowers. Under the settlement agreement, the company paid \$3 million in damages to 1,200 victims of discrimination.

Most recently we have turned our attention to the subprime market. A recent report issued by the Department of Housing & Urban Development detailed the phenomenal growth of subprime lending in the last decade and presented some dramatic figures showing the differences between white and black borrowers. Differences are apparent regardless of income level. In comparing rates in low-income neighborhoods, the HUD study reports that 54% of black borrowers, but only 18% of white borrowers obtained subprime loans; for moderate income neighborhoods the figures are 44% for blacks and 10% for whites, and in upper income neighborhoods, 39% for blacks and 6% for whites.

Some minorities who have obtained subprime loans are paying premium prices unnecessarily. They would qualify for "A" market loans but aren't getting them because "A" market loans still aren't readily available to them in their community, they are being steered to subprime lenders, or because they have traditionally used alternative lenders and they lack information about better options.

In addition, some subprime lenders engage in lending practices generally described as "predatory." Some lenders use high pressure sales or deceptive sales methods to persuade individuals that consolidating their consumer debt and refinancing their home mortgage will be advantageous when it will actually mean diminishing their equity and lengthening the term of the mortgage. Some lenders charge exorbitant interest rates and induce borrowers to add on expensive additional products, such as credit life insurance financed by the loan proceeds, that further reduce equity. Some lenders make loans to borrowers whose income level is insufficient to meet the new debt obligations, almost inevitably leading to foreclosure and the loss of a home.

These practices may violate consumer protection laws. But when targeted to minorities, they also violate fair lending laws. In United States v. Delta Funding Corporation, we alleged that the lender violated fair lending laws and consumer protection laws by underwriting and funding home mortgage loans with higher mortgage broker fees for African-American females than for similarly situated white males, paying kickbacks to brokers to induce them to refer loan applicants, and by approving loans without regard to the borrower's ability to pay.

Voting Rights. The right to vote is fundamental to our democracy. The Civil Rights Division has continued to fulfill its longstanding and essential role in ensuring the rights of citizens to participate fully and equally in the electoral process. In addition to enforcing Section 2 and Section 5 of the Voting Rights Act of 1965, the Division also enforces the language minority and federal election observer provisions of the Voting Rights Act, the National Voter Registration Act (also known as the "NVRA" and "Motor Voter Act"), and the Uniformed and

Overseas Citizen Absentee Voter Act (also known as the "UOCAVA"). The Division also participates in selected constitutional cases that implicate voting rights enforcement.

Under Section 2, the Division successfully challenged a variety of racially discriminatory election practices across the country. The Division obtained consent decrees changing at-large election systems in Morgan City, Louisiana, Roosevelt County, Montana, Benson County, North Dakota and Marion County, Georgia. Several other jurisdictions have voluntarily changed their at-large election systems after being sued by the Division or having been notified of the United States' intent to sue. The Division also obtained judicial relief against several other types of discriminatory election practices. The Division reached a consent decree with the City of Hamtramck, Michigan, after poll workers targeted and challenged voters whom they believed to be Arab-American. The Division also obtained a preliminary injunction to prevent the Town of Cicero, Illinois, from adopting a change in candidate residency requirements that was aimed at disqualifying several potential Hispanic candidates, and obtained several consent decrees to reconfigure a sanitary district in Day County, South Dakota whose boundaries had been gerrymandered to remove Indian residents.

Under the language minority provisions of the Voting Rights Act, the Division acted to ensure that bilingual election materials are provided in an effective manner by covered jurisdictions. The Division obtained consent decrees with Lawrence, Massachusetts and Passaic County, New Jersey, to bring those jurisdictions' Spanish-language programs into compliance. The Division has remained active in monitoring compliance for Chinese-language programs in Alameda County, California under a 1996 settlement agreement, and for Indian-language programs in several Southwestern counties.

The Division was active in successfully defending the constitutionality of the National Voter Registration Act, which is credited with registering millions of new voters. The Division also obtained consent decrees with the States of Oklahoma, New York and Michigan to enforce the provisions of the UOCAVA, which is administered by the Department of Defense. Another essential component of the Division's enforcement program is the use of federal observers in jurisdictions certified by the Attorney General. Federal observers have played a crucial role in monitoring compliance with language-minority consent decrees and responding to concerns of intimidation or harassment of minority voters.

Under Section 5 of the Voting Rights Act, the Division annually reviewed an average of about 15,000 voting changes submitted by state and local governments, and when necessary, interposed objections to block the enforcement of proposed voting practices that would have a discriminatory purpose or effect. For example, we objected to a polling place change in Virginia, a change in the method of electing a city council in Texas, a county school board redistricting plan in Georgia, a change in the method of electing New York City school boards and absentee voting procedures in Florida.

The Division also participated in litigation brought pursuant to the 1993 Supreme Court

decision in Shaw v. Reno and later cases involving claims of unconstitutional racial gerrymandering. The Division participated in this litigation partly to ensure that courts adopt legal standards that provide states and their subdivisions a reasonable ability to comply with the Voting Rights Act without fear of constitutional liability. The Division also participated in later Shaw cases in which the plaintiffs' claims were unjustified and/or sought unnecessarily to eliminate majority-minority districts created to comply with Section 2 of the Voting Rights Act.

After the release of the 2000 Census population data, states, counties, cities and school districts throughout the nation will revise their voting districts to comply with the requirement of "one person, one vote." The number of redistricting plans submitted for Section 5 preclearance is expected to increase from an annual average of about 55 in 1999 and 2000 to a total of approximately three thousand between 2001 and 2003. Handling these submissions in a timely and thorough manner is vital to ensuring that elections in 2001 and 2002 can be held on schedule under lawful plans. The redistricting will also increase the Voting Section's litigation docket, including Section 5 enforcement actions, Section 5 declaratory judgment actions, Section 2 enforcement, and intervention or participation as amicus curiae where appropriate in vote dilution litigation and constitutional litigation brought by private parties.

Section 5 redistricting reviews and litigation must remain the highest priorities of the Voting Section for the next several years. Managing the administrative review of voting changes while maintaining the Division's litigation program will require strong management and a significant commitment of resources.

Other Key Accomplishments

Fighting Worker Exploitation. Though slavery has been illegal since 1865, some 50,000 people are trafficked into the United States each year for forced labor in such areas as prostitution, sweatshops, domestic service, and migrant labor. To address this emerging problem, the Attorney General created the Worker Exploitation Task Force, co-chaired by the Assistant Attorney General for Civil Rights and the Solicitor of the Department of Labor. The Division brought numerous prosecutions involving over 200 victims. In addition, to fill gaps in the law and strengthen our enforcement authority, we worked closely with Congress to develop and pass the Victims of Trafficking and Violence Protection Act of 2000. This law provides new tools for prosecuting traffickers, new programs to protect victims from their abusers, and new avenues to obtain legal immigration status for victims.

In 1999, the Department successfully prosecuted seven Miami defendants who lured Mexican women and girls -- some as young as 14 years old -- into the United States and forced them to work as prostitutes and sexual slaves in brothels in Florida and Georgia. The victims were assaulted, beaten, and forced to engage in sexual acts with as many as 130 men a week. Some were forced to have abortions when they became pregnant. The leader of this sex-slave ring will be imprisoned for the next 15 years and was ordered to pay \$1 million. Our Worker Exploitation Task Force is currently investigating a record number of cases involving allegations

of such modern-day slavery.

Clinic Access. The Division served a pivotal role in enforcing the civil and criminal provisions of the Freedom of Access to Clinic Entrances Act of 1994, which prohibits the use or threat of force and physical obstruction that injures, intimidates, or interferes with a person seeking to obtain or provide reproductive health services. Since the 1994 enactment of FACE, the Department of Justice has obtained the convictions of a total of 56 individuals in 37 criminal cases for violations of FACE and related statutes. In addition, the Department has brought 17 civil actions against more than one hundred defendants under FACE, seeking injunctions and, where appropriate, damages and monetary penalties against individuals and organizations for interfering with access to reproductive health care services.

Institutional Confinement. The Division vigorously prosecuted state and local governments for having egregious or flagrantly unlawful conditions for persons confined in public institutions such as facilities for individuals who are mentally ill or developmentally disabled, nursing homes, juvenile correctional facilities, or adult prisons. As a result of these efforts, tens of thousands of institutionalized persons who were living in life-threatening conditions now receive adequate care and services. For example, the Division successfully negotiated settlements involving sexual misconduct by officials at six womens prisons in Arizona and Michigan.

Affirmative Action. The Division successfully defended the use of affirmative action in federal contracting and educational programs, in the wake of the Supreme Court's decision in *Adarand Constructors, Inc. v. Peña* (1995). It also assisted in the restructuring of federal programs to ensure that they complied with constitutional standards.

Educational Opportunity. The Division advanced equal educational opportunity through successful litigation that opened the doors of the Virginia Military Institute to women. The Division also participated as *amicus* to defend the constitutionality of seeking the educational benefits of diversity, as enunciated by Justice Powell in *Bakke v. University of California*, by considering race and ethnicity as one component of a higher education admissions program in litigation in Michigan, California, Texas, and Washington, and for considering race and ethnicity in student assignments in elementary and secondary schools in New York, Maryland and Virginia.

In furtherance of President Clinton's initiative to reinvigorate Title IX enforcement, we developed a common rule for 21 federal agencies that promotes consistent and effective enforcement of this important statute. The Division also improved educational access for limited-English proficient students. For example, in Denver, the Division negotiated a consent decree providing an enhanced curriculum, additional materials and resources, and compliance monitoring for 14,000 non and limited English speaking students.

Fair Housing. The Department has been vigilant in enforcing the Fair Housing Act in a

wide variety of situations. Through its fair housing testing program, the Department has developed dozens of cases in cities across the country, most of which have alleged discrimination based on race or national origin in rental housing and have produced significant settlements. A few examples are U.S. v. Chandler in New Jersey, U.S. v. Jacobsen in Florida, and U.S. v. Nejam in Mississippi.

The Division filed numerous cases against municipalities, alleging race or national origin or disability discrimination. For example, a recent case against Jacksonville, Florida alleges that the city confined all public housing to racially segregated areas of the city. In a suit against Addison, Illinois, we alleged that the town used its urban renewal efforts to try to limit the growing Hispanic community. Other notable cases include suits alleging that landlords or resident managers were liable under the Fair Housing Act for sexual harassment of their tenants. One such case, United States v. Crawford, resulted in a \$500,000 judgment. We brought suit against the Boston Housing Authority alleging that the landlord was liable for failing to respond appropriately to egregious instances of tenant on tenant racial harassment. And we have brought more than 20 suits alleging violations of the Fair Housing Act requirements to build multifamily housing so that it is accessible to persons with disabilities.

Public Accommodations. While suits alleging race discrimination in places of public accommodation were not numerous, two cases were significant achievements. One alleged discrimination by the Denny's Restaurant chain and another alleged discrimination by the Adams Mark Hotel chain. Both were settled with consent decrees providing for chain-wide review of practices, training, monitoring, reporting, and testing of compliance.

Immigrant Rights. In 1994, the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) joined the Division. OSC's mission is to protect immigrant workers from job discrimination. As the nation's foreign-born population increased 43% in the 1990s to near historic levels, the Division obtained over \$3 million in back pay and civil penalties in discrimination cases. OSC has been successful in forging new partnerships with federal, state and local government civil rights agencies and providing an important link for ethnic organizations, community-based groups, worker advocates, business and trade organizations to understand their rights and responsibilities under the immigration laws. In 2001, OSC will enforce the new worker protection provisions associated with the increasing dependence on H-1B visas in the high technology and other industries.

Coordination of Civil Rights Enforcement. Executive Order 12250 charges the Attorney General with ensuring consistent and effective enforcement of laws that prohibit discrimination by recipients of Federal financial assistance. Two of these laws are Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin, and Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities. The Division completed several major initiatives in implementing this order, including policy guidance on block grant programs and providing services in languages other than English, new training programs for Title VI, and major technical

assistance reviews of two federal agency civil rights offices. The Division also published a Title VI Legal Manual, a Title IX Legal Manual, and an Investigation Procedures Manual.