

AGREEMENT

Preamble

The manufacturer parties to the Agreement and the Department of the Treasury, the Department of Housing and Urban Development, and the undersigned state, city and county parties to the Agreement enter into this Agreement to reduce the criminal misuse of firearms, combat the illegal acquisition, possession and trafficking of firearms, reduce the incidence of firearms accidents, and educate the public on the safe handling and storage of firearms. Furthermore, the manufacturer parties to the Agreement enter into this Agreement as a continuation of their efforts to make their firearms as safe as practicable for their customers and the public. Accordingly, in consideration of the commitments set forth below:

1. The undersigned state, city, and county parties to the Agreement dismiss the manufacturer parties to the Agreement with prejudice from the lawsuits specified in Appendix A subject to any consent orders entered pursuant to paragraph VIII; and
2. The undersigned state, city and federal parties to the Agreement agree to refrain from filing suit against the manufacturer parties to the Agreement on an equivalent cause of action.

The parties agree that this Agreement constitutes the full and complete settlement of any and all claims that were raised or could have been raised in the subject litigation. The parties agree further that this Agreement does not constitute an admission of any violation of law, rule or regulation by the manufacturer parties to the Agreement, or any of their employees. Nothing in this Agreement shall be construed to be an admission of liability. The adoption of standards for firearms design and distribution in this Agreement shall not be construed as an admission by the manufacturer parties to the Agreement that practices they engaged in prior to the execution of this Agreement were negligent.

I. Safety and design.

A. Each firearm make and model sold by each manufacturer party to this Agreement shall be tested by ATF or an agreed upon proofing entity against the following standards. Existing makes and models shall meet these standards within 60 days of execution of this Agreement unless a longer period is specified in the standard. New makes and models shall not be manufactured and sold after the execution of this Agreement unless they conform to these standards.

1. Standards applicable to all handguns:

- a. Second "hidden" serial number. The gun must have both a visible serial number on the exterior of the frame or receiver, as well as a second serial number hidden on the interior of frame or receiver (e.g., under the grips) or visible only with the aid of an optical instrument.
- b. External locking device. As an interim measure, until the implementation of I.A.1.c, within 60 days of execution of the Agreement, each firearm shall be supplied with an external locking device that effectively prevents the operation of the firearm when locked.
- c. Internal locking device. Within 24 months of execution of the Agreement, each firearm shall have a built-in, on-board locking system, by which the firearm can only be operated with a key or combination or other mechanism unique to that gun.
- d. Authorized user technology. The manufacturer parties to this Agreement shall each commit two percent of annual firearms sales revenues to the development of a technology that recognizes only authorized users and permits a gun to be used only by authorized persons. Within 36 months of the date of execution of this Agreement, this technology shall be incorporated in all new firearm

designs, with the exception of curios and collectors' firearms. This requirement does not apply to existing designs currently in production.

If the eight firearms manufacturers and/or importers with the largest United States firearms sales volume agree to incorporate authorized user technology in all firearms, the manufacturer parties to this Agreement will incorporate authorized user technology in all firearms.

- e. **Child safety.** Within 12 months of execution of the Agreement, each firearm shall be designed so that it cannot be readily operated by a child under the age of 6. Such mechanisms include: making the trigger pull resistance at least ten pounds in the double action mode; or designing the firing mechanism so that an average five year old's hands would be too small to operate the gun; or requiring multiple, sequenced actions in order to fire the gun.
- f. **Minimum barrel length.** Each firearm make and model must have a barrel length of at least 3", unless it has an average group diameter test result of 1.7" or less at seven yards, 3.9" or less at 14 yards, and 6.3" or less at 21 yards. The average group diameter test result is the arithmetic mean of the results of three separate trials, each performed on a different sample firearm of the make and model at issue. For each trial, the firearm shall fire five rounds at a target from the specified distance and the largest spread in inches between the center of any of the holes made in a test target shall be the result of the trial.
- g. **Performance test:** A sample of each firearm make and model will be test-fired with "proof cartridges" (cartridges loaded to generate excess pressure as set forth in accepted specifications for proof cartridges) to ensure the integrity of the material. At least one cartridge shall be fired from each chamber. Following this test firing, the firearm will be examined for hairline cracks or other signs of material failure and

will pass this test only if there are no hairline cracks or other signs of material failure. Each firearm make and model shall also pass the following performance test: the gun shall fire 600 rounds, stopping only every 100 rounds to tighten any loose screws and to clean the gun (if required by the cleaning schedule recommended in the manual), or as needed to refill the empty magazine or cylinder to capacity before continuing. For any gun that loads other than with a detachable magazine, the tester shall pause every 50 rounds for ten minutes. The tester shall use the ammunition recommended in the user's manual, or if none is recommended, any standard ammunition of the correct caliber in new condition. A gun shall pass this test if it fires the first 20 rounds without a malfunction and the full 600 rounds with no more than 6 malfunctions and without any crack or breakage of an operating part of the gun that increases the danger of injury. Malfunctions caused by failure to clean and lubricate, or by defective ammunition, shall not be counted.

- h. **Drop test.** Pass the more rigorous of: (a) the SAAMI Standard drop test in effect on the date the firearm is sold; or (b) the following test: The gun shall be test-loaded, set such that it is ready to fire and dropped onto a steel plate or equivalent material of similar hardness from a height of one meter from each of the following positions: (1) normal firing position; (2) upside down; (3) on the grip; (4) on the muzzle; (5) on either side; and (6) on the exposed hammer or striker (or, if no exposed hammer or striker, on the rearmost part of the gun). If the gun is so designed so that its hammer or striker may be set in other positions, it shall be tested with the hammer or striker in each such position (but otherwise ready to fire).

2. **Additional standards for pistols:**

- a. **Safety device.** The pistol must have a positive manually operated safety device as determined by standards relating to imported guns promulgated by ATF.

- b. **Minimum length and height standards.** The pistol's combined length and height must not be less than 10" with the height being at least 4" and the length being at least 6", unless it has an average group diameter test result of 1.7" or less at seven yards, 3.9" or less at 14 yards, and 6.3" or less at 21 yards. The average group diameter test result is the arithmetic mean of the results of three separate trials, each performed on a different sample firearm of the make and model at issue. For each trial, the firearm shall fire five rounds at a target from the specified distance and the largest spread in inches between the center of any of the holes made in a test target shall be the result of the trial.

- c. **Magazine disconnecter.** Within 12 months of execution of the Agreement, each pistol shall have a magazine disconnecter available for those customers who desire the feature.

- d. **Chamber load indicator.** Within 12 months of the execution of the Agreement, each pistol shall have a chamber load indicator painted in a prominent, contrasting color or a feature that allows the operator physically to see the round in the chamber.

- e. **Large capacity magazines.** No pistol make or model designed after January 1, 2000 shall be able to accept magazines manufactured prior to September 14, 1994, with a greater than 10 round capacity, and such models shall not be capable of being easily modified to accept such magazines. Nor shall ammunition magazines that are able to accept more than 10 rounds be sold by the manufacturer parties to this Agreement or their authorized dealers and distributors. See Part II.A.1.h, below.

- f. **Additional safety features.** Each pistol must have a firing pin block or lock.

3. **Additional standard for revolvers.** Each revolver make and model must pass a safety test. Each make and model must have a safety feature which automatically (for a double action revolver) or by manual operation (for a single action revolver) causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge. The safety device must withstand the impact of a weight equal to the weight of the revolver dropping from a distance of 1 meter in a line parallel to the barrel upon the rear of the hammer spur, a total of 5 times.

B. **Law enforcement and military exception.** An exception to a requirement of paragraph A may be granted for firearms manufactured or imported for sale to a law enforcement agency or the military if the law enforcement agency or military organization certifies to the manufacturer party to this Agreement that the exception is necessary for official purposes. Where a law enforcement agency authorizes or requires its officers to purchase firearms individually for official use, an appropriate certification from the agency will be permitted to apply to sales to a number of individual officers. The manufacturer party to this Agreement shall maintain the certification in its records and provide a copy to the Oversight Commission. Firearms sold to law enforcement or the military pursuant to this exception, which do not comply with the design standards of this Agreement, will be accompanied by a statement:

1. "On [date], [manufacturer parties to this Agreement] and [governmental parties to this Agreement] entered into an Agreement establishing certain design standards for firearms sold to civilians. Pursuant to that Agreement, we are obliged to inform you that this firearm does not comply with all of the design standards of the Agreement. We are further obliged to request that you not resell this firearm to civilians. This statement is not intended to suggest that there are any design flaws with this firearm, and you remain entitled to dispose of it in any lawful manner."

- C. **Warnings about safe storage and handling.** Within 6 months of execution of this Agreement, manufacturer parties to this Agreement shall include in the packaging of each firearm sold a warning on risk of firearms in the home and proper home storage. At a minimum, these warnings shall state in 14 point type, bold face:

“This handgun is not equipped with a device that fully blocks use by unauthorized users. More than 200,000 firearms like this one are stolen from their owners every year in the United States. In addition, there are more than a thousand suicides each year by younger children and teenagers who get access to firearms. Hundreds more die from accidental discharge. It is likely that many more children sustain serious wounds, or inflict such wounds accidentally on others. In order to limit the chance of such misuse, it is imperative that you keep this weapon locked in a secure place and take other steps necessary to limit the possibility of theft or accident. Failure to take reasonable preventative steps may result in innocent lives being lost, and in some circumstances may result in your liability for these deaths.”

- D. **Illegal firearms.** The manufacturer parties to this Agreement shall not sell firearms that can be readily converted to an illegal firearm, that is, a weapon designed in a manner so that with few additional parts and/or minimal modifications an owner can convert the firearm to an illegal fully automatic weapon; nor shall the firearms be designed so that they are resistant to fingerprints.

II. Sales and distribution.

In addition to complying with specific terms, the manufacturer parties to this Agreement will agree for themselves and as part of any distribution or agency agreement that they, and their authorized distributors and authorized dealers, including franchisees, shall commit to a standard of conduct to make every effort to eliminate sales of firearms that might lead to illegal firearm possession and/or misuse by criminals, unauthorized juveniles, and other prohibited persons ("suspect firearms sales"). Suspect firearm sales include sales made to straw

purchasers, multiple sales of handguns without reasonable explanation (excluding sales to FFLs), and sales made to any purchaser without a completed background check.

As specified in Part II.A.2 below, the manufacturer parties to this Agreement will take action against dealers and distributors that violate these requirements if the manufacturers receive actual notice of such a violation.

A. Authorized distributors and dealers.

1. The manufacturer parties to this Agreement may sell only to authorized distributors and authorized dealers. In order to qualify to become an authorized distributor or authorized dealer, the distributor or dealer must agree in writing to:
 - a. Possess a valid and current federal firearms license, and all other licenses and permits required by local, state or federal law, and certify on an annual basis, under penalty of perjury, compliance with all local, state and federal firearms laws.
 - b. Execute in the presence of the purchaser the following elements of all firearms transactions at the premises listed on its federal firearms license: completion of the forms and related requirements under the Brady Act and the Gun Control Act and physical transfer of the firearm.
 - c. Where available, carry insurance coverage against liability for damage to property and for injury to or death of any person as a result of the sale, lease, or transfer of a firearm in amounts appropriate to its level of sales, but at a minimum no less than \$1 million for each incident of damage, injury or death.
 - d. Make no sales at gun shows unless all sales by any seller at the gun show are conducted only upon completion of a background check.

- e. Within 24 months of the date of execution of this Agreement, maintain an inventory tracking plan for the products of the manufacturer parties to this Agreement that includes at a minimum the following elements:
- (1) Electronic recording of the make, model, caliber or gauge, and serial number of all firearms that are acquired no later than one business day after their acquisition and electronic recording of their disposition no later than one business day after their disposition. Monthly backups of these records shall be maintained in a secure container designed to prevent loss by fire, theft, or other mishap.
 - (2) All firearms acquired but not yet disposed of must be accounted for through an electronic inventory check prepared once each month and maintained in a secure location.
 - (3) For authorized dealers and franchisees, all ATF Form 4473 firearm transaction records shall be retained on the dealer's business premises in a secure container designed to prevent loss by fire, theft, or other mishap.
 - (4) If an audit of a distributor's or dealer's inventory reveals any firearms not accounted for, the distributor or dealer shall be subject to sanctions, including termination as an authorized distributor or dealer.
- f. Implement a security plan for securing firearms, including firearms in shipment. The plan must satisfy at least the following requirements:
- (1) Display cases shall be locked at all times except when removing a single firearm to show a customer, and customers shall handle firearms only under the direct supervision of an employee;

- (2) All firearms shall be secured, other than during business hours, in a locked fireproof safe or vault in the licensee's business premises or in another secure and locked area; and
- (3) Ammunition shall be stored separately from the firearms and out of reach of the customers.
- g. Require persons under 18 years of age to be accompanied by a parent or guardian when they are in portions of the premises where firearms or ammunition are stocked or sold.
- h. Not sell ammunition magazines that are able to accept more than 10 rounds regardless of the date of manufacture, not sell any semi-automatic assault weapon as defined in 18 U.S.C. 921(a)(30) regardless of the date of manufacture, provide safety locks and warnings with firearms, as specified in Section I above, and sell only firearms that comport with the design criteria of this Agreement.
- i. Provide law enforcement, government regulators conducting compliance inspections, and the Oversight Commission, for purposes of determining compliance with conditions imposed as a result of this Agreement, or for any other authorized purpose, full access to any documents related to the acquisition and disposition of firearms deemed necessary by one of those parties.
- j. Participate in and comply with all monitoring of firearms distribution by manufacturers, ATF or law enforcement.
- k. Maintain an electronic record of all trace requests initiated by ATF, and report those trace requests by make, model and serial number of firearm, date of trace, and date of sale to the manufacturer of the firearm on a monthly basis, unless ATF, for investigative reasons, directs the licensee not to report certain traces.

- l. Agree to cooperate fully in the oversight mechanism established in Section III of this Agreement, including providing access to all necessary documents, and to be subject to the jurisdiction of the court enforcing this Agreement.

- m. Require all employees to attend annual training developed by manufacturers in consultation with ATF and approved by the Oversight Commission. The training shall cover at a minimum: the law governing firearms transfers by licensees and individuals; how to recognize straw purchasers and other attempts to purchase firearms illegally; how to recognize indicators that firearms may be diverted for later sale or transfer to those not legally entitled to purchase them; how to respond to those attempts; and the safe handling and storage of firearms. New employees will receive training on the above topics, based on materials developed for the annual training, before handling or selling firearms and shall attend annual training thereafter. Such training may be delivered by electronic medium. Within 12 months of the date of execution of this Agreement and annually thereafter, the manufacturer parties to this Agreement will obtain from all authorized dealers and distributors certifications that such training has been completed, with a list of the names of all trained employees.

- n. Require all employees to pass a comprehensive written exam, which shall be developed by the manufacturers in consultation with ATF and approved by the Oversight Commission, on the material covered in the training before being allowed to sell or handle firearms. Any employee who fails to pass the exam shall be prohibited from selling or handling firearms on behalf of the distributor or dealer. The annual certification discussed in II.A.I.m, above, will include certification that all employees have passed the exam.

- o. Not complete any transfer of a firearm prior to receiving notice from the NICS that the transferee is not a prohibited person under the Gun Control Act.
- p. Verify the validity of a licensee's federal firearms license against an ATF database before transferring a firearm to that licensee.
- q. Forgo any transfer of a firearm to a licensee if the dealer or distributor knows the licensee to be under indictment for violations of the Gun Control Act or any violent felony or serious drug offense as defined in 18 U.S.C. § 924(e)(2).
- r. Transfer firearms only:
 - 1 (1) To individuals who have demonstrated that they can safely handle and store firearms through completion of a certified firearms safety training course or by having passed a certified firearms safety examination.
 - (2) After demonstrating to the purchaser how to load, unload, and safely store the firearm, and how to engage and disengage all safety devices on the firearm.
 - (3) After providing the purchaser with a copy of the ATF Disposition of Firearms Notice.
 - (4) After obtaining the purchaser's signature on a form certifying that the purchaser has received the instruction described in subparagraph (2) and the notice described in subparagraph (3) and maintaining that form in its files.
 - (5) After providing the purchaser with a written record of the make, model, caliber or gauge, and serial number of each firearm transferred to enable the purchaser to accurately describe the

firearm to law enforcement in the event that it is subsequently lost or stolen.

2. The manufacturer parties to the Agreement shall incorporate into any distribution or agency agreement with their authorized distributors and authorized dealers, including franchisees, procedures for terminating distributors, dealers or franchisees that engage in conduct in violation of this Agreement. Distributors and dealers shall agree to this enforcement system as a condition of becoming authorized. The manufacturer parties to this Agreement shall require annual certification by their authorized dealers and distributors that they are in compliance with the requirements in II.A.1(a-r) of this Agreement and applicable provisions of B. and C., below. If the manufacturer parties to this Agreement receive actual notice of a violation of the Agreement through their course of dealing with their authorized dealers and distributors, from ATF, state or local law enforcement, the Oversight Commission, another dealer or distributor, a customer or other credible source, the manufacturer parties to this Agreement will either immediately terminate sales to the dealer or distributor in violation or take the following actions. The manufacturer(s) that have authorized the dealer or distributor to sell its/their firearms will, individually or collectively, notify the dealer or distributor within seven (7) business days of learning of such violation and inform the dealer or distributor of the breach and request information regarding the breach. The distributor or dealer will then have fifteen (15) days to provide the manufacturer(s) with the requested information. If the manufacturer(s) determine that the dealer or distributor is in violation of this section of the Agreement, the manufacturer(s) will provide no further product to the distributor or dealer until the manufacturer(s) determine that the distributor or dealer is in compliance with the Agreement.

The manufacturer(s) shall inform the Oversight Commission and ATF of its/their notifications and decisions and provide them with the information provided by the dealer or distributor. If the Oversight

Commission determines that suspension or termination of the dealer or distributor is warranted, and the manufacturer(s) did not take this action, the Oversight Commission shall direct the manufacturer(s) to do so.

B. Authorized distributors - additional provision.

Authorized distributors must agree to sell the manufacturer's products only to other authorized distributors or authorized dealers or directly to government purchasers.

C. Authorized dealers -- additional provisions.

In addition to the requirements in section II(A)(1), authorized dealers must agree:

1. Not to sell any of the manufacturers' products to any federal firearms licensee that is not an authorized distributor or authorized dealer of that manufacturer.
2. Not to engage in sales that the dealer knows or has reason to know are being made to straw purchasers.
3. To adhere to the following procedure for multiple handgun sales: If a purchaser wants to purchase more than one handgun, the purchaser may take from the dealer only one handgun on the day of sale. The dealer at that point will file a Multiple Sales Report with ATF. The purchaser may take the additional handguns from the dealer 14 days thereafter. This provision shall not apply to sales to qualified private security companies licensed to do business within the State where the transfer occurs for use by the company in its security operations.

D. Manufacturers.

Each manufacturer must:

1. Provide quarterly reports of its own sales data and downstream sales data, with the volume of sales by make, model, caliber and gauge, to ATF's National Tracing Center.
2. Not market any firearm in a way that would make the firearm particularly appealing to juveniles or criminals, such as advertising a firearm as "fingerprint resistant."
3. Refrain from selling any modified or sporterized semi-automatic assault pistol of a type that cannot be imported into the United States.
4. Reaffirm their longstanding policy and practice of not placing advertisements in the vicinity of schools, high crime zones, or public housing.
5. Verify the validity of a license against an ATF database before transferring a firearm to any licensee.
6. Forgo any transfer of a firearm to a licensee if the manufacturer knows the licensee to be under indictment violations of the Gun Control Act or any violent felony or serious drug offense as defined in 18 U.S.C. § 924(e)(2).
7. Implement a security plan for securing firearms, including firearms in shipment. The plan will include the following elements.
 - a. Employee and visitor movement into and out of the manufacturer's facility will be only through designated security control points, and visitors will be admitted only after positive identification and confirmation of the validity of the visit. Employees and visitors will pass through a metal detector before leaving
 - b. All areas where firearms are assembled and stored will be designated as restricted areas. Access will be authorized only for those

employees whose work requires them to enter these areas or for escorted visitors. Protective barriers will be installed in restricted areas to deny or impede unauthorized access.

- c. Each facility or area where firearms, ammunition, or components are stored will be provided with a system to detect unauthorized entry.
 - d. If firearms are shipped in cartons, the cartons will bear no identifying marks or words. The manufacturer parties to this Agreement will use only very strong cartons to protect against concealed pilferage in truck shipments, and large cartons will be secured with steel strapping in two directions. The manufacturer parties to this Agreement will use only carriers and freight forwarders that warrant in writing that they conduct criminal background checks on delivery personnel and report all thefts or losses of firearms to ATF within 48 hours of learning of the theft or loss. The manufacturer parties to this Agreement will inspect carriers' and forwarders' local facilities periodically.
8. Encourage its authorized dealers and distributors to consent to up to three unannounced ATF compliance inspections each year.

E. Corporate responsibility.

If ATF or the Oversight Commission informs the manufacturer parties to this Agreement that a disproportionate number of crime guns have been traced to a dealer or distributor within three years of the gun's sale, the manufacturer(s) that have authorized the dealer or distributor to sell guns will either immediately terminate sales to the dealer or distributor or take the following actions. The manufacturers will, individually or collectively, notify the dealer or distributor of the disproportionate number within seven (7) days and demand an explanation and proposal to avoid a disproportionate number of traces in the future. The dealer or distributor will have fifteen (15) days to provide the explanation and proposal. If the

manufacturer(s) determine that the explanation and proposal are not satisfactory, the manufacturer(s) will terminate supplies to the dealer or distributor. If the manufacturer(s) determine that the explanation and proposal are satisfactory, the manufacturer will continue supplies, but will closely monitor traces to the dealer or distributor in question. If disproportionate traces continue, the manufacturer(s) will terminate supplies to the dealer or distributor.

The manufacturer(s) shall inform the Oversight Commission and ATF of its/their notifications and decisions and provide them with the information provided by the dealer or distributor. If the Oversight Commission determines that suspension or termination of the dealer or distributor is warranted, and the manufacturer(s) did not take this action, the Oversight Commission shall direct the manufacturer(s) to do so.

Disproportionate number of crime guns: Upon execution of this Agreement, the Oversight Commission will convene to determine a formula to identify what constitutes a disproportionate number of crime guns. In determining the formula, the Oversight Commission shall consider the available data and establish procedures to ensure that the relevant data is obtained. This provision will not take effect until the Oversight Commission sets the formula and a mechanism for its implementation.

III. Oversight

A. Oversight Commission.

1. **Composition.** An Oversight Commission comprised of five members shall be formed. The Commission members shall serve five-year terms except for first terms as noted and shall be appointed as follows:
 - a. Two members by the city and county parties to the Agreement. First appointees to serve two- and three-year terms, respectively.

- b. One by the State parties to the Agreement. First appointee to serve a three-year term.
 - c. One member by the manufacturer parties to the Agreement. First appointee to serve a four-year term.
 - d. One selected by ATF. First appointee to serve a five-year term.
2. **Authority.** -- The Oversight Commission, which will operate by majority vote, will be empowered to oversee the implementation of this Agreement. Its authorities will include but not be limited to the authority to (1) review the findings of ATF or the proofing entity that will oversee the design and safety requirements of Part I of this Agreement, (2) maintain records of firearms sold pursuant to the law enforcement exception, as set forth in Part I.B of this Agreement, (3) review the safety training materials and test set forth in Parts II.A.1.m-n of this Agreement, and (4) participate in the oversight of the distribution and sales provisions established in Part II of this Agreement, as set forth in Parts II.A.2 and II.E.

The Oversight Commission shall have a staff, which will be entitled to inspect participating manufacturers and their authorized dealers and distributors to ensure compliance with the Agreement. The costs of the Commission shall be funded by the parties to the Agreement. Each manufacturer party to this Agreement will pay no more than \$25,000 annually.

- B. **Role of ATF.** -- ATF will continue to issue, regulate and inspect federal firearms licensees, collect multiple sales forms, conduct firearms traces, investigate firearms traffickers and straw purchasers, enforce the Gun Control Act and the National Firearms Act and fulfill its other statutory responsibilities. To the extent consistent with law and the effective accomplishment of its law enforcement responsibilities, ATF will work with the manufacturer parties to the Agreement and the Oversight Commission to

assist them in meeting their obligations under the Agreement. In particular, to the extent that ATF uncovers violations of the following provisions in its inspections or other contacts with federal firearms licensees, it will inform the Oversight Commission: II(A)(1)(a), (b), (e), (h), (i), (j), (k), (o), (p), and (q), (C)(2) and (D)(1) and (5). Nothing in this paragraph shall diminish the obligation of the manufacturer parties to this Agreement to make reasonable efforts to identify noncompliance and respond to notifications of violations from parties other than ATF.

C. Manufacturer cooperation.

1. Each manufacturer shall designate an executive level manager to serve as a compliance officer and shall provide the compliance officer with sufficient resources and staff to fulfill the officer's responsibilities under this agreement.
2. The compliance officer shall be responsible for
 - a. Ensuring that the manufacturer fulfills its obligations under this agreement;
 - b. Training the manufacturer's officers and employees on the obligations imposed by this agreement; and
 - c. Serving as the liaison to the Oversight Commission.
3. Each manufacturer shall commit to full cooperation in the implementation and enforcement of this Agreement.

IV. Cooperation with Law Enforcement.

- A. The manufacturer parties to this Agreement reaffirm their commitment to cooperate fully with law enforcement and regulators to eliminate illegal firearms sales and possession.

- B. Within six (6) months of the effective date of this Agreement, if technologically available, the manufacturer parties to this Agreement shall fire each firearm before sale and enter the digital image of its casing along with the weapon's serial number into a system compatible with the National Integrated Ballistics Identification Network system. The digital image shall be made available electronically to ATF's National Tracing Center.
- C. Manufacturers shall participate in ATF's Access 2000 program to facilitate electronic linkage to their inventory system to allow for rapid responses to ATF's firearms trace requests.

V. Legislation.

The parties to this Agreement will work together to support legislative efforts to reduce firearms misuse and the development of authorized user technology.

VI. Education trust fund.

Upon resolution of the current lawsuits brought by cities, counties, or States, the manufacturer parties to this Agreement shall dedicate one percent of annual firearms revenues to a trust fund to implement a public service campaign to inform the public about the risk of firearms misuse, safe storage, and the need to dispose of firearms responsibly.

VII. Most favored entity.

If the manufacturer parties to this Agreement enter into an agreement with any other entity wherein they commit to institute design or distribution reforms that are more expansive than any of the above-enumerated items, such reforms will become a part of this Agreement as well.

In addition, if firearms manufacturers that are not party to this Agreement agree to design or distribution reforms that are more expansive than any of

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the above-enumerated items, and if the manufacturers who are party to the other agreement(s) with more expansive terms, in combination with the manufacturer parties to this Agreement, account for fifty percent or more of United States handgun sales, manufacturer parties to this Agreement will agree to abide by the same design and distribution measures.

VIII. Enforcement.

The Agreement will be entered and is enforceable as a Court order and as a contract.

Dated this 17 day of March, 2000.

Approved and Authorized by:

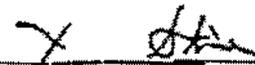
Manufacturer parties to this Agreement:



Smith & Wesson

Governmental parties to this Agreement:

Department of the Treasury

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Department of Housing and Urban Development

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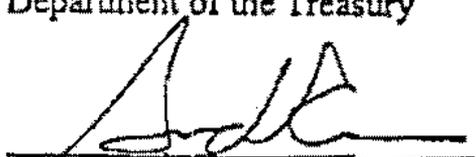
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Smith & Wesson

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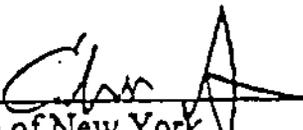
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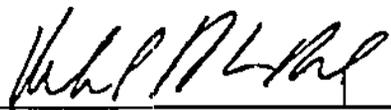
Department of Housing and Urban Development

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State parties to this Agreement:

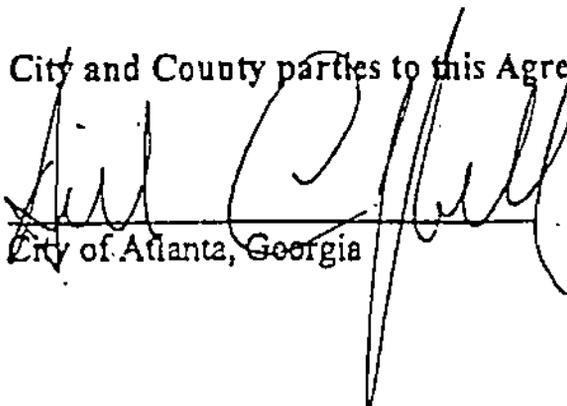


State of New York



State of Connecticut

City and County parties to this Agreement:



City of Atlanta, Georgia

City of Berkeley, California

City of Bridgeport, Connecticut

City of Camden, New Jersey

City of Detroit, Michigan

City of Gary, Indiana

City of Inglewood, California

City of Los Angeles, California

County of Miami-Dade, Florida

City of San Francisco, California

City of St. Louis, Missouri

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QUICK REFERENCE TO FEDERAL FIREARMS LAWS



I. POSSESSION OR RECEIPT OF A FIREARM OR AMMUNITION BY A PROHIBITED PERSON:

18 USC § 922(g) & (n). Punishable by up to 10 years imprisonment. May receive minimum sentence of 15 years without parole if offender has 3 or more prior convictions for a felony crime of violence (e.g. burglary, robbery, assault, possession of offensive weapons) and/or drug trafficking felony.

Elements

- A. Possession or receipt of a firearm or ammunition;
- B. By a subject who falls within one of the following categories:
 - Felon - (Additionally, persons awaiting trial on felony charges are prohibited from receiving firearms.);
 - Drug user or addict - (Often shown where paraphernalia seized, subject tests positive for drugs and/or subject claims drugs were possessed for personal use.);
 - Alien - (Includes *illegal aliens* and aliens lawfully admitted under non-immigrant visas, i.e., those aliens not admitted for permanent residence. This provision does not prohibit aliens who lawfully possess a so-called "green card" from possessing guns or ammunition.);
 - Is subject to a domestic restraining order - (The order must prohibit contact with an intimate partner, or child of the subject, and must have been issued only after a hearing of which the subject was notified and at which the subject had an opportunity to participate. The order must also find the subject poses a threat to the physical safety of the intimate partner or child or must prohibit the use, threatened use or attempted use of physical force.);
 - Has a prior conviction for domestic assault - (Includes a prior conviction for any assault or threatened use of a deadly weapon against a present or former spouse or partner or child or guardian of any such person. The subject must have been entitled to a jury trial and been represented by counsel in the prior proceeding or be shown to have waived those rights.);
 - Fugitive from justice - (Fled any state to avoid being prosecuted or to avoid testifying in any criminal proceeding.); or
 - Dishonorably discharged from the military; AND
- C. The firearm or ammunition was transported across a state line at any time. (As of the date this card was printed, no commercial manufacturers of firearms or ammunition were located in Iowa.)

II. KNOWINGLY SELL, GIVE OR OTHERWISE DISPOSE OF ANY FIREARM OR AMMUNITION TO ANY PERSON WHO FALLS WITHIN ONE OF THE ABOVE CATEGORIES:

18 USC § 922(d). Punishable by up to 10 years imprisonment.

III. USE, CARRY OR POSSESS A FIREARM IN RELATION TO OR IN FURTHERANCE OF A DRUG FELONY OR A FEDERAL CRIME OF VIOLENCE:

18 USC § 924(c). Punishment ranges from at least 5 years up to life imprisonment, without parole, or death if death results from use of firearm. Sentence to imprisonment must be served consecutive to any other sentence. Mandatory minimum sentence increases depending upon: the type of firearm involved (sawed-off gun, silencer, etc.); whether more than one offense was committed; and whether gun was simply possessed or was brandished or discharged.

IV. STOLEN FIREARM, AMMUNITION OR EXPLOSIVE:

18 USC §§ 924(h); 922(i), (j) & (u). Punishable by up to 10 years imprisonment.

- A. May not receive, possess, conceal, store, pledge or accept as security for a loan, barter, sell or ship or transport across a state line any stolen firearm, ammunition or explosive.
- B. May not steal or unlawfully take or carry away a firearm from the person or premises of a firearms licensee.

V. FIREARM IN A SCHOOL ZONE:

18 USC § 922(q)(2)(A). Punishable by up to 5 years imprisonment.

- A. Except as authorized, may not possess or discharge a firearm in a school zone.

VI. KNOWINGLY POSSESS OR MANUFACTURE:

18 USC § 922(k), (o) & (v); 26 USC § 5861. Punishable by up to 5 or 10 years imprisonment, depending upon specific violation.

- A. Any machine gun, fully automatic firearm or any part designed or intended exclusively for use in such weapon;
- B. Any firearm silencer, including any device, or part thereof, designed to silence, muffle or diminish the report of a firearm;
- C. Sawed-off shotgun with a barrel length of less than 18" or overall length less than 26";
- D. Sawed-off rifle with a barrel length of less than 16" or overall length less than 26";
- E. Destructive device;
- F. Semi-automatic assault weapon manufactured after October 1, 1993; *GA*
- G. Any firearm which lacks a serial number or contains an altered or obliterated serial number.

VII. SELL, DELIVER OR TRANSFER TO A JUVENILE:

18 USC § 922(x)(1). Punishable by up to 1 year imprisonment unless transferor had reason to believe juvenile would commit crime of violence with gun or ammunition, then up to 10 years imprisonment.

18 USC § 922(b). A firearms licensee faces up to 5 years imprisonment.

- A. May not sell, deliver or transfer a handgun or handgun-only ammunition to a person who is under age 18;
- B. A person under age 18 may not possess a handgun or handgun-only ammunition;
(Certain exceptions apply to A & B, such as where juvenile possesses written permission of a parent.)
- C. A firearms licensee may not sell any gun or ammunition to anyone under the age of 18 and may not sell a handgun or handgun ammunition to a person under the age of 21.

FORFEITURE OF FIREARMS, AMMUNITION & EXPLOSIVES:

Firearms, ammunition and explosives involved in criminal offenses may be subject to forfeiture. However, for forfeiture to be an option, the United States Attorney's Office must be notified soon after the seizure of such evidence. ATF must initiate a forfeiture and take possession of the items within 60 days of seizure. Other federal agencies may forfeit firearms within 15 days of seizure.

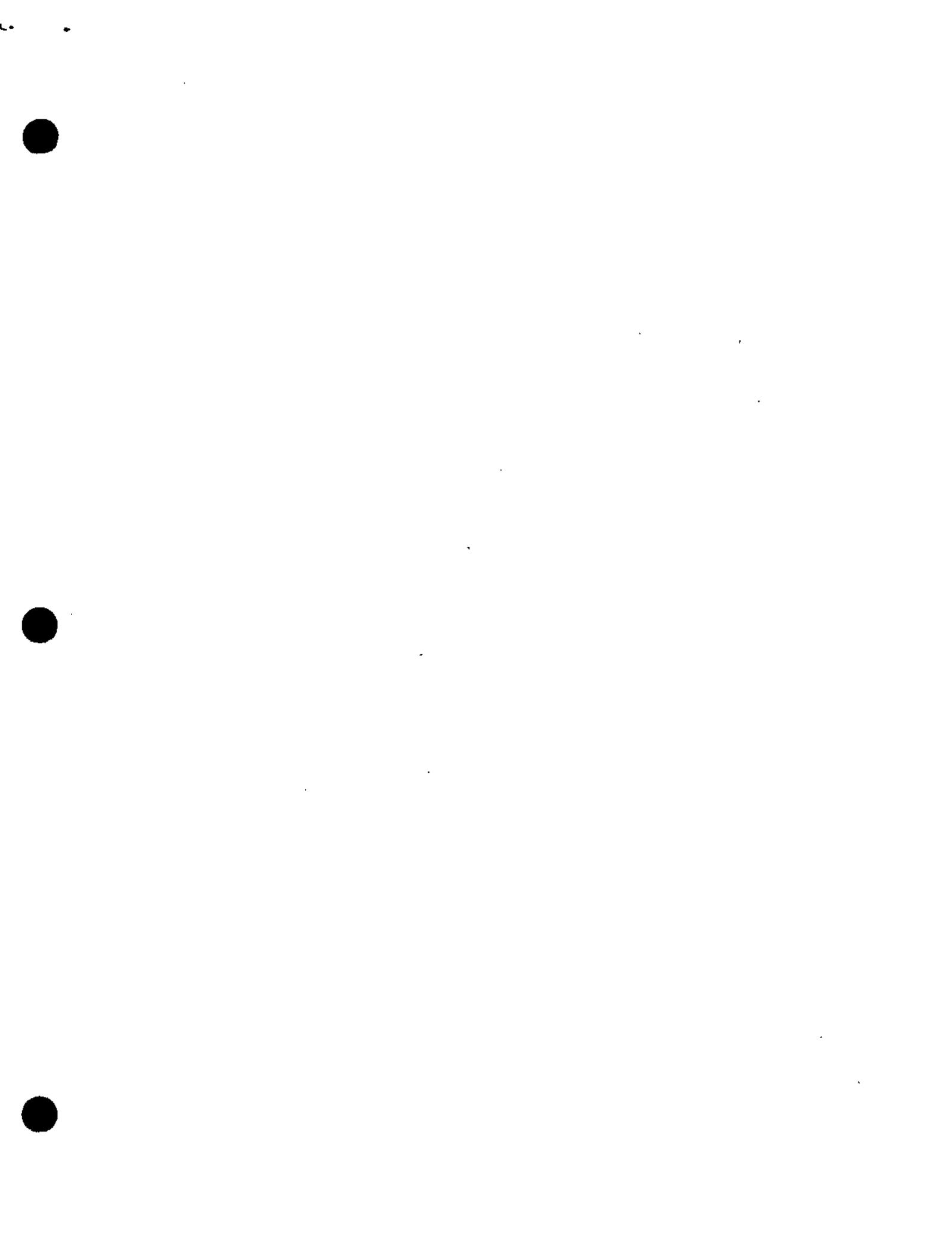
TRACING OF FIREARMS: Firearms information for every firearm, even if only identified during a field interview or traffic stop, should be sent to ATF for tracing and possible connection to other criminal activity.

DEFINITION OF "FIREARM": Any weapon (including a starter gun) which will expel a projectile by means of an explosive or is designed or may be readily converted to do so. This includes the frame or receiver of any such weapon, any firearm muffler or silencer or any destructive device. A "destructive device" includes any explosive, incendiary or poison gas -- (i) bomb, (ii) grenade, or (iii) similar device, or any combination of parts designed or intended to be converted into a destructive device, or from which a destructive device may be readily assembled. 18 USC §921(3).

FOR INFORMATION OR QUESTIONS OR TO MAKE A REFERRAL FOR PROSECUTION, PLEASE CONTACT:

UNITED STATES ATTORNEY'S OFFICE
NORTHERN DISTRICT OF IOWA SOUTHERN DISTRICT OF IOWA
Phone (319) 363-6333 Phone (515) 284-6257
Fax (319) 363-1990 Fax (515) 284-6281

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (ATF)
Phone (515) 284-4329 Fax (515) 284-4833



The Clinton Administration's Law Enforcement Strategy:

Fighting Gun Violence and Keeping Guns Away from Criminals and Our Children



Taking Back Our Neighborhoods
One Block at a Time

May 1999

"Over the last 6 years we've worked hard to fight crime, putting in place a strategy of more prevention, stricter enforcement, tougher punishment. . . . Slowly but surely, neighborhoods once abandoned at the crack of gunfire and the wail of ambulance sirens are coming alive with the sounds of children playing freely in the streets. This is indeed encouraging news. But we must do more. . . . [T]he proliferation of guns in our streets, of criminals packing pistols instead of switchblades, have made crime deadlier than ever. That is why disarming criminals has been and must continue to be a top crime-fighting priority. Let none of us rest until every American is safe from gun violence."

— President William J. Clinton

"We have a responsibility to the victims of crime and violence. It is a responsibility to think not only of our own convenience but of the tragedy of sudden death. It is a responsibility to put away childish things — to make the possession and use of firearms a matter undertaken only by serious people who will use them with the restraint and maturity that their dangerous nature deserves — and demands. For too long we have dealt with these deadly weapons as if they were harmless toys. Yet their very presence, the ease of their acquisition, and familiarity of their appearance have led to thousands of deaths each year. . . . It is past time that we wipe this stain of violence from our land."

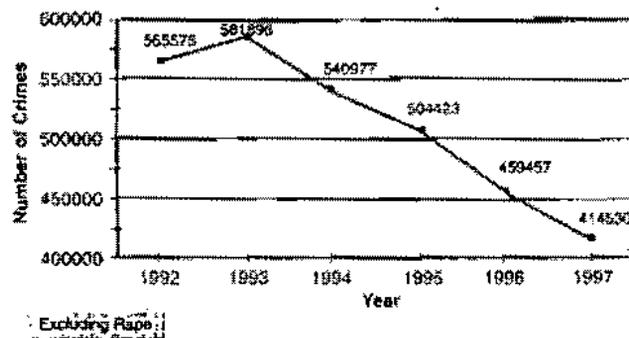
— Attorney General Robert F. Kennedy

President Clinton, Vice President Gore, Attorney General Reno, Treasury Secretary Rubin, and others have led an historic effort to reduce crime and violence in our Nation's communities with a strong focus on crime and violence involving guns. With funding for 100,000 new community police officers, tougher punishment for violent offenders, the Brady Act and other laws to keep guns out of the hands of criminals, the Violence Against Women Act, crime prevention programs for youth, and an unprecedented drive to join the forces of federal, state, local, and tribal law enforcement, the Administration's crime program is proving effective. Crime rates have dropped to their lowest level in a quarter of a century.

Gun crime and violence have fallen dramatically. The Federal Bureau of Investigation's *Uniform Crime Report for 1997* shows that gun homicides have declined by 24 percent since 1993; robbery with firearms, by 27 percent; and aggravated assault with firearms, by 26 percent. (See Figure 1).

Figure 1

Violent Crimes With Firearms FBI / UCR Data



Nonetheless, we cannot afford to become complacent. Gun violence remains a serious national problem. In 1996, 34,040 Americans died of gunfire. Firearm injuries are the eighth leading cause of death in the United States, and for every fatal shooting, there are close to three nonfatal shootings. These injuries and deaths are responsible for \$20 billion each year in medical care, public service, and work loss costs, as well as incalculable human suffering.

The impact of gun violence on young people is particularly severe. In 1996, 4,643 children under the age of 19 died of gun-related injuries. This means that every day in America, 13 young people die of gunshot wounds. As a nation, we have grieved the senseless loss of young lives in the spate of school shootings that has occurred in recent years — including the most recent tragedy in Littleton, Colorado, which cost the lives of 14 students and a teacher. We lose as many young lives due to guns every day. A teenager in the United States today is more likely to die of a gunshot wound than from all the natural causes of death combined. And the firearm homicide rate for children under 15 years of age is 12 times higher in the United States than in 25 other industrialized countries combined.

The Clinton Administration's Record on Guns

For the past six years, the Clinton Administration has made it a priority to reduce the number of firearms crimes and gun-related injuries and deaths.

Recognizing that no single law or initiative will end such violence, the Administration has supported a comprehensive approach that addresses the illegal acquisition, possession, and use of firearms, as well as the underlying causes and consequences of violence.

- The Clinton Administration has increased dramatically the effectiveness of current federal laws that are designed to prevent guns from falling into the hands of felons, fugitives, stalkers, and those who are under a restraining order or have been convicted of a domestic violence misdemeanor. Until 1993, gun sales operated on the "honor" system. A licensed dealer would sell guns if the buyers certified that they did not fall into any prohibited category, and no one checked to see if they were telling the truth. The Clinton Administration recognized that when it came to buying a gun, the honor system was not good enough and won passage of the Brady Bill to require background checks on gun purchasers. By imposing a minimal inconvenience on gun purchasers and requiring them to go through a background check, the Brady Law has kept guns out of the hands of more than 250,000 felons and other prohibited people, preventing untold crimes and violence.
- In 1994, the Administration successfully fought for the Assault Weapons Ban, which prohibits the manufacture and importation of the 19 deadliest assault weapons, copies of those weapons, and large capacity ammunition feeding devices that hold more than 10 rounds of ammunition.
- In 1994, President Clinton signed into law the Youth Handgun Safety Act, which bans possession of handguns by juveniles under the age of 18, and prohibits adults from transferring handguns to juveniles.
- When people violate our federal firearms laws, the Clinton Administration has been committed to bringing them to justice. Federal, state, and local law enforcement have worked together closely, and have significantly increased the overall number of firearms prosecutions in this country. Since 1992, the combined number of federal and state firearms convictions is up sharply – and about 25 percent more criminals are sent to prison for state and federal weapons offenses than in 1992. The number of federal cases in which the offender gets five or more years in prison is also up by more than 25 percent. This increased collaboration among federal, state, and local law enforcement has resulted in: (1) a more efficient distribution of prosecutorial responsibilities, (2) a steady increase in firearms prosecutions on a cumulative basis, and most important, (3) a sharp decline in the number of violent crimes committed with guns.
- The Administration has launched the Youth Crime Gun Interdiction Initiative, a national program to disrupt the illegal supply of firearms to juveniles and youth, by tracing the guns that are used in crimes through the Bureau of Alcohol, Tobacco and Firearms' (ATF's) National Tracing Center to assist in identifying, investigating, and arresting illegal suppliers of guns, especially to juveniles and youth. Comprehensive crime gun tracing enables law enforcement to detect patterns of illegal trafficking in guns.
- The Administration has pursued a strategy of collaborative partnerships between federal, state, and local law enforcement agencies to bring all resources to bear on violent crime, including gun crime. These effective and sensible partnerships allow each community to identify its unique firearm and other violent crime problems and to implement the techniques that are most likely to have a positive impact on these local problems. Because of these efforts, gun crime and violence have dropped by up to 70 percent in cities such as Boston, Massachusetts, Richmond, Virginia, and Minneapolis, Minnesota.

- The Administration has helped communities identify and put in place smart, effective prevention strategies that are tailored to each community's particular needs. To this end, the Department of Justice has closely examined innovative gun violence reduction programs across the country, and is providing training and technical assistance to communities to implement such programs.
- The Administration also has emphasized gun violence issues as a priority for the Justice Department's research and justice assistance branches. For example, the Department has implemented community-based programs such as Partnerships to Reduce Juvenile Gun Violence, the Youth Firearms Violence Initiative, and the Strategic Approaches to Community Safety Initiative. The Department also continues to fund research to determine how juveniles acquire firearms, to evaluate the impact of the Assault Weapons Ban, and to better understand illicit gun markets and the sources of gun violence.

The nationwide, historic drop in crime and the persistent scourge of gun violence constitute both an opportunity and a responsibility. We can and we must proceed to build on our existing laws and programs to close loopholes in the existing structure that have allowed guns to fall into the wrong hands and further strengthen our hand and our partnership with communities against gun violence. The Administration's Youth Gun Crime Enforcement Act starts us on this path.

THE YOUTH GUN CRIME ENFORCEMENT ACT OF 1999

"We've got to keep working until people start thinking about [guns] the same way they think about X-rays and metal detectors at airports. That's the goal. We have to redefine the national community so that we have a shared obligation to save children's lives. And we've got to get out of this crazy denial that this won't make a difference. . . Just because it won't make all the difference doesn't mean it won't make a difference. It will make a difference."

- President William J. Clinton

The Administration has worked for common sense measures such as the Brady Act and the Assault Weapons Ban that have contributed significantly to the reduction in crime. The success of these measures has in turn led to a broader recognition among law enforcement, the American public, gun manufacturers, and gun owners that sensible measures to regulate firearms can and will make a difference in reducing gun crime and violence and saving lives.

The Administration has carefully examined our federal gun laws to fill critical gaps and respond to the need for additional firearms regulations. The Youth Gun Crime Enforcement Act builds on this country's recent successes against gun violence without interfering with those sportsmen, hunters, and other law-abiding Americans who wish to buy and use firearms for sport and other legitimate activities.

The Youth Gun Crime Enforcement Act will keep guns out of the hands of criminals and youth; it contains five sections. The Act will:

1. *Extend and strengthen the Brady Law* by expanding Brady background check requirements and imposing a mandatory 3-day cooling-off period;
2. *Restrict youth access to firearms* by raising the age that a juvenile can possess a handgun to 21 and holding adults criminally liable if they recklessly allow children to have access to guns that are later used to cause injury or death;
3. *Combat illegal trafficking in guns* by adopting sensible proposals to stem the flow of illegal guns to our streets;
4. *Strengthen the Assault Weapons Ban* by prohibiting the importation of all large capacity ammunition clips; and
5. *Give law enforcement additional tools to combat criminal misuse of firearms* by increasing penalties on criminals who use guns in the commission of crimes.

1. EXTENDING AND STRENGTHENING THE BRADY LAW

The Brady Law and the National Instant Criminal Background Check System (NICS)

In 1993, the Administration campaigned for and the Congress passed the Brady Law, a major step forward in our efforts to reduce gun violence by keeping guns out of the wrong hands. The Brady Law dramatically increased the effectiveness of our Nation's gun laws that prohibit certain people from possessing firearms – for example, felons, stalkers, and drug users – by requiring background checks on people who want to buy guns, and preventing the over-the-counter purchases of guns by those who are not allowed to possess them. During the first four years, state and local law enforcement officials conducted Brady background checks on prospective gun purchasers and stopped more than a quarter-of-a-million people who should not have guns from getting them. The cooperation of state and local law enforcement made the success of the Brady Law possible and undoubtedly saved lives and prevented crimes from occurring.

While our state and local law enforcement partners were performing background checks during the first four years of Brady, the Justice Department and the FBI worked hard to prepare for the Brady Law's second phase, the National Instant Criminal Background Check System (NICS). NICS became operational on November 30, 1998. NICS is a new national system that checks national criminal history databases – the Interstate Identification Index and the National Crime Information Center files – as well as new NICS databases containing information on the other prohibited categories, such as illegal aliens and persons under domestic violence restraining orders. Under NICS, the FBI shares the responsibility for doing background checks with states that have agreed to serve as points of contact (POCs) for the system.

Since November 30, 1998, NICS has processed more than 3.7 million background checks. Of these, our state POC partners handled 1.9 million checks. In

the vast majority of checks, legal gun buyers have completed their gun purchases within minutes. At the same time, the FBI alone has stopped more than 39,000 felons and other prohibited persons from getting guns; we estimate that our state POCs have stopped at least 39,000 more.

Expanding the Brady Law's Protections

The Administration is committed to building on the success of the Brady Law by expanding its protections in four key areas.

Closing the gun show loophole – Last November, President Clinton directed the Attorney General and the Secretary of the Treasury to develop a plan to close a gaping loophole in the Brady Law. Today, the law does not require background checks when unlicensed people sell guns at gun shows. This is a massive public safety problem, because more than 4,000 gun shows are held in America each year, and 25-50 percent of the vendors are not required to do background checks. A single gun show may have as many as 2,000 tables, each displaying numerous guns for sale. Those barred from buying or possessing a gun seek out the unlicensed sellers, because they know that they can get guns “no questions asked.” Also, because unlicensed sellers do not keep any records and because many of the guns sold at gun shows are used guns, there is often no way to trace them back to the person who sold or bought the gun at a gun show if one later turns up in a crime scene. Because guns can be bought anonymously at gun shows, they are a significant source of guns for criminals.

In their January 1999 report to the President, Attorney General Reno and Treasury Secretary Rubin lay out a plan to close the gun show loophole. The central recommendation in the report calls for legislation to require a background check and gun tracing records in connection with all firearms transfers at gun shows, even if the seller is unlicensed. This way, gun shows will no longer be a place where felons, fugitives, straw

purchasers, those convicted of domestic violence, and young people can buy guns. Licensed dealers will conduct background checks on behalf of unlicensed dealers at gun shows. In addition, licensed dealers will maintain and provide to the Secretary strictly limited information about the type of guns being transferred, to enable guns to be traced if later used in crime.

The Youth Gun Crime Enforcement Act contains this provision to close the gun show loophole. The Brady Law has shown that background checks impose a minimal inconvenience on lawful gun sellers and buyers and offer a high return for the rest of society. Waiting for a background check to be completed is a small price to pay for making our communities safer, because the only people getting guns at gun shows will be those who are permitted to have them.

Establishing a Mandatory Cooling-Off Period and Additional Time for Background Checks – Many gun crimes are committed within days of the time that the gun is purchased. Guns recovered as part of homicide investigations make up a significantly larger share (20 percent) of crime guns traced within one week of purchase than guns traced between one and two years of purchase (6.4 percent). To address this problem, the Clinton Administration is proposing a mandatory cooling-off period that would require a prospective handgun purchaser to wait for 72 hours before receiving a handgun. A cooling-off period will prevent gun crimes committed in the heat of the moment, as well as some suicides, both of which may be spontaneous acts.

Besides the cooling-off period, the proposal gives law enforcement additional time to complete background checks when they cannot be completed instantly. Although most checks can be completed within minutes, some checks require officers to obtain additional information to determine whether the potential purchaser is legally allowed to have a gun. Restoring the maximum waiting period to five days – the original amount of time allowed in the Brady Law – will prevent guns from being transferred to prohibited people about whom definitive information is unavailable at the end of three business days.

Juvenile Brady – As the number of juvenile homicide victims has increased, so too has the number of juveniles adjudicated delinquent for violent crimes such as murder, rape, and robbery. Today, those adjudications do not prevent juveniles from acquiring guns once they become adults. The Clinton Administration is proposing an amendment to the Brady Law that would treat violent juveniles and violent adults in the same manner for purposes of determining whether they can buy a gun. If they have been adjudicated delinquent for an act that would have been a violent felony if committed by an adult, they will be barred from getting a gun regardless of their age when they committed the crime.

Explosives – Current law prohibits felons and others from possessing explosives, but does not require that purchasers of explosives undergo a background check. There is no need to rely on the "honor system" for explosives when NICS is now in place for background checks. The Administration's proposal will require a NICS check on every person who buys explosives from a licensed explosives dealer.

2. RESTRICTING YOUTH ACCESS TO FIREARMS

Keeping guns out of the hands of juveniles has been one of the Clinton Administration's top priorities. The Administration has won passage of legislation prohibiting the juvenile possession of handguns, requiring "zero tolerance" for guns in schools, and establishing ATF's Youth Crime Gun Interdiction Initiative (YCGII). Through comprehensive crime gun tracing, YCGII is helping us to establish how the illegal market in firearms operates and to identify and arrest individuals who illegally supply guns to juveniles and young people, as well as the young people who gain illegal possession of the guns.

However, our current laws are still inadequate to keep guns from children. The number of children who are injured by or die from gun-related injuries on a daily basis, so starkly demonstrated by the school shootings of the past few years, confirms this sad reality.

The Administration is proposing four targeted proposals to reduce youth gun possession, as well as a proposal to prohibit the possession of explosives by young people.

Raising the Age of the Youth Handgun Ban to 21 –

The Youth Handgun Safety Act, signed by President Clinton in 1994, bans possession of handguns by juveniles under the age of 18, and prohibits adults from transferring handguns to juveniles. Under the Act, however, it is legal for 18 to 20 year-olds to possess handguns and even to buy them from unlicensed sellers, in their neighborhoods or at gun shows. The ease with which 18 to 20-year-olds can get guns is especially troubling given that ATF crime gun tracing data shows that more crime guns are traced to 18 and 19-year-olds than to any other age group.

The Administration's Youth Gun Crime Enforcement Act will extend the provisions of the youth handgun ban to young people between the ages of 18 and 21. The same exceptions that apply to juveniles will apply to persons between the ages of 18 and 21. They can temporarily possess a handgun if they need it to hunt or farm or in connection with a job, so long as they are authorized to have the handgun by responsible individuals (such as parents, employers, and the owners of the premises where the temporary possession occurs).

Banning Youth Possession of Semiautomatic Assault Rifles – Current law prohibits juveniles from possessing assault pistols, but it allows them to possess assault rifles and large capacity ammunition feeding devices that were manufactured before the effective date of the Assault Weapons Ban in 1994. The Administration's proposal closes this dangerous loophole by prohibiting the possession of all assault weapons and large capacity magazines by persons under the age of 21. There are no exceptions to this prohibition.

Requiring Child Safety Locks for All Firearms – Common sense tells us that if people own guns, they should keep them stored safely, to prevent children and others from getting hold of them. Unfortunately, many

children need look no further than their own home to get their hands on loaded and unlocked guns, as an estimated one-third of all privately-owned handguns are kept loaded and unlocked.

For several years, the Administration has called for the distribution of locking devices for firearms (also known as triggerlocks or child safety locks). Twenty major handgun manufacturers voluntarily have agreed to provide a locking device by October 1998 with every new handgun sold in the United States. Unfortunately, however, this goal has not yet been attained. According to one recent study, not all of the 20 manufacturers are currently supplying such devices. The study also concluded that only one in every ten handguns sold in the United States is sold with a locking device. The Administration's bill will require that licensed gun dealers provide a child safety lock or a secure gun storage box with every firearm sold.

Holding Adults Accountable for Child Access to Guns – Some 16 states have recognized that adults have a responsibility to prevent children from obtaining unsupervised access to guns. "Child access prevention" (CAP) laws promote gun safety and responsibility by holding adults responsible if they allow children to have easy access to loaded firearms. According to one study published by the American Medical Association in 1997, CAP laws have helped reduce fatal unintentional shootings by an average of 23 percent.

However, too few states have CAP laws, and the laws in those states that do have them vary widely. Because youth gun violence is a serious national problem, the Administration has proposed legislation to hold adults criminally responsible if they recklessly allow a child to have access to a gun that is used by the juvenile to cause death or serious injury.

Prohibiting Possession of Explosives by Youth – The Administration's proposal will prevent youth under age 21 from acquiring explosives. It will be illegal to transfer explosives to youths, and for youths to possess explosives, with a very limited exception for commercially-manufactured black powder to be used in antique firearms.

3. COMBATING ILLEGAL TRAFFICKING IN GUNS

The Clinton Administration has made targeting illegal gun traffickers a law enforcement priority. In 1996, the Administration launched the Youth Crime Gun Interdiction Initiative (YCGII) in 17 cities to trace all crime guns recovered in these cities, and to identify and arrest the traffickers who illegally supply firearms to young people. Since then, the Administration has added an additional 20 cities to the initiative and conducted more than 200,000 crime gun traces for local law enforcement.

Illegal trafficking in guns remains a serious problem, and the Youth Gun Crime Enforcement Act strikes at the heart of gun trafficking through tough proposals to reduce the sources of illegal guns.

Restricting Handgun Transfers to One a Month – Gun traffickers stockpile handguns – which are the criminal's gun of choice – and transport them to areas where guns are difficult to obtain and where their sale is most profitable. In the eastern United States, for example, Interstate 95 has become known as the "iron highway," as gun traffickers purchase guns in states with few restrictions and move them northward into states with greater restrictions.

When the citizens of South Carolina and of Virginia recognized that traffickers stocked up on handguns in their states and shipped them elsewhere, the state legislatures moved to limit handgun purchases to one a month. Virginia has reported success with its one-handgun-a-month law. Since enactment, Virginia has dropped from first to eighth in the ranking of states that serve as a source for guns seized at crime scenes in the Northeast. According to a 1996 study published by the American Medical Association, the percentage of guns traveling from Virginia to the Northeast fell from approximately 35 percent to approximately 15 percent – a 20 percent drop. Even though Virginia still ranks high as a source of crime guns for other states, half of the guns traced to Virginia were purchased there *before* the state adopted its one-gun-a-month law in 1993.

After Maryland enacted its one-gun-a-month law, there was a sudden and significant drop in the number of guns that were purchased in multiple gun sales in Maryland which ended up at crime scenes in Washington, D.C.

Gun runners should not be able to evade Brady background checks by buying handguns using "straw purchasers" (persons who buy guns for them), and diverting them to criminals. A federal one-gun-a-month law will eliminate the need for a piecemeal approach to stopping gun trafficking by imposing a uniform rule that will make handguns equally difficult for criminals to obtain in every community. Allowing a person to obtain one handgun a month – for a total of 12 handguns in a single year – will not overburden legitimate gun buyers. In those cases in which a person might on occasion have a legitimate need to obtain more than one handgun a month, the Administration's proposal provides exceptions, such as when a person seeks to replace a lost or stolen gun or wishes to acquire an existing collection of firearms.

Requiring Licensed Firearms Dealers to Store Their Firearms Inventories Securely – Juvenile "smash and grab" thefts and large-scale burglaries by gun traffickers provide a significant source of firearms to the illegal gun market. To cut down on thefts of firearms from licensed dealers, the Clinton Administration's proposal gives ATF the authority to issue regulations requiring licensed dealers to store their firearms inventories securely, just as ATF presently requires explosives dealers to store explosives securely.

Requiring Firearms Thefts From Common Carriers To Be Reported – Traffickers also steal guns when they are in transit and divert the guns to the illegal market. The proposed legislation will require common carriers to report the theft or loss of a firearm within 48 hours to give law enforcement the chance to prevent the diversion from being completed.

Increasing the Number of Allowed Compliance Inspections of Firearms Dealers – Currently, ATF is allowed to conduct only one inspection of a firearms

dealer per year, in the absence of probable cause and a warrant. Limiting ATF in this way means that dealers, once they are inspected, have a "bye" from oversight for the remainder of the year. The proposal allows ATF to conduct up to three inspections of firearms dealers annually to ensure that the dealers are complying with the federal background check and record-keeping requirements.

Liability When a Firearm Is Transferred To Commit a Crime of Violence – It is now illegal to transfer a gun to someone who uses it to commit a violent crime or a drug crime if the person transferring the gun "knows" that the gun will be used in a crime. This proposal clarifies that there is liability when the transferor "knows or has reasonable cause to believe" that the gun will be used to commit a violent crime or a drug crime.

Requiring Licensees to Report the Acquisition of Used Guns – New guns that are used to commit crimes can be traced effectively, because the serial number of the gun enables ATF to get information about the retailer who received a new gun from the manufacturer and distributor. ATF can find out from the retailer who bought the gun. In contrast, it is much more difficult to trace used guns, because they often have been through many private transfers before being resold by a licensed retailer or pawnbroker. Under the Administration's proposal, licensed dealers will submit reports to ATF about used firearms that they acquire, to enable the guns to be traced if they are later used in crime. The information submitted by the dealers to ATF will not include identifying information about private individuals who sell used guns to, or buy them from, licensed dealers; rather, it will be restricted to information identifying the firearm.

4. STRENGTHENING THE ASSAULT WEAPONS BAN

In 1994, the Clinton Administration successfully fought for legislation to ban the manufacture and importation of the 19 deadliest assault weapons, copies of those weapons, and large capacity ammunition clips that hold more than 10 rounds of ammunition. In response to the ban, some foreign manufacturers slightly

redesigned certain assault weapons in order to circumvent the ban. Last year, the Administration banned the importation of approximately 59 modified assault rifles, because they were found to be unsuitable for sporting purposes.

Despite these efforts, a significant loophole remains. Although the Assault Weapons Ban prohibits the manufacture and importation of large capacity ammunition feeding devices that were manufactured after 1994, the ban is virtually unenforceable, because it is difficult to determine whether the devices that are shipped into this country were manufactured before the ban went into effect. The Administration's bill therefore includes a proposal to ban all imported large capacity ammunition feeding devices that hold more than 10 rounds of ammunition, regardless of when they were manufactured.

5. GIVING LAW ENFORCEMENT ADDITIONAL TOOLS TO COMBAT CRIMINAL MISUSE OF FIREARMS

When criminals use guns to commit crimes, they should not receive the same penalty as someone who carries out illegal activities unarmed. Therefore, the Clinton Administration's Youth Gun Crime Enforcement Act gives law enforcement additional tools to crack down on criminals who misuse firearms.

Making Certain Gang-Related Firearms Offenses Predicates for RICO – Criminal street gangs and guns go together all too often, and gang members use guns in carrying out all aspects of their illegal activities. This proposal will add a number of firearms offenses to the RICO statute, which prohibits the illegal activities of criminal organizations such as street gangs.

Increasing Penalties for Firearms Conspiracies – This proposal will make conspiracies to violate the firearms laws punishable by the same maximum term as the underlying substantive offense that was the object of the conspiracy. In other words, if gang members agree to get guns illegally, and any one gang member takes steps to get guns illegally, *all* of the gang members who agreed to the plan can be punished as if they had actually gotten guns.

Making Gun Convictions a Predicate for the Armed Career Criminal Act – Today, only violent felonies and serious drug offenses are predicate offenses under the Armed Career Criminal Act (ACCA), which imposes a 15-year mandatory minimum prison sentence and is aimed at recidivist violent offenders and narcotics traffickers. This proposal will add prior convictions for being a felon-in-possession to the ACCA when the violator has at least one prior conviction for a violent felony or serious drug offense, so that gun-carrying criminals will be subject to the ACCA's strict terms.

Making Juvenile Drug Trafficking Convictions a Predicate for the Armed Career Criminal Act – Youthful offenders are increasingly involved in serious drug offenses, and there is a known association between drug crimes and violence. Under this proposal, an adjudication of juvenile delinquency for a serious drug trafficking offense will be a predicate act under the ACCA, subjecting the offender to the ACCA's mandatory minimum prison term of 15 years.

Increasing the Limitations Period for National Firearms Act Prosecutions – Under current law, the statute of limitations for violations of the National Firearms Act, which prohibits the unlawful possession of explosive bombs and machineguns, is only three years. This proposal will extend the statute of limitations to five years, bringing it in line with the general statute of limitations for gun crimes.

Forfeiture of Firearms Used in Crimes of Violence and Felonies – This proposal will permit federal law enforcement to forfeit guns that are used in crimes of violence and felonies. In addition, ATF will be able to forfeit additional items (such as drugs and property) that are used in the crimes. Both civil and criminal forfeitures will be available.

BUILDING UPON OUR SUCCESS: NEW RESOURCES FOR INNOVATIVE AND EFFECTIVE PROSECUTION AND PREVENTION PROGRAMS

To build upon the successes of the last six years, the Clinton Administration is seeking additional resources for prosecution of federal firearms laws, crime gun tracing, and support for communities to implement strong law enforcement and prevention programs.

Prosecuting Illegal Acquisition, Possession, and Use of Firearms

Just as we work hard to keep guns out of the hands of criminals and children in order to prevent gun violence from occurring, federal law enforcement works hard to enforce the law when gun crimes are committed. United States Attorneys and ATF have worked in partnership with state and local police and prosecutors, mayors, and community leaders on numerous violent crime task forces and specially-targeted initiatives. These collaborative efforts, as exemplified by the Justice Department's Anti-Violent Crime Initiative (AVCI), allow us to develop firearms and violent crime prosecution strategies in coordination with state and local prosecutors that work for the particular community involved.

Through these combined efforts, the overall number of people convicted for firearms violations in this country rose sharply between 1992 and 1996, increasing by almost 25 percent. Although there has been a decline in the number of federal firearms prosecutions during this same period, this decline has occurred largely among lower-level offenders who received sentences ranging from probation to imprisonment for less than three years; the number of higher-level federal firearms offenders who received prison sentences of five years or more actually has increased by more than 25 percent during this same period.

In some communities, violent crime rates have been reduced dramatically through a coordinated firearms-focused violence reduction strategy. For example, in Boston, Massachusetts, federal and local law enforcement and community leaders developed a coordinated strategy to reduce youth gang violence. In Richmond, Virginia, which in 1996 had one of the highest per capita homicide rates of any American city, law enforcement officials established Project Exile, a coordinated approach to gun violence to curtail Richmond's homicide rate. Through Project Exile, the local police work closely with ATF and the United States Attorney's office to refer gun cases for federal prosecution when the state penalties are inadequate and there is a basis for prosecuting the case in federal court. This effort, in combination with other local, state, and federal law enforcement initiatives to address violent crime, helped reduce the total number of firearms homicides in Richmond dramatically – by 36 percent.

Towards a Comprehensive, Community-Based Gun Violence Reduction Strategy

On March 20, 1999, President Clinton directed the Attorney General and the Secretary of the Treasury to develop an integrated firearms violence reduction strategy that builds on the successful measures and innovative approaches that many communities already have implemented across the country. In response to the President's Directive, the Departments of Justice and Treasury are asking United States Attorneys and ATF Special Agents in Charge to participate in developing a gun violence reduction strategy that targets illegal guns; is tailored to the particular needs of their communities; and strikes an appropriate balance between federal and state law enforcement.

Each community will first assess the nature of its gun violence problem: Are youth gangs responsible for the violence? What are the illegal sources of guns to the community? Is the violence concentrated in particular neighborhoods or during particular times of the day? After conducting this assessment, each community will then develop an individualized plan that responds to specific local problems, and considers each of the following elements:

Boston's strategy to prevent youth violence.

Starting in the early to mid-1990s, Boston embarked on a series of innovative public safety strategies that focused on violent youth and illicit gun markets. A broad coalition including federal, state, and local governmental agencies, nonprofit community service organizations, businesses, religious leaders, and parents, developed a comprehensive response to the escalating number of juvenile homicides. This response included enforcement strategies, such as Operation Ceasefire (to combat gang violence); a strategy to reduce the illegal supply of guns; and Operation Night Light, a police-probation partnership.

In addition to these enforcement efforts, and in keeping with the existing neighborhood policing strategy, Boston also employed numerous prevention and intervention initiatives. Working with community partners, the city built on existing services in the communities to enhance or expand services aimed at at-risk youth.

As a result of this coordinated approach, Boston's homicides fell from a high of 152 in 1990, to 35 in 1998.

In the words of Boston Police Commissioner Paul Evans, "The best intervention and enforcement efforts are also preventive. In the same way, the best prevention programs produce intervention effects. While our prevention/intervention/enforcement strategy is seen as providing a continuum of services, effects overlap. The strategy has evolved in this way because of the complexity of the overall problem."

- ✓ Enhanced investigation and prosecution of firearms violations;
- ✓ Comprehensive crime gun tracing, analysis and mapping, expanded use of ballistics identification technology, and coordinated use of crime and crime gun information to identify illegal gun markets, known as gun "hot spots";
- ✓ Coordinated law enforcement efforts to ensure that licensed gun dealers and purchasers comply with all applicable laws;
- ✓ Strict enforcement of probation and parole conditions and other measures to target chronic violent offenders; and

- ✓ Innovative strategies to work more closely with the community to search for and seize more crime guns, better identify gun criminals, remove weapons that are illegally in the hands of juveniles, and increase the public's knowledge of their community's gun-related crime and violence problem.

To enable the Department of Justice to devote appropriate new resources to the coordinated gun violence reduction strategy, the Clinton Administration has requested an additional \$5 million for intensive firearms prosecution projects and \$23.8 million for additional ATF agents.

*Youth Crime Gun Interdiction Initiative:
Enforcement Focusing on Armed Juveniles
and Youth*

Every gun sold in the United States has a serial number. When a crime is committed with a gun, police officers often can use the gun's serial number to "trace" that gun from the manufacturer to the original purchaser. This information often helps police identify suspects and patterns suggesting illegal gun trafficking.

ATF's National Tracing Center (NTC) is responsible for tracing guns that are used in crimes and recovered at crime scenes. When local police want to trace a crime gun, they submit a request to NTC, which then contacts the gun manufacturer. The manufacturer is required to provide the name of the wholesale or retail distributor and the date that the gun was sold to that distributor. The chain of wholesale and retail transactions is then followed from the point of sale to an individual.

In response to the tripling of the juvenile firearms homicide rate from 1985-1994, President Clinton initiated the Youth Crime Gun Interdiction Initiative (YCGII). The goal of YCGII is to identify and eliminate the illegal supply of firearms to and illegal use by prohibited juveniles and youth by identifying the illegal sources of crime guns, and using that information to put gun traffickers out of business. YCGII enhances enforcement of existing federal and state firearms laws by providing police and prosecutors with complete

information about recovered crime guns. Participating jurisdictions use that information to initiate law enforcement operations against criminals who illegally transfer firearms to juveniles, to adult criminals, and to other prohibited persons. YCGII also provides a foundation of information about the illegal gun market.

Youth Crime Gun Interdiction Initiative Report

The February 21, 1999 Youth Crime Gun Interdiction Initiative Report demonstrates the information that can be obtained from an analysis of crime gun traces and investigative information:

- Over 25 percent of crime guns recovered by law enforcement have moved rapidly from retail side to point of recovery. Such fast "time to crime" guns are likely to have been trafficked.
- Illegal trafficking sources include straw purchasing rings; individual straw purchasers, unregulated private sellers at gun shows and elsewhere, trafficking in stolen firearms, and trafficking by federally-licensed firearms dealers.
- Among possessors of guns used in crime, over 11 percent were juveniles (ages 17 and under) and over 32 percent were between the ages of 18-34.
- Semiautomatic pistols clearly predominate among guns recovered in crimes in each city and constitute 52 percent of all trace requests.
- In eight of the 27 cities, an average of 11.4 percent of traced handguns had obliterated serial numbers, showing awareness among criminals of the Administration's trafficking enforcement program.

YCGII was implemented in 17 cities in July 1996, and has now been expanded to 27 cities. Since its inception, over 200,000 crime guns have been traced through YCGII. These traces have assisted law enforcement in solving individual cases and in identifying sources of crime guns to particular communities. Trace information has also helped investigators identify interstate and intrastate sources of crime guns, the types of guns most frequently used in crimes, patterns of trafficking in new and used firearms, and has led to arrests and prosecutions of gun traffickers by United States Attorneys.

The Clinton Administration's budget for Fiscal Year 2000 proposes to expand YCGII to 10 additional cities, and the Youth Gun Crime Enforcement Act will increase the program to 75 cities by 2004.

Developing and Promoting Smart Prevention and Intervention Strategies

The anti-violent crime strategy of the Clinton Administration is based upon the principle that to prevent crime effectively and *sustain* the crime rate reduction, tough law enforcement must be balanced with smart prevention and intervention strategies.

Through the Partnerships to Reduce Juvenile Gun Violence Program, the Comprehensive Communities Program, the Strategic Approaches to Community Safety Initiative, the Youth Firearms Violence Initiative, and other programs administered by the Department of Justice, the Administration has supported numerous innovative programs that break the chain of causation that leads to gun violence. The Justice Department and ATF have offered training and technical assistance to numerous communities to reduce the demand for and availability of guns and to reduce violence on our Nation's streets and in our schools. As part of its commitment to address the escalating problem of youth violence, the Department has provided funds to communities to enhance and coordinate prevention, intervention, and suppression strategies by developing partnerships between community residents, law enforcement, and the juvenile justice system. And the Justice Department has developed a "tool box" approach for communities to use in implementing effective programs to reduce violence.

Through its research branch, the National Institute of Justice (NIJ), the Justice Department also has supported many research projects that have improved our understanding of both the nature of gun violence and the effectiveness of various law enforcement strategies. For example, NIJ has sponsored studies of the illegal acquisition, possession, and use of firearms, as well as trends in gun injury, fatality, and crime. NIJ sponsored studies have also examined illegal firearms markets,

Promising Strategies to Reduce Gun Violence: A tool box for communities

In 1998, the Department of Justice examined over 400 gun violence reduction programs in communities across the country. These included federal, state, and local law enforcement programs, and programs started by schools, hospitals, courts, businesses, and non-profit organizations. DOJ published *Promising Strategies to Reduce Gun Violence*, which presents practical information about 60 of these programs that have had a measurable impact on reducing gun violence. Among the tools that many communities have successfully used to reduce gun violence are the following:

- ✓ Crime mapping, including identification of high-crime "hot spots".
- ✓ Direct police patrols of neighborhoods identified as crime "hot spots".
- ✓ Multijurisdictional task forces, bringing together federal, state, and local law enforcement teams for coordinated investigation and prosecution of firearms offenses.
- ✓ Crime gun tracing and ballistics identification technology.
- ✓ Investigation and inspection of firearms dealers to ensure that they are in compliance with federal and state laws, and local ordinances.
- ✓ Truancy reduction strategies.
- ✓ School-based enforcement programs, including anonymous weapons hotlines.
- ✓ Gun courts.
- ✓ Surveillance of probationers by teams of probation and police officers, to visit the homes, schools, and workplaces of probationers.
- ✓ Violence prevention education, including conflict resolution courses.

sources of guns to juveniles and criminals, and patterns of firearms use and possession by high school students and gang members, and evaluated the effectiveness of various prevention and intervention programs. This research has supported the traditional enforcement activities of federal, state and local law enforcement officials, as they seek to address the root causes of gun violence by disrupting the progression of events and conditions that lead to gun violence.

FY2000 Budget

The balanced budget that President Clinton sent to Congress contains \$88.8 million in new funds to continue the fight against illegal sources and uses of firearms, and to enhance enforcement of federal firearms laws. The President's budget includes:

- \$5 million for additional federal prosecutors to prosecute firearms violations.
- \$23.8 million for additional ATF agents.
- \$11 million to expand the Youth Crime Gun Interdiction Initiative to ten additional cities.
- \$35 million for OJJDP to administer the Certainty of Punishment Program. This program will provide up to 45 communities with \$750,000 each to develop a range of programs to address juvenile crime, including juvenile gun and drug courts. Up to 20 additional communities will be considered for awards of up to \$100,000 for planning their intervention programs. An additional \$3.5 million will support an independent evaluation of the program, and an additional \$750,000 will be used to provide training and technical assistance to communities establishing these courts.
- \$10 million to expand OJJDP's "Partnerships to Reduce Juvenile Gun Violence" from 3 sites to an additional 25 sites. The requested budget increase would expand demonstration of an approach supported both by three decades of research on preventing delinquency and juvenile crime, and preliminary research on reducing gun violence. Each of the 25 communities would receive \$300,000, with an additional \$1 million to provide training and technical assistance to these communities in implementing their programs, and an additional \$1.5 million for an independent national evaluation.
- \$4 million for a full evaluation of OJJDP's "Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders," within 5 states where it currently is being implemented.
- In addition, the President has asked Attorney General Janet Reno and Secretary of the Treasury Rubin to identify additional federal resources that can be applied to reduce gun violence.

In addition to these new budget requests, the President's budget includes \$1.3 billion for the 94 United States Attorneys offices nationwide, which will support investigation and prosecution of firearms violations by United States Attorneys. States may also use their various DOJ formula and block grant funding streams to support gun violence reduction initiatives.

CONCLUSION

All Americans should be able to feel safe and secure on our streets, in our schools, at work, and at home. Putting an end to gun violence will require a sustained effort at all levels of our government and our society. Together, we can build upon the successes of the last six years and bring greater peace and security to America's communities. Gun violence in America is not a new problem, but the nature of the problem has changed over the years. Today the emphasis must be on strengthening our laws to keep guns from criminals and children. The Clinton Administration's gun violence reduction strategy has been based on a comprehensive approach that has included legislation to prevent the illegal acquisition, use, and possession of firearms, such as the Brady Law, the Youth Handgun Safety Act and the Assault Weapons Ban; enforcement programs to enhance the investigation and prosecution of gun-related crimes, such as the Anti-Violent Crime Initiative; and prevention initiatives to identify and support innovative and effective programs to reduce gun violence and gun crime, such as *Promising Strategies to Reduce Gun Violence*. The proposals contained in the Youth Gun Crime Enforcement Act will give law enforcement powerful and effective new tools to reduce gun crime and violence further by building on the successful approaches and partnerships that have been developed during the Clinton Administration.



FOR IMMEDIATE RELEASE

AG

MONDAY, DECEMBER 18, 2000

(202) 616-2777

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TDD (202) 514-1888

STATEMENT BY ATTORNEY GENERAL JANET RENO
REGARDING PRELIMINARY UNIFORM CRIME REPORT STATISTICS

WASHINGTON, D.C. - The FBI today released the preliminary Uniform Crime Report statistics for the first six months of 2000. The Attorney General issued the following statement:

- "I am pleased to report that crime is now down for eight consecutive years and preliminary data for 2000 shows that it continues to decline. In the first six months of this year, overall violent and property crime experienced a slight decrease and murder continued to decline nationwide. Our communities are safer than they have been in a generation and this is good news for American families.
- "The programs and policies we have implemented along with the partnerships between federal, state and local law enforcement have contributed to the historic decrease in the crime rate. The Administration has made grants to fund over 100,000 new police officers through the COPS program. We secured passage of the Brady Act and have kept guns out of the hands of over 600,000 people who are prohibited from having them. Gun crime has been reduced 40% and homicide is at its lowest point in 33 years.
- "Today's report also shows crime edging up in certain areas. That is why we must not become complacent. We must remain vigilant in our efforts to identify these trends and continue to implement innovative programs that will keep our communities safe well into the future."

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00-702



FOR IMMEDIATE RELEASE

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MONDAY, OCTOBER 18, 1999

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TDD (202) 514-1888

STATEMENT BY THE ATTORNEY GENERAL ON THE
UNPRECEDENTED SEVEN YEAR DECREASE IN CRIME

WASHINGTON, D.C. -- The FBI today released its final 1998 Uniform Crime Report showing serious crime has decreased for the seventh year in a row. According to these final numbers, serious crime in 1998 declined more than 6 percent from 1997.

Attorney General Janet Reno issued the following statement:

"Today's news is great for citizens across the nation. For seven years now we have seen serious crime go down in each region of the country, and in cities and towns large and small. Our children are safer and our families feel more secure.

"There is no one reason for the continued drop in crime. It's a combination of many factors. It's more police officers on the streets, greater partnerships between law enforcement agencies, continued efforts to keep guns away from criminals, and a balanced approach that includes prevention, intervention, punishment and supervision.

"The falling crime rate is wonderful news. But, we must not become complacent. We must remain steadfast in our efforts so that crime can continue to fall as we head into the 21st century.

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99-486



EMBARGOED UNTIL 4:30 PM EST

AG

SUNDAY, DECEMBER 27, 1998

(202) 616-2777

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STATEMENT BY ATTORNEY GENERAL JANET RENO

WASHINGTON, D.C. -- The nation's violent crime rate fell almost 7 percent during 1997, according to the Justice Department's National Crime Victimization Survey. It has fallen more than 21 percent since 1993 -- and has dropped to the lowest level since 1973. In addition, the survey shows a nearly 6 percent decline in the number of violent crimes in 1997 over the previous year.

Attorney General Janet Reno issued the following statement.-- embargoed until 4:30 PM EST Sunday, December 27, 1998:

"Every one percent drop in crime means 90,000 fewer violent crime victims. That means there were about half a million fewer crime victims in 1997 than 1996, according to the survey. Because of the tools provided by President Clinton, prosecutors and police officers are continuing to see success in the fight against violent crime. We are making progress, but we cannot rest on our laurels. We need to redouble our efforts to ensure that crime continues to decline."

The survey report, "Criminal Victimization 1997, Changes 1996-97 with Trends 1993-97" (NCJ 173385) can be obtained by the Bureau of Justice Statistics fax-on-demand by dialing 301-519-5550, listening to the complete menu and selecting document number 139. Or call the BJS Clearinghouse number: 1-800-732-3277.

To obtain interviews about the report over the holiday weekend, contact Doug Johnson by pager at: 202-516-6800, or the Justice Department Command Center at: 202-514-5000.

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98-608

SUNDAY, OCTOBER 13, 1996

AG
(202) 616-2777
TDD (202) 514-1888

STATEMENT OF ATTORNEY GENERAL JANET RENO
ON DECLINING CRIME RATES

WASHINGTON, DC -- Attorney General Janet Reno made the following statement regarding the October 13 release of the FBI's annual report on crime in the United States:

"The FBI's statistics indicate that 1995 had the lowest murder rate in a decade and the lowest violent crime rate since 1989. These declines are a result of many different causes, including our bi-partisan efforts to give local law enforcement the tools they need to combat crime. This is good news, but this is no time to rest on our laurels. Crime is still too high. We need to bolster our efforts to be tough and smart on crime, including our commitment to community policing and increased cooperation among federal, state and local law enforcement."

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NOTE: The FBI statistics for 1995 and the Attorney General's comment are embargoed for use until Sunday, October 13.

96-506



U.S. Department of Justice Federal Bureau of Investigation

For Immediate Release
October 17, 1999

Washington D.C.
FBI National Press Office

Crime in the United States, 1998

With the publication of *Crime in the United States, 1998*, the Federal Bureau of Investigation confirmed that reported serious crime decreased nationwide for the seventh consecutive year. The final 1998 statistics released by the Bureau's Uniform Crime Reporting (UCR) Program reveal that reported serious crime, comprising both violent and property crimes, was down 5 percent from the 1997 level and 11 percent from the 1994 figures.

According to the FBI, violent crime totals declined 6 percent and property crime totals dropped 5 percent compared to the previous year's totals.

For violent crimes, the reductions in 1998 from 1997 totals included robbery, 10 percent; murder, 7 percent; aggravated assault, 5 percent; and forcible rape, 3 percent. In 1998, the number of violent crimes was 18 percent below the 1994 level and 7 percent below the 1989 level.

For property crimes, the reductions in 1998 from 1997 levels totaled motor vehicle theft, 8 percent and burglary and larceny-theft, 5 percent each. In 1998, the number of property crimes was 10 percent below the 1994 level and 13 percent below the 1989 level.

The 6-percent decline in reported serious crime in the Nation's cities overall and suburban counties was only slightly higher than the 5-percent decrease in rural areas.

Based on reports from approximately 17,000 city, county, and state law enforcement agencies, *Crime in the United States, 1998*, contains the most current national crime data available. Estimates are included for nonreporting areas.

Highlights from the 1998 edition include:

Crime Volume

- The 1998 Crime Index total of approximately 12.5 million offenses represents a 5-percent decline from the 1997 figure. Five- and 10-year comparisons show the 1998 national total has dropped 11 percent since 1994 and 12 percent since 1989.
- The South, with 35 percent of the Nation's population, recorded 40 percent of total reported crime in 1998; the West, with 22 percent of the population, accounted for 24 percent; the Midwest, with 23 percent of the population, 22 percent; and the Northeast, comprising 19 percent of the population, accounted for 14 percent. Crime dropped 7 percent in both the Northeast and West, 5 percent in the South, and 4 percent in the Midwest.

Crime Rate

- The 1998 Crime Index rate of 4,616 offenses per 100,000 United States inhabitants was 6 percent lower than the 1997 rate, 14 percent below the 1994 rate, and 20 percent lower than the 1989 figure.
- Regionally, the Crime Index rate in the South was 5,223 offenses per 100,000 inhabitants; in the West, 4,879; in the Midwest, 4,379; and the Northeast, 3,474. All regions reported rate declines from 1997 levels.
- Cities outside the Nation's metropolitan areas recorded a Crime Index rate of 4,987 offenses per 100,000 inhabitants; Metropolitan Statistical Areas recorded 4,975 offenses per 100,000 inhabitants; and rural counties, 1,998 per 100,000 inhabitants.

Violent Crime

- There were an estimated 1.5 million violent crimes during 1998. The rate of 566 violent crimes for every 100,000 inhabitants was the lowest since 1985.
- All individual violent crimes (murder, forcible rape, robbery, and aggravated assault) declined in volume and rate from the 1997 levels.
- Data collected on weapons used in connection with violent crimes showed personal weapons (hands, fists, and feet) were used in 31 percent of all murders, robberies, and aggravated assaults, collectively. Aggravated assault accounted for 64 percent of all violent crimes in 1998; robbery accounted for an additional 29 percent; and murder for the lowest number 1 percent. Firearms were used in 25 percent of violent crimes; knives or cutting instruments in another 15 percent, and other dangerous weapons were involved in 28 percent.

Property Crime

- All property crime categories (burglary, larceny-theft, and motor vehicle theft) in 1998 decreased in volume and rate.
- The estimated property crime total, 11 million offenses, was 5 percent lower than the 1997 total.
- The 1998 property crime rate dropped 6 percent from the previous year's rate to 4,049 offenses per 100,000 population.
- Estimates place the financial losses associated with stolen property at more than \$15.4 billion in 1998, an average loss per offense of \$1,407.

Hate Crime

- In 1998, a total of 7,755 hate crime incidents were reported; 4,321 were motivated by racial bias; 1,390 by religious bias; 1,250 by sexual-orientation bias; 754 by ethnic bias; 25 by disability bias; and 5 were multiple-bias incidents.
- A total of 10,461 agencies covering nearly 214 million of the U.S. population participated in hate crime data collection.
- Crimes against persons comprised 68 percent of the 9,235 offenses reported. Among the crimes against persons, intimidation accounted for 55 percent of the total; simple assault and aggravated assault accounted for 27 percent and 17 percent, respectively; murder and rape each accounted for less than 1 percent.

Crime Clearances

- Law enforcement agencies nationwide recorded a 21-percent Crime Index clearance rate in 1998. The clearance rate for violent crimes was 49 percent; for property crimes, 17 percent.
- Among the Crime Index offenses, the clearance rate was highest for murder, 69 percent; and lowest for burglary and motor vehicle theft, 14 percent each.
- Offenses involving only juvenile offenders (under 18 years of age) accounted for 19 percent of the Crime Index offenses cleared; 12 percent of the violent crime clearances; and 21 percent of the property crime clearances.

Arrests

- Law enforcement agencies made an estimated 14.5 million arrests for all criminal infractions, excluding traffic violations, in 1998, a decrease of 1 percent over the previous year's figure. The highest estimated arrest counts were for drug abuse violations at approximately 1.6 million. Driving under the influence arrests were gauged at over 1.4 million. There were an estimated 1.3 million arrests each for larceny-theft and simple assault. The number of arrests in proportion to the total U.S. population was 5,534 arrests per 100,000 inhabitants.
- From 1997 to 1998, juvenile arrests decreased 4 percent while adult arrests fell 1 percent. Violent crime arrests of juveniles decreased 8 percent and those of adults declined 4 percent.
- Of all persons arrested in 1998, 45 percent were under the age of 25 and 18 percent were under the age of 18. Juveniles were most frequently arrested for larceny-theft;

adults were most often arrested for drug abuse violations.

- o Of those individuals arrested, 78 percent were male, and 68 percent were white.
- o Thirty percent of all arrests were for drug abuse violations and alcohol-related offenses. Females were most often arrested for the offense of larceny-theft. Males were most often arrested for drug abuse violations.

Murder

- o The number of murders in 1998 was estimated at nearly 17,000, which is 7 percent lower than the 1997 total and 28 percent lower than in 1994. The murder rate was 6 offenses per 100,000 inhabitants, the lowest figure since 1967.
- o Based on supplemental data received for 14,088 of the estimated murders, 88 percent of murder victims in 1998 were persons aged 18 years or older and 76 percent were male. The percentage of white and black murder victims was 50 percent and 48 percent, respectively.
- o According to data submitted on 16,019 murder offenders, 89 percent of the assailants were male, 88 percent were 18 years of age or older, 49 percent of the offenders were black, and 49 percent were white. The remaining offenders were persons of other races.
- o Fifty-one percent of murder victims knew their assailants. Among all female murder victims, 32 percent were slain by husbands or boyfriends, and 4 percent of the male victims were slain by wives or girlfriends.
- o Thirty-two percent of all murders were a result of arguments, and 18 percent resulted from felonious activities such as robbery, arson, and other crimes.
- o Data indicate that murder is most often an intraracial offense. In 1998, 94 percent of black murder victims were slain by black offenders. Eighty-seven percent of white victims were slain by white offenders.
- o Six out of every ten reported murders were committed with a firearm.

Forcible Rape

- o The estimated total of 93,103 forcible rapes reported to law enforcement during 1998 was the lowest total in a decade.
- o Approximately 67 of every 100,000 females in the country were reported rape victims in 1998, a rate that is 4 percent lower than in 1997.

Robbery

- o Robbery declined 10 percent in 1998 as compared to 1997 levels. Estimated robbery totals were 446,625 or 165 robberies per 100,000 population nationwide.
- o Nearly \$446 million in monetary loss was attributed to property stolen in connection with this offense. Bank robberies resulted in the highest average loss, \$4,516 per offense; gas or service station robberies the lowest, \$546.
- o Street or highway robberies accounted for slightly less than half of the offenses in this category.
- o Strong-arm tactics were used in 40 percent of all robberies committed in 1998, and firearms were used in 38 percent. Knives or cutting instruments were involved in 9 percent of the total robberies, and other weapons in 13 percent.

Aggravated Assault

- o An estimated 974,402 aggravated assaults were reported to law enforcement in 1998, down 5 percent from the 1997 total.
- o Aggravated assault accounted for 64 percent of the violent crimes in 1998.
- o Blunt objects or other dangerous weapons were used in 36 percent of aggravated assaults in 1998. Personal weapons such as hands, fists, and feet were used in 27 percent of reported incidents; firearms in 19 percent; and knives or cutting instruments in 18 percent.

Burglary

- An estimated 2.3 million burglaries were reported to law enforcement in 1998, a decline of 5 percent from the 1997 level. Residences were the target of 2 of every 3 burglaries.
- Overall burglary losses were estimated at \$3.1 billion in 1998.
- Sixty-five percent of all burglaries involved forcible entry, and 53 percent occurred during daylight hours. The average loss for residential burglaries was \$1,299 and for nonresidential, \$1,432.

Larceny-theft

- Of the three property crime offenses reported (burglary, larceny-theft, and motor vehicle theft), larceny-theft, with an estimated total of 7.4 million offenses, comprised 67 percent of the property crime total for the year.
- The total dollar loss to victims nationwide due to larceny-theft was nearly \$4.8 billion in 1998. Property loss averaged \$650 per offense.
- Thirty-six percent of the reported larcenies involved the theft of motor vehicle parts, accessories, and contents.

Motor Vehicle Theft

- In 1998, an estimated 1.2 million motor vehicles were reported stolen nationwide, representing an 8-percent drop in motor vehicle thefts from the 1997 levels and the lowest number since 1986.
- The estimated total value of vehicles stolen nationwide was nearly \$7.5 billion. The estimated average value of stolen motor vehicles at the time of theft was \$6,030 per vehicle.
- Seventy-six percent of all vehicle thefts involved automobiles. Trucks and buses accounted for 19 percent, and the remainder included other types of vehicles.

Arson

- A total of 78,094 arson offenses were reported in 1998, a 7-percent decline from the previous year's total.
- Structures were the most frequent targets of arsonists, comprising 47 percent of the reported incidents. Residential property was involved in 61 percent of the structural arsons during the year, and 43 percent of these structural arsons were directed at single-family dwellings.
- The monetary value of property damaged due to reported arsons averaged \$12,561 per incident.
- Persons under the age of 18 were involved in 45 percent of arson crimes cleared by law enforcement in 1998. Of the eight Crime Index offenses, arson had the highest percentage of juvenile involvement.

Law Enforcement Employees

- A total of 13,865 city, county, and state police agencies reporting to the UCR Program provided law enforcement services to nearly 260 million inhabitants of the United States in 1998. Collectively, these agencies employed 641,208 officers and 253,327 civilians.
- The average rate of 2.5 full-time officers for every 1,000 inhabitants across the country was unchanged from the 1997 total.
- The Nation's cities collectively employed 2.4 officers per 1,000 inhabitants; rural law enforcement, 2.5 officers per 1,000; and suburban law enforcement, 2.6 per 1,000.
- The highest rate of sworn officers to population was recorded in the Northeastern States, with 2.8 officers per 1,000 inhabitants.
- Civilians made up 28 percent of the total United States law enforcement employee force in 1998.



U.S. Department of Justice Federal Bureau of Investigation

For Immediate Release
November 22, 1998

Washington D.C.
FBI National Press Office

Crime in the United States, 1997

The Federal Bureau of Investigation announced today that for the sixth consecutive year reported serious crime decreased in the United States. In 1997, reported serious crime, which includes both violent and property crimes, was estimated at nearly 13.2 million offenses, a decline of 2 percent from the 1996 level and 7 percent from the 1993 figures.

According to the FBI, the Uniform Crime Reporting (UCR) Program's final 1997 statistics which were released today revealed violent crime totals were down 3 percent and property crime totals declined 2 percent from 1996 levels.

By offense, the decline in violent crimes in 1997 from 1996 totals were murder and robbery, each 7 percent; aggravated assault, 1 percent; and forcible rape showed a slight decrease.

In 1997, the number of violent crimes was 15 percent below the 1993 level but 4 percent above the 1988 level.

Decreases in property crimes in 1997 from 1996 levels were motor vehicle theft, 3 percent; and burglary and larceny-theft, 2 percent each.

The Nation's crime experience ranged from a 3-percent decrease in cities overall to a 1-percent increase in the rural areas.

Crime in the United States, 1997, the FBI's annual report released today, contains the most current UCR crime data available. The statistics are based on a Crime Index of selected violent and property crimes submitted by more than 17,000 city, county, and state law enforcement agencies to the UCR Program. Estimates are included for nonreporting areas.

Summarized data from the 1997 edition include:

Crime Volume

---The 1997 Crime Index total of approximately 13.2 million offenses represents a 2-percent decline from the 1996 total. Five- and 10-year comparisons show the 1997 national total has dropped 7 percent since 1993 and is 5 percent lower than in 1988.

---The South had 40 percent of reported crime in 1997; the West, 24 percent; the Midwest, 22 percent; and the Northeast, 15 percent. Crime was down 5 percent in the Northeast, 2 percent in the South and West, and 1 percent in the Midwest.

Crime Rate

---In 1997, the Crime Index rate of 4,923 offenses per 100,000 United States inhabitants was 3 percent lower than the 1996 rate. The crime rate was 10 percent below the 1993 rate and 13 percent lower than the 1988 figure.

---Regionally, the Crime Index rate in the South was 5,547 offenses per 100,000 inhabitants; in the West, 5,335; in the Midwest, 4,572; and in the Northeast, 3,734. All regions reported rate declines from 1996 levels.

---The Nation's metropolitan areas recorded a Crime Index rate of 5,325 offenses per 100,000 inhabitants; cities outside metropolitan areas recorded 5,207 offenses per 100,000 inhabitants; and rural counties, 2,064 per 100,000 inhabitants.

Violent Crime

---There were an estimated 1.6 million violent crimes during 1997. The rate of 611 violent crimes for every 100,000 inhabitants was the lowest since 1987.

---Data collected on weapons used in connection with violent crimes showed personal weapons (hands, fists, and feet) were used in 30 percent of all murders, robberies, and aggravated assaults, collectively. Firearms were used in another 27 percent.

---All individual violent crimes showed declines in volume and rate from 1996 to 1997.

Property Crime

---All property crime categories (burglary, larceny-theft, and motor vehicle theft) in 1997 decreased in volume and rate.

---The estimated property crime total, 11.5 million offenses, was 2 percent lower than the 1996 total.

---The 1997 property crime rate dropped 3 percent from the 1996 rate to 4,312 offenses per 100,000 population.

---It is estimated that more than a \$15 billion loss in stolen property occurred in 1997, an average loss per offense of \$1,311.

Hate Crime

---In 1997, a total of 9,861 hate crimes were reported; 5,898 were motivated by racial bias; 1,483 by religious bias; 1,375 by sexual-orientation bias; 1,083 by ethnic bias; 12 by disability bias; and 10 were multiple-bias offenses.

---A total of 11,211 agencies covering nearly 223 million of the U.S. population participated in hate crime data collection.

---Crimes against persons comprised 70 percent of the 9,861 offenses reported. Among the crimes against persons, intimidation accounted for 55 percent of the total; simple assault and aggravated assault accounted for 26 percent and 18 percent, respectively; murder and rape each accounted for less than 1 percent.

Crime Clearances

---A 22-percent Crime Index clearance rate in 1997 was recorded by law enforcement agencies nationwide. The clearance rate for violent crimes was 48 percent; for property crimes, 18 percent.

---Among the Crime Index offenses, murder had the highest clearance rate, 66 percent; burglary and motor vehicle theft the lowest, 14 percent each.

---Clearances involving only juvenile offenders (under 18 years of age) accounted for 20 percent of the Crime Index offenses cleared; 12 percent of the violent crime clearances; and 23 percent of the property crime clearances.

Arrests

---Law enforcement agencies made an estimated 15.3 million arrests for all criminal infractions, excluding traffic violations, in 1997, an increase of 1 percent over the previous year's figure. The highest estimated arrest counts were for drug abuse violations at approximately 1.6 million. Larceny-theft and driving under the influence arrests followed closely behind at nearly 1.5 million each. There were an estimated 1.4 million arrests for simple assaults. Relating the number of arrests to the total U.S. population, the rate was 5,752 arrests per 100,000 population.

---From 1996 to 1997, adult arrests rose 1 percent while juvenile arrests decreased 1 percent. Violent crime arrests of juveniles decreased 4 percent and those of adults

remained virtually the same.

---Forty-five percent of all persons arrested in 1997 were under the age of 25. Of those arrested, 78 percent were male, and 67 percent were white.

---Twenty-nine percent of all arrests were for drug abuse violations and alcohol-related offenses. Females and juveniles were most often arrested for the offense of larceny-theft. Males were most often arrested for drug abuse violations and driving under the influence.

Murder

---The number of murders in 1997 was estimated at 18,209, which is 7 percent lower than the 1996 total and 26 percent lower than in 1993. The murder rate was 6.8 offenses per 100,000 inhabitants, the lowest measure since 1967.

---Supplemental data received for 15,289 of the estimated murders showed that 77 percent of murder victims in 1997 were males and 28 percent were persons 18 years or older. The percentage of white and black murder victims was 48 and 49 percent, respectively.

---According to data submitted on 17,272 murder offenders, 90 percent of the assailants were male, 87 percent were 18 years of age or older, 53 percent of the offenders were black, and 45 percent were white.

---Forty-eight percent of murder victims knew their assailants. Among all female murder victims, 29 percent were slain by husbands or boyfriends, while 3 percent of the male victims were slain by wives or girlfriends.

---Thirty-one percent of all murders were a result of arguments, and 19 percent resulted from felonious activities such as robbery, arson, and other crimes.

---Firearms were the weapons used in approximately 7 out of every 10 murders reported.

Forcible Rape

---There were an estimated total of 96,122 forcible rapes during 1997.

---Approximately 70 of every 100,000 females in the country were reported rape victims in 1997, a rate that is 1 percent lower than in 1996.

Robbery

---Robberies declined 7 percent in 1997 as compared to 1996 levels. The 1997 estimated robbery total was 497,950 or 186 robberies per 100,000 population nationwide.

---Nearly \$500 million in monetary loss was attributed to property stolen in connection with this offense. Bank robberies resulted in the highest average loss, \$4,802 per offense; convenience store robberies the lowest, \$576.

---Street or highway robberies accounted for half of the offenses in this category.

---Forty percent of all robberies were committed using firearms. Strong-arm tactics accounted for 38 percent.

Aggravated Assault

---In 1997, it is estimated that over 1 million aggravated assaults were reported to law enforcement, a decline of 1 percent from the 1996 total.

---Blunt objects or other dangerous weapons were used in 35 percent of aggravated assaults in 1997. Personal weapons such as hands, fists, and feet were used in 27 percent of reported incidents; firearms in 20 percent; and knives or cutting instruments in 18 percent.

Burglary

---There were an estimated 2.4 million burglaries in 1997, with 2 of every 3 being residential in nature.

---Sixty-six percent of all burglaries involved forcible entry, and 52 percent occurred during daylight hours. The average loss for residential burglaries was \$1,305, and for nonresidential, \$1,391.

Larceny-theft

---Of the three property crime offenses (burglary, larceny-theft, and motor vehicle theft) collected, larceny-theft, with an estimated total of 7.7 million offenses, comprised 67 percent of the property crime total for the year.

---It is estimated that over \$4.5 billion in total dollar losses to victims nationwide occurred in 1997. Property loss averaged \$585 per offense.

---Thirty-six percent of the reported larcenies involved the theft of motor vehicle parts, accessories, and contents.

Motor Vehicle Theft

---In 1997, an estimated 1.4 million motor vehicles were reported stolen, representing a 3-percent drop in motor vehicle thefts for the Nation and the lowest number since 1987.

---Motor vehicle thefts declined 3 percent in the Nation and 5 percent in cities from 1996 levels.

---The estimated average value of stolen motor vehicles at the time of theft was \$5,416 per vehicle. The estimated total value of vehicles stolen nationwide was over \$7 billion.

Arson

---In 1997, a total of 81,753 arson offenses were reported, a 7-percent decline from the 1996 total.

---With 49 percent of the reported incidents, structures were the most frequent targets of arsonists. Residential property was involved in 59 percent of the structural arsons during the year; 41 percent of these structural arsons were directed at single-family dwellings.

---The monetary value of property damaged due to reported arsons averaged \$11,294 per incident.

---Persons under the age of 18 were involved in 46 percent of arson crimes cleared by law enforcement in 1997. Of the eight Crime Index offenses, arson had the highest percentage of juvenile involvement.

Law Enforcement Employees

---A total of 13,339 city, county, and state police agencies submitting UCR data reported collectively employing 618,127 officers and 240,405 civilians in 1997. Reporting agencies provided law enforcement services to over 251 million U.S. inhabitants.

---The average rate of full-time officers for every 1,000 inhabitants across the country was 2.5.

---Geographically, the Northeastern States with 2.8 officers per 1,000 inhabitants had the highest rate of sworn officers to population.



U.S. Department of Justice Federal Bureau of Investigation

For Immediate Release
November 23, 1997

Washington D.C.
FBI National Press Office

UCR Preliminary Release - January through June 1997

The Nation's law enforcement agencies reported a 4-percent decrease in serious crime during the first 6 months of 1997 when compared to figures reported during the same time period of the previous year, according to preliminary Uniform Crime Reporting Program figures released today by the Federal Bureau of Investigation.

An Index of violent and property crimes is used to measure serious crime. Violent crime decreased 5 percent and property crime fell 4 percent during the first half of 1997.

In the category of violent crime, murder and robbery both dropped 9 percent; aggravated assault fell 3 percent; and forcible rape declined 2 percent. Among the property crimes, arson decreased 9 percent; motor vehicle theft and burglary both dropped 5 percent; and larceny-theft declined 4 percent.

Serious crime decreased in all of the geographic regions. Declines recorded include 6 percent in the Northeast, 5 percent in both the Midwest and West, and 3 percent in the South.

All of the Nation's cities showed a decline in serious crime for the 6-month period, with the largest population groups, cities over 250,000, recording the largest decline, 6 percent. The decreases reported by suburban and rural county law enforcement agencies were 3 and 1 percent, respectively.

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STATEMENT OF HON. JANET RENO, ATTORNEY GENERAL OF THE
UNITED STATES OF AMERICA
FIRST MONDAY 2000
UNITE TO END GUN VIOLENCE
Monday, October 2, 2000
Johns Hopkins University
Baltimore, Maryland
7:25 p.m.

Attorney General Reno: Thank you, Joe. Thank you all for that warm welcome.

I have really appreciated the opportunity to work with you and I am so proud to follow you, based on the good work that you have done here in Maryland.

It is so important for me to see disciplines, law, medicine, education, the mechanic, the plumber, across America people coming together to finally do something about guns.

Fifteen years ago or 25 years ago when Milton Eisenhower stood up, only a handful of advocacy organizations and other isolated individuals understood the grave threat that guns possess for this nation.

Today, however, when I travel across the country, I see people talking about guns, what can we do about them, how can we end this culture of gun violence, what difference can we make.

Too many people however draw back and say that, "I am just one person. I cannot make a difference." You can. I came to Washington talking about the need for prevention programs that work. People said she sounds like a social worker.

They are talking about prevention programs now. Each one of us can make a difference and it is time that we stood up and that we were all counted in saying that we do not have to have unregulated access to guns. We can use common sense, basic fundamental common sense in our approach to guns and truly, truly make a difference.

Each one of us can make a difference, if we will only be heard on the subject. Americans have been plagued by violence or the threat of violence every day for a long, long time now. None of us is immune. Violence does not recognize economic, racial, gender or geographic distinctions.

In 1998, the most recent year for which statistics are available, 30,708 people died from gun related injuries. This means that every day an average of 84 people, including ten children, are shot and killed and for each one of these deaths there are nearly three serious injuries.

In public health terms, indeed, it is a public health issue as well as a criminal justice issue. The rate of mortality from gun violence is roughly equivalent to that associated with HIV infection, a disease which has been recognized by the Centers for Disease Control as an epidemic.

In the last two years alone, more civilians have died in America from gun fire than all the soldiers killed during the nine years in the Vietnam War. The carnage caused by guns in the United States is unique among developed

nations.

The murder rate for children killed by firearms in America is 16 times higher than in the 25 other wealthiest industrialized nations in the world. Consider this, during a five-year period in the 1990s, the city of Toronto across the border from us in Canada had a little over 100 gun homicides.

During the same five-year period in Chicago, a city of similar size and demographics, had 3,060 gun homicides. We do not have to put up with the violence that we have seen. A city across our border, a city very similar to Chicago can do something about it. So can we in America. In addition to the human suffering caused by gun violence, the cost to society are astronomical.

Gunshot wounds account for approximately \$20 billion each year in medical, public services and work lost costs. Just imagine if we put that \$20 billion in to ending poverty in America and making sure that our children have appropriate health care, that our elders had appropriate health care, think of what we could do with those dollars.

It does not have to be as we have known it.

As future leaders in your community and in your professions, you have a tremendous opportunity to speak out, to work, to advocate and to make a difference. I know that the senseless and tragic violence that confronts us on the nightly news can leave us feeling overwhelmed and incapable of reversing the situation, but violence is not inevitable, nor an abstract force against which we are powerless.

We can end violence if we as individuals, as communities, as a nation stop condoning it and if we stop remaining passive in its face. The choices and the actions of each one of us when multiplied by all of those across this huge country can truly turn the tide.

We have seen the power of grassroots activism on other social issues. From the civil rights movement to issues of human rights and environmental protection, activists can begin by raising public awareness of these issues and by working to propose and implement solutions.

Change does not come overnight, but through the concerted committed efforts of people like yourselves it will come. Over the last seven years, reducing gun violence has been one of the priorities of this administration and for me personally. We have made tremendous strides.

We have funded more than 100,000 new community police officers, increased assistance to state and local law enforcement by nearly 300 percent, instituted a wide variety of community based crime prevention programs for youth, created new programs to reduce domestic violence and drug-related violent crimes, worked to develop and promote promising prevention and intervention strategies to reduce crime and worked hard to pass the Brady Act which dramatically increased the effectiveness of our nation's gun control laws that prohibit certain categories of individuals, for example, felons, domestic abusers, fugitives from justice and drug users from possessing firearms.

This law does this by requiring background checks on people who want to buy guns from licensed dealers. The permanent phase of the Brady Act, the national instant criminal background check system or NICS as we call it, went into operation on November the 30th, 1998.

Since the Brady act was passed, Brady background checks have stopped over 500,000 felons and other prohibited persons from getting guns and we worked to secure passage of the assault weapons ban as well as legislation that prohibits possession of handguns by juveniles and requires zero tolerance for guns in school.

Many of these efforts represent attempts to prevent gun violence before it occurs, but when gun crimes are committed, U.S. attorneys and ATF agents along with state and local law enforcement make sure that gun criminals are investigated and prosecuted to the fullest extent of the law.

Working with state and local law enforcement and gun prosecutions in our country have increased by more than 20 percent since 1992 and federal prosecutors have focused federal resources on the most serious, the most violent gun offenders.

In fact, the number of high-end federal gun criminals, those that get more than five years in federal prisons, for them going to prison increased by more than 40 percent from 1992 until 1999.

These crime fighting efforts and others across this nation have contributed to a historic reduction in crime. From 1992 to 1998, violent crimes by firearms fell 35 percent nationwide and gun related homicides declined by 36 percent. Robbery with firearms and aggravated assault with firearms also dropped 39 percent from 36 percent respectively.

The uniform crime report figures from 1999 show that this trend is continuing. Last year violent crimes dropped an additional 7 percent. In real human terms these numbers mean that Americans are safer today in their communities, their schools, their homes, in their workplaces, but we cannot rest now.

Before coming to Washington, I served as a prosecutor for 15 years in Dade County Miami, Florida. I would watch the crime rate go down slightly and then people would become complacent and you would go to a meeting and they did not want to talk about crime. They wanted to talk about something else.

We cannot become complacent in the face of our success because what we have done is shown that we can influence crime, we can make a difference if we approach it from a common sense point of view, if we recognize that crime is not a partisan issue, not an issue just for Democrats or Republicans to opine on.

It is an issue for all America to speak out in good common sense terms and work together to do something about it. We cannot afford complacency. That is why I would like to present you today with a six point plan to see how we can continue to address gun violence in America, an approach that addresses both the causes and the consequences of the crime by backing up tough law enforcement with smart and effective prevention and intervention programs.

First, we must continue to aggressively enforce firearms laws. When guns fall into the wrong hands and are used in a crime, the full force of the law must be brought to bear. Criminals who use guns illegally must be met with stiff and sure punishment so that people recognize that the law will not tolerate it.

Those who supply guns to criminals must be shut down and locked up. To enhance our aggressive investigation and prosecution of gun crimes, the president has asked in his budget for the funding to hire 500 new ATF agents and inspectors and over 1,000 new federal state and local prosecutors.

I hope that Congress will respond to this request by giving law enforcement the resources it needs to enforce the nation's gun laws.

Secondly, we must enact common sense gun legislation. We believe that law enforcement's ability to effectively keep Americans safe from gun violence will be limited unless Congress enacts legislation to close the dangerous guns show loopholes that let criminals and young people buy guns at gun

shows anonymously, no questions asked.

We must enact legislation to require child safety locks for new handguns and we must strengthen the criminal penalties for armed career criminals and major gun traffickers.

In addition, we favor the elimination of the importation of large capacity ammunition clips banning juveniles from owning guns for life if they have a record of violence and requiring all-new handgun buyers to have a federal license from their state showing that they possess a Brady background check and a gun safety course before they get their guns.

The nation is waiting for Congress to act. This week before they go home, I think Congress should listen to the voices of the American people who overwhelmingly favor these common sense gun safety measures and pass these measures quickly.

But we can do more. It makes no sense as attorney general Karen pointed out, for you to have to go get a license to drive an automobile because it is a dangerous instrumentality and for you to be able to go get a gun without demonstrating that you know to safely and lawfully use the weapon and that you are capable and willing to do so.

Common sense legislation that would provide for licensing would ensure that people possess guns only if they know how to use them correctly and legally and safely will make a tremendous difference. Let us speak out and talk in common sense terms about such legislation.

Third, in order to effectively reduce gun violence and sustain that reduction we must invest in long-term prevention and intervention programs. The crack epidemic hit Miami in about 1984 and we had to figure out what to do about crack involved infants and their mothers.

The doctors took me to the public hospital. In the neonatal unit were crowds and crowds of babies that cannot be sent home because their mothers were involved with crack and there was no one to take care of the babies.

They had been there for six weeks, sometimes two months. They had not been held or talked to except when changed and fed and they were not beginning to react with human emotions whereas the child across the nursery who had been born with severe birth defects that had her parents with her around the clock was beginning to react with smiles through the pain and discomfort but with human characteristics.

The neonatologist, the child development experts taught me then that the first three years of life are so important. That is when the child learns the concept of reward and punishment, develops a conscience.

I suddenly thought to myself what good are all the prisons going to be 20 years from now if this child does not have a conscience. When we talk about prevention programs we must talk about programs that begin at the beginning and give the children of America a strong and positive future where they can have self-respect and think that they can pursue whatever goal they want regardless of their ability to afford it.

It means that we must make sure that our children have appropriate medical care. I have looked at too many pre-sentence investigations that showed that some illness along the way, untreated or untreated quickly caused emotional and mental problems that we are seeing the difficulties that we have now addressing which we could have solve so quickly if we had addressed them up front.

We have got to make sure that every child in America has the appropriate supervision after school and in the evenings, that they have an education that can prepare them for the future.

Something is wrong with a nation that pays its football players in the six digit figures and pays its teachers what we pay them in America today. It is time that we give our children the foundation they need to grow, to understand, to understand that the gratuitous violence that we see on television is not the way of life on our streets, but that we have chosen another safer, saner way of life, a life without guns.

Our young people need to develop problem solving and conflict resolution approaches. You have all had to deal with these problems, that if you have 10 gallons of gas and you traveled this far how far can you go after that. Let us put our problem solving skills to solving the everyday problems that we face.

Conflict resolution programs can make such a difference and demonstrate to young people how we can resolve conflicts without knives and guns and fists.

Fourth, we must use 21st century technology to fight crime. Modern technology can greatly enhance law enforcement law enforcement's ability to combat gun violence. For example, ballistic testing programs at the FBI and ATF have already helped advance over 16,000 criminal investigations of gun crimes in over 40 states.

With effective gun tracing, analysis mapping and improved ballistics identification systems, law enforcement can solve individual crimes, target illegal gun traffickers and provide a strategic overview of the illegal drug market.

Even 20 years ago when I became when I first became a prosecutor, if we were tracing gun organizations in Miami, we could get a piece of information here and a piece of information there, but we could not put it altogether.

Now we can build databases, put in arrest reports, incident reports, emergency room overdose or information, target where crime is occurring and why it is occurring and we can be so much more efficient.

Technology can also prevent gun related deaths. For example, the number of injuries and deaths from accidental shooting will decline if smart gun technology is supported and expanded.

This technology would make guns operate only in the hands of their authorized owners and it is fascinating to see how that technology is developing even as we speak.

We must educate the public about the dangers that irresponsible firearms handling and unsafe storage pose for children. This education must take place in every living room and classroom in America.

Today 40 percent of American households have at least one gun and more than one-third of American children live in homes where guns are present. In 13 percent of these homes about 1.4 million homes with 2.6 million children, there are unlocked firearms that are either loaded or stored with ammunition and in 43 percent of gun owning homes, there are guns that are stored unlocked and accessible to children.

There is no excuse for this. Gun owners must be encouraged to unload and lock up their weapons. I actually investigated and tried to figure out what to do in a case of a man who had been showing his friends his new custom-made weapon. There are two couples. The one couple went upstairs to get ready to go out to the gun range.

The husband came down first. Then the wife. He took the gun off the shelf. He forgot that he had failed to take the clip out. He thought he was dry

firing, but the clip was in. He fired, shot through his hand, ran outside jumping up and down, cursing himself only to come back in and find that the bullet had gone through his hand and had hit his wife.

She lived long enough to tell the other couple that it was an accident.

No one is immune from this and it makes very clear that we have got to do everything we can to properly protect at least our children from these weapons.

Fifth, as the attorney general pointed out, we must encourage the firearms industry to work with us to help reduce gun violence. This industry can do much, much more to help solve our country's firearms and violence problems.

It must do a better job of policing its own distributors to keep guns from falling into the wrong hands. Gun makers, gun sellers can help reduce the illegal supply of guns and keep criminals, unauthorized juveniles and other prohibited persons from acquiring firearms.

They can take steps to ensure that firearms are transferred only to persons who have the knowledge and experience to handle them safely. In addition to making its distribution practices safer, the firearms industry must do everything it can to design products to be as safe as reasonably possible, to incorporate existing safety devices on firearms and to devote significant resources to developing new safety devices and technology to prevent accidental shootings.

Finally, we must recognize that most solutions come from the community in which we live and when a community galvanizes itself into action, joins together across disciplines, across neighborhoods, across socioeconomic lines, we can make a tremendous difference.

Federal efforts alone will not reduce gun violence. That is not what is reducing crime in America by itself, but it is America that is coming together in its communities, the collaboration, the leadership, the innovation that we are seeing is what is making the difference.

I am confident that together concerned citizens and dedicated law enforcement leaders can greatly reduce gun violence. In June of 1999, I directed each of the 93 U.S. attorneys across the country to work with state and local community leaders to develop comprehensive coordinated plans to reduce gun violence in their communities.

No single program or approach can be right for every community. We have got to design it for Baltimore, for Maryland, for the district -- it would be different for each.

Each U.S. attorney has worked closely with local law enforcement and elected officials to develop plans tailored to that particular community. Each plan is rooted in a problem solving analysis.

It offers innovative strategy that focus on the specific gun violence problems faced by the community. What can you do to reduce gun violence in your community?

Just a few thoughts. You might start here. This is promising strategies to reduce gun violence. It is done by the office of juvenile justice and delinquency prevention. It has got good common sense, tried and tested programs that are showing an effect in their community.

It profiles a number of programs throughout the nation that have been effective. For example, the book describes several hospital-based intervention for youthful victims of gun violence.

In the East Bay area in Oakland, I went to a hospital to see a trauma

center started by a physician, who was an a huge emergency room physician, but night after night he had seen young people come in, victims and them come right behind them he suspected too often came the perpetrators, because these were people that knew each other and generally got along and then would get in a fight precipitated by alcohol or something else and the problems would escalate one incident to the next.

He decided that it was time to intervene now with counseling, with support mechanisms, with aftercare as the young person left hospital. I went to the rooms to talk to the young men who had been the victims.

They had been victims before in some instances and they said we are now beginning to learn. We are beginning to learn that we can use conflict resolution skills and other skills to keep us out of trouble to keep us away from guns, to help us resist peer pressure.

The book also describes gun hotlines which have been successfully used in many communities to allow students and others to report illegal guns in schools and elsewhere.

I would encourage you to look closely at the book. You can order a copy today through the Alliance for Justice staff.

Educate yourself about your local gun laws and what your elected representatives are doing at the federal state and local levels.

Make your views known appropriately. Find out if your country and your county allows gun shows and if so whether background checks are required before guns are sold. If not, raise this issue with your county leaders and let them know what your community wants with respect to background checks on anyone who wants to possess a gun. Encourage those who do own guns to store them safely and securely and tell them to take nothing for granted and leave nothing to chance. To reduce accidental gun injury and death among children, the department is working with the ad council and national crime prevention council to develop a national public service advertising campaign to promote safe and responsible gun storage.

The campaign encourages gun owners to store their gun safely, locked and unloaded so that children and other unauthorized users cannot get at them. Call your local media to encourage them to run these ads. If you are interested in promoting this campaign, call the national crime prevention council in Washington D.C. for more information.

Identify partners in the issue. I have talked principally to the young people right now. From Littleton came some young people to Washington to make sure their voices were heard. Two of them are seniors and they wondered how they were going to continue on, what they were going to be able to do when they went away to college. They decided, at least one of them, not to go to college the first year because they felt so passionately about what they had been able to develop in terms of gun legislation and gun actions that could make a difference.

Each one of you young people can make a difference if you become involved, if you care, and if you refuse to take no for an answer. Find out what strategies are already underway in your community and how you can help out, get a group of community leaders to meet with local gun leaders in encourage them to do what they can to make sure that the guns that they sell in your community do not fall into the wrong hands.

If we step up to the plate, if we refuse to become complacent, if we pursue these efforts, we can end the culture of violence in this nation and no longer will we have to be compared in such outlandish terms, in such astronomical terms as the 25 other largest wealthiest industrialized nations in the world.

People ask me of why I participate in public service, why I want to be attorney general, although I am getting ready to go home to Miami in January and get my red truck and drive across this country and climb the mountains I did not have a chance to climb because I had to be back in Washington and talk to people I have not had a chance to talk to as long as I wanted to because I had to be back in Washington.

But I have seen this country in action and I can tell people why, why everyone should participate. Yes, in public service you get cussed at, fussed at and figuratively beaten around the ears. There are some days when you say why did I do this to myself, but after almost eight years in office I can tell you why.

This is a great nation with wonderful people, wonderful young people who want so to contribute and to make a difference. Each one of us can, each one of us can make a difference and never, ever in all my 62 years have I ever been so proud of this nation, its people and particularly its young people. It has a great future in your hands.

[Whereupon, at 7:45 p.m., the speech was concluded.]

The Clinton Administration's Law Enforcement Strategy:

Breaking the Cycle of Drugs and Crime



Taking Back Our Neighborhoods
One Block at a Time

May 1999

Executive Summary

"As we begin a new century and a new millennium, we have a remarkable opportunity to harness all the resources of our criminal justice system – our courts, prisons, prosecutors, probation officers, and police – to break the drug habits of our prisoners, and to break the cycle of drugs and crime for all time. Let us seize it."

– President Clinton
January 5, 1999

President Clinton and Attorney General Reno, working with state, local, and tribal law enforcement officials and others, have launched an unprecedented effort to help America's communities fight crime. Six years into this strategy, crime has dropped to its lowest level in a quarter of a century. This success is the foundation for further efforts to reduce crime and keep America's neighborhoods safe. The Administration's approach to crime is comprehensive: it includes funding 100,000 new community police officers, implementing tough gun laws to keep deadly weapons out of the hands of criminals, and enacting new laws to fight violent gangs, juvenile crime, terrorism, and international crime.

A critical component of the Administration's law enforcement strategy is a tough, but smart approach to attack the link between drugs and crime. Drug use fuels much of the crime committed in communities across the nation. Many of America's criminals commit their crimes either while high on drugs or to get money to buy drugs. Enforcing drug laws and punishing offenders are important law enforcement priorities, and the Administration has committed substantial resources to support such efforts at the federal, state, and local levels. But it is not enough simply to punish drug using offenders and then send them back out on the streets – still drug- and crime-dependent. Instead, the Clinton Administration supports using the coercive power of the criminal justice system to help break their drug habits and thereby break the cycle of drugs and crime. This approach can reduce crime permanently, save money, and allow law enforcement resources to be redirected to further crime fighting.

A comprehensive strategy to break the cycle of drugs and crime involves drug testing, treatment, and sanctions for offenders from the time of their arrest and continuing through incarceration and eventual release back into the community. Over the last six years, the Administration has advanced this strategy by supporting drug testing for arrestees, using drug courts to compel treatment and reduce recidivism by non-violent drug offenders, assuring that offenders receive effective treatment while incarcerated, and using testing, follow-up treatment, and sanctions to assure that offenders stay clean after they are released. Such efforts are demonstrably effective in reducing offender drug use and drug-related crime.

With this groundwork laid, the Administration now proposes a "Zero Tolerance Drug Supervision Initiative" to more than double existing federal support for drug testing and treatment programs for offenders at the state, local, and tribal levels. The Administration also seeks legislation to enhance such efforts nationwide and additional funds for testing and treatment of federal offenders.

Illegal Drug Use is Fueling Crime Rates and Filling our Prisons

Drug use and crime are closely linked. Studies of arrestees in 35 metropolitan areas around the country show that from half to three quarters have drugs in their system when they are arrested. About half of those charged with violent crimes or income-generating crimes like robbery, burglary, or theft tested positive for more than one drug. In 1997, a third of state prisoners and about one in five federal prisoners said they were under the influence of drugs when they committed the offenses that led to their incarceration. One in five state inmates and one in six federal inmates said they committed their current offense to obtain money to buy drugs.

Illegal Drug Use Carries Enormous Costs

Illegal drug use costs our society more than \$110 billion annually. These estimated costs result from the human lives lost directly from overdoses and indirectly from drug abuse-related diseases or accidents; the various crimes committed by addicts to support their drug habits; and the resources expended to apprehend, sentence, treat, and incarcerate drug users. Drug abuse contributes to spousal and child abuse, property and violent crime, the spread of AIDS, workplace and motor vehicle accidents, and absenteeism in the workforce.

Reducing the number of drug-dependent criminals is critical in decreasing the amount of drugs consumed, the size of illegal drug markets, the number of dealers, and the amount of drug-related crime and violence. Chronic drug users account for as much as two-thirds of the cocaine, heroin, and methamphetamine consumed in the United States. The largest volume drug users are themselves frequent arrestees. The demand for drugs is met by illicit drug trafficking that thrives on a culture of crime and violence.

Increasing numbers of drug-involved offenders are filling our prisons and jails at enormous expense. The nation's incarcerated population now exceeds 1.8 million and could reach 2 million by 2001. Prisoners sentenced for drug offenses constituted 60 percent of federal

inmates in 1997, up from 25 percent in 1980. Between 1980 and 1997, the portion of state prisoners who were incarcerated for drug offenses more than tripled, growing from six percent to 21 percent. Hundreds of thousands of inmates committed their crimes to get money for drugs, were under the influence of drugs when arrested, or have a history of drug use.

Drug abuse treatment is essential, but too often not available. The number of arrestees who require drug treatment may exceed 2 million each year, including many chronic users of cocaine, heroin, and methamphetamine. Yet only one-sixth of those state inmates who need substance abuse treatment receive it while in prison. When not incarcerated, many hard-core drug users remain under criminal justice supervision through probation or parole. But only a small fraction of non-violent drug offenders or persons under probation or parole are involved in programs that require mandatory testing for continued drug abuse and appropriate treatment. As a result, many untreated or inadequately treated offenders are released back into their communities each year.

Most drug-dependent offenders will return to a life of crime. Merely incarcerating offenders without treating underlying substance abuse problems is shortsighted, expensive, and will not solve the crime problem. It simply suspends temporarily the criminal, destructive and costly interactions between offenders and our communities. Between 60 and 75 percent of untreated parolees with histories of cocaine or heroin abuse return to those drugs within three months of release. Failing to provide appropriate testing and treatment means that the cycle of drugs and crime will continue – with huge social, human, and economic costs for our nation.

A Comprehensive Approach to Breaking the Cycle of Drugs and Crime

The Administration has developed a range of programs to help break the cycle of drugs and crime by assuring that offenders receive appropriate testing, treatment, and sanctions while they are under criminal justice supervision. These programs address federal offenders and also support efforts by state, local, and tribal governments to deal with drug-involved offenders in their respective jurisdictions.

Providing Drug Testing for Arrestees

The Department of Justice has two programs for drug testing of arrestees. First, to study the relationship between drug use and criminal behavior, the Department of Justice supports the Arrestee Drug Abuse Monitoring (ADAM) program for state and local arrestees in 35 different sites throughout the country. This program uses confidential interviews and drug tests to monitor drug use by recently booked arrestees.

ADAM studies confirm that illegal drug use drives much of the crime that occurs throughout the nation. These studies also provide critical information about emerging trends in drug use in particular areas.

Second, acting on a directive by President Clinton, the Justice Department developed Operation Drug

According to ADAM data for 1997, about half those charged with violent or income-generating crimes test positive for more than one drug.

TEST in 1997 to test federal arrestees for drug use. Operation Drug TEST helps to identify persons whose release conditions should include regular drug testing and who need treatment, either before trial or after

conviction. The \$4.7 million pilot project, funded by the Department of Justice and implemented by the Administrative Office of United States Courts, is now in operation in 24 of the 94 federal judicial districts. Efforts are under way to expand Operation Drug TEST to approximately 10 more districts by the end of 1999. And other districts on their own initiative have adopted drug testing programs for federal arrestees.

Using Drug Courts to Break the Cycle for Non-violent Offenders

A key tool in the Clinton Administration's strategy for breaking the cycle of drugs and crime is the use of drug courts. These specialized courts have proved to be an effective way to address drug abuse problems for non-violent offenders, to reduce the burdens imposed on the criminal justice system by drug-related cases, and to help offenders become law-abiding, self-sufficient members of their communities.

In the late 1980s, court systems across the country experienced a huge increase in drug-related cases. More drug offenders were being arrested and convicted, but many of them received little, if any, substance abuse treatment. The result was a revolving door in which drug-using offenders were cycled in and out of courts, jails, and prisons in ever-growing numbers that threatened to overwhelm criminal justice resources. The first drug court was created in Miami, Florida in 1989, with the support of judges, prosecutors, including Attorney General Reno – then the county prosecutor – and defense attorneys. The drug court used a new approach that placed non-violent offenders in judicially supervised programs combining substance abuse treatment, sanctions, and incentives. The results in Miami were promising: there was a 33 percent reduction in re-arrests for drug court graduates as compared with non-drug court offenders.

Federally Supported Drug Courts

The Drug Court Program established by the 1994 Crime Act provides federal grants to support the operation of drug courts by state, local, and tribal governments. Drug courts supported by the Drug Court Program include the following features:

- an integrated system of sanctions, treatment, and services
- intensive case management with on-going judicial involvement
- mandatory periodic drug testing during periods of supervised release or probation
- drug abuse treatment for each participant
- the prospect of prosecution, confinement, or incarceration for failure to make progress
- aftercare and other services such as relapse prevention, health care, education, vocational training, job and housing placement, and child care

Drug courts use a "carrot and stick" approach. Intensive supervision and sanctions are combined with the prospect of reduced charges or shorter sentences for offenders who successfully complete treatment. Although drug courts vary somewhat among communities, such courts typically involve active participation by judges, regular drug testing of offenders, and prompt, graduated sanctions. They also use a partnership approach that integrates drug treatment with other health and social services. As an alternative to traditional incarceration or probation, drug courts are an effective means to reduce drug use and recidivism and to save money that would otherwise be spent on jailing offenders.

With the backing of the Clinton Administration, the use of drug courts has expanded dramatically in the last

Drug courts cut crime. More importantly, drug courts save lives. They help people rid themselves of addictions that kill.
President Clinton, July 1998

five years. In 1994, there were only 12 drug courts operating nationwide. The 1994 Crime Act authorized the Attorney General to make grants to state, local, and tribal

governments to establish drug courts. The Justice Department has funded more than \$93 million in grants that have helped create more than 175 of the 359 drug courts now operating. Hundreds more are in the planning stages. More than 100,000 persons have entered drug courts, 70 percent of whom have graduated or remain as active participants.

Drug courts bring many benefits to the communities they serve.

- Drug courts can help keep offenders in treatment and provide treatment more effectively. On average, over 70 percent of drug court participants stay in treatment. Last year, Columbia University's National Center on Addiction and Substance Abuse (CASA) released a study showing that drug courts provide closer, more comprehensive supervision and much more frequent drug testing and monitoring than other forms of community supervision.

- Effective treatment and supervision mean that offenders who complete drug court programs are much less likely to commit crimes in the future. Criminal justice professionals estimate that at least 45 percent of defendants convicted of drug possession will commit another similar offense within two to three years. In contrast, recidivism rates for drug court participants have ranged from 2 to 20 percent.
- Drug courts can help communities save money by reducing drug use and recidivism. Denver saved an estimated \$2.15 million annually and Washington, D.C. saved an average of \$6,455 per client per year (based on the cost of maintaining an individual in the drug court program as compared to the cost of incarceration). Hundreds of drug-free babies have been born to women receiving treatment through drug courts. Absent such programs, these babies could have been born with addictions that would have resulted in social service costs of approximately \$250,000 per child – or total costs, so far, of more than \$162 million.
- Drug courts are also helping families reunite. In Portland, Oregon nearly all of the over 100 female drug court participants who had lost custody of their minor children due to their substance abuse regained custody of their children after participating in the drug court program. Children benefit when their parents remain drug free and acquire the life skills learned through completion of drug court programs.

Supporting Communities in Implementing Comprehensive Programs for Drug Offenders

The Office of National Drug Control Policy (ONDCP) is working with the Department of Justice to develop model programs for drug-using offenders in several communities. These "Breaking the Cycle"

demonstration projects seek to reduce offender drug use by providing continuous drug testing, treatment, and supervision with close oversight by the courts.

The first Breaking the Cycle project began operating in Birmingham, Alabama, in 1996 and was fully implemented last year. Nearly 4,000 offenders have participated in the program as a condition for release from jail. The program has cut the time needed to refer defendants to treatment from months to a matter of days, increased the number of defendants placed in appropriate treatment, enhanced treatment and supervision, and helped to reduce the county jail population.

In November 1998, Breaking the Cycle demonstration projects were added in Jacksonville, Florida and Tacoma, Washington. A juvenile program began operating in Eugene, Oregon in March 1999.

Keeping Drugs out of Prisons

Keeping drugs out of prisons and prisoners off drugs is critically important to breaking the cycle of drugs and crime. Consistent with legislation signed by President Clinton in 1996, all states have implemented programs for drug testing, sanctions, and treatment for offenders under criminal justice supervision. In early 1998, the President directed the Attorney General to amend the guidelines for the prison construction grant program to require state grantees to establish and maintain a system of reporting on their prison drug abuse problems.

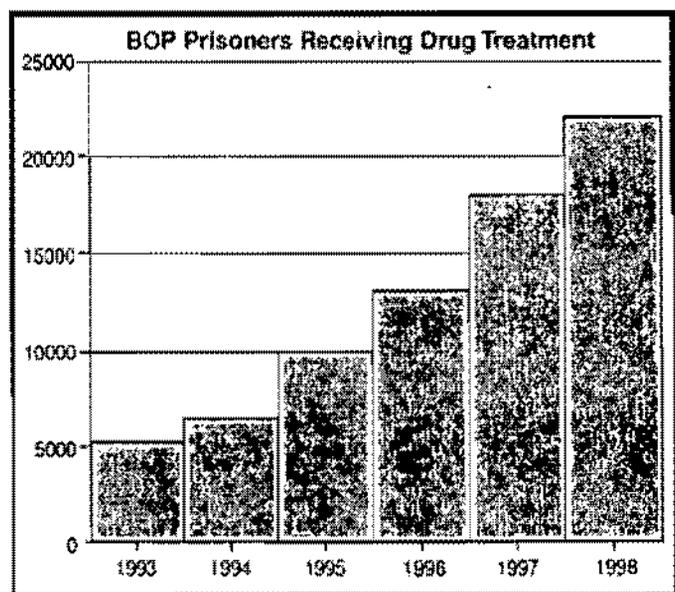
The Administration is also working to eliminate drugs in prison through Drug-Free Prison Zone demonstration projects. This \$6 million initiative is funded by the ONDCP and administered by the National Institute of Corrections and the Federal Bureau of Prisons (BOP) through an interagency agreement. Demonstration projects began in federal prisons in October 1998 and in selected state prisons in January 1999. Drug-control measures at the federal and state level include regular inmate drug testing, advanced detection technologies, and staff training. For 1999,

drug-free prison demonstration grants in amounts of \$423,000 to \$500,000 have been awarded to eight states: Alabama, Arizona, California, Florida, Kansas, Maryland, New Jersey, and New York. These grants will support further efforts to keep drugs out of prisons and prisoners off drugs.

The BOP is testing high-tech means of detecting illegal drugs in 28 facilities around the country. Ion spectrometry equipment can quickly and accurately detect microscopic traces of drugs on skin, clothing, and other surfaces. Preliminary results for this technology are promising – after 90 days, the rate of serious drug-related misconduct (introduction, possession, or use of drugs) dropped by 86 percent at the Federal Correctional Institution in Tucson, Arizona and by 58 percent at the Metropolitan Detention Center in Los Angeles, California.

Breaking the Cycle through Testing and Treatment in Prisons and Jails

The period while a person is incarcerated and subject to criminal justice sanctions offers a great opportunity to provide effective substance abuse treatment. A study last year by the National Center on Addiction and Substance Abuse at Columbia University (CASA) showed that 1.4 million offenders – or 80 percent of all



incarcerated adults – were either high on drugs or alcohol when arrested, stole property to buy drugs, or have a history of drug abuse. This same study showed that residential treatment combined with appropriate follow-up care after release can reduce relapse and recidivism. Studies have also confirmed that treatment that is compelled by the threat of sanctions can be as effective as voluntary treatment.

Providing effective treatment programs for inmates, combined with education, job training, and health care, also makes economic sense. According to the CASA study, the cost of residential treatment averages about \$6,500 per inmate per year. Each inmate who successfully completes such treatment and becomes a law-abiding, tax-paying citizen generates a 10-fold return on that investment in the first year. For every 10,000 drug addicted inmates who stay off drugs and crime after release, there is an estimated reduction of one million crimes per year.

Testing and Treatment that Works

In the Amity program at the Donovan medium-security state prison near San Diego, California, prisoners must attend drug rehabilitation treatment and submit to intensive aftercare that includes drug testing and counseling while on parole. According to a 1997 study, inmates who completed the Amity program were one-fourth as likely to be rearrested within one year of their release as compared to inmates who did not participate.

Over the last six years, the Clinton Administration has significantly increased drug testing and treatment for federal prisoners. In 1998, federal prisoners were subject to nearly 133,000 drug tests. The BOP estimates that nearly 30 percent of federal prisoners have substance abuse problems and, consistent with its statutory mandate, the BOP provides treatment to all eligible federal prisoners. From 1993 through 1998, the number of federal inmates who received drug treatment quadrupled – from 5,450 in 1993 to 21,995 in 1998. Another 12,000 inmates participated in drug education programs in 1998. Today 42 federal correctional

institutions offer residential treatment, almost a 25 percent increase since 1994.

A recent study showed that BOP inmates who completed residential drug abuse treatment programs were 73 percent less likely to be rearrested in the first six months after release as compared to similar inmates who did not receive treatment. This time period is significant because recidivism is generally the highest within the first year after release from prison.

The Administration is also working to address the compelling need to provide substance abuse treatment to inmates in state and local correctional institutions. The nation's prison population grew 4.4 percent in 1998 – more than 1,000 new inmates per week. According to a 1997 survey of state corrections departments, approximately 70 to 80 percent of all state prison inmates need substance abuse treatment. The same survey indicated that only about 15 percent of inmates in reporting states complete a prescribed substance abuse treatment program and just over one of three of those needing treatment in the community after release will receive it.

Providing drug treatment for incarcerated offenders is a logical, convenient, and cost-effective way to reduce illegal drug use and associated crime. Recognizing this fact, the Administration supported the creation of the Residential Substance Abuse Treatment (RSAT) grant program as part of the 1994 Crime Act. The RSAT program provides formula grants, administered by the Justice Department, for substance abuse treatment programs in state or local correctional facilities. Between FY 1996 and FY 1998, the Department provided over \$144 million to states through the RSAT program. In FY 1999, the RSAT program will provide another \$57 million in grants. The Clinton Administration has also obtained authority from Congress for states to use up to 10 percent of their federal prison construction grants in FY 1999 to pay for testing and treatment of offenders while in prison or on post-release supervision.

The Clinton Administration's Record of Accomplishment In Breaking the Cycle of Drugs and Crime

1994 President Clinton signs Crime Act authorizing both the RSAT grant program to help states provide residential substance abuse treatment to inmates and the Drug Court program to support state, local, and tribal governments in operating drug courts for non-violent offenders.

1996 Federal prison construction grant and RSAT grant programs amended to require states to implement programs for drug testing, sanctions, and treatment for offenders while incarcerated or under criminal justice supervision.

1997 Operation Drug TEST provides resources to 24 federal courts to begin pretrial drug testing for persons charged with federal crimes.

Breaking the Cycle prototype begins operating in Birmingham, Alabama to demonstrate the use of system-wide intervention strategies designed to identify, supervise, and treat all drug-using offenders.

1998 Federal prison construction grant program amended to allow states to use up to 10% of their grants to support testing and treatment of violent offenders while in prison or under post-release supervision.

The BOP administers nearly 132,000 drug tests to inmates and more than 22,000 federal inmates receive residential treatment, a four-fold increase since 1993.

1999 More than 359 drug courts are operating nationwide - up from 12 in 1994 - with hundreds more in the planning stages.

President Clinton calls for \$215.1 million funding for Zero Tolerance Drug Supervision Initiative to further support state, local, and tribal governments in testing, treating, and supervising drug-involved offenders.

Next Steps in Breaking the Cycle of Drugs and Crime

Over the last six years, the Clinton Administration has laid the groundwork for a comprehensive approach to testing, treatment, and sanctions for drug-abusing offenders. Now, to build on these accomplishments and to reduce crime permanently, the Administration is proposing a "Zero Tolerance Drug Supervision Initiative" that will nearly double federal support for state, local, and tribal efforts to provide drug testing and treatment programs for persons under criminal justice supervision. The Zero Tolerance Drug Supervision Initiative, along with other budgetary and legislative proposals being advanced by the Administration, will go far in helping to assure that drug-involved offenders receive drug testing and treatment while incarcerated, appropriate supervision after their return to the community, and sanctions if they fail to participate in treatment or to stay off drugs.

The Zero Tolerance Drug Supervision Initiative

The \$215.1 million Zero Tolerance Drug Supervision Initiative has three components:

- **\$100 million** to establish a new Testing and Treatment Program that will provide discretionary grants to states, local governments, state and local courts, and Indian tribes to support comprehensive programs for drug testing, treatment, and sanctions for prisoners, parolees, and probationers. These grants will be offered to jurisdictions that have a demonstrated commitment to furthering a system-wide strategy of universal drug testing for offenders, combined with treatment and graduated sanctions for failure to comply. Such funds may be used, for example, to purchase drug testing equipment, to implement improved information management systems to allow judges to instantly access an offender's drug and arrest history, or to create treatment referral programs in jails. Both juvenile and adult systems will be eligible for grants under this program.

- **\$50 million** (which is a \$10 million increase over FY 1999) for the Drug Courts Program administered by the Department of Justice. Through this discretionary grant program, additional funds will be available to state, local, and tribal entities to help plan, establish, or enhance drug courts for non-violent offenders. Such courts effectively use the coercive power of the criminal justice system to break the cycle of drug abuse and crime by combining drug testing, treatment, and sanctions.
- **\$65.1 million** (which is a \$2.1 million increase over FY 1999) for the Residential Substance Abuse Treatment Program. This program provides formula grants to states for use by state and local governments to develop and implement residential substance abuse treatment programs. RSAT supported programs have shown consistent reductions in drug use and recidivism for offenders who complete treatment.

million for new Drug-Free Prison initiatives to support surveillance systems, drug-sniffing K-9 teams, advanced drug-detection technologies, and other efforts to detect and deter drug use by federal and state inmates.

Another important goal is providing the BOP with adequate resources to treat federal prisoners with substance abuse problems. For FY 2000, the Administration is requesting \$2.09 million and 31 positions for residential and community-based transitional drug treatment programs. This expansion will increase the BOP's drug abuse treatment program capacity by 2,000 inmates, consistent with a long term goal of increasing capacity by 2,000 in each of the next five years.

To provide needed treatment for state prisoners, in addition to requesting an increase in RSAT funding, the Administration proposes to amend the grant program to allow funds to be used to monitor and intervene with prisoners after their release. This will help ensure that offenders are being held accountable and receiving needed post-incarceration treatment and supervision.

Other Budgetary and Legislative Proposals

In addition to the Zero Tolerance Drug Initiative, the Clinton Administration is advancing other budgetary and legislative proposals to help break the cycle of crime and drugs. To increase our understanding about the relation between drugs and crime around the country, the Administration is requesting \$4.8 million in FY 2000 to expand the ADAM program from 35 to 50 sites. Increasing the number of sites will expand the ability to inquire into drug problems in particular cities and allow more accurate estimates of drug use. With these resources, the Department will also initiate an outreach effort to learn more about the relation between drugs and crime in understudied areas such as rural, suburban, and Native American lands.

The Administration also wants to keep drugs out of prisons. For FY 2000, the Administration is seeking \$6

"One of the most effective things we can do to reduce crime further is to make sure that prisoners don't get out of jail unless they test clean for drugs and that when they do get out, they continue to get appropriate testing and treatment."

Attorney General Janet Reno,
January 5, 1999

The Administration is also seeking formal reauthorization of the Drug Courts program, which Congress has continued to fund each year since enactment of the 1994 Crime Act. Consistent with prior appropriations for this program, the proposed reauthorization would allow the Attorney General to make grants to states, state courts, local courts, and Indian tribal governments to operate drug courts for non-violent offenders.

The Administration proposes to amend the Edward J. Byrne Memorial State and

Local Assistance Program in order to facilitate the ability of states to use grants under this program to support drug testing, treatment, and intervention for offenders. Under existing law, Byrne Formula Grants may be used to support 26 identified activities, including treatment in prison and jails; programs for

adult-juvenile drug-dependent offenders; monitoring of drug addicted offenders; innovative programs to include community-based intervention, surveillance, and supervision; and alternative incarceration programs for offenders who pose no danger to the community. Programs funded with Byrne grants generally are limited to no more than four years, but an exception to this four-year limit was created several years ago for multi-jurisdictional task forces. To increase the funding options for states, the Administration supports also eliminating the four-year limit for those activities that relate to drug testing treatment, or intervention for offenders.

Conclusion

We have the opportunity to use the coercive powers of the criminal justice system to break the cycle of drugs and crime once and for all. The Clinton Administration proposes to seize that opportunity by supporting comprehensive programs of testing, treatment, and sanctions for drug involved offenders. The next key steps are the Zero Tolerance Drug Supervision Initiative and the Administration's other budgetary and legislative proposals described in this report. By working to keep offenders off drugs, the Administration's strategy will cut crime rates further, reduce other human and economic costs from illegal drug use, and strengthen our communities.



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