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# RISING CRIME IN THE UNITED STATES: EXAMINING THE FEDERAL ROLE IN HELPING COMMUNITIES PREVENT AND RESPOND TO VIOLENT CRIME

## HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME AND DRUGS

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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# RISING CRIME IN THE UNITED STATES: EXAMINING THE FEDERAL ROLE IN HELPING COMMUNITIES PREVENT AND RESPOND TO VIOLENT CRIME

**WEDNESDAY, MAY 23, 2007**

U.S. SENATE,
SUBCOMMITTEE ON CRIME AND DRUGS,
COMMITTEE ON THE JUDICIARY,
*Washington, D.C.*

The Subcommittee met, pursuant to notice, at 9:31 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr., Chairman of the Subcommittee, presiding.

Present: Senators Biden, Kohl, Feingold, and Grassley.

## OPENING STATEMENT OF HON. JOSEPH R. BIDEN, JR., A U.S. SENATOR FROM THE STATE OF DELAWARE

Chairman BIDEN. The hearing will come to order. I welcome our witnesses today, and let me begin by saying that Senator Graham, who is the Ranking Member on the Subcommittee—we have a mild little issue on the floor called "immigration" we are debating today, and he has some responsibilities relating to that legislation. Senator Specter is going to be here. He is at, I think, the Appropriations Committee. And Senator Grassley is here. And I am going to make a brief opening statement, and I would yield then to Senator Grassley, who has an introduction he would like to make.

Let me begin by saying that I am glad you all could be here today to address a subject which this Committee, in the 17 years I was the Chairman or Ranking Member, spent most of my time dealing with, and that is the issue of violent crime in America and what role, if any, the Federal Government should have in helping States combat violent crime.

I would like to talk a little bit about that today, but let me begin by thanking the witnesses and welcome our distinguished experts. There are some old friends here who have been working on this issue for a long time, and some new friends that I hope will be working with me and others over the next couple months to make some real changes in our funding mechanisms for local law enforcement.

Last week we observed National Police Week, and it reminded us all of the sacrifices that are made every single day by those who are willing to go out there and protect our communities.

I would like to ask the staff to find out who is banging up there and tell them they will be arrested. I have a lot of cops down here.



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[Laughter.]

Chairman BIDEN. And if they do not stop, they are going to be arrested.

But we meet today against the backdrop of an insidious resurgence of violent crime in communities across the country.

For the first time in more than a decade, crime is on the rise. The 2005 Federal Bureau of Investigation Uniform Crime Report found that murders are up 3.4 percent—the largest percentage increase in 15 years—with 16,692 murders in 2005—the most since 1998. And I realize it is anecdotal, but you need only turn on the television in any major metropolitan area, and it seems as though the murder rate is up beyond that. Again, we have no statistics beyond 2005 nationally, but I know in Philadelphia, in Baltimore, in New York City, across the country as I travel, that is the banner headline in most of the news reports about murder rates exceeding last year's murder rates at this point. Again, I want to make it clear. There are no uniform statistics yet that I have available to me, but it is a problem.

The report also found that other types of violent crime, including forcible rape, robbery, and aggravated assault, rose 2.3 percent.

The Police Executive Research Forum's recent study of crime in 56 cities found that over the past 2 years homicides increased more than 10 percent nationwide and 20 percent in major cities. I am troubled, as all of us are, by these trends, but, quite frankly, I am not surprised. The Federal Government has taken its focus off of street crime since 9/11, asking law enforcement to do more with less. And the administration, in my view—and we are going to hear from an administration witness in a moment—has understandably dedicated vast Federal resources to counterterrorism. But it has done it at the expense of law enforcement, in my view, robbing Peter to pay Paul. I find absolutely no justification for the $2.1 billion cut in local law enforcement assistance since 2001, notwithstanding the need to vastly increase the amount of money to deal with counterterrorism. There has been sort of a perfect storm out there. The FBI has necessarily been pulled off a lot of work it used to do in local law enforcement. The cities and States have had to cut back as we have eliminated programs. And, quite frankly, if anyone is likely to find a terrorist, it is not going to be some brave Special Forces soldier wearing night vision goggles. It is going to be one of your men or women, Chief, who are going to be the ones who are going find the terrorist occupying an empty apartment building that only that cop walking the beat or riding by in his patrol car is going to know has been vacant the last 4 years, and all of a sudden there is a light on up there.

The President has killed the COPS program and drastically cut the Justice Assistance Grants. And when the program was announced by former Attorney General Ashcroft, he said, "It worked marvelously." It worked marvelously, and we are cutting it? I have never quite fully understood that except for the ideological notion that the Federal Government should not be involved in dealing with local law enforcement. They call it "devolution of Government." I call it the "increase in violent crime."

The President has also redirected 1,000 FBI agents from crime to counterterrorism, as is necessary, and as a result, violent crime

investigations by the FBI are down 60 percent. have been proposing to increase the FBI by over 1,000 agents the last 4 years. What are we doing? But this is what we are going to talk about a little bit today. Fewer police on the street preventing crime and protecting communities means more crime, and it is as simple as that. It is not rocket science. We went through this whole debate during the 1980s and 1990s, when I was told the Biden crime bill would have no impact because we never tried it before. We never increased that many cops before. And we increased cops and violent crime went down. And so our sheriffs and police officers have done an extraordinary job in the face of diminishing Federal support, but they also need help, in my view. We cannot focus on terrorism at the expense of fighting crime, and that is a false choice. We can do both. We need not be put in this dilemma of the false choice of you either fight terrorism or you fight street crime. We are fully within our capability of doing both. As my father would say, "Show me your budget; I will tell you what you value." So I find this argument somewhat—anyway, I find it difficult to swallow.

It seems to me we have to get back to basics. More than a decade ago, we faced a similar violent crime crisis, although the crime rates were much higher. We overcame that crisis by supporting local law enforcement with the tools and resources they needed to prevent crime whenever possible and to punish crime wherever necessary. We passed the most sweeping anti-crime bill in the history of this Nation and created the Community Oriented Policing Services Program—the so-called COPS program. We funded 118,000 local officers. We expanded community policing across the Nation.

And it worked. Crime rates fell 8 straight years. The violent crime rate dropped 26 percent; the murder rate dropped 34 percent. The Government Accountability Office has documented the success of these anti-crime measures, and a recent Brookings Institution study found that the COPS program was one of the most cost-effective programs for combating crime. In fact, the Brookings Institution found that for every dollar spent on COPS, we save between $6 and $12 for the public overall.

Today we have several distinguished experts to help us understand how to best to use Federal resources to reverse these trends and to help make our communities safer again. A number of experts have also submitted written testimony which I will reference during this hearing, and we will submit that testimony so it is available for the record.

I now invite my good friend and former Chairman of this Committee, Senator Grassley, to make any opening comments and introduce a distinguished Iowan who is here to testify.

## STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

Senator GRASSLEY. Thank you. I will not give an opening statement. I will have to immediately go to serve in my capacity as lead Republican on the Finance Committee starting at 10 o'clock.

Mr. Chairman, you are involved in the caucus system in Iowa, and I will bet you—

Chairman BIDEN. I have heard of it. I have heard of it.

Senator GRASSLEY. And I will bet you have had people say it is like running for sheriff.

Chairman BIDEN. Yes, it is, only it is not as hard.

Senator GRASSLEY. You have one of those 99 Iowa sheriffs before you. This stern-looking man over here is really quite friendly. He is President of the Sheriffs' Association nationally. He is a friend of mine, and he has been a sheriff for a long time. So I am pleased to welcome to this Committee again—because I had this opportunity a few weeks ago—Ted Kamatchus, Sheriff for Marshall County, Iowa, and that is right in the middle of our State. So you will be going through it several times, and drive carefully. The staff person that brought me here today says, "I got two tickets from him 3 years ago."

[Laughter.]

Senator GRASSLEY. So he is doing his job, see.

As I said, just a few weeks ago he was here on another subject, so it is great to see him back. This sheriff is here today because he is a national leader, as the Sheriffs' Association National President. But the most important thing for your testimony is that he has got 30 years' experience in law enforcement. He is an outspoken advocate for sheriffs across the country, from border to border, coast to coast. I have known him a number of years and know him to be a straight shooter from the standpoint of talking. He tells it like it is. You may be a straight shooter otherwise, too. Thank God I have not experienced that.

He relates his practice firsthand, which he has gathered from fighting crime, and particularly in Iowa, you have heard a lot about the methamphetamine scourge that we have. He is out there day in and day out on the front lines witnessing the devastating effect of this drug on our communities. Hearing from witnesses like the sheriff with experience and know-how is essential for us to do our job. As both a sheriff for rural Iowa and the President of the National Association, he will provide invaluable insight into the necessity of providing resources to local law enforcement, including what is always an issue around here, the Byrne and JAG grant program and the COPS program.

So on behalf of the Subcommittee, I am happy to welcome you. Thank you, Mr. Chairman.

Chairman BIDEN. Thank you very much, Mr. Chairman, and, Ted, we are going to welcome you a little later.

I have had the benefit of meeting with the sheriff, and I look forward to his testimony.

We now have Mark Epley, who is senior counsel to the Deputy Attorney General of the U.S. Department of Justice. He joined the Justice Department and he is responsible for advising and assisting the Deputy Attorney General in the formulation and implementation of the Justice Department budget—which is always an easy thing to do, right? He also oversees the grants that the Justice Department makes to the Community Oriented Policing Program and the Office of Justice Programs and the Office of Violence Against Women. Prior to becoming senior counsel, he served as Chief of Staff to the Assistant Attorney General for the Office of Justice Programs. Before he joined the Justice Department, Mr. Epley

served as general counsel to the House Armed Services Committee and as counsel to its Military Personnel Subcommittee. He practiced law at Hunton & Williams in Richmond, Virginia, and Washington, D.C., before embarking on his career in public service.

We are happy to have you here, Mr. Epley, and we look forward to your testimony. The floor is yours.

**STATEMENT OF MARK EPLEY, SENIOR COUNSEL TO THE DEPUTY ATTORNEY GENERAL, DEPARTMENT OF JUSTICE, WASHINGTON, D.C.**

Mr. EPLEY. Thank you, Mr. Chairman. I am glad for the opportunity to testify before the Subcommittee about violent crime in America and what the Department of Justice is doing to assist our State and local partners with the prevention and control of crime.

Due in large measure to the effectiveness and hard work of State and local law enforcement, violent crime in America remains near historic lows, according to the 2005 National Crime Victimization Survey and the FBI's Uniform Crime Report. After rising to a dramatic peak in the early 1990s, violent crime rates in America have declined steadily since. Although in 2005 there were measurable increases in violent crime—with regard to homicide, robbery and, to some extent, aggravated assault, though rape went down—it is important to note that the rate of violent crime in 2005 is the second-lowest reported in last 30 years. Only 2004 was lower.

When we examine this data, we do not discern any nationwide trend. Rather, what we see is that certain crimes in certain communities are going up. For example, the rate of homicide nationwide went up 2.4 percent in 2005. The Northeast, however, experienced a 5.3-percent, the South a 0.8-percent increase, and the West a 1.7-percent increase.

Likewise, cities of different sizes were affected differently by crime. Very large cities did not see a change in their homicide rate. Cities of 100,000 to 250,000 saw a measurable increase in their homicide rate. And those 250,000 to 500,000 saw a decline. We do not see a particular nationwide trend, and the data does not point to any particular cause. But it is important to note, as the Attorney General said last week, it is difficult to hope when you live in fear of crime.

When you look at the 2005 data, when you look at the 2006 preliminary data, notwithstanding its limitations, you see that many communities face violent crime challenges, and the Department is committed to working with those communities to meet that challenge.

To better understand what is going on with violent crime in America, the Attorney General asked the Department to go and visit communities throughout the country, and we did that. We visited 18 cities around the country, some of which had experienced increases in violent crime and some decreases, to understand what works and what the challenges are. And one of the consistent themes that we heard was the value of Federal-local partnership. And a specific example of that that was raised was Project Safe Neighborhoods, an initiative through which local law enforcement and local prosecutors can refer for Federal prosecution gun crimes. And through that partnership we have doubled the number of gun

crime prosecutions in the last 6 years when compared to the preceding 6 years.

Another example of partnership is law enforcement task force activity, like the FBI's Safe Streets Task Force, the ATF's Violent Crime Impact Teams, the U.S. Marshal Service's regional fugitive apprehension task forces. Whether partnering through operations or prosecution, the Department is committed to growing those relationships, but we appreciate that partnership on the part of local law enforcement takes resources. And the President's 2008 budget recognizes that fact. It seeks $200 million to support the Violent Crimes Reduction Partnership Initiative. These are funds that would support multijurisdictional task forces led by local law enforcement, working with Federal law enforcement, to target relief to those communities that are facing challenges.

More immediately, the Attorney General announced last week that the Office of Justice Programs would be investing $125 million through the Byrne discretionary program throughout the country. And one of the focus areas of that program is targeting violent crime. We hope that those resources will be quickly delivered to the field to provide those communities facing violent crime challenges relief.

Mr. Chairman, the Department is committed to working with our State and local partners to add value where we can. But it is important to understand that not all communities are experiencing crime in the same way. Therefore, it is important to understand that some communities are affected differently than others in order to effectively target relief and in order to partner effectively. And we are committed to doing that.

Thank you.

Chairman BIDEN. As the old joke goes, therein lies the problem. You have a fundamentally different view of what is going on than I do. You know, I kind of view fighting crime like cutting grass. You go out there and cut your grass this weekend and it looks great. If you do not cut it for another week, it looks okay. In 2 weeks, it looks pretty bad. In a month, it really gets tattered.

Why are you increasing the Byrne grants when you tried to eliminate them? What epiphany did you guys have?

Mr. EPLEY. Mr. Chairman, are you referring to the President's request for—

Chairman BIDEN. You just said you asked for $125 million for the Byrne grants. Isn't that what you just said to me? I am sorry. Maybe I misunderstood.

Mr. EPLEY. You are right, Mr. Chairman. The announcement the Attorney General made last week was that $125 million of the Byrne discretionary grant program would be invested across the country to prevent and control crime.

Chairman BIDEN. What changed? I mean, you all have been after eliminating it the last 6 years, so all of a sudden—I mean, what was the epiphany? What happened to make you realize you needed to do this?

Mr. EPLEY. Those funds, Mr. Chairman, were appropriated by Congress as part of the joint resolution, the 2007—

Chairman BIDEN. Yes, we consistently do not listen to you. If you notice, we completely disregard you every year you do this. So you

should not be surprised that we appropriated the funds. I am wondering why you now—why is the Department—this is unfair to do this to you. The Attorney General should be here answering these questions. But do you know why? If you know. I do not mean to be rude, but do you know why this year you concluded that you needed that discretionary Byrne grant money to get out to the States? Was it political pressure?

Mr. EPLEY. No, Mr. Chairman. With regard to the 2007 money, the Department is merely seeking to faithfully administer the funds that Congress appropriated in 2007. And—

Chairman BIDEN. But do you think we should be? What I am trying to get at is in the past you have argued this money is not necessary. You have argued it is not necessary, we do not need it, and that the States and the cities and localities could take care of it and you should not be in the business of doing it. That is the argument you made, the Justice Department under its past two Attorneys General has made the last 6 years. And I am wondering why all of a sudden you think that now you want to faithfully implement this program. Do you think it is worthwhile? Do you think it is a good thing? Do you think the Byrne grants are good? Do you think they are necessary?

Mr. EPLEY. Mr. Chairman, I need to speak—as far as looking forward and the law enforcement investments that the President's budget seeks to make—

Chairman BIDEN. Let me just ask you a very specific question, Mark. And it is OK if you do not know the answer. But it would be nice to know whether or not you think now the Byrne grants are important. Do you think they are necessary in order to fight crime? Or do you still—is the Department doing it because of the political pressure we have? The reason it matters, it matters in terms of what we can look forward to and the kinds of cooperation we are going to get.

So if we had not put the money in, would you guys have put the money in?

Mr. EPLEY. The President's 2008 budget request seeks $200 million to support multijurisdictional task forces led by local law enforcement, and so I think that is the best expression of the administration's view on how to effectively partner with State and local law enforcement.

Chairman BIDEN. Now, you make the case that, you know, crime varies from locale to locale. That is why I wrote the COPS bill the way I did, because communities do not have to ask for it. There is no requirement. We do not have to go in where crime is not up. I find that it is an interesting thing. Mayors and county council persons and county executives, they do not ask for the money. The people who have real problems, they ask for the money.

I mean, I think the reason why it has gotten such significant, consistent, positive reviews is it did not mandate anything. The COPS bill said, gee, if you need cops, go to your mayor and see if you can get your city council to come up with their piece of it and the Federal Government will kick in their piece. So I cannot think of any program—can you think of any program that better makes the judgment of whether or not additional law enforcement re-

sources in terms of a shield are needed than the COPS program? Or do you think you all should decide that federally?

Mr. EPLEY. Mr. Chairman, based on what we saw in the field when we visited 18 communities around the country, some of these communities had experienced an increase in violent crime, and others a decrease.

Chairman BIDEN. Right.

Mr. EPLEY. And we observed a very curious thing, and that is, in some communities there was both over time, 2000 to 2005, a decrease in their staffing and a decrease in certain kinds of violent crime.

On the other hand, there were communities in which there were increases in their law enforcement staffing, and they experienced increases in violent crime.

What we took away from that is that there are many factors that drive violent crime. It might be demographic changes. Some of the communities pointed to loosely organized gangs or street crews, increasingly violent juvenile crime, the presence of illegal guns, demographic changes, re-entering felons. All of these things contribute to the nature of crime in a given community.

Chairman BIDEN. True.

Mr. EPLEY. And based on what we saw and observed in the field, the administration's view is that the best way to target relief to those communities facing violent crime challenges is to support law enforcement task forces. And essentially that is an investment in veteran law enforcement for—

Chairman BIDEN. Why did you cut those task forces then? Or you just think they are needed now? You are coming back with $200 million, which is a significantly smaller amount than was available for these joint task forces. You eliminated the Violent Crime Strike Forces with the FBI. You wiped those out a while ago, over my objection, and others' objections. So you think that that is the best way to target this.

Now, you know, you are beginning to sound like a liberal Democrat. It took me 10 years to fight the Democrats that there are only a couple things we know about crime, violent crime. One, after hundreds of hours of hearings, if there are four corners at an intersection and a crime is going to be committed on one of those corners and there are only three cops, it will be committed where the cop is not. That one we know.

We also know that when people get to be about 40 years old, they commit fewer violent crimes because it is harder to run down the street and jump the chain link fence. You know, it makes it a little more difficult. And so you all are saying that what you are going to do is at the Federal level, you have made a judgment, after visiting 18 localities, that, in fact, there is really no correlation between the amount of resources in terms of personnel and whether or not there is violent crime. That is your bottom line, is it not? Is that what you are saying?

Mr. EPLEY. I do not know that I—I would not want to say it is—I would provide a more nuanced—

Chairman BIDEN. I would like to hear it.

Mr. EPLEY.—representation, namely, that when we look back over time, we have law enforcement expenditure data up through

2004 on the dollar amounts spent on police protection by Federal, State, and local law enforcement. Looking back over time to 1990, we see that in each year the total amount of money spent on police protection, adjusted for inflation, has increased each year.

And so one of the conclusions that one can draw is that State and local government have raised money and spent it on police protection consistent with their primary responsibility with keeping the peace and securing public safety. When we look at this picture, we see the nature of crime in America—that is, different crimes going up in different communities. We want to add value where we can and make measurable—and invest in things that yield measurable results.

Chairman BIDEN. Do you think there is any correlation between the fact that we spend considerably more money federally which leveraged States' spending more money and the violent crime rate for roughly 10 years in a row dropping about 8 percent per year? Was there any correlation between the increase in the Federal resources leveraging State resources and the drop in violent crime? What do you think? Because this is a basic, basic, basic disagreement here, and I am trying to get at the core of where the administration is and where I am, at least. So is there a correlation? I mean, to what do you attribute that drop in crime?

Mr. EPLEY. Mr. Chairman, I do not know, but let me tell you some of the observations that one can draw. One can see that the rate of violent crime started going south, that is, got better in the early 1990s—

Chairman BIDEN. Barely. Barely.

Mr. EPLEY.—even in advance of—

Chairman BIDEN. Barely, and we increased funding then, even. That was before the COPS bill. But we increased Federal funding over that period, from 1988 to 1992.

Mr. EPLEY. But even before the Omnibus Crime Control Act money came out in 1994 and 1995 and so on, we began to see the violent crime rate going down. There is no doubt about the fact that over time—

Chairman BIDEN. Well, let me make the point. There was an increase in funding commensurate with it going down before we did the $30 billion crime bill in 1994. From 1988 to 1994, we increased Federal participation and Federal money into local law enforcement. And so it was not like we were cutting funding and crime was going down. We were increasing Federal funding. We did not increase it nearly as much as we did in 1994, but beginning in 1995, with the increase, the significant increase in Federal funding, there was a significant decrease in violent crime.

Mr. EPLEY. Mr. Chairman, what certainly you see when you look at law enforcement expenditures, the rate of crime, and the number of law enforcement sworn officers on board, you do see-1995, 1996, and so on—an increase in the number of sworn law enforcement members as a proportion of population. So that is something that, when you look at the statistics over time, you do see a change in that regard.

During the entire period, back starting in 1993 through 2005, you see the rate of violent crime declining.

Notwithstanding changes in the law—

Chairman BIDEN. Declining less and less and less every year.

Mr. EPLEY. Mr. Chairman, I think that statisticians that we talk to say that at the rate of crime that is now measured, it is difficult to measure meaningful changes in violent crime. That is why I think in some communities you actually see the homicide rate going up but the robbery rate going down, or vice versa. Typically, that—

Chairman BIDEN. That has always been the case. You go back 40 years, there has not been a direct correlation that every crime goes up in every category. There are times when crimes go up in murder and they drop down in robbery or rape. There are times when they go up in rape and they drop down in murder. It is not, at least to the best—I have been doing this for a long time, and I am using your statistics, and the statistics made available from the UCR reports, I just find it interesting.

In 2000, we had 708,022 sworn officers, and the recent report shows that there are 670,000 sworn officers in 2005. But what I do not get is the argument you are making—I get it. The argument you are making is that there are other things unrelated to additional police officers, Byrne grants, law enforcement block grants, all the things which you have slashed. There are different things than those things that are going to be able to impact on keeping the crime rate from continuing to go up. Is that what you are saying?

Mr. EPLEY. That is right, Mr. Chairman. I think that the fundamental point that I would like to share as part of this dialog about how best to respond to violent crime is that Federal partnership with State and local law enforcement can add value and that—

Chairman BIDEN. Yes, but you have slashed that. You have slashed it dramatically.

Mr. EPLEY. But, Mr. Chairman, we would argue that the nature of partnership is not always—the nature and effectiveness of the partnership is not always measured in terms of grant dollars, that, Mr. Chairman, Federal law enforcement task forces like the FBI Safe Streets Task Forces, the ATF Violent Crime Impact Teams, the Marshals' Fugitive Apprehension Program, and so on, the aggressive prosecutions that we have been able to pursue through Project Safe Neighborhoods, an investment of $1.6 billion in Project Safe Neighborhoods in terms of training local law enforcement and prosecutors, designating special AUSAs to prosecute these crimes—through that partnership we have doubled the number of gun criminals in prison. And each and every one of those gun criminals, essentially 35,000 more were prosecuted over the last 6 years. They were taken out of the community they were terrorizing and incapacitated from—

Chairman BIDEN. I am very familiar with it. In 2003 and 2004, you did not want to do that. It was us beating the living devil out of you to have the U.S. Attorneys take over more of these gun prosecutions because of the Federal laws we wrote, because the penalties are so severe. I am the guy that drafted that legislation, you know, the legislation laying out the penalties and eliminating parole and probation. I actually sat in this old place and authored that years ago, and—

Mr. EPLEY. It has been an effective tool, Mr. Chairman.

Chairman BIDEN. Well, anyway, look, I think one of the—I see my colleague from Wisconsin is here, and I am going to yield to him in just a moment? I just can assure you of one thing. If we continue to decrease or keep at the reduced level of roughly $2 billion a year that is not going from the Federal Government to local law enforcement, roughly $1 billion a year for hiring additional officers, you are going to see the violent crime rate continue to go up. It is a pattern. You know, Emerson once said, "Society is like a wave. The wave moves on, but the particles remain the same." God has not made a new brand of man or woman in a millennia. And the idea that we are going to be able to keep violent crime down with fewer officers and fewer resources as populations increase, I find that to be totally counterintuitive. But we can get back to that. I have a few more specific questions.

Let me yield to my colleague now.

**STATEMENT OF HON. RUSSELL D. FEINGOLD, A U.S. SENATOR FROM THE STATE OF WISCONSIN**

Senator FEINGOLD. Thank you so much, Mr. Chairman. I want to thank you for chairing this hearing.

I also want to recognize, because we do not do it often enough, the leadership that the Chairman has had on this issue of fighting crime and getting this right for his entire career. There is no one who has been more dedicated to the issue. I benefit from being able to talk about COPS programs and his leadership on the Violence Against Women Act every time I am home. So, Mr. Chairman, I can finally talk about my 15 years in the Senate—nothing like what you can say—and you maintain the commitment over time, and I admire you for that very, very much.

Chairman BIDEN. Thank you.

Senator FEINGOLD. I would also like to thank all the witnesses whose expertise is greatly needed at a time when the Nation is struggling with an increase in violence and crime in our communities. I would ask that my full statement be included in the record.

While we all hear about the rising crime rates in cities across America, one of the cities hardest hit has been Milwaukee, Wisconsin. According to a report released by the Police Executive Research Forum, Milwaukee's homicide rates have increased by 17 percent, robbery rates by 39 percent, and aggravated assault by 85 percent, all in the past 2 years. These statistics alone are staggering, but the human toll is truly heartbreaking.

On Monday, May 14, 2007, 4-year-old Jasmine Owens was shot and killed by a drive-by shooter. She had been skipping rope in her front yard.

On Thursday, February 22, 2007, Shaina Mersman was shot and killed at noon in the middle of a busy shopping area. She was 8 months pregnant, and she died in the middle of the street.

These are but two of the senseless deaths in a list of names that is far too long. It is my sincere hope that through hearings like this and legislation such as Senator Biden's COPS Improvements Act, Senator Feinstein's Edward Byrne Memorial Justice Assistant Grant Program bill, and my own PRECAUTION bill, which I am

introducing later this week, that we can begin to address these very real problems.

The PRECAUTION Act recognizes that it is far better to invest in precautionary measures now than it is to pay later the costs of crime—a cost borne not only in dollars but in lives. We have mourned the loss of far too many innocent lives already. This legislation creates a national commission to review the range of prevention and intervention programming available, to identify the most successful strategies out of that group, and to report on those findings to the criminal justice community. It creates a targeted grant program through the National Institute of Justice that will fund promising and innovative techniques that need Federal dollars to be developed into more reliable strategies.

In general, the PRECAUTION Act provides resources that will further the integration of prevention and intervention strategies into traditional law enforcement practices. I hope that other members of the Judiciary Committee will join Senator Specter and me in working to get this modest but important piece of legislation passed. I also appreciate the support of Ted Kamatchus, the President of the National Sheriffs' Association, for my bill, because I believe that utilizing prevention and intervention strategies is both smart and necessary.

I would ask the witness to respond. I have mentioned that Milwaukee has been particularly hard hit by rising crime rates. What is the Justice Department doing to provide additional help and resources to Milwaukee?

Mr. EPLEY. Mr. Feingold, the Department of Justice, we share your concern about the violent crime challenge that Milwaukee has been facing. As the Attorney General said last week, it is difficult to dream dreams when you grow up in a community that is weighed down with the fear of crime.

As you know, the Department of Justice invested specifically in Milwaukee $2.5 million for its comprehensive gang initiative—that $2.5 million, $1 million to prevention work, $1 million to crime suppression, and half a million dollars to re-entry prisoner re-entry. One of the most effective ways to prevent crime is to keep those career criminals from continuing in a life of crime.

In addition to those funds, specifically targeted to Milwaukee and actually nine other cities around the country, the 2007 grant money has begun to be both made available to communities through solicitations, but then also the formula money has begun to be pushed out to the field. So, for example, the Justice Assistance Grant programs that the Department administers actually have an increase this year, such that Wisconsin will enjoy a $2.3 million increase in Justice Assistance Grant money. Milwaukee itself stands to gain about $400,000 more than last year in Justice Assistance Grants.

In addition to that, Mr. Feingold, the Project Safe Neighborhoods money for the Eastern District of Wisconsin—a lot of those dollars will go to work in Milwaukee—will go up 70 percent this year, and likewise, the PSN grants effort, which is sort of the PSN Task Force effort as against gang activity, will likewise increase by about 60 percent for the Eastern District of Wisconsin.

So we hope through these investments—PSN, PSN Gangs, the increase in the Justice Assistance Grant program—that Milwaukee and Wisconsin will have the resources necessary to suppress violent crime.

Senator FEINGOLD. I appreciate that answer as far as it goes. Some of it had to do with what has already been done before. Some of it appears to be forward-looking. But the fact is that there have been dramatic cuts advocated for some of the most important Federal grant programs: the COPS program, the Byrne Justice Assistance Grant program. These are important programs for Milwaukee. In fact, I am told that Milwaukee received zero dollars in COPS hiring funds last year.

How does that track with the commitment to the problem in Milwaukee?

Mr. EPLEY. The COPS hiring program, when it accomplished its core mission, which was to hire 100,000 sworn law enforcement officers, the administration began to invest resources in other priority areas, including Project Safe Neighborhoods, as a way to target relief to communities facing violent crime challenges.

I believe 2005 was the last year in which Congress provided funds for the universal hiring program. It was a small dollar amount. Maybe the last year for which a substantial amount of money was 2004. But in large measure, that universal hiring program has been phased out, both through the administration budgets that we have put forward, but also through the spending priorities articulated in the congressional appropriations acts.

Senator FEINGOLD. I think it is regrettable that that has been done, but let's work together to try to get the help to the city that it needs.

Thank you very much.

Mr. EPLEY. Thank you.

Chairman BIDEN. Thank you.

Mr. Epley, do we have enough FBI agents? What do you think?

Mr. EPLEY. I think that the President's 2008 budget requests resources sufficient to meet the Bureau's mission. There are always difficult choices to make in a budget when it is taken as a whole. The FBI has been asked to take on a significant burden, standing up a bureau within a bureau to do effective counterterrorism and counterintelligence work. And standing up that bureau takes resources. They do a lot with a limited budget.

Chairman BIDEN. If I gave you money for another 1,000 FBI agents, could you use them?

Mr. EPLEY. Mr. Chairman, the funds that we—the resources that the Department seeks, the administration seeks for the Bureau, are best represented by the President's 2008 budget. And—

Chairman BIDEN. Well, you know, in 2006, the FBI brought 34 percent fewer criminal cases to Federal prosecutors than in 2000. The FBI sent prosecutors only 3,500 white-collar crimes in 2005 compared to 10,000 in 2000. And the FBI pursued 65 percent fewer hate crimes in 2005 than 2002. Director Mueller, testifying before this Committee at the end of 2006, said that he has to rededicate 1,000 FBI agents to dealing with the bureau within a bureau, as you reference it. And my understanding from very reliable sources,

at least in my years of working with the FBI, is that the FBI asked for more agents this year and the request was denied.

I have introduced a bill that would allocate $160 million a year to add 1,000 additional FBI agents dedicated to fighting crime because, you know, it is kind of fascinating. I do not know how—it is just fascinating, you know, only Orwellian Washington-speak that we can talk about cutting 1,000 FBI agents out of dealing with local law enforcement and say that you are sending $200 million to deal with local law enforcement problems, and that somehow we are able to do—it reminds me of Ed Meese in fighting the crime bill, we can "do more with less."

Now, I assume that means that something else is going on, that there is no need for these 1,000 agents that were involved, that have been redirected to terrorism. Is it that the terrorism money is affecting violent crime in the street. Is the counterterrorism work of the FBI, you know, impacting positively on street crime in Milwaukee or Philadelphia or Wilmington, Delaware? Is that part of the argument?

Mr. EPLEY. Mr. Chairman, I do not know what effect—we can get back to you—the counterterrorism, counterintelligence investments that have been made post— 9/11 have had on violent crime.

Chairman BIDEN. I can tell you it has not had any, but you can check it out. Well, look, there used to be those old movies, all those old B movies, "Smokey and the Bandit." What we have here is we have ourselves, our communications problem. You guys view the world of violent crime and the problem that localities and the Federal Government faces starkly differently than I do. And the inability to provide the resources that we were providing and increase the resources because of the increased strain on the FBI I find very difficult.

Now, I know it is not your job. You are not at OMB. You do not get to make those hard decisions. But there is a clear distinction here. You know, for example, just providing a tax cut—this is above both our pay grades. But just providing a tax cut for those who make an average of $1.45 million a year, that is an $85 billion a year expenditure. All I am asking for is about $2.1 billion out of that for local law enforcement like we did before.

But there seems to be a sense that—and the argument you are making—I understand it—is that we really do not need it. More cops are not really going to make any impact on violent crime in America. The violent crime problem is much lower than it has been at any time in recent history, although it has gone—there has been an uptick. And, therefore, we are copacetic. Things are going along pretty well right now.

You probably do not have the time, but you might find it interesting to hang around and hear the testimony of the people who are about to testify.

For the record, are you at liberty to provide us with the 18 localities you went to and observed to reach your conclusions that there is nothing needed more than what you have asked for? Are you prepared to do that?

Mr. EPLEY. Yes, sir. We can make those communities available.

Chairman BIDEN. I would appreciate that.

Mr. EPLEY. Mr. Chairman, if you would indulge me just one moment.

Chairman BIDEN. Sure.

Mr. EPLEY. I just want you to know that we do not view it as copacetic. The fact that certain crimes in certain communities are going up and many communities are facing a violent crime challenge, we think that is a serious matter and that we are looking for ways to most effectively partner with those communities to make a difference.

Chairman BIDEN. Well, you know, there is an old expression attributable to G.K. Chesterton. He said, "It is not that Christianity has been tried and found wanting. It has been found difficult and left untried."

I would paraphrase the nice rhetorical comment of the Attorney General saying it is difficult to hope when you live in fear of crime. I would argue it is difficult to cope with fewer COPS and it causes crime.

But I thank you for your testimony, and like I said, we have a fundamental, basic, distinct disagreement. I fundamentally disagree with the administration. And I am going to do everything I can to make it difficult for you not to accept more money.

Thank you very, very much. I appreciate it.

Mr. EPLEY. Thank you.

Chairman BIDEN. By the way, as you are leaving, one of the other things is that you talked about the DEA and the FBI. Talk to your DEA guys about the hiring freeze that is on and tell them—just, you know, do your own little survey. Go out in the field and ask them whether or not they think they can cope with this hiring freeze. The impact of the freeze and the loss of the positions that exist is expected to amount to 180 fewer primary drug organizations than we are able to disrupt or dismantle today and most likely approximately $300 million less in revenue they will be able to deny drug traffickers. That is the study that has been done by the DEA.

But, at any rate, you ought to go talk to those guys. You know, get in the car and ride with them, like I do. I think you may find it is a little bit different.

Anyway, thank you very much, and I appreciate your being here.

[The prepared statement of Mr. Epley appears as a submission for the record.]

Chairman BIDEN. Our next panel, Ted has already been referenced about eight times here, so I do not think I have to introduce you again, Ted. Tom Nee, the President of the National Association of Police Organizations. Chief Rick Gregory, Chief of Police of New Castle County, Delaware. Mayor Douglas Palmer, Mayor of Trenton, New Jersey, and the President of the United States Conference of Mayors. And Chief Russ Laine, the Vice President of the International Association of Chiefs of Police. And James Alan Fox, a criminologist from Northeastern University.

I welcome you all. I will put each of your bios in the record in the interest of time, but it is a very distinguished panel. I want you to know I am not being merely parochial, having the chief of the second largest police organization in my State here. The New Castle County police and his predecessors helped draft the Biden crime

bill, literally not figuratively. They were one of the lead agencies and, I would argue, they have one of the best records in implementing community policing in the country. That is why I wanted him here.

I see the mayor is not here yet, so we will proceed, and when he gets here, if he is coming, we will have him join us at the table.

Why don't we start in the order in which you were—we will go left to right, with you, Sheriff, and work our way across to you, Professor, and then we will get into some questions if we can. Welcome.

**STATEMENT OF TED KAMATCHUS, PRESIDENT, NATIONAL SHERIFFS' ASSOCIATION, MARSHALLTOWN, IOWA**

Sheriff KAMATCHUS. Thank you, Mr. Chairman and members of the Committee. My name is Ted Kamatchus. I am the Sheriff of Marshall County, Iowa, and the President of the National Sheriffs' Association. I am pleased to have this opportunity to appear before you today to express my concerns and what I know to be the concerns of sheriffs all across the country with the recent increase in violent crimes coupled with severe reductions in Federal assistance to State and local agencies.

The essential message that I bring to you today is that the Federal Government needs to play a larger role in crime fighting. Together we need a coordinated national attack on crime, recognizing that there is no single "silver bullet" solution. Political rhetoric must not prevail over action. This is not a Republican or Democrat issue. This is an "us" issue. It is for the citizens across this country.

As you may be aware, sheriffs play a unique role in our criminal justice system. In addition to providing traditional policing within their respective counties, sheriffs also facilitate local jails and are responsible for protecting and providing security for the judicial system. Over 99 percent of the sheriffs are elected and oftentimes serve as the chief law enforcement officer of their counties. Consequently, they have a keen understanding of the needs of our criminal justice system as well as of the local communities which we serve.

In the early 1990s, Congress joined in a partnership with local law enforcement to provide assistance in Federal funds for hiring additional officers to put offenders behind bars and fight the war on drugs. Unfortunately, in recent years, the Federal Government has strayed from its commitment to fight crime.

The majority of violent crimes we have recently been experiencing have been related to drugs and an increase in gang violence. Sheriffs have not been able to hire the number of deputies they need to address these issues, and in many jurisdictions, current levels of staffing only allow peace officers to respond from one 911 call to another. Stacking calls is not safe.

For nearly 30 years, Byrne-JAG grants have funded State and local drug task forces, community crime prevention programs, substance abuse treatment programs, prosecution initiatives, and many other local crime control and prevention programs. It has not just been drug task forces. We perceive these programs as the underpinning of Federal aid for local law enforcement to address violent crimes. Continued reduction in Byrne funding will undoubt-

edly obliterate the successes that we have all helped to achieve together.

In most States, Byrne-funded drug task forces are the cornerstone of drug enforcement efforts. These task forces represent the ideal in law enforcement, pooling limited resources, sharing intelligence, strategically targeting a specific problem, and eliminating duplication of efforts. Moreover, these task forces allow Federal, State, and local law enforcement and prosecutors to work together and share intelligence to stem large-scale organized crime. However, most States have had to scale back on the number of such task forces.

Also, I cannot emphasize enough the importance of the COPS programs, particularly in the funding for the programs I have mentioned distributed directly to local law enforcement agencies—those that can best assess and allocate funds where they have the most impact. COPS programs assure the quality of policing services through better training and the highest technology equipment possible.

We have heard time and time again that "homeland security begins with hometown security." Yet vital programs such as Byrne and COPS that provide the necessary resources to ensure that hometown security have both been cut drastically, and the hiring initiatives for COPS have been zeroed out in most recent years. It is of no surprise to those in the law enforcement community that since law enforcement programs have been depleted, the crime rate has been rising. We urge this Congress to restore funds for the important public safety programs of Byrne and COPS. We want that $1.1 billion for Byrne and the $1.15 billion for COPS. We would also like to express our thanks to you, Senator Biden, and also to Senator Feinstein for taking a leadership role in their efforts to restore funding for these two essential law enforcement programs.

In addition to highlighting the importance of the Byrne and COPS programs, I would also like to urge the Senate to take action on some measures that we believe will assist local law enforcement in helping to address violent crime. The National Sheriffs' Association has endorsed the Gang Abatement and Prevention Act aimed at increasing and enhancing law enforcement resources committed to investigation and prosecution of violent gangs; the Second Chance Act which would begin to address the Nation's escalating recidivism rates; and the Methamphetamine Production Prevention Act, cosponsored by my friend from Iowa, Senator Grassley, which would facilitate the use of electronic methamphetamine precursor logbook systems in order to help States crack down on domestic meth production; and, as was earlier mentioned, the PRECAUTION Act. We heard earlier from Senator Feingold, and early in his statement, he indicated that it will provide guidance in a direct and accessible format to State and local law enforcement to ensure that the criminal justice community is investing its limited resources in the most cost-effective way possible.

Mr. Chairman, I would like to note that over 20 sheriffs from border States were in Washington about a month ago, and we are really concerned about this border initiative. The immigration problem that we are seeing and the border security are major, major issues for us. It is more than just an issue of immigration.

It is an issue of proliferation of drug cartels, drugs, and actually the movement of contraband, which are drugs, weapons, and people. We need something done about that, and we ask that you hear those sheriffs, because they are there every day on the borders fighting to help the Federal Government.

I want to thank you for the opportunity to come before you and express my concerns. I hope I have conveyed to you the dire situation that sheriffs are faced with across this country and how critical Byrne and COPS programs are to us. The strain caused by limited funds for law enforcement programs in the face of increasing violence and drug abuse in our communities should be a major inducement for Government and law enforcement alike to share the responsibility for keeping our communities safe. I ask for your full consideration on my comments today, and I know that through your commitment and the efforts together we can make our communities safer.

I want to thank you very much.

[The prepared statement of Sheriff Kamatchus appears as a submission for the record.]

Chairman BIDEN. Thank you very much, Sheriff.

**STATEMENT OF THOMAS J. NEE, PRESIDENT, NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, BOSTON, MASSACHUSETTS**

Mr. NEE. Good morning, Mr. Chairman. My name is Thomas Nee. I am a police officer in the city of Boston. I serve as the President of the Boston Police Patrolmen's Association.

Chairman BIDEN. I thought you were from Selma, Alabama, with that accent.

[Laughter.]

Mr. NEE. Not with this accent, sir.

Chairman BIDEN. Welcome.

Mr. NEE. I also have the honor of serving as the President of the National Association of Police Organizations, representing 238,000 sworn law enforcement officers throughout the United States.

This morning, in my testimony, as police officers, as corny as it sounds, we have a duty to serve and protect. As the men and women on the front lines to enforce the law, we have a right, really, and a need for the Federal Government to stand beside us and support us in those efforts in our communities. That is why I am here today on behalf of America's law enforcement community speaking to you today. America's State and local law enforcement are being disregarded by the current administration. They are being passed over for critical funding to assist them in performing their roles in combating and responding to crime and urban terrorism.

There are three issues that I will address this morning that are of increasing concern to us at NAPO and our membership: the decrease in funding for vital Department of Justice State and local law enforcement assistance programs witnessed over the past several years; the additional duties taken on by local law enforcement agencies in the post-9/11 era; and finally, the recent increase in crime rates experienced by communities nationwide. These issues

are interrelated and cannot be separated, particularly when addressing the issue of rising crime in the United States.

The COPS program, together with the Local Law Enforcement Block Grant program and the Byrne Memorial Fund, gave State and local law enforcement the necessary funding to truly assist their efforts in keeping our Nation's communities safe. These justice assistance programs have contributed countless resources to help us combat and fight crime. I would also like to point out, Mr. Chairman, that those funds simply were not for hiring. They were also for retention, which is an important component of it, and with your support these Federal grant programs can be restored.

With the support of these Federal grant programs, community policing has been a dominant force behind the dramatic reduction in crime this Nation has witnessed over the past 13 years. In 2000, violent crime rates were at their lowest level in 30 years, particularly in our major cities. More police officers patrolling the streets not only provide greater police presence in our communities but also increase police knowledge of crime as well, thus allowing local law enforcement to do its job in its communities.

A key factor in the implementation and success of community policing has been the Federal support through funding and resources to State and local law enforcement agencies. It is not a coincidence that community policing was at its best and national crime rates were at their lowest when Federal support for programs such as COPS, the Byrne grant, and LLEBG was at its highest. And it is also no coincidence that the steep reduction in Federal support for these programs corresponds with the increases in violent crime rates nationwide.

Listening to the earlier testimony, I have an absolute positive, fundamental disconnect with what was represented by the administration because we have captured a small sample of what is going on in the country and some of our samplings in some of the major cities.

A December 2001 study by researchers at the University of Nebraska at Omaha found that the COPS program is directly linked to the historic drop in U.S. crime rates in the 1990s. The "More Cops = Less Crime" statistical analysis produced by you, Mr. Chairman, together with Congressman Weiner, gives further evidence to the link between the COPS grants and the decreases in crime from 1995 to 2000.

According to the "More Cops = Less Crime" evaluation, the effects of the COPS grants from fiscal year 1994 to fiscal year 1999 on violent crime during that 1995–2000 period were substantial. Approximately $2 billion was provided nationally in hiring grants and over $3.6 million was provided in innovative grants to cities with populations over 10,000. Nationwide, police departments in these cities reported that occurrences of violent crimes decreased by well over 150,000 between 1995 and 2000.

Phoenix, Arizona, for instance, received $23.5 million in COPS hiring grants and $2.34 million in COPS innovative grants. Phoenix law enforcement estimates that these funds helped reduce reports of violent crime by over 1,500 incidents and reduced overall crime by 7,679 incidents. Los Angeles, California, received nearly $194 million in COPS grants and $2.3 million in COPS innovative

grants between fiscal year 1994 through 1999. And during this time, violent crimes were reduced by 10,500 incidents and overall crime in the city by 53,435 incidents.

Phoenix, Arizona, law enforcement agencies have had to redeploy their officers and resources to infrastructure protection such as water treatment facilities, Arizona Public Service power stations, airports, among other infrastructure. More importantly, they seem to have a pair of handcuffs on them with the immigration problem down there. Phoenix has seen record increases in violent crime. Again, to show the disconnect between the administration and what we are experiencing on the street, in 2005–06 the city saw a nearly 5-percent increase in violent crime rates, including a 4.5-percent rise in homicides and an over 6—percent rise in aggravated assault. In 2004 through 2006, Phoenix law enforcement saw an astounding 12-percent increase in homicides and an almost 20-percent increase in aggravated assault over a 2-year period.

Los Angeles, California, has seen a substantial amount of resources shifted to homeland security details also. Hundreds of law enforcement officers have been assigned to terrorism prevention issues to protect infrastructure, terrorism task forces, and counterterrorism duties. Although L.A. has seen a decrease in the overall level of violent crimes, including murder, it has seen significant increases in gang-related homicides and violent murders.

In New York City, the city has lost over 4,000 policemen absent from the streets of New York since 1999, and that is up to and including the 9/11 era. After 9/11, the city added an additional 1,000 police officers to counterterrorism activities. So that is 5,000 policemen missing from the streets of New York City, and that is not even comprehensible in our world.

In Boston, my home city, the Boston miracle, as it was called, in the 1990s, it was a national model for policing around the country. Recently, we have seen an increase and a spike in violence. Between 2004 and 2006, reported homicides alone increased nearly 23 percent in the city of Boston—the highest homicide rate the city has seen in 11 years. In 2004 to 2006, we have seen a 10-percent rise in robberies and a staggering 37-percent rise in aggravated assaults involving firearms.

Mr. Chairman, I can add more testimony from Houston, Texas, their statistical analysis; Detroit, Michigan. I do not know where the administration is sampling, sir, but we are experiencing it in the street, and we represent most of the major cities in the country, the rank-and-file line officers. We have our problems today.

The biggest problem of all is I think what the chiefs will share with you as well as the rank-and-file testimony here today. It will be in our major cities around the country post-9/11. We have experienced anywhere from 15 to 18 percent of our staffing is missing from the streets, and I agree with you, Mr. Chairman, as we have in the past. If you do not cover all four corners of the blocks, the genie is out of the bottle. And we can have all the task forces we want and all the prosecution methods behind it, but that is after we lose. That comes in at the eleventh hour, and that is not a good thing. We are suffering right now out here in the streets. We are doing our very best to keep the borders of this country safe, and

we need the efforts of the United States Federal Government to complete the task at hand.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Nee appears as a submission for the record.]

Chairman BIDEN. I think they spent most of the time down in Crawford getting the crime statistics. I do not know.

I should not be so flippant because this is such a serious subject.

Before we go to you, Colonel, I just want to point out one thing, just for the record. If you take a look at the crime statistics—I just want this to be in the record. Let me find them here. Take a look at the crime statistics. Let us assume that what is stated is true. The number of crimes committed in the year 2006, whether they are up or down, they are still way beyond what a civilized society should be accepting. So this premise that as long as—and I will submit that for the record. This premise that as long as it is not really going back up above what it was pre— crime bill that somehow things are OK is, I find, a preposterous notion. The first primary function of Government is to keep folks safe so they can walk the streets.

I thought I had them right at hand. I apologize for the intervention, but I will submit them for the record so that we know just how high the low is. It is still very high.

Chief, welcome. And, by the way, I might add I am being very parochial here. We have a whole bunch of what I facetiously refer to as "my guys" here. We have the Chief of Dover, Delaware, Smyrna, Delaware, South Bethany, Delaware State Police, the Delaware Police Chiefs Council, the Lieutenant of New Castle County, and Corporal Trinidad, who speaks for all of them when they need to be spoken for. I welcome you all here today, and I hope I get a chance to spend a little time with you.

But, again, I am not just being parochial when I do that, I say to my friend from Wisconsin. These are the folks that helped write that first bill. They really did. This one did not come out of—no one handed it down. And, by the way, NAPO was the single biggest help at the time when we started this thing off. Thank you for your continued support.

No more advertising. Chief, fire away.

## STATEMENT OF RICK S. GREGORY, CHIEF OF POLICE, NEW CASTLE COUNTY, DELAWARE

Chief GREGORY. Good morning, sir, and thank you for the opportunity to be here with you this morning and the distinguished members of your panel and Committee and also my fellow law enforcement professionals. I am the Chief of Police for New Castle County. I have been there since the last day of September in 2006. It is the second largest agency in the State of Delaware and, as you mentioned, a pioneer agency in community policing in the State of Delaware.

Our agency consists of 364 officers, We cover about 426 square miles with about 450,000 citizens. During 2006, our officers responded to or handled approximately 162,000 calls for service. For the year 2007, we will surpass that mark considering that we have already handled some 82,000 calls for service.

Recently, we have become predominantly a call-driven or 911-driven agency. The bulk of our time is responding from one 911 call to the next. This is not effective community policing, as you know. In our agency and in our county, we are seeing a level of violence such as the armed robbery of a pizza delivery person as a commonplace criminal act. From 2005 to 2006, we saw a 38-percent increase in these types of robberies. This type of crime has made violence impersonal and second nature to many offenders. People are shot for reasons for simply being on the wrong side of the street or for saying the wrong things, and we must curb this growing trend. While doing so, we have to also realize that we are going to be doing it with less Federal resources unless we can have some help.

A recent article in USA Today entitled "Youth Gangs Contribute to Rising Crime Rates," May 15, 2007, stated, "increasing violence among teenagers and other youths appears to have contributed to a nationwide crime spike." This trend is only the beginning of what we sure believe is going to be an increase for the future.

We in Delaware, and specifically New Castle County, are not immune from the national trend. Last summer one of our communities was bombarded with gang violence that eventually led to a full-scale brawl between rival gangs. One was on one side of the street and one was on the other side of the street, not realizing they were rival gang members until they began communicating with hand signals that led to a brawl. One person was shot, one person was stabbed, one was killed. Twelve subjects were arrested for this battle, and of those twelve—and this is the alarming part—six of them were juveniles. When considering this homicide and the comments from the USA Today article, we try to remember that we are discussing juveniles with weapons. Firearms in the hands of adults are deadly, but consider firearms in the hands of an immature gangster wannabe at the ripe age of 13. It is astounding.

The successful investigation of this case and ultimate prosecution was, in large part, due to the expertise offered by our federally funded gang officer. The Federal funding for this officer from the Edward Byrne Memorial Fund allows us to dedicate an officer to the growing problem of gangs and gang violence. Additionally, Federal money spent on the community crime intervention program allows us to dedicate a Spanish-speaking officer to a specific area that is troubled with the problems of Hispanic gang influences. Together these officers provide invaluable intelligence on our gangs. Communities without Federal funding have difficult dealing with these types of problems.

Many of these juveniles, as we know, start their life as delinquency runaways. From 2002 until 2006, our agency saw a 22-percent increase in the number of juvenile runaways. This, in effect, is a 22-percent increase in the number of kids primed for recruiting by gangs and the gang culture.

One initiative that is working very effectively in Delaware is the Safe Streets program, a collaborative effort involving the four largest police agencies and the Department of Corrections. Combined Federal money in support of this program is close to $1 million. Money spent on ventures such as this are truly effective weapons in the everyday battle to reduce or contain violent crime. Expanded

measures in this regard remove repeat offenders from our communities and free up time for our officers to return to the job of community policing.

With that, I come with a request that the expansion of programs such as Safe Streets, gang officers, and community crime intervention officers. Allowing a small number of officers to have a magnified and directed impact on communities that are most needing of our help will make an impact. In addition, their efforts serve to rid the communities of repeat offenders, which frees up the officer on the street to spend more time in their communities working to break this increasing cycle of violence. While these positions are of great value, their longevity is limited due to the funding source. Byrne money, which funds these positions, is an excellent resource, but it is not a suitable device for hiring officers. COPS money, as you well know, with its 3-year hiring grant is a better funding source for stability reasons. Federal money spent on these proven successful endeavors is money well spent on the security of our communities.

I would like to take the opportunity to thank you for allowing me to come today. I want to thank you also for the leadership that you have proven time and time again. I am not new to community policing. I am new to the area. But I can tell you that nationally we appreciate your leadership and support in what we do.

[The prepared statement of Chief Gregory appears as a submission for the record.]

Chairman BIDEN. Thank you.

Mr. Mayor, you have a job most of us up here would not take on a bet, the most difficult job in America. I really do think being the mayor of a major city is the epicenter of requiring political skill. I am flattered you are here. We had a chance to talk when we spoke to the National Mayors Conference, and your input and the input of your colleagues is vitally important here, and I am delighted you would take the time to be here. I know you have got a lot of other things to do, but thank you very, very much for being here. I am anxious to hear what you have to say.

## STATEMENT OF HON. DOUGLAS H. PALMER, MAYOR, TRENTON, NEW JERSEY, AND PRESIDENT, UNITED STATES CONFERENCE OF MAYORS

Mayor PALMER. Thank you, Senator, and it is a pleasure for me to be here. My name is Douglas Palmer. I am the mayor of Trenton, New Jersey, and I have the honor of being the President of The United States Conference of Mayors, whose membership represents 80 percent of the population of the United States of America. We also want to thank you, Mr. Chairman, for coming to our January meeting and discussing our ten-point plan, one point of which we are talking about, the COPS program, strong cities, strong families, for a strong America. And quite frankly, you cannot have strong cities if you do not have safe cities.

As you were talking to Mark Epley—and he seems like a nice enough fellow. I had the opportunity to serve on a few panels with him. And I was just realizing as you were grilling him—I mean talking to him, President Bush does not pay him enough money for

what he has to do. And, actually, what he has to do is really go against logical thinking in what we see the trends are.

We want to also thank you for your leadership, and I know President Clinton talks about the Clinton crime bill, and he certainly was a large part in that. But we also know that it is the Biden crime bill that helps put us on the right track.

You know, a little over 400 days ago, while I was in Los Angeles with Attorney General Gonzales at an event talking about crime, my police director got a call. It was a Friday afternoon, a lovely spring afternoon. I think it was the 1st of April. And he got a call, because we had experienced some gang violence and retaliation earlier in the week that a 7-year-old girl by the name of Tajhanique Lee, while riding her bike, what every young child should be doing on a nice warm spring day, was caught up in the crossfire of two rival gangs, and this beautiful young girl was shot in the face. Fortunately, God spared her life, and she is still a beautiful young lady. But I had the task, like many of my colleagues, mayors and police chiefs—and I am really honored to be with these individuals—to talk to her mother about 2 hours after it happened in the hospital. Far too often, mayors have to make these calls. Mayors have to go to the funerals of law enforcement people, of law— abiding citizens and children far too often. We certainly are on the front lines.

I would ask Mark—and I know he left, but I would like him to come to Trenton. If he thinks things are copacetic, the status quo is acceptable, I plead with him to come to the city of Trenton where we have seen a reduction in crime, almost 27 percent, but an increase in homicides directly attributable to drugs, illegal guns, and gangs. Our homicide rates go up, as I think these individuals can tell you, fueled by guns, illegal guns in the hands of criminals, and drugs, which is a part of that, and gangs.

While we have reduced crime, the fear level is as high as ever. It is not American to be afraid to sit out on your porch in the afternoon. It is not American to have your children not use a park that we have paid for because it is not safe. This is just not American.

We also see that this is attributable in part because of the rise in juvenile crime. We see a culture today that is almost a subculture, and we see young people very willing to join gangs, to be lured into gangs, use illegal weapons and to shoot each other. It is just astonishing to me that the administration would think that because certain areas in this country are not experiencing an increase in violent crime that everything is OK. It is almost like if you have heart problems, do not take any medicine, wait until you have the heart attack.

Well, we need medicine. We need the kind of support that you have had and shown over the years. We urge Senate passage of the COPS reauthorization bill sponsored by yourself, urge passage of your Second Chance Act to help with prisoner re-entry, which is critically important. And the U.S. Conference of Mayors has endorsed Senator Feinstein's Gang Abatement and Prevention Act of 2007 and urge passage. And, of course, the COPS and the Byrne block grants should be fully funded this year.

You cannot have homeland security and not have hometown security. And the point you made was very well taken. We do need

1,000 more FBI agents because our police will tell you that when they used to have the partnership with the Federal Government to have FBI work with them on these very serious cases, now they are fighting counterterrorism. And that is fine. But we need additional FBI agents to come and work with our local law enforcement to help federally put these bad guys away.

We truly need this Federal partnership. When we see school violence is on the rise, we know our police have to use more resources there. And what is also troubling for us without a Federal partnership is that the police—and they will tell you, and mayors will tell you—we will have to spend whatever we have to make our citizens safe, and that means a lot of times using resources that we would have for parks, for economic development, for senior citizen programs, for things that are the lifeblood of a city, that help sustain a city, that help make cities livable, we have to take those moneys away for law enforcement because our Federal partners are not at the table with us.

So we urge that through your leadership this be done. It is unfortunate that the administration—I hope somebody from the administration is here to listen to these individuals whose officers put their lives on the line each and every day, whose mayors fight the good fight each and every day. But like in everything else, we need a Federal partner. This is a Federal responses needed in a partnership to deal with this problem. It has worked in the past, and we know with the resources that it will work for all of us in the future.

Thank you.

[The prepared statement of Mayor Palmer appears as a submission for the record.]

Chairman BIDEN. Mr. Mayor, I am going to place in the record, by the way, for each one of you your bios and what I had prepared for you. But I must say you have done a remarkable job. I know Trenton relatively well. I know New Jersey pretty well. And with all due respect, Mr. Mayor, not every mayor in America is making the choices you have made. You are making some tough choices between, figuratively speaking, street lights and cops. And you are making them for cops. But a lot of other mayors are not either able to or think they should make those choices, and it is truly remarkable that you are running against the trend here because your crime rate is down. Your crime rate is down.

But one of the things that caused me to draft that legislation back in the early 1990s was the thing that frightened people the most is the randomness of crime. The randomness. All the studies that we have done and read and all the hundreds of hours of hearings, most people thought they could protect themselves against being victimized by putting themselves in a position where they avoided the bad neighborhood, the bank teller, the ATM machine at midnight, walking in a certain—they thought they could do that. But what happens in your city and every other city, and the nature of the change in the crime, demonstrates once again it is totally random. There is nothing you can do in many cases to give yourself the sense that you are out of harm's way. It is not just avoiding "the bad neighborhood."

So, anyway, I just wanted to state for the record that I think your leadership of the National Conference of Mayors has been re-

markable. But, more importantly, your day-to-day hands-on leadership in Trenton, New Jersey, has been remarkable. And I just want to note that for the record. And I am sure my Republican colleagues, if they were here, would say the exact same thing. It has been remarkable.

Mayor PALMER. Well, Senator, I just would like to say our homicide rate is up, though. Our regular—

Chairman BIDEN. I know that. But your overall crime— but my point is that is what is happening all over. What is happening all over is you see these trends. The homicide rate is up, gun crimes are up. You also find gangs are up. MS–13 is becoming visible. It is a little bit like when— Ted will remember-–15 years ago—that is not true-–17 years ago, I was in Iowa—having nothing to do with what Senator Grassley referenced of running for President—as a United States Senator in Iowa and warning that ice was coming, methamphetamine was on its way, and how it was coming and wrote a very extensive report.

And you look around the corner, juvenile crime is up. I would argue one of the reasons juvenile crime is up is because community policing is down, because school resource officers are not available any longer, because the gang initiatives have been cut, because when you make choices, you have got to make very hard choices in the allocation of these moneys.

So I do understand certain aspects of crime are up, but overall it has been remarkable what you have done in the face of these significant cuts. Chief, welcome. It is great to have you here.

**STATEMENT OF RUSSELL B. LAINE, SECOND VICE PRESIDENT, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, ALGONQUIN, ILLINOIS**

Chief LAINE. Thank you, Mr. Chairman. Good morning, and good morning,

Senator KOHL. My name is Russell Laine, and I serve as the Chief of Police in Algonquin, Illinois. For those of you unfamiliar with the area, Algonquin is a community of approximately 33,000 located about 40 miles northwest of Chicago.

I am here today as the Vice President of the International Association of Chiefs of Police representing over 20,000 law enforcement executives throughout the world. I am pleased to be here to discuss the challenges currently confronting the U.S. law enforcement community and our need for an increased level of support from the Federal Government.

In the United States, there are more than 18,000 law enforcement agencies and well over 700,000 officers who patrol our State highways and the streets of our communities each and every day. During the past 15 years, these officers, and the law enforcement agencies they serve, have made tremendous strides in reducing the level of crime and violence in our communities. This has been accomplished in part because these officers have an intimate knowledge of their communities and because they have developed close relationships with the citizens they serve.

Yet despite the best efforts of our Nation's law enforcement officers, the disturbing truth is that each year in the United States, well over a million of our fellow citizens are victims of violent

crime. Unfortunately, in the last 2 years we have seen a steady increase in the rate of violent crime in the United States. According to the Uniform Crime Report, violent crime rose at a rate of 2.5 percent during 2005. To put that in perspective, that is an additional 31,479 victims.

Unfortunately, this increase in the crime rate appears to be accelerating. For the first 6 months of 2006, the crime rate rose at a rate of 3.7 percent, when compared to the same timeframe in 2005. If this rate holds for the final 6 months—and I am sorry to say that I believe it will—it will mean that an additional 47,000 Americans will find themselves as victims.

While there are many different theories as to why violent crime is increasing in these communities, after years of often double-digit declines, there is one fact that we all can agree on: no one is immune from crime. What were once considered "urban" problems—drug addiction, drug distribution, violent crime, gangs, and poverty—have migrated to suburban and even rural communities. Gangs, guns and drugs are everywhere.

In many ways, my hometown of Algonquin typifies the problems that are plaguing many American communities. Traditionally, the Algonquin Police Department has not had to deal with the same level of crime and violence that has confronted larger communities and cities. For example, nearly 22 years ago when I first arrived in Algonquin, the pressing issues facing the department were dealing with curfew violations, traffic issues, parking issues, and stray cows and horses that wandered onto main thoroughfare.

Today, that thoroughfare is an eight-lane highway, and the Algonquin Police Department is dealing with more dangerous criminals who are committing increasingly violent crimes. For example, Algonquin just experienced a rather infamous first in the history of our community: our first drive-by shooting.

In years past gang activity within Algonquin could be accurately described as local youth wannabes who thought they were acting cool and seeking an identity for themselves, and sometimes we had the random contacts with hard-core gang members from other towns who were merely passing through Algonquin going from one community to another. Today there is an active gang presence within our community, and the attendant violence is increasing both in frequency and intensity.

I think it is safe to say that the days of worrying about stray cows are over.

And it is not just gang-related and other violent crimes that are on the increase. We are witnessing a rise in property crimes and, like many communities around the country, a new wave of financial and identity crimes.

Another example of this chilling trend in the Midwest is a new drug called "cheez," a mix of black heroin and Tylenol. It is mostly sold to minors and is becoming available in the high schools. As you can imagine, responding to and investigating all of these crimes is labor intensive and a time-consuming process.

Unfortunately, our ability to do this is becoming increasingly strained. To be blunt, our resources are stretched to the limit. As a result, we have not been able to add the additional officers that would allow us to combat these criminals aggressively. We have

not been able to take advantage of necessary training that would leave our officers better prepared to confront the new breed of criminals operating in our community. And we have not been able to acquire the sophisticated technology to help us in our crime fighting and which is available to the bad guys.

It is telling that this increase in violent crime, drug sales, and gang activity in America corresponds directly to the substantial decline in funding for State, tribal, and local law enforcement from the Federal Government assistance programs.

I will not use my time here this morning to enter into a prolonged discussion of the current budget situation, but I would ask that I be able to submit a copy of the IACP's Budget Analysis for the record.

Chairman BIDEN. Without objection, it will be placed in the record.

Chief LAINE. Thank you.

I do believe it is important to note that when compared to the fiscal year 2002 funding level of $3.8 billion, the administration's fiscal year 2008 proposal represents a reduction of more than $3.2 billion, or 85 percent, and, unfortunately, no program has been hit harder over the last several years than the COPS program.

These cuts are particularly troubling because the IACP believes that the COPS program played an integral role in our ability to reduce crime rates in the past. By providing law enforcement agencies with the necessary resources, training, and assistance, the COPS program has become an invaluable ally to State, tribal, and local law enforcement agencies. It is this fact that makes the current situation completely unacceptable, not only to the Nation's entire law enforcement community, but also to the citizens we are sworn to protect from both crime and terrorism. It is an undisputed reality: State, tribal, and local law enforcement agencies are on the front line of effective terrorism prevention. If you recall earlier, it was brought up that—the question was whether terrorism affects violent crime on the street. I would suggest that what really happens, it is the work that the men and women in law enforcement do on the street in their communities and the State highways that really affects how effective we are on terrorism.

We willingly accept the new responsibilities in combating terrorism, but our ability to continue with traditional policing is our best weapon against terrorism. For this we need your assistance.

State, tribal, and local law enforcement are doing all that we can to protect our communities from increasing crime rates and the specter of terrorism, but we cannot do it alone. We need the full support and assistance of the Federal Government. That is why programs like the COPS program and the Byrne-JAG program have been so successful and so popular in the state and local law enforcement community. And that is why it is so essential for these programs to be fully funded in fiscal year 2008 and the years that follow.

Unfortunately, as the IACP Budget Analysis makes clear, the reductions these critical programs have suffered in recent years and the cuts contained in the proposed fiscal year 2008 budget have the potential certainty to cripple the capabilities of law enforcement agencies nationwide and force many departments to take officers

off the streets, eliminate the promise of vital communications between agencies during a major public safety emergency or natural disaster—all leading to more crime and more violence in our hometowns and, ultimately, less security for our homeland.

I want to thank you for the opportunity to present our comments today, and I also appreciate your leadership in our efforts. Thank you.

[The prepared statement of Chief Laine appears as a submission for the record.]

Chairman BIDEN. Thanks, Chief.

Professor, great to have you as the clean-up hitter here, seriously.

**STATEMENT OF JAMES ALAN FOX, THE LIPMAN FAMILY PROFESSOR OF CRIMINAL JUSTICE, NORTHEASTERN UNIVERSITY, BOSTON, MASSACHUSETTS**

Mr. FOX. Thank you very much. I am pleased to be here today alongside these law enforcement representatives from communities around the country.

Now, I do not work the streets like these brave men. I live and work in the city of Boston, though. I do actually patrol the halls of the campus, a 31-year veteran of the lecture halls. I live and work in Boston, and Boston, of course, is a city that has grappled with a disturbing increase in gun violence, especially related to youth and gang activity, as Officer Nee has described.

You know, they say that misery loves company. Well, for whatever consolation it is—and I am not sure it is any consolation—Boston has lots of miserable company, based on the crime statistics that we have for 2005 and the preliminaries for 2006 and some other reports, such as the PERF report.

Just about a year ago, I was here to testify for the Democratic Policy Committee of the House about specifically the issue of the cuts in the COPS program and Byrne program, and what is interesting is if you look at the decline in police resources, it has not been across the board. Since 2000, the number of police officers per capita in cities, large cities, the 58 cities, the largest American cities, has been a 10-percent decline. The rest of the Nation, there has been no change at all. So it is the cities that have seen this big downturn. And, of course, it is the cities where we are seeing the big increases in gangs, guns, and violence and homicides.

Now, you also, Mr. Chairman, pointed out that it is not only the decline in resources that we are robbing Peter to pay for Paul, to use your phrase. I think it is more—not just robbing. We are robbing, raping, and murdering Peter to pay for Paul, the shift in resources from hometown security to homeland security. And I think to understand why this has happened, you have to consider who is at risk for these different types of criminal, terrorism versus street violence.

The people most at risk for terrorism, of course, are the wealthy, the powerful, those who commute on the airlines, those who work in our financial hubs. The people who are most at risk for ordinary street violence are poor. They live in certain sections of D.C. and Baltimore and Newark. And when you really look at the numbers, you know, it is tragic, the thousands of deaths that occurred on 9/

11. But many more people are gunned down every year in America in ordinary street violence than what happened in 9/11. And I do not want to weigh one death against another, but again, the people who are at risk for the kinds of tragedy we see every year are poor and powerless, and that is where we are seeing the problem.

What is particularly disconcerting—I do not want to get too political about this, but I know that President Bush was discussed earlier and the fact that he was making cuts. It was so disingenuous. He was running for re-election, standing shoulder to shoulder with New York's finest at the same time cutting the Federal budgets for law enforcement that was supporting New York City.

The other thing about it is I know people want tax cuts. You mentioned tax cuts. A few hundred extra dollars in your pocket is not very much consolation if you are staring down the wrong end of a gun.

The thing about all these cuts is we may wake up someday and decide, gee, you know, maybe we should not have cut all that money, all the COPS money, it was so successful, we made a mistake. Well, you cannot just flip the switch and return the staffing in quick form. It takes time to recruit. It takes time to train. It takes time to provide those new recruits with experience. So it is unfortunate that we did this, and we are going to have to get back to the—turn the clock back.

Now, I am here not so much to talk about policing, because certainly we have heard that. Smart crime fighting involves a balanced between enforcement, from community policing to identifying illegal gun markets; treatment, from drug rehab on demand to prisoner re-entry services; as well as crime prevention, from family support programs to summer jobs for high-risk youth. Regrettably, the prevention approach has at times been disparaged as a waste of money, it is worthless, it is soft on crime. Yet this cynical perspective reflects gross misunderstanding of the process and goals of prevention and a selective examination of the evaluation outcomes. Simply put, prevention programs can work; good prevention programs that are well implemented and well funded do work.

Too often, prevention initiatives are implemented on a shoestring, a very short shoestring, with a brief window of opportunity to show results. It is a recipe for failure.

Now, I am going to talk about five principles of crime prevention and violence prevention that are really critical to this investment.

First of all, no program is successful all the time and for all individuals. No matter what the initiative, there will be failures. Rather than focusing on the failures, as the media likes to do—those "bad news bearers," I call them—the goal should be a reasonable reduction in offending rates. In light of the enormous social and administrative costs and human tolls and suffering associated with each criminal act, even modest gains are worthwhile.

Secondy, prevention should have an emphasis on the prefix—on the prefix "pre" as in prevention. The greatest opportunity for positive impact comes with a focus on children—those who are young and impressionable and will be impressed with what a teacher, a preacher, or some other authority figure has to say. Youngsters, as we know, are often drawn to gang activity. It is actually for positive reasons. They are drawn to gangs because of the camaraderie,

the respect, the status, the excitement, the protection. Our challenge is to find other ways, alternative means that youngsters could derive the same kinds of need fulfillment in programs that foster positive development.

Third, patience is much more than a virtue. It is an essential requirement. Prevention is not a short-term strategy. Unfortunately, many prevention programs are given short windows in which to show progress, and they are often terminated before the final results are in.

Fourth, prevention should take a multifaceted approach. There are many points of intervention for successful crime prevention. I do support the gang abatement program, but we should also look for promising programs for young children. Several proven and promising strategies are directed at at— risk youth, at families with young children. Rather than assail young mothers who are unable to deal with their children, we need to assist them in trying to raise healthy children. In addition, we have school-based initiatives that enhance well-being of large numbers of children. Behavioral skills training at the elementary school level, anti-bullying curricula at the middle school level. We know about the connection between bullying and later offending. Peer mediation and after-school programs targeted at the prime time for juvenile crime. All these things have payoff far greater than the investment.

Fifth, and finally, prevention is significantly cost— effective. Virtually all assessments of crime prevention confirm the old adage that an ounce of prevention is worth a pound of prison time. It is, however, a political reality that sound investments in prevention take years to reap the benefits. It takes bold leaders like you to earmark funds today for tomorrow's success, maybe 4, 8, 10 years down the road, when perhaps your successor will reap the benefits and derive pleasure.

So, to conclude here, the recent upturn in youth violence was anticipated years ago. As you know, I have been here several times to talk about demographics and other factors, and even while the rates of crime were dropping in the 1990s, criminologists like myself warned about the potential for another wave of youth and gang violence. This not-so-perfect storm combining the growth in the number of at-risk kids and cuts in social and educational programs, we were so complacent, we cut the anti-gang programs because we did not think gangs were a problem anymore. And like your grass analogy, it comes right back.

The encouraging news, though, is that the crime problem is not out of control, at least by contrast to the early 1990s when the Nation's murder rate was twice what it is today. It is not surprising that a small bounce-back will happen, but let this small upturn serve as a thunderous wake-up call that crime prevention, police funding, and dealing with illegal guns need to be priorities once again.

At this juncture, we can look toward immediate solutions like the gang abatement program and easy access to illegal firearms—approaches that depend heavily on police personnel, intelligence, and deployment. But at the same time, we must maintain a long-range view toward the future. The choice is ours: Either pay for the programs now or pray for the victims later.

Thank you.

[The prepared statement of Mr. Fox appears as a submission for the record.]

Chairman BIDEN. Thank you very much. I am going to yield to my colleague, Senator Kohl.

Senator KOHL. Thank you so much, Senator Biden, and, gentlemen, it is good to have you here today. Am I hearing from all of you that the most important thing we need to do is to increase funding for the programs that we all know or feel work well? Is that the major thing that we are hearing here this morning, that it is the lack of funding that is causing the upsurge in crime in our communities, lack of Federal funding?

Mr. FOX. It is juvenile justice funding, the OJJDP, lack of COPS funding. It is basically the idea that we thought we had solved the crime problem. You know, crime rates went down for 8 straight years, and we said, Hey, we do not need to spend money on crime fighting anymore, let's pay attention to other really important things like who is going to win "American Idol" or something.

But we really got complacent. We took our focus off the crime issue. You do not solve the crime problem. You do not solve the gang issue. You only control them. And so long as you are dealing with it, you are seeing success, and we had success and we said, oh, let's move the money elsewhere.

You know, the one thing about youth is that we have a new group of teenagers every 5 years. You know, we did a great job in the 1990s in Boston and elsewhere in investing in those kids and making sure that they were not as violent as their predecessors, that they saw alternatives to joining gangs. But now we have a new group of kids, and they are too young—they do not know what it was like in 1990 when joining a gang could mean an early grave. They were like 2 years old. And so we cut back on the anti-gang initiatives in Boston and elsewhere, and lo and behold, that is where they are going again.

So you have to keep on working at it, and because we are seeing success, we should redouble our efforts, not cut them.

Senator KOHL. Is the prevalence of guns on the street a major, major issue here? Does anybody want to say anything beyond what is commonly said about guns? Is the prevalence of guns—do we need stronger gun laws? Do we need just stronger enforcement?

Mayor PALMER. You know, I think we need stronger enforcement. There is no doubt about that. We need to enforce the laws that are already on the books. But we also need to aggressively go after straw purchases. In New Jersey, in my city, Trenton, New Jersey has very strict gun laws, but 5 minutes from Trenton across the Delaware Bridge and into Pennsylvania, their laws are much more, in my estimation, lenient, where an individual can buy hundreds of guns and then sell them illegally, you know, to gang bangers in the cities.

So I think that we have to close the gun show loophole. We have to go after straw purchases. And we have to make sure that people that commit crimes with guns, that they go to jail and not be out.

One of the things that was just remarkable to me, unbelievable to me, was just about 2 months ago we had a press conference because the police finally arrested a person who was allegedly in-

volved in two homicides, gang— related homicides. This individual was out on bail—and this is the court system, too. But this individual was out on bail, committed two murders, and he was out on bail after having shot a cop three times. How could this guy be out on bail?

So there is a whole disparity there as well, but certainly illegal guns are a focus. Mayor Bloomberg and Mayor Menino and other mayors are working with mayors against illegal guns, fighting the good fight. But we need to look at, you know, the Tiahrt amendment and those kinds of things as well, and go after these straw purchasers and make committing crimes with a gun as serious if it is happening in a poor neighborhood as it would be in an affluent one.

Senator KOHL. Before I ask you, Mr. Fox, are you saying, Mayor, that the issue of guns, who has them, how they get them, whether it is legal or illegal, and then what we do with people once they are convicted of gun crimes in terms of incarceration, is among other things central to this whole discussion we are having here today?

Mayor PALMER. Yes, absolutely. I had the experience of going with Mayor Bloomberg, Mayor Street from Philadelphia, and some Philadelphia councilmen to Harrisburg last September to talk about an idea of one gun a month. I met with Democrat and Republican State Senators. They almost laughed us out of the room and said, no, that is not going to happen, you are wasting our time if you are talking about one gun a month. And if you are married, that is like two guns a month, 24 in a year. And they said, no, I just bought three guns this weekend.

And so they did not even want to put an amendment so that if you lost your gun or it was stolen to report it. They said no, we are not even reporting lost or stolen guns. You know what happens. People buy guns legally, sell them illegally, and if you go to trace it back, they say, well, now that this gun was involved in a crime, we found it was yours, oh, I lost that gun, or it was stolen. Well, if you report it when it happens, then that is a way of tracing it, too.

Senator KOHL. Mr. Fox?

Mr. FOX. I can put some of the onus here on the Congress and some of your colleagues. You know, in the last couple of years, it has been kind of disturbing to see some of the change in terms of the posture of the Congress toward guns. And I do not blame the NRA. You know, they have a right to have their opinion. But what I am concerned about is how so many Members of Congress seem to be willing to pass things like the immunity law, the gun immunity law that—you know, when they talked about tort reform 4 years ago in a campaign, who knew that is what they meant, that they would just protect the gun industry.

I understand the logic of the debate on the other side, but so many of the advances that have been made in terms of guns in this country have been with the threat of lawsuits.

Second, the whole area of gun tracing and efforts in Congress to trim and curtail the extent to which police departments can use gun tracing efforts, we know—you know, I have done a lot of work at the Brady Center, and we know that these rogue dealers, that

1 percent of the gun dealers are responsible for over half the guns used in crimes every year. We need to be able to identify these people.

Boy, if there was a liquor store where all the 14-year— olds are going to buy beer, we would do something about that liquor store.

And I do agree wholeheartedly with the idea about prosecuting gun crimes, but let's also keep in mind that so much of the increase we have seen is in kids carrying guns. They do not really care, many of them, about what the criminal justice system might do. They are carrying guns because they feel they need it to survive. You know, the criminal justice system, the Federal Government can just take a number and wait in this line with all the other people out to get them. So they feel they need the gun to live, and whatever prosecution there is—they may not even be aware of what the Federal Government is doing—is not a priority.

So we need to find out the process by which the guns are getting into this illegal market, and investigate it and deal with it, and deal with the rogue dealers.

Senator KOHL. Anybody disagree with that or want to offer additional comments on this issue, gun availability? Crimes committed with guns and people not being sufficiently long incarcerated?

Sheriff KAMATCHUS. If I might just make a comment on it, I own well over 100 firearms, and I have been a competitive shooter for a long time. And I am a firm believer in the fact that the old adage that guns do not commit crimes, people do. But I also am a firm believer in what was said earlier in the fact that you have to have strong, just—you know, we have to commit these individuals to a facility so they cannot get back out so quickly. We have to make sure that the individuals who perpetrate the crimes are handled harshly so that if there is any potential for a deterrent factor in that, it is real, it is not talked about.

Recently, in a neighboring county to mine, we had some young teens at a party, and one young gentleman simply walked up—and this case is still active, so I do not want to get into it too much, but walked up and pulled a gun and shot another kid right in the head, in rural Iowa. Dropped him right there. And I know the family that had the loss personally.

The bottom line on it is that we need to do something with those type of people so that those young individuals who are coming up that was mentioned earlier who do not have an understanding of what it is like to be involved with gangs or such, that those individuals have a better understanding of what can happen to them if they perpetrate those crimes.

So, you know, I just want to make sure that we do not end up in a situation here where we evolve it into the banning of weapons or something that is so restricting that we do not have firearms anymore. That is just what I want to make sure is said.

Senator KOHL. Oh, yes. No question about it. Your comment is—Mr. Nee?

Mr. NEE. You know, it is the unlawful guns that we have the problem with up there in New England, firsthand knowledge. I can give you by way of example, the other night, Thursday night—I am certain Professor Fox could add. Within a ten-square-block radius, within an hour and a half of time, we seized nine illegal guns on

the street. Three were used in acts of violence; the rest were seized through aggressive police tactics that night because of the many shootings that we had that night.

But I firmly believe being, again, a sportsman, somebody who enjoys that way of life, being around firearms for the past 29 years of my life, I am not afraid of them. I believe that there has to be an understanding, and they do have a lawful purpose. But it is uniformity in gun laws in the United States that has to be brought in line. You can go to a neighboring State, and I see some of these places popping up now where they are teaching kids to shoot AKs. They have got to be 21 years old, and they are up there taking tactical training and courses where they are not licensed, there is no understanding, and then they get into these underground railroads with these firearms that are coming up out of some of the communities in other parts of the country. And we are lacking right now the ability to track and trace these underground networks of guns that are coming out of other parts of the country.

You know, I watched the gun purchase program that we used up in Boston several years ago. No one was turning in the guns we were looking for. They were turning in black powder muskets and things, you know, things that were prehistoric, for sake of a better term.

But, you know, these guns are still being used, and just to a slight degree I would disagree with the Professor in this sense, that these guns are not used just to keep kids alive. A lot of these guns are being used in aggressive acts of violence. What is extremely disturbing to me is up in Boston proper—and I am hearing it from a lot of the major cities—a lot of these kids today have no fear of taking up arms against an armed police department, an armed officer. And if the country—if people do not get that, if they are willing to take up arms against a uniformed officer, trained, they have no problem taking it up against the rest of society. That message has got to be sent with firm, swift convictions, incarcerations. The message has got to be clear. We can blame the guns all we want. It is the kids behind the guns that are using these things. Again, like you said, nine guns within 90 minutes of a ten-square-block radius part of the city. It was very disturbing to the policemen involved, and we are finding it more and more common that these young gang members are taking firearms up against our police officers, our colleagues around the country. And it is very disturbing to me.

Mayor PALMER. And I would say you need a comprehensive approach. The U.S. Conference of Mayors understands that. You need job training, re-entry is very important, drug treatment, housing when people get out, and all those things. But you have to make—police will tell you. What is really disturbing is before, if you were getting robbed, you would say, OK, stick 'em up; here, here is everything, I am not arguing with you, here is everything I have. And they shoot you anyway. Why? That is a sociological thing, because they are mad—

Mr. FOX. Eliminate the witness.

Mayor PALMER. Well, no, they will shoot you in the butt. They will not kill you, maybe, but they are mad. They are just mad because you have it and I do not and I had to get it.

So we need to do more in the prevention, education, and those things, but we also have to send a strong message, and I am—look, I never thought in my days I would be so conservative on this issue, as tough as I am on crime, but I know what it is doing to innocent people. But you have got to make sure these juveniles that shoot somebody, you got to lock them up for a long time so they get it out of their system, and when they are in jail, then you give them programs and try to help turn them around, because these kids have no fear using guns. They see it on videos. They see it on TV, MTV, and they think it is cool. To get bones, being in the gang, they make you shoot somebody. That has got to stop. You have to make these kids afraid if they get caught shooting a gun or having a gun that they are going to jail.

Then we have to rehabilitate them when we fail before that. But it is just like why do teenage—no, I might get a little over my bounds here, but it is like why did teenage pregnancy at one point go down? It was because teenagers were starting to use condoms. Why were they using condoms? Because they were scared to death at the time of getting AIDS, because they thought, if I get AIDS, I am going to die. So they got scared and they started wearing condoms.

Now, I know that is an overgeneralization, but you have got to make kids scared, teenagers, juveniles, scared to be in a gang, scared to use a gun because of the consequences. How we do that is up for debate, but we have got to scare them straight, in my opinion.

Mr. FOX. You know, it is interesting—you mentioned the media. What is interesting is that so many kids will hold guns, because they see it on TV, it looked really cool, like sideways or upside down. Actually, you know, do not tell them this, but it is actually not good in terms of their accuracy. The gun can actually jam. But it looks good because that is what they see on TV.

But I wanted to say something. You know, I used to write for a rather conservative newspaper, the Herald. I used to write a column, and anytime you say anything about guns, you get deluged with, you know, pro-NRA people. I did not know they had so much time on their hands. They are always cleaning their weapons. But they certainly have time to write me.

I think it is very possible to be in favor of things like gun tracing and against the immunity law, yet respect the right of decent, law-abiding people that own guns. No one—I will not say no one, but so many people who are gun control freaks, I guess, we have no problem with people owning guns, so long as they use them right. And we are only looking to try to break down and interdict the illegal gun markets, and trying to do that is not—you know, the slippery slope and all that kind of garbage, there is no slippery slope. We are only interested in finding guns that are illegal, how do people purchase them. No one here is interested in trying to deprive law-abiding citizens of their guns.

And it is not a panacea. The one gun a month, let's keep in mind that Virginia has one gun a month, and that is why Mr. Cho down at Virginia Tech had to wait a month to buy his second weapon. And I know in Massachusetts they talk about one gun a month. It is a small piece of the puzzle. We need, I agree, something com-

prehensive, something national, because every State is as weak as the weakest link in the chain. But we can indeed focus on dealing with illegal guns and respect the rights of gun owners. I wish we were all on the same page here. We should be. But for some reason, everyone wants to get painted into corners, like you are either against them or you are for them.

Chairman BIDEN. Thank you very much, Senator.

I would like to pursue—and I know your time is valuable, but if you would give me a few more minutes, I would like to pursue a couple things here, more in sort of a generic sense here, before we get into specifics.

I am making this statement to invite response, and, look, as my colleagues from Delaware can tell you, I always say I am a United States Senator, I am used to not being taken seriously, so I really do want your critical comments, if you disagree with the assertions, the broad assertions I am going to make.

For 17 years, I chaired this Committee and/or was the Ranking Member, and it took a long time to get a consensus between then the Chairman or Ranking Member, Strom Thurmond, and Joe Biden, which was an interesting combination at that time. And all through the 1970s and all through the 1980s, we had this constant, ongoing fight about, on the one side, what we have to do is look at the source of crime and deal with that because there is not much you can do in dealing with crime once it occurs; and the other side was hang 'em high, make the penalties tougher, put people in jail longer.

And it took a long time to get what I thought was a consensus that from police to social workers agreed on. And that was there are three pieces of this puzzle. One piece, which is very important and could have real payback and was cheaper if you invested in it, was prevention. The other point was the apprehension of the bad guys. And the third point was incarceration of the bad guys.

And so the original crime bill, which caused me so much trouble and took literally 6 years to get done, it is the first time we combined all three of those things. And that bill said three things—and it equally distributed the money. It was a $30 billion bill—and, by the way, this is not a pride of authorship thing. This is trying to get a sense of what seems to me to be happening, and I would like you to comment on it.

And so we reached this sort of grand compromise, something we never really tried before: one, the Federal Government had a significant responsibility to deal with local crime, the reason being, Mr. Mayor, you can do everything right, but if we do not control cocaine coming out of Afghanistan, if we do not control cocaine coming out of Colombia, heroin coming out of Colombia and parts of Venezuela, coming through the port in Trenton, you cannot do much. There is nothing you can do about our porous borders and all the drugs that are coming through those borders, no matter how good you are.

And so it seems to me there is a Federal responsibility. We went through this fight. The Federal Government has a responsibility, even though the ultimate local responsibility is the crime committed on the street, that is literally local. But all the factors that

go into why that crime was committed, a lot of it had to do with the failure of Federal policy.

So we fought through this whole thing about whether or not the Federal Government has a role in dealing with local crime. And the second thing we fought through was how you get my conservative friends, who wanted tougher enforcement, and my liberal friends, who wanted more prevention, whether it is drug rehab or whether it is after-school programs or a whole range of other things, how you get them on the same page. And it really was a tortuous undertaking. It took 6 years to get it done.

And the third part—the part that nobody really liked—was providing more money to States to build prisons, because as the great Senator from the State of Maryland, Senator Mathias, pointed out when I authored the bill that became the Sentencing Commission, he said it is going to cause more people to go to jail, and he was right. It is. And we can argue whether the Sentencing Commission—but it had an effect. It had an effect at least while you are in jail. The only thing we do know is if you are in jail behind bars, you are not committing crime in the streets. You may be committing crimes in jail, but you are not committing them on the street.

And so the one thing I was not able to get done in that bill was to deal with what Senator Specter and I are trying to do now, and that is, invest money in reintegrating people back into society when they get out of the prison—housing, jobs, drug programs, because all of you know drugs are rampant in prisons right now. If you are not addicted, you might get addicted in prison.

And so we had this thing, and the formula seemed to work. We seemed to have arrived at a consensus, Democrats and Republicans, that there was some Federal responsibility. You needed to do all three pieces in order to impact on crime. And it was not just cops, more cops. It related to prevention, and it related to incarceration.

Now, at the Federal level, we did the things you are looking for, Mr. Mayor. Use a gun in the commission of a crime, you go to jail. Bingo, you go to jail. You do not pass go. You go to jail. Most of your States do not do that. I say "your States." Most States do not do that.

We also suggested that there is no probation or parole in the sense that you look out there, and we did not know what caused recidivism, we did not know what the measure was, so I admit, I am responsible for it, and I sometimes wonder whether I was right, Professor, saying same time for the same crime, you know, and you go to jail. Or if it is not jail, if that is not the sentence, whatever that crime is.

Now, here is my dilemma, what I really do not understand. I am wondering whether—I would ask from the police enforcement officer's standpoint and from an elected official's standpoint and then from a criminologist's standpoint. What happened? What happened that would lead anyone to believe that that formula was not a legitimate formula? When that formula, the combination of all those things was employed, when money was put behind it, States took advantage of it, crime actually went down at the very time those in the crime-committing years were going up. So what happened? What kind of discussions took place in the squad room, you know,

over the last 10 years to say we have got this under control? What happened with—you know, did mayors and elected officials say this is not our biggest problem now? Did criminologists conclude this formula is not the proper formula?

That is what I would like to talk about, because it seems almost like—you know, they talk about the Know—Nothing Party in the 1880s. It is kind of like we have become anti-intellectual here, that, you know, the facts seem so obvious to me, and yet there is this consensus among many people, including my colleagues in Congress. You know, look, that formula does not work anymore, or that formula is not necessary.

What is going on? Ted, did you want to make a comment?

Sheriff KAMATCHUS. Well, it baffles me as much as anyone in this room and anyone who is listening or watching this today. Being a sheriff, I am a peace officer, but I am also a 20-year veteran of the political field. I have been elected five times. So I have to also balance that whole issue of the utilization of the taxpayers' money probably a little bit more because in 4 years I may not have a job.

But I have to tell you something. I am baffled as much as you are, and the reason I am baffled as much as you are is because look at who is at this table, and then think back into the 1990s and who was at the table. And what happened then was the proverbial squeaky wheel got the grease, and maybe we as organizations, maybe you as—I will call you the father of this COPS program, and more. Maybe we got complacent and quit squeaking. Maybe we got quiet because—and that allowed the people, for whatever reason who are opposed to it, to turn around and beat the drum about the success. And they became louder. And somewhere along the line, they began robbing from Peter to pay Paul, as you said.

It does not make sense to me either. You know, the COPS program was not perfect. It had its flaws. But, you know, a neat thing about the program was it was self—healing. When we could not hire people quick enough and train them quick enough, we shifted funds. And when we arrested a bunch of people and we could not prosecute them quick enough, we shifted funds. And then all of a sudden when we needed technology, we shifted funds. And that is the positive thing about the COPS program.

And I think what happened was it became so easy to shift those funds and so successful that it became more the norm, the standard, if you will.

I do not know what the answer is other than to say that I hope your colleagues—I hope that they look at this panel and they look at what is going to happen in the months ahead and they hear us. And I look back to the same argument that happened in the 1990s. And if there are some experts out there who walk the street like we do who are opposed to this and who have got a better answer than we do, I would like to have them come up. I have traveled across this country. I have been to 38 States in the last 11 months. I have driven a car from State to State. I have talked to people in small rural Kansas, all the way to Orlando, Florida, and L.A. and all over. And I do not see anybody against this, the funding.

So to answer your question, I do not know. It has to be the fact that we have not beat the drum loud enough, and maybe we should

take the blame for that. But I am here to tell you, you can see today, and you are going to hear more of it, we are going to beat the drum, sir, and we are going to stand with you on that issue.

Chairman BIDEN. Thank you.

Mr. Mayor?

Mayor PALMER. I will say something that is obvious to everyone. Before I was a mayor, I was African-American. Or in my day I was a Negro, I guess, in the 1950s. And after I am mayor, I will be an African-American male as well. And it is very troubling as an African-American—take away being an elected official, a mayor—to see so many African-Americans and Latinos and poor people incarcerated. It breaks my heart that we would have to choose between prison and school. And I think, Senator, the question you ask is a good one, but it goes beyond your Committee. It talks to what we are dealing with in terms of race and racism and poverty. Mayor Antonio Villaraigosa, who is the mayor of the great city of Los Angeles, and Kwame Kilpatrick of Detroit and Francis Slay of St. Louis and others are on a task force about poverty within the United States Conference of Mayors. Poverty is at the root of all of these things, and poverty has to be addressed—how we look at poverty, how we get people out of the cycle of poverty, how we make sure that we have health benefits and those kinds of things, how we look at early childhood education, how we look at after—school programs, how we look at growing our economy in a green way that will produce more jobs. I mean, it goes beyond this Committee.

And I think what has happened is the squeaky wheel does get the grease, but we have to recognize that in order to have strong cities, strong families, and a strong America, you are going to have to deal with the issue of race, racism, poverty, and getting our economy back on the right track, and that we are all our brother's keepers.

You reap what you sow. You cannot have people living in abject poverty concentrated in cities and other areas, poor education systems without the resources needed to get the best teachers in the most challenging situations, you cannot continue to have drugs and those things happen, you cannot continue to have single parents and that whole moral issue, you cannot abandon kids and have people live in poverty and have drugs and illegal guns and expect that these individuals are going to grow up and be good. They are not. It requires a total comprehensive response, a total comprehensive commitment on behalf of all Americans—liberal, conservative, Democrat, Republican, Independent—in order to address it.

So what we are talking about here is just the tip of the iceberg, but in order to do what really needs to be done, we need, in my opinion, and in the opinion of the mayors across this country, we need a whole comprehensive not only plan, but we need a new vision and a real commitment for America that says we are our brothers' and sisters' keeper.

Chairman BIDEN. You know, Mr. Mayor—and before I go to you, Professor, and I am anxious to hear what you have to say, but this is on point. The irony was, in all those hearings—and literally probably a thousand hours of hearings I held in the 1980s and early 1990s—one of the things that we did in this Committee and

through the crime bill was actually try, to be very blunt about it, to embarrass the rest of society into dealing, through the crime bill, with things that really were not within the purview of the crime bill.

For example, in the prevention program, I put in money for after-school programs. That should not be coming from the criminal side. That should be coming from the education side of the equation. We put in $20 million, which was a small amount then, for Boys and Girls Clubs, because we found that studies done on public housing projects that had them and did not have them, there was a 33 percent less crime rate, arrest rate, of folks, the same economic circumstance, same inner-city circumstance, where there was a Boys and Girls Club in the basement of a public housing project.

So what we tried to do—and you have hit on what I was trying to get at. What we tried to do through the crime bill, as a weak read and weak vehicle, was to get a change in attitude about the overall point you are making. How can we have in this society a circumstance where the one thing every cop here will tell you, you see a direct correlation between truancy and juvenile delinquency. As the professor pointed out, I remember when I wrote a report 20 years ago saying everybody thinks most violent crime occurs in the deep of the night. It occurs between the time the kids get out of school and before their parents come home, including rape, including other violent crimes.

And so what we tried to do was put in initiatives that were designed to deal with—for example, we know if you start kid in a troubled neighborhood in school at age 3, they have got something like—do not hold me to the exact number; I do not have it in front of me—something like a 70-percent better chance of finishing school than if you start them at age 6 in school. I mean, these are things we know.

But I just want to make it clear to you all, I do not see adding cops as the answer. I see adding cops as the bridge here, as the dam, because the irony is—and I want to say this with the police officers here—they will be the first one to tell you, give them a chance to have full-blown treatment programs in their communities. Give them a chance to have full-blown after-school programs. Give them a chance to have full-blown early education programs. Give them a chance to have full-blown summer work programs versus adding 10 percent more cops. They will take the former, not the latter.

Mr. FOX. In fact, the organization Fight Crime, Invest in Kids that you know of—they are centered here in D.C. It is an organization of crime victims and police officers and prosecutors. It has polled police officers and police personnel and supervisors and chiefs. Overwhelmingly, the belief is that the best way to solve the crime problem is not with more cops but prevention.

May I respond to your question?

Chairman BIDEN. Yes, sure. Professor, you are allowed. Professors are allowed to do that. Fire away.

Mr. FOX. It was a great question about what happened to those three parts to the stool in the crime bill. It had a balance, the crime bill, and, by the way I remember even there was money in there for dance programs, because not every kid was looking for

midnight basketball. Some kids were looking for dance and music and art.

Let me take each of the three. In the prevention area, there was $9 billion of prevention money in the 1993 crime bill, and then what happened is the 1994 takeover of Congress. I do not want to make this too political, but it really is. You know, the Contract With America. "Prevention" is now a bad word, a dirty word.

I remember, for example, that Vice President Gore was supposed to be coming up to Boston for a conference and give a talk to criminologists about prevention. Canceled right after the election. Cannot talk about prevention.

I was on several committees for President Clinton, and I remember his frustration about how although $9 billion was authorized for prevention, what started to happen after 1994 is a lot of that money was moving away from prevention. There was this whole belief that, oh, it is all midnight basketball. Of course, most of it—that was sort of the rallying cry. It was all midnight basketball, and it was silly. Most of it was not midnight basketball, and the basketball was not even at midnight. It was in the after— school hours. It just got sort of a bad name, and the administration, frankly, did not want to talk about prevention.

In fact, I was working with Rahm Emanuel, who was the chief domestic policy adviser, and he said to me, "If we can push one prevention program, what would it be?" And that is, in fact, when I talked to Rahm about the after-school program, the fact that 49 percent of juvenile crimes occur between 2 and 8, and that led to the 21st Century Schools Initiative, and you may remember that the President in the State of the Union address in the late 1990s sort of advocated for after-school programs. So you basically could not talk about prevention because there was this belief that prevention is just soft on crime.

Policing. Again, political. I know that you had a strong hand in the crime bill. Let's also recall that President Clinton campaigned on this idea of 100,000 cops. And when the new—

Chairman BIDEN. Let's get it straight. He did not adopt the crime bill until September, and he had a very good idea. He had a good idea. He called me on the phone and said, "How many cops will your bill buy?" I said, "A hundred thousand." And he was very smart. He said, "Why don't you call it the 100,000 COPS program?" That was the totality of the commitment.

Mr. FOX. OK.

Chairman BIDEN. Keep going.

Mr. FOX. But he did sort of talk about it, and it would seem that when the new President came in, you distance yourself from one of the pet projects or ideas of the previous administration, and I think that part of it was playing politics with protection and the fact that that was such—that was the last administration, and you throw out the last administration, and you sort of change the equation.

Finally, in this whole area about corrections, I remember talking with Adam Walinsky, who you know is heavily behind the Police Corps idea. We were talking about the fact that so many more Americans were going to prison. We had 2 million Americans behind bars, and the idea was that people were not thinking about

what is going to happen when these people eventually get out down the road. It was, like, well, we will deal with that bridge when we come to that. That was the bridge to the 21st century. Well, that bridge is here, and it is as firm and fortified as the Ted Williams tunnel in Boston, which, of course, as you may know, is falling apart.

What happened is we did not take—we said let's put them in prison, but let's ignore them once they are there. Citizens said, I do not want to spend my tax dollars on education programs for inmates. I cannot afford to send my own kid to college. Why should I be spending money for education for inmates? They did not want to spend money for job training or other skills for inmates. And so we just basically housed them.

It is great now that we are deciding that re-entry programs are critical, because they are now all getting out, but the process begins not the day they are released from prison, but the day they go into prison.

So I think also, besides having re-entry programs, we have to do something more about rehabilitation programs in prison, which, again, do work, but we are kind of shortsighted there.

Chairman BIDEN. Well, the reason I ask the question is I think there has been a fundamental philosophical change that took place over the last 6 to 8 years, and it did begin in 1994, although it was not successful, and that was that, first of all, this is a State responsibility, not a Federal responsibility, the devolution of government argument, the neoconservative notion to devolve power to local government.

The second thing I think that happened is that there is this emphasis on sort of a self-improvement as if somehow kids in the ghetto can pull themselves up by their bootstraps and make it out.

And, third, there was this fundamental shift, Mr. Mayor, from any focus on cities and the problem about cities. We just walked away—housing, every other aspect of what you deal with.

And so I guess the reason I ask the question is mainly for the record, because I think as we begin to try to rebuild—what I think the public is ready to do. I think the public is ready to go back and look at this comprehensively again. I do not think they are afraid. I think they get it. I think that the election in 2006, having nothing to do with the partisan notion, but every once in a while, the American public closes a chapter on a political philosophy. They closed the chapter. They closed the chapter on the New Deal in 1980. They closed the chapter on compassionate conservatism in 2006. They are waiting for us to construct a new paradigm, as they love to say here in Washington.

And so what I would like to do, as a prelude to this question, and you do not have to answer it here, but I have "redrafted" a comprehensive crime bill that I would like to get to you all. I know it is a whole lot of work to go through it and read it. You know, I understand I am asking a lot. But I would like you to take a look at it and get your eyes on it and give me an honest assessment of whether or not you think I am barking up the right tree here, number one.

Second, I do think there is a change. Whether or not the change would be enough for us to be able to do something in 20 months,

I do not know. When I reintroduced the new crime bill to add 50,000 cops, a new COPS bill, we were able to get the money for it in the budget. Both the House and the Senate passed the bill that I introduced, passed the resolution authorizing the Budget Committee to spend money on it. Now we have got to go back and fight it through the Appropriations Committee. But there is a $1.15 billion per year for each of the next 5 years for hiring cops.

I want to make it clear for the record, I do not see that as the end. I do not see that—but we have to begin to rebuild this sort of dike.

The last point I will raise here is one of the things that has disappointed me the most—and I have to take blame for it—is I am the guy years ago that crafted the drug czar legislation, the idea of getting one person in charge of all the Federal agencies, cooperating with the States and the cities about the drug problem. One of the reasons for that was to force the Federal Government to look around the corner, to look down the road and anticipate what was likely to come, like we did with ice, what used to be called ice, then meth. And one of the things I somehow think we have missed—and I need your help. I need your help. In particular, I need help from cops. They expect mayors to be enlightened. They expect criminologists to get it right. They expect you guys only to be asking for—I mean, when I say today that cops helped me write the prevention money into the crime bill, people look at me like I am lying. That was a cop idea. That was cops. Your predecessor as President of the Sheriffs, your predecessor as President of NAPO, your predecessor, the predecessor of the Chiefs, FOP. They were the ones who insisted on the money, and that is the only reason it got done, because you all showed up in people's offices wearing your uniforms, and you said we not only want more cops, we want the money for prevention in here.

You know, I do not know what—because I do not do this every day like I used to because I am now the guy that does Foreign Relations, foreign policy stuff. It used to be the statistic, Professor, was a drug addict, meaning someone who consumed a controlled substance more than 3 times a week out there, committed on average 154 crimes a year, some of which related to just purchasing the drugs, others related to getting the money to get the drug.

When they put him in drug treatment programs and you just kept them there for 6 months, what happened is you found that dropped down to about 22 crimes per year. Even if it was wasted time, it was cheaper than prison. It was cheaper than hiring more cops to figure out how to solve 125 of those crimes a year—if my numbers are correct. I used to know them off the top of my head.

But the bottom line here, and somehow the thing that disturbs me the most about this is you guys see what is coming. You guys see what the professor said is that you had these teenagers 15 years ago who got into a system whereby we gave them some help, they ended up not being—or 10 years ago. But now you have got a whole new cadre coming up, and they did not hear of any of this stuff.

And so it just disturbs me, and it—I do not know, it disappoints me that somehow we can so quickly forget the basic lessons we learned just 10 years ago. I wish old Ronald Reagan were around

because he was the guy that coined, at least in the political context, "If it ain't broke, don't fix it." This thing wasn't broke, but we have got to fix it.

And so what I have done here—and I am not going to keep you—I have half a dozen specific questions that I would like to submit to you, and over the next couple weeks, if you get a chance, I would like you to respond to them for the record. But I cannot tell you how much I appreciate the fact that you uniformed officers are talking not just about more cops, and, Mr. Mayor, that you have, along with your fellow mayors, pointed out that—I mean, one of the senior colleagues on this Committee sits right here, Ted Kennedy, who has helped me and been a leader in this area, points out that one of the significant correlations that has occurred now is the increased dropout rates. The increased dropout rates in major cities in America have fueled this crime surge, that the idea we are just going to have more cops and think we are going to do something fundamental about this without dealing with the dropout rate, without figuring out these kids we are just dumping like a bucket on a front-end loader, you know, onto the street is, I think, very, very shortsighted. So hopefully—I do not want to—you have never heard me use the phrase "war on crime" or "war on drugs." It is a daily battle every day. There is no such thing as a "war on crime."

But there are incremental things we can start to do right now to stem what is the reverse of a trend. The reverse of the trend for 10 years was crime was going down. We had ourselves in a situation where things were getting a little better. And now it is starting to tick back up, and I think that is just like a little bit of—you know, being at a dike where there is a little bit of a leak and a small hole. That hole is going to get bigger and bigger and bigger and bigger. And we are going to be right back to the flood we had in 1989 in terms of crime.

So I want to submit three things to you all: a copy of the COPS bill that has been authorized, at least in terms of funding in the budget, not done yet but I will need help on it. And I may very well be asking you all to come up in uniforms again. You know, you all have an effect when you show up in uniforms. I mean, you really do. You really do. That is what happened last time, if you remember. You kept marching up here and going into offices, you know, people get the message.

Secondly, I would like you to take a look at this comprehensive piece of legislation I have put together, have not introduced yet, and I genuinely am inviting constructive criticism of it and things you think should change. It is working off of a template that I think would work, but it may change.

And, third, I am going to, especially with you, Mr. Mayor, if I may, as the President of the Conference of Mayors, lay out some matters that do not relate to the criminal justice system that I believe impact significantly on the criminal justice system, to see if we can get your input, because this time I think there has to be companion legislation introduced as well to re-engage the public in the debate about things we know, if we do, if we spend the money on, they work. And I think it is pretty important we change—my conservative friends love this word—the paradigm. We have got to

change the paradigm here. You have got to invest money to save money. You have got to invest money to save money.

If we can do something to keep your kids in Trenton in school through grade 12, the cost savings for the expenditure needed to do that is astronomical. It is a factor of 10 or 12. A kid drops out of school in ninth grade, the cost associated with that kid dropping out is gigantic. And so we have got to change the debate, like we did last time. We changed the debate so it was not liberal— conservative. It was practical, when we put all three of these things together.

I think you have got to change the debate. Mr. Mayor, I am going to, with your permission, submit ideas not all of which are original to me by any stretch of the imagination, but ones that I think that maybe we can get a—when we get the mayors and the cops, we get the sheriffs and the county executives, we get the local people sitting down, again, and working out some basically grand compromise here as to how we should be spending what is not a lot of money relative to a several trillion dollar budget, but it is important to do it.

Anyway, I cannot thank you all enough. I promised I would have you out by 12 and it is 1 minute after. I have breached my promise. I apologize. But I thank you very much. I know how busy you are, and unless any of you want to make a closing comment, I would—yes, Professor.

Mr. FOX. Professors always like to have a closing comment. I am glad that you mentioned that about other things we can do. You know, we have changed the way that we run our schools. We have gotten rid of all the extracurriculars. We do not want to pay the money. Also, we are so focused on test scores, some kids are dropping out because they just cannot—they are not going to make it to graduation, other kids because we have taken away from school all the things that gave them a sense of pride, satisfaction, and maybe even enjoyment of school, the music and drama. We need to put these things back into the curriculum because it will keep kids engaged. And I know that is not crime fighting, but in the long run it is. I will address that in my comments.

Chairman BIDEN. I would ask you—I was just reminded by staff. The statements of Senator Leahy and Senator Feinstein will be entered in the record as if read. They both offer their apologies. They are in other committees. I do not want you to think that lack of participation here is a lack of interest. There is a real interest here. I think there is a resurgence, Mr. Mayor. I think we are finally getting it again. I hope that is what it is. If it is not, we are in deep trouble. We are in deep trouble if it is not.

I thank you all. We are adjourned.

[Whereupon, at 12:01 p.m., the Committee was adjourned.]

[Questions and answers and submissions for the record follow.]

# QUESTIONS AND ANSWERS

**U.S. Department of Justice**

Office of Legislative Affairs

Office of the Assistant Attorney General

*Washington, D.C. 20530*

November 1, 2007

The Honorable Joseph R. Biden, Jr.
Chairman, Subcommittee on Crime and Drugs
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed are the responses for the record of Mark Epley, Senior Counsel to the Deputy Attorney General, United States Department of Justice, to written questions received following the May 23, 2007, hearing held by the Subcommittee entitled, "Rising Crime Rates in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime".

We hope this information is helpful to you. If we can be of further assistance, please do not hesitate to contact this office.

Sincerely,

Brian A. Benczkowski
Principal Deputy Assistant Attorney General

cc: The Honorable Lindsey Graham
Ranking Member



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**United States Senate**

**Committee on the Judiciary**

**Subcommittee on Crime and Drugs**

**"Rising Crime Rates in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime"**

**May 23, 2007**

**Mr. Mark Epley**

**Senior Counsel to the Deputy Attorney General**
**Office of the Deputy Attorney General**
**United States Department of Justice**

**Questions for Mark Epley, U.S. Department of Justice**

**Question of Senator Joseph R. Biden, Jr.**

**1. Mr. Epley, in August 2006 the DEA instituted an indefinite hiring freeze. Earlier this year, DEA Administrator Karen Tandy testified to the House Commerce, Justice, and Science Appropriations Subcommittee as follows:**

> **"[T]he impact of the freeze and the loss of these positions is expected to amount to 180-plus fewer primary drug organizations that we will be able to disrupt or dismantle, and most likely, approximately $300 million less in revenue that we will be able to deny the traffickers."**

**(DEA Administrator Karen Tandy Testimony, March 22, 2007)**

**Given the link we know to exist between drug trafficking and violent crime, do you think that it is prudent for the Administration to under-fund DEA and, according to the Administrator, allow 180-plus drug organizations to operate with impunity and earn an additional $300 million in revenue?**

**Answer:** DEA's budget is one piece of the President's comprehensive plan for FY 2008. In its entirety, the FY 2008 Congressional Budget reflects the President's desire to reduce the deficit and address the many demands facing our country, including counterterrorism. In this time of competing needs, DEA's budget reflects a prioritization of resources in areas where they will have the greatest impact and where DEA often has sole jurisdiction, such as drug law enforcement in the foreign arena.



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**2. If not, and the Administration is serious about disrupting drug organizations and preventing the violent crime, why aren't you giving DEA the money they need?**

**Answer:** The Administration is serious about disrupting drug organizations and preventing violent crime. DEA's FY 2008 President's Budget is a 3% increase over FY 2007 levels and provides additional resources to enhance operations in important areas such as Southwest border and methamphetamine enforcement, counterterrorism, and online investigations. In addition to the requested resources, DEA also obtains funds from other federal partners such as the Department of Defense and the Department of State. Furthermore, DEA receives reimbursable funding from organizations such as the Organized Crime Drug Enforcement Task Force and the Asset Forfeiture Fund to supports its efforts against major drug traffickers.

**3. Even if the Administration was forced to make tough funding choices, was under-funding DEA to this extent a prudent one?**

**Answer:** The budget submitted for DEA received careful consideration, and the Department would not submit a budget any differently.

**4. What specifically is the Department planning on doing to alleviate this problem and end the hiring freeze at DEA?**

**Answer:** DEA anticipates ending the hiring freeze for non-agents at the end of FY 2007, but the hiring freeze for agents will extend into FY 2009. In the meantime, DEA will attempt to minimize the impact of the hiring freeze by focusing its remaining resources on the most strategically important drug traffickers.

DEA will also ensure that mission-critical positions are filled during the hiring freeze, especially in foreign offices. A panel has been selected to periodically evaluate requests to fill selected vacancies and to approve exceptions to the hiring freeze when necessary. The hiring freeze will not affect career-ladder promotions leading toward an employee's full performance level in a particular position.

To minimize the duration of the hiring freeze, DEA also implemented a zero-based budgeting approach to build the FY 2007 operating plan and the same process is underway for FYs 2008 and 2009. This approach ensures that every dollar is put to the best possible use.

**5. A recent study found that since 2002 resources for drug prevention have declined by 21%. And, in the President's fiscal year 2008 budget request, drug prevention funding would take an enormous hit, falling $284 million from $1.85 billion to $1.57 billion in 2008.**



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**Do you believe that prevention is an important component of fighting drug use in our country? Why has the Administration slashed drug prevention over the years?**

**Answer:** Yes, prevention is an important component of fighting drug use in our country. However, DEA is a law enforcement agency first and foremost. Because of this, DEA's highest priority is always the arrest and prosecution of significant drug traffickers. By reducing the number of dedicated Demand Reduction positions, DEA has been able to focus limited resources on Priority Target investigations and to pursue the source of the drug trafficking in the foreign arena.

DEA's headquarters' Demand Reduction staff will continue to engage in aggressive public messaging campaigns to illustrate the consequences of drug use, particularly for non-users who suffer collateral damage as a result of the illegal trade. The Just Think Twice Website continues to be a source of reference for the general public with over 200 million 'hits'. The Demand Reduction staff is also developing an informational website for parents. DEA is committed to the principle that reducing the demand for drugs is a critical complement to its primary supply reduction mission.



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**Question of Senator Edward M. Kennedy**

**Mr. Epley, in your testimony, you stated that the increase in crime was not indicative of a national trend, but of increased crime in medium-size cities and particular regions. You said you obtained information from 18 regionally distributed communities that had increases or decreases in violent crime and found that the increase was due to loosely organized local gangs or street crews, the presence of handguns in the hands of criminals, and the level of violence by youth.**

1. **Are you aware of any other studies that have disputed the reasons for the increasing crime rate, such as recent reports from the Justice Policy Institute, the Sentencing Project or research by Professor Jens Ludwig? Could you please provide your view on the conclusions reached in those studies?**

**Answer:** The Department, through the Office of Justice Programs' (OJP) National Institute of Justice (NIJ), supports long-range research on gangs and crime trends, including a recent National Academy of Sciences workshop that convened leading scholars on interpreting crime trends. We are also aware of other commentaries in the field on these topics. In short, there is no stable theory of crime trends or gang involvement. NIJ doesn't view the problem as one where there is a universal truth to be debated but rather as one where collective experiences need to be examined.

2. **Has the Department prepared a report on the 18 communities that were observed and if so, may we have a copy of the report?**

**Answer:** The Department did not produce a written report at the conclusion of its visits across the country. Rather, the general themes that emerged from those conversations were relayed in the Attorney General's speech on May 15, 2007, during which he announced new and expanded efforts to help our state and local law enforcement partners combat violent crime. Copies of the Attorney General's remarks and accompanying press sheet are attached.

3. **Why has the Administration chosen to provide funding under the Byrne grant program now, when it has provided zero funding in the past? Why is the Administration redefining the programs funded under Byrne? What is the process for allocating the $125 million in Byrne grants among the states that you referred to in your testimony?**

**Answer:** The President's Fiscal Year (FY) 2008 Budget request includes over $1.2 billion in discretionary grant assistance to states, local and tribal governments and includes the creation of four new competitive grant programs. These programs will provide states, localities and tribes with the flexibility to address their most critical needs.

Many of our current state and local law enforcement programs would be consolidated into the Byrne Public Safety and Protection Program. States, local governments and



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tribal governments would be able to use Byrne funds for many law enforcement and criminal justice purposes.

This new approach will help state, local, and tribal governments develop programs appropriate to the particular needs of their jurisdictions. Through the competitive grant process, we will continue to assist communities in addressing a number of high-priority concerns, such as, 1) reducing violent crime at the local levels through the Project Safe Neighborhood initiative; 2) addressing the criminal justice issues surrounding substance abuse through drug courts, residential treatment for prison inmates, prescription drug monitoring programs, methamphetamine enforcement and lab cleanup, and cannabis eradication efforts; 3) promoting and enhancing law enforcement information sharing efforts through improved and more accurate criminal history records; 4) improving the capacity of State and local law enforcement and justice system personnel to make use of forensic evidence and reducing DNA evidence and analysis backlogs; 5) addressing domestic trafficking in persons; 6) improving and expanding prisoner re-entry initiatives; and 7) improving services to victims of crime to facilitate their participation in the legal process. In addition to state, local, and tribal governments, non-government entities will also be eligible for funding under this program.

Another new initiative would be the Violent Crime Reduction Partnership Program. This will help communities suffering from high rates of violent crime form law task forces including local state, tribal and federal agencies. Through a competitive grant process, OJP will provide funding and technical assistance to communities seeking to establish partnerships to investigate and reduce violent crime—including efforts to address drug trafficking and criminal gang activity, which contribute to many violent offenses.

**4. Which violence reduction and/or prevention programs has the Department identified as promising?**

**Answer:** Through its various components, the Department has identified a wide range of promising program models for enforcement, intervention, and prevention efforts. Ten years ago, the OJP's National Institute of Justice (NIJ) published the results of a ground-breaking study that examined evaluations of crime prevention programs to determine which programs worked and which did not. The report, *Preventing Crime: What Works, What Doesn't, and What's Promising*, was completed by the University of Maryland and compiled evidence on a wide range of crime prevention programs, including violence prevention programs.

Since then, there have been a number of other efforts to catalogue prevention programs, including an update of the University of Maryland report that was re-released in the volume published by Routledge, "Evidence–Based Crime Prevention," in 2002. NIJ has supported the Campbell Collaboration to produce a number of systematic reviews related to crime control and prevention that will be of specific interest to practitioners and policy makers (*see* www.campbellcollaboration.org). Another example is the Blueprints for Violence Prevention developed at the University of Colorado (*see*



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www.colorado.edu/cspv/blueprints/) and partially supported by OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP). As a result of these efforts, we know a great deal about effective violence prevention programs, particularly those that target youth violence.

All of these efforts to catalogue the evidence on what works to prevent crime and violence are based on many individual studies. NIJ continues to support well targeted investments in a variety on such evaluative studies. Subject areas that are currently being addressed include school violence prevention, gun violence prevention, community-based gang violence prevention, and "hot spots" policing to deter and suppress gang violence. The following is a list of examples of current and past NIJ-funded studies of violence prevention/reduction programs.

**RECENT RESEARCH:**

**Strategic Approaches to Community Safety Initiatives (2005)**
Based on the Boston Gun Project problem-solving model, DOJ initiated Strategic Approaches to Community Safety Initiatives (SACSI) --a major program funded in 10 cities, involving multiple criminal justice agencies working with a Research Partner to target a major local violence problem. In most cities the problem targeted was gun violence or youth violence, but in one city (Memphis) sexual assault was selected. NIJ was responsible for the funding and monitoring of grants to the ten USAOs and the ten research partners. NIJ also funded an independent process and impact evaluation of the program by the University of Illinois-Chicago, which found that the ten SACSI cities experienced a greater reduction in violence than comparable cities not a part of the initiative. The evaluation also developed best practices for partnership building and for incorporating research into strategic problem solving.

**National Evaluation of Gang Resistance Education and Training (2004)**
The Gang Resistance Education and Training (GREAT) Program was designed as a collaborative effort of federal and local law enforcement agencies to reduce adolescent involvement in criminal behavior and gangs. As of 1997, more than 2,400 officers from 47 states and the District of Columbia had been trained to deliver this school-based curriculum in local communities. In collaboration with the Bureau of Alcohol, Tobacco and Firearms, NIJ conducted a comprehensive evaluation which showed that GREAT had modest positive effects on adolescents' attitudes and delinquency risk factors but no effects on their involvement in gangs and actual delinquent behaviors. NIJ worked with the GREAT Program to recommend improvements to the program based on the evaluation results. In 2006, NIJ initiated a second comprehensive evaluation of the GREAT Program in collaboration with the Bureau of Justice Assistance (BJA).

**Boston Gun Project: Operation Ceasefire (2001)**
A large-scale, multi-agency problem-solving initiative in Boston, Operation Ceasefire was conceived as a means of addressing the serious problem of youth firearms violence. A working group of local decision makers, researchers and citizens engaged in a data-informed process of analyzing the problem and designing strategies to address youth gun



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violence in two high-crime areas of Boston. The Research Partner from Harvard's Kennedy School completed a process and impact evaluation of the program, which is documented in a publication by NIJ. Findings showed significant declines in youth homicide, non-fatal gun violence, and dramatic declines in gang violence as a result of this problem-solving approach.

**Preventing Crime by Reducing Risks to Children (1999)**
In collaboration with BJA, NIJ sponsored the evaluation of the Children at Risk program (CAR) funded by OJJDP. CAR was implemented in five cities to provide integrated services to at-risk children and their families. Programs were funded for three years and evaluated using experimental and quasi-experimental design. Children were randomly assigned to receive, or not receive, a comprehensive program of case management, family services, after-school and summer activities, mentoring and educational services. Children receiving the benefit of the CAR program were less likely to become involved with crime and less likely to use drugs.

**Minnesota Domestic Violence Response Experiment and the Spouse Assault Replication Program (1984 and beyond)**
Seminal research by NIJ led to national change by prompting local police to fundamentally alter policy and practice regarding the problem of domestic violence, and contributed to the development of the Violence Against Women Act of 1994. The Minneapolis experiment was the impetus for the major shift to police these violent situations. Replications were funded in a number of cities following the completion of the Minneapolis study. In an analysis of this research on arrest and domestic violence it was found that: arrest is associated with less repeat offending using five measures of repeat offending, with the reduction in repeat offending being larger and statistically significant in the two measures that were derived from interviews with victims (Maxwell, C.D., Garner, J.H., Fagan, J.A. (2001). The Effects of Arrest on Intimate Partner Violence: New Evidence from Spouse Assault Replication Program. Research in Brief. Washington, D.C.: National Institute of Justice, U.S. Dept. of Justice) http://www.ncjrs.gov/pdffiles1/nij/188199.pdf . The Office on Violence Against Women (VAW) program on Arrest Policies is built on these arrest findings.

**Protection Orders (2002)**
Permanent (but not temporary) protection orders are associated with a significant decrease in risk of police-reported violence against women by their male intimate partners (V.L. Holt et al., *Civil Protection Orders and Risk of Subsequent Police-Reported Violence*, 288 JAMA 589 (2002). These findings on protection orders from a Seattle study were published in the Journal of the American Medical Association. These results as well as those from the arrest studies are cited at NIJ's VAW web site under selected results along with other key findings http://www.ojp.usdoj.gov/nij/vawprog/selected_results.html#violence.

**Community Crime Prevention (1977)**
Some of the first studies supported by NIJ were in the area of crime prevention and paved the way for modern policing strategies and "Community Policing." NIJ sponsored



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numerous experiments to examine foot patrol, door-to-door contact, and problem-oriented policing, among others. Results from this research were used in the development of policies and procedures to promote positive interactions between police and community, and methods for police to utilize in developing closer relationships with the citizens in the community. Co-production of community safety is now an integral part of modern policing as a result of this seminal research.

**CURRENT RESEARCH:**

**School Violence Prevention**
NIJ recently reviewed more than 200 research studies of the effectiveness of school-based programs for preventing or reducing aggressive behavior. Studies were located through vigorous search and synthesized using meta-analysis techniques.

School violence prevention programs fall into four broad categories: universal programs, selected/indicated programs, comprehensive programs, and special schools/classes. Selected/Indicated programs targeting children with identified problems are most effective in reducing aggressive behavior, followed by those universal programs delivered to whole school populations.

School violence prevention programs are generally effective at reducing the more common types of aggressive behavior seen in schools, including fighting, name-calling, intimidation, and other negative interpersonal behaviors, especially among higher risk students. It is still unknown, however, whether the types of programs reviewed here (or any others) would be effective in preventing the rare but serious incidents of school violence perpetrated by very disturbed youth. In general, larger program effects were achieved with relatively higher risk students.

NIJ currently has three longitudinal studies underway to examine the effects of three promising models in violence prevention including nurse visitation, parent training, and cooperative learning classroom environments. NIJ is also evaluating programs to prevent dating violence and child abuse.

**Project Safe Neighborhoods (PSN)**
Expanding upon the promising results in Boston and SACSI as well as Project Exile, a gun violence-reduction prosecution program in Richmond, VA, DOJ initiated PSN, a major program to reduce gun violence at the local level in all US Attorney Districts, nationwide and in the US Territories, for a total of 94 local programs. These task forces have been active since 2001 and have continued using the multi-agency strategic problem-solving model of Boston and SACSI. A variety of coordinated prevention, intervention, and enforcement strategies has been implemented in these districts, targeting both offender use of firearms in violent crimes and the illegal gun markets through which prohibited persons acquire guns. In 2006, gang violence reduction was added to the mission of PSN and a range of anti-gang violence strategies has also been implemented. An independent assessment by Michigan State University, both of strategies implemented across sites and of program implementation within a number of



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PSN districts, has been funded by NIJ. The assessment has led to numerous publications showing important successes, not only in reducing the target crimes, but also in improving criminal justice operations.

**Hot Spots Policing**

NIJ is funding a process and impact evaluation by the University of Illinois-Chicago, which will assess a "hot spots" policing program by the Chicago Police Department (CPD). On a weekly basis, CPD selects hot spot areas for gang violence and conducts intensive enforcement in these areas for extended periods of time, in order to deter and suppress gang violence in these areas. When violence is reduced in the area, the intensive enforcement activities are ended and new hot spots are targeted for enforcement attention. The evaluation will measure the impacts of this strategy on gang violence in the selected neighborhoods, as well as assessing its implementation by the Department. This work builds on evaluations that have found "hot spots" policing to be effective in crime reduction (*see* http://campbellcollaboration.org/CCJG/reviews/published.asp).

**Office of Juvenile Justice and Delinquency Prevention (OJJDP) Model Programs Guide**

The Department, through the OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP) has developed a database of promising and effective prevention and violence reduction program. The database is known as the OJJDP Model Programs Guide (MPG) and is available online for general use at www.dsgonline.com/mpg2.5/mpg_index.htm. The same program database supports the online Community Guide for the First Lady's Helping America's Youth (HAY) initiative www.helpingamericasyouth.gov .

This database identifies over 190 programs that have received positive evaluation findings. Programs are classified into three categories based on the strength of the evaluation findings and the rigor of the study. These categories are exemplary, effective, and promising (or level 1, level 2, and level 3 using the HAY labeling scheme).

For each program in the database, information is provided on the nature of the program, the age range it serves, the evaluation methods used, evaluation findings, references, and contact information for a lead point of contact associated with the program. Users may sort and search for programs in a variety of ways, including program type, risk factors of interest, client age or race, and program setting.

The MPG and the HAY allow interested parties to search a vast amount of accumulated knowledge and quickly locate promising and effective programs that best fit their needs. The HAY also provides information and resources to guide community partnerships towards improved coordination of existing resources in support of young people and families.

5. **Can you provide us with data on the number of gang prosecutions conducted by the Department? Does the Department have data on the interstate and international aspects of gang crime?**



40885.010

**Answer:** Number of gang prosecutions FY 2007 (as of May 2007)

Cases Filed----------324
Defenses Filed---------621

Number of gang prosecutions FY 2006
Cases Filed----------347
Defenses Filed--------675

It should be noted that these number are taken from a "role field" code for a gang defendant in EOUSA's LIONS system database, not by a specific statute as data is traditionally gathered in the LIONS system. The U. S. Attorney's Offices were reminded in March of 2006, and again in the spring of 2007, to designate any gang-related subject or defendant in the LIONS database with the "role field" code DG (for a gang member defendant). This designation was to be made regardless of the underlying statute. The necessary step one must make in marking the "role field" with "DG" rests with the individual US Attorney's Offices. Therefore, the responsibility for identifying gang-related prosecutions is dispersed, and the numbers may actually under represent the total number of gang cases in the U.S. Attorney's Offices.

**I had previously submitted a request for the record to Michael Battle, Director of the Executive Office for United States Attorneys after the Judiciary Committee's Hearing on "Challenges Facing Today's Federal Prosecutors" on September 13, 2006, but I never received a response. Can you please respond to this question previously directed to Mr. Battle?**

**(1) In your opening statement, you said that funding and staffing shortfalls have resulted in excluding many cases eligible for prosecution for serious crimes, including gang-related crimes. As you know, gangs are a serious problem in many communities throughout the nation and are responsible for diverting many vulnerable at-risk youth into engaging in criminal activity. Please provide me with the number of gang prosecutions under RICO by the 94 U.S. Attorneys' Offices you oversee, with a description of each case, its result, and the age of the defendants.**

**Answer:** Please see attached chart.



40885.011

## RICO CASES 2003-2006

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
|---|---|---|---|---|---|---|
| AZ | U.S. v. Cisneros, Luis, et al. | 2003 | Cisneros Organization | 12 | The Cisneros Organization had been in existence since at least 1993 and was headquartered in Mesa and Chandler, Arizona. It had two principal rackets: the theft and VIN-switching of motor vehicles; and the manufacture and distribution of significant quantities of methamphetamine, heroin, cocaine, and marijuana. The organization protected its rackets chiefly through witness intimidation, including the murders of nine potential witnesses. All defendants in this case pleaded guilty and received the following sentences: three consecutive sentences of life without parole (3); 18 years (2); 9 years (1); 5 years (1); 3 years (2); 2 years (1); 1 year + deportation (1). The 12th defendant remained a fugitive in Mexico until spring 2006, when he was killed in Juarez, Mexico. | 27-47 |
| AZ | U.S. v. Johnston, Robert Jr., et al. | 2003 2005 | Arizona Hells Angels Motorcycle Club | 16 | The organization prosecuted was the Hell's Angels Motorcycle Club of Arizona. The criminal activity alleged included drug and weapon sales, and violent behavior to include a casino shootout and the murder of a non-gang member. The case has been disposed of with nine defendants pleading guilty, two fugitives, two defendants dismissed in the District of Arizona, but prosecuted in other jurisdictions, and three defendants whose charges were dismissed entirely | 20-60 |
| CA-C | U.S. v. Ziska, Shayne Allyn | 2004 | The Nazi Low Riders | 1 | The Nazi Low Riders is a prison gang associated with the Aryan Brotherhood. Charges include narcotics distribution and assault in prison. Trial is pending for the summer of 2007. | |
| CA-C | U.S. v. Ojeda, Peter, et al. | 2005 | Ojeda Organization | 16 | The Ojeda Organization is an Orange County based street gang centered in Santa Ana. This case involved defendants both on the street and in prison who organized and directed the gang. Charges included narcotics distribution and acts of violence. All defendants have pleaded guilty. | |
| CA-C | U.S. v. Yepiz, Rafael, et al. | 2005 | Vineland Boys Street Gang | 38 | The Vineland Boys Street Gang was centered in the San Fernando Valley. Allegations included narcotics distribution as well as murder and conspiracy to murder. Also alleged is that the Vineland Boys paid profits to the Mexican Mafia. The first of three trials set for this organization just concluded in October 2006; all defendants were convicted on all counts. | |
| CA-C | U.S. V. Castro, et al. | 2006 | Reuben Castro Organization, 18th Street Gang, Mexican Mafia | 18 | This case involved the leadership of two cliques of the 18th Street Gang in Los Angeles, as well as Reuben Castro of the Mexican Mafia who directs these two cliques. Defendants were charged with narcotics dealing, narcotics distribution, and money laundering. Trial is set for June 2007. | 20-60 |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
|---|---|---|---|---|---|---|
| CA-C | U.S. V. Wu, et al. | 2005 | "Smoking Dragon" Investigation | 31 | The matter arose out of large scale illegal contraband smuggling from China to the U.S., including counterfeit cigarette, pharmaceuticals, and high-grade U.S. currency (the so-called Supernote). The defendants were all of Asian or Asian American descent, which facilitated their interaction with Hong Kong and mainland China. Of the 6 RICO defendants, several have pled guilty and other cases are still pending. | 35+ |
| CA-C | U.S. v. Pellicano, Anthony, et al. | | | 3 | Defendants were charged with RICO conspiracy as well as illegal wiretapping and identity theft, among other crimes, arising out of the activities of a Los Angeles private investigator and his associates in the LAPD and local Telephone Company. The 3 defendants charged with RICO are part of a larger case and the entire matter is pending trial. | 35+ |
| CA-E | U.S. v. Jaja, Shango, et al. | 2003 | Pitch Dark Family | 8 | Pitch Dark Family was a criminal enterprise whose members and associates engaged in acts of violence, and in drug trafficking. Between 1994 and 2000, the defendants committed four murders, one attempted murder, and trafficked in rock cocaine. One defendant is still pending trial (2/27/07); two others went to trial, were convicted, and received life sentences. The other six defendants pled guilty to RICO violations, and received sentences of varying lengths. | 18-25 (when they committed offenses) 26-35 (now) |
| CA-N | U.S. v. Garcia, Rico | 2003 | Nuestra Familia | 1 | Prison gang case. Murder and conspiracy to murder. | |
| CA-N | U.S. v. Truong, Mitchell, et al. | 2003 | | 10 | Street taxes; illegal gambling in San Francisco Chinatown | |
| CA-N | U.S. v. Duong, Alun The, et al. | 2003 | | 13 | Asian gang responsible for a series of armed robberies and murders. | 30-35+ |
| CA-N | U.S. v. Hill, Raymon, et al. | 2005 | Page Street Gang | 7 | Neighborhood-based criminal street gang involved in drug dealing, murders, shootings and obstructions of justice. Charges include murder of a federal witness. | 22-31 |
| CA-N | U.S. v. Diaz, Edgar, et al. | 2005 | Down Below Gang | 12 | Neighborhood-based criminal street gang involved in drug dealing, murders, shootings and obstructions of justice. Charges include murder of a 7-week old baby. | 20-30 |
| CA-S | U.S. v. Castiglione, Guy, et al. | 2003 | Hell's Angels | 12 | Motorcycle Gang: extortion, robberies of drug dealers, trafficked in marijuana and methamphetamine | |
| CA-S | U.S. v. Wright, Christopher, et al. | 2006 | The Mexican Mafia (La Eme) | 22 | The defendants are members and associates of the violent prison/street gang called the Mexican Mafia, aka "La Eme." The Mexican Mafia exercises control over the illegal activities of all Southern California Hispanic street gangs, as well as the criminal activities occurring within the California State prison system. The indictment charges the defendants with the commission of numerous predicate racketeering acts, including: murder, attempted murder, extortion, drug trafficking and money laundering. | 25-60 |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
|---|---|---|---|---|---|---|
| CO | U.S. v. Thompson, Lee Arthur, et al. | 2005 | | 15 | The defendants were members of the Thompson drug ring that manufactured and distributed crack out of the Alpine Rose Motel. They were indicted on a 33-count indictment, including murder. This case also involved violent crime and witness and evidence tampering. 29 others were arrested on related, but not RICO, drug charges. | |
| DC | U.S. v. Eiland, Gerald, et al. | 2005 | Gerald Eiland Organization | 10 | This organization is alleged to have arranged for large shipments of PCP, crack cocaine, powder cocaine and heroin from Maryland, Virginia, Arizona, California, Georgia, Missouri, and Connecticut for later distribution to the District of Columbia and surrounding areas. While the conspiracy was national in scope, the local component of the conspiracy was centered in the Southeast quadrant of Washington, D.C. and Alexandria, Virginia. On August 26, 2005, 9 members of this crew were indicted on racketeering, narcotics, firearms and related charges. Of the 9 defendants who were indicted on August 26, 2005, one was convicted after trial; one was acquitted after trial, three entered guilty pleas; and five are currently on trial. | 26-35 (5), 35+ (4) |
| DC | U.S. v. Franklin, Jonathan, et al. | 2005 | M Street Crew | 21 | The FBI/MPD Safe Streets Task Force conducted a long-term investigation into drug trafficking and violence in the area of 18th and M Streets, Northeast. The investigation resulted in a superseding indictment, filed on October 19, 2005, that charged 19 defendants on racketeering, narcotics, firearms, and murder charges. The prosecution targeted a crew of street sellers in the 18th and M area, who not only sold large quantities of PCP, ecstasy, and other drugs, but also committed numerous murders and other acts of violence. This crew commonly referred to themselves as the "M Street Crew." Of the 19 defendants who were indicted on October 19, 2005, five were convicted after trial; seven entered guilty pleas; and seven are pending trial. | 18-25 (3) 26-35 (15) 35+ (1) |
| DC | U.S. v. Ball, Antwuan, et al. | | Congress Park Crew | | This case is a result of a long-term Safe Streets Task Force investigation. Since the early 1990s, the Congress Park public housing complex ("Congress Park" or "the Park") in Southeast Washington, D.C., has been a haven for drug trafficking and drug-related violence. A distinct group of street-level drug dealers, the Congress Park Crew ("the Crew"), is alleged to be responsible for much of the violence in and around the Park, as well as extensive drug trafficking. On November 29, 2005 an indictment was returned that charged 15 defendants on racketeering, narcotics, firearms and murder charges. Of the 15 defendants who were indicted on November 29, 2005, one was convicted after trial; seven entered guilty pleas; and seven are pending trial. | 18-25 (1); 26-35 (10), 35+ (4). |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
|---|---|---|---|---|---|---|
| DC | U.S. v. Morrow, Miquel, et al. | | AK47 Robbery Gang | | The RICO activities of this gang included armed bank robberies in D.C. and Maryland, using AK-47 machine guns, attempted murder of a responding police officer at a Maryland bank; two assaults with intent to kill an individual who the RICO members believed had stolen weapons from the organization; and armed carjackings. A total of seven members of this crew were charged with RICO. Six were charged by indictment on November 9, 2004, and were convicted after trial. | 18-25 (2); 26-35 (4) |
| FL-S | U.S. v. Battle, Sr., Jose Miguel, et al. | 2004 | The Corporation | | This RICO case charged 25 defendants who were members of one of the largest organized crime syndicates called "The Corporation," who conducted extensive illegal gambling operations in New York and New Jersey from 1964 to 2004. "The Corporation" conducted its operations through the use of violence and intimidation, including the commission of multiple murders. "The Corporation" also utilized complex, international money laundering schemes to launder its illegal proceeds. Three of the defendants proceeded to trial and the jury returned verdicts of guilty. These three defendants are awaiting sentencing. The majority of the other defendants have plead guilty and have been sentenced. In addition to the guilty verdicts, the jury also returned a forfeiture verdict of $1.4 billion. The United States has already seized in excess of $20 million in currency and other assets. | 35+ |
| GA-N | U.S. v. Ladson, Billy, et al. | 2003 | Diablos | 15 | Diablos were a street gang/drug gang that operated in metro Atlanta. All 15 defendants were convicted, including a former police officer who under color of authority lured a victim to the Diablos for a beating. Sentences ranged from 26 months up to 292 months. | 26-35 |
| GA-N | U.S. v. Arreola, Christian, et al. | 2003 | Brown Side Locos | 12 | Brownside Locos (BSL) is a street gang that operated primarily in the suburban areas north and east of metro Atlanta. Indicted members of the gang were convicted of 5 separate gang related murders in the time frame 1998 through late 2002. Of the 12 defendants arrested in this case, all have been convicted, with sentences ranging from 3 years until 40 years. | 18-25 (10); 26-35 (2) |
| GA-N | U.S. v. Prudente, Amando, et al. | 2005 | Surenos-13 | 21 | Surenos-13, or SUR-13, is a street gang that operated primarily in the suburban areas east and west of metro Atlanta. The gang was involved in trafficking of modest levels of controlled substances, primarily methamphetamine. Besides drug dealing, indicted members of the gang area alleged to have committed three separate murders of suspected rival gang members and several attempted murders. To date, two defendants have pleaded guilty to RICO charges, but are awaiting sentencing. | Juveniles; 10-25 |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
|---|---|---|---|---|---|---|
| GA-N | U.S. v. Villenas-Reyes, et al. | | | 30 | Leaders of the enterprise are Mexican nationals, most of whom had been deported after being adjudicated under California gang statutes. Soldiers of the enterprise are United States citizens, usually Anglos. The enterprise is responsible for over half the murders occurring in a two county area from 2003 through 2005. The enterprise also distributed vast quantities of meth into the rural Georgia area. Case is still pending. | 18-35+ |
| GA-N | U.S. v. Ramirez, et al. | | Killing Every Spot (KES) | 5 | KES is a "home grown" street gang offshoot of the national street gang 18th Street. Indicted members of the gang were responsible for acts involving murder and aggravated assaults, including several drive by shootings and an attempted murder. All defendants were convicted of RICO violations, with sentencing raging from 2 years, 9 months, to over 11 years in length. | 18-25 (4); 26-35 (1) |
| IL-C | U.S. v. Chancey, Melvin, et al. | 2004 | Hell's Angels Motorcycle Club-Illinois | 4 | This OCDETF case involved the prosecution of the presidents of the three Illinois chapters of the Hells Angels motorcycle gang on RICO and drug charges. Many of the RICO predicate acts revolve around the "war" between the Hells Angels and the Outlaw motorcycle gang for the Midwest territory. | 35+ |
| IL-N | U.S. v. Carman, Richard, et al. | 2003 | Carman Brothers | 10 | The ten defendants in this RICO conspiracy case were involved with narcotics, Hobbs Act robbery, state kidnapping, and murder offenses. The crux of the conspiracy involved kidnapping and torturing victim drug dealers to force them to provide the kidnappers with money, drugs, or information regarding the victims' drug sources. All defendants have been convicted and sentenced. | |
| IL-N | U.S. v. Delatorre, Fernando, et al. | 2005 | Insane Deuces | 16 | The defendants were charged with various crimes including RICO conspiracy, VICAR charges, firearms offenses, and narcotics offenses. The Insane Deuces are a violent, Chicago-area street gang, and the charges involving these 16 defendants involved numerous criminal activities, including murder, attempted murder, and conspiracy to commit murder, occurring in and around Aurora, Illinois, a far western suburb of Chicago. All 16 defendants were charged with RICO conspiracy, and a subset of these individuals was charged with numerous VICAR counts, including murders. The RICO conspiracy and VICAR charges involve numerous acts of violence carried out by Insane Deuce gang members against other individuals, primarily members of the Latin Kings, a rival street gang. These acts of violence included at least 4 murders, 12 attempted murders, and 2 conspiracies to commit murder. | 20-41 |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
|---|---|---|---|---|---|---|
| IL-N | U.S. v. Thompson, Marvel, et al. | | Black Disciples | 46 | The defendants, who were members of a violent Chicago street gang known as the Black Disciples, were charged with various narcotics, money laundering, firearms violations, and VICAR charges. Four of the defendants were charged in four separate VICAR counts, which involved two separate incidents in 2001: the shooting of a Chicago Police Department officer in the line of duty, and the shooting of a gang member (and that gang member's six-year old son) because the gang member was not following the gang's rules. Of the 46 defendants, 43 have been convicted (42 by guilty plea and one by trial), 1 was recently arrested on a fugitive warrant, and the remaining 2 defendants are fugitives. The 4 defendants charged in the VICAR counts have all been convicted (the BD member who shot the police officer was convicted at trial and the others pled guilty). | They are now 34 to 43 years old |
| LA-E | U.S. v. Washington, Derrick, et al. | | | 11 | The 11 defendants were indicted for a long-running narcotics conspiracy as well as several murders either in furtherance of the narcotics conspiracy or as part of violent crime in aid of racketeering activities. They trafficked cocaine hydrochloride, heroin, and cocaine base ("crack") in and around a New Orleans Housing Development from 1994 to 2003. As part of the narcotics trafficking, these individuals utilized violence and the threat of violence in order to establish and maintain their stranglehold on street-level narcotics sales. In all, these defendants murdered five individuals as part of this conspiracy and enterprise engaged in racketeering activity. Since their arrest following indictment, the violent crime level in the housing development decreased by approximately 75%. | 26-35 |
| MA | U.S. v. Montiero, Amando, et al. | 2004 | Stonehurst Street Crew | 13 | Involved group of Cape Verdean youth involved in two-year war with rival gang. Five defendants acquitted after trial, four defendants convicted after trail, and four defendants pled guilty. | |
| MD | U.S. v. Howard, Rice, et al. | 2004 | | 6 | Defendants were charged with racketeering and racketeering conspiracy. The racketeering acts included narcotics conspiracy, cocaine and heroin distribution, and acts of violence. Three defendants were named in the racketeering acts and charged in the counts relating to these acts of violence. The remaining defendants were charged with participating in a conspiracy to distribute cocaine and/or a conspiracy to distribute heroin. | |
| MD | U.S. v. Cruz, Israel Ramos, et al. | 2005 | MS-13 | 22 | Two defendants were convicted at trial and four others have pleaded guilty. Defendants are charged under RICO with a variety of violent acts, including assault and firearms offenses. | |

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| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
|---|---|---|---|---|---|---|
| MO-E | U.S. v. Rehmert, Henry George, et al. | 2006 | Rohrer Group | 4 | This was a conspiracy of con men in central/Ozarks Missouri who would con their victims and then kill them. Alleged activities included arson, kidnapping, extortion, robbery, wire and mail fraud, felony murder, intentional murder, and money laundering of robbery proceeds. | 30-50 |
| NJ | U.S. v. Butler, Tehwan, et al. | 2004 | Double II Set (Bloods Street Gang) | 43 | The Double II's controlled a large section of the heroin trade in East Orange, New Jersey and were responsible for at least six murders (including the vicious cold blooded killing of a father, in front of his son, who had the tried to stop gang members from recruiting his son). This case also involved the first time that an out of state gun dealer was charged for providing scores of firearms through straw purchasers to gang members in another state (i.e., New Jersey). 41 defendants pled guilty to RICO, VICAR gun and/or narcotics distribution offenses, one was convicted of a VICAR after trial and one died prior to trial. | 1 Juvenile; 18-25 (65%) 26-35 (35%) |
| NJ | U.S. v. Warner, Rondel, et al. | 2004 | Lex Mob | 28 | Lex Mob was a particularly efficient racketeering enterprise that involved retaliatory murder, conspiracy to murder rivals and drug distribution and which terrorized the streets of Jersey City, New Jersey for years through ruthless violence. | 18-25 (60%) 26-35 (40%) |
| NJ | U.S. v. Thompson, Tommy Terrell, et al. | 2004 | Sex Money Murder Set of the Bloods Street Gang | 15 | This case involved the prosecution of 15 members and associates of the Sex Money Murder set of the Bloods Street Gang who operated in Jersey City, New Jersey. The gang distributed heroin and cocaine and maintained dominance over their territory through acts of violence, including attempted murder, aggravated assaults, shootings and witness intimidation. All defendants pled guilty to VICAR gun and/or narcotics distribution charges. | 18-25 (70%) 26-35 (30%) |
| NJ | U.S. v. McCollum, Taison, et al. | | Taison McCollum | | McCollom pled guilty to RICO charges arising out of his leadership opposition in a violent drug dealing organization in Elizabeth, New Jersey. | |
| NV | U.S. v. Parker, DeMarco | 2003 | Rolling 60s Crips | 1 | RICO murder, drug ring. Pled guilty, sentenced to life imprisonment. | |
| NV | U.S. v. Gibson, Arlenders, et al. | 2003 | Rolling 60s Crips | 22 | This involved a racketeering indictment charging homicides, violent crime, armed robbery, drug trafficking, and maintaining drug houses in Las Vegas and Northern Las Vegas. There were six RICO murders in all. All defendants pled guilty; only one still awaits sentencing. An additional 17 defendants have pled guilty or been convicted on non-RICO charges as part of the overall strategy to deconstruct the Rolling 60s Crips. | |
| NV | U.S. v. Toliver, Jonathon, et al. | | | 3 | VICAR murder. Ambush shooting over drug turf; one dead; many victims; death penalty finally declined. 9th Circuit has agreed to expedite appeal. | 2 Juveniles (pending transfer to adult) |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
|---|---|---|---|---|---|---|
| NV | U.S. v. Banks, Leland | 2004 | | 1 | VICAR. Convicted and sentenced to 37.5 years for sniper shooting after insult to gang; appeal pending. | |
| NY-E | U.S. v. Soto, Roderick, et al. | 2003 | Woodbine Crew | 3 | The Woodbine Crew was a violent gang based in the Bushwick neighborhood of Brooklyn, New York, that engaged in murder, heroin trafficking, violent robbery of rival narcotics traffickers, witness tampering and obstruction of justice. Members of the Woodbine Crew were charged in two separate indictments with RICO, RICO conspiracy and murder in aid of racketeering violations. After two trials in 2001 and 2004, the government convicted ten members of the Woodbine Crew, who were sentenced to lengthy terms of imprisonment, ranging from twenty-six years' imprisonment to life. | 30-48 |
| NY-E | U.S. v. Bari, Zinovy, et al. | 2003 | Brighton Beach Crew | 3 | Loan sharking, gambling and narcotics trafficking | |
| NY-E | U.S. v. Wilson, Ronell, et al. | 2004 | Stapleton Crew | 6 | This Office used the federal racketeering statutes to dismantle the Stapleton Crew, a violent narcotics trafficking gang that operated in the Stapleton section of Staten Island from late 1999 until March 2003. The crew maintained an arsenal of illegal firearms, available to all members, which were used to protect its narcotics operation and to intimidate and eliminate its enemies through repeated acts of violence. In March 2003, one of the Crew's members murdered two undercover New York City Police Department detectives who were attempting to purchase firearms from the Crew. The government charged six members of the enterprise, five of them with RICO, RICO conspiracy, murder in aid of racketeering, narcotics trafficking, robbery and other charges. Five defendants pled guilty, four of whom have been sentenced to terms of incarceration of ten, twelve, twenty-five and twenty-seven years, respectively. The final defendant, who faces the death penalty for the murder of the two detectives, is currently on trial. | 23-27 |
| NY-E | U.S. v. Martin, Jerome, et al. | 2005 | Martin Family Crew | 11 | Eleven members of a violent narcotics trafficking gang, the "Martin Family Crew," that operated in Brooklyn and several other cities along the Eastern seaboard were charged in 2005 with racketeering-related charges, including RICO, RICO conspiracy and murder in aid of racketeering (nine other members of the gang were charged with non-racketeering charges). All defendants have pled guilty and are awaiting sentencing and most face potential life sentences. | 20-30 |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
|---|---|---|---|---|---|---|
| NY-E | U.S. v. Stone, Dwayne, et al. | 2005 | Folk Nation | 7 | Seven members and associates of the Folk Nation gang were charged in 2005 in a twenty-eight-count indictment with RICO and RICO conspiracy, which included six murders, five attempted murders, murder conspiracy, assault and related firearms counts. The charges relate to a number of gang-related murders and other acts of violence, including a drive-by shooting that resulted in the death of an innocent bystander and the attempted murder of several New York City Police Department officers. | 23-30 |
| NY-E | U.S. v. Hardy, Damion, et al. | 2005 | Cash Money Brothers | 9 | Seven members of a violent narcotics gang known as the "Cash Money Brothers" were charged in 2005 with RICO, RICO conspiracy, murder in aid of racketeering, kidnapping and robbery. Two defendants were convicted in October 2006 after trial of these charges. The other five defendants are facing racketeering and murder in aid of racketeering charges and tentatively are scheduled to be tried in March 2007. Two other defendants have pled guilty to racketeering charges. | 26-35, one is 35+ |
| NY-E | U.S. v. Hunter, Tyrone, et al. | 2005 | "The Enterprise" | 5 | Five members of a violent narcotics trafficking organization, charged in the indictments as the "Enterprise," were charged with RICO, RICO conspiracy, murder in aid of racketeering, narcotics trafficking and money laundering. The gang operated primarily in the East New York section of Brooklyn from approximately 1985 until 2003. Enterprise members and associates committed acts of violence and murder to protect their narcotics operation and the reputation of the Enterprise and routinely committed shootings and assaults for the purpose of collecting drug debts. The Enterprise members also made money by murdering and robbing other criminals of their drugs and cash. Three defendants have pled guilty pursuant to cooperation agreements. Two defendants await trial in January 2007 on charges including RICO, RICO conspiracy, murder, obstruction of justice, robbery, and money laundering. | 32-40 |
| NY-E | U.S. v. McGriff, Kenneth, et al. | | Supreme Team | 3 | Three defendants were charged with racketeering crimes related to rebuilding a violent narcotics organization started years earlier by one of the defendants. Two defendants are charged with RICO and murder in aid of racketeering. One defendant is charged with the murder of two rival drug dealers and the attempted murder of his pregnant girlfriend. | 35+ |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
|---|---|---|---|---|---|---|
| NY-E | U.S. v. Magana, et al. | | MS-13, Long Island Chapter | 30+ | La Mara Salvatrucha ("MS-13") is a violent gang, composed primarily of immigrants from Central America with chapters throughout the United States, including Long Island and Queens, New York. The gang engages in murder, robbery, narcotics trafficking, gang assault, firearms trafficking, interstate transportation of stolen vehicles, sexual assault, witness tampering and obstruction of justice, among other crimes. In a series of prosecutions charging violent crimes in aid of racketeering from 2003 through 2005, more than thirty members of MS-13 have been prosecuted for a series of violent crimes, including murders and assaults, as well as firearms offenses. To date, more than twenty MS-13 members have pled guilty to violent racketeering charges while three others were convicted on murder and assault counts in two trials. A third MS-13 VICAR racketeering murder case is currently on trial. The victims of the charged murders and assaults included innocent bystanders, rival gang members and MS-13 members who were assisting law enforcement authorities. Some of the victims were as young as 15 years old. | 3 Juveniles (16-17, transferred to adult); 18-27 |
| NY-E | U.S. v. Magana, et al. | | MS-13, Queens Chapter | 6 | La Mara Salvatrucha ("MS-13") is a violent gang, composed primarily of immigrants from Central America with chapters throughout the United States, including Long Island and Queens, New York. The gang engages in murder, robbery, narcotics trafficking, gang assault, firearms trafficking, interstate transportation of stolen vehicles, sexual assault, witness tampering and obstruction of justice, among other crimes. In 2006, six members of MS-13 chapters located in Queens, New York have been charged in four indictments with violating RICO and VICAR to include charges of murder, attempted murder, assault and robbery. The defendants are awaiting trial and face sentences ranging from ten years' to life imprisonment. | 21-30 |
| NY-E | U.S. v. Dixon, Emile, et al. | | Patio Crew | 6 | The "Patio Crew" is an extraordinarily violent Jamaican narcotics gang that dominated the drug business in the Flatbush area of Brooklyn between 1989 and 2001. Six defendants were convicted of a combination of narcotics, RICO, RICO conspiracy, firearms and murder charges. Two defendants were convicted in separate trials in 2003 and 2004, who were each sentenced to life imprisonment. A third received a sentence of thirty years' imprisonment. | 28-40 |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
|---|---|---|---|---|---|---|
| NY-E | U.S. v. Tyler, Darryl, et al. | | D-Nice Enterprise | 8 | This Office charged eight members and associates of the "D-Nice Enterprise," a violent narcotics gang that sold massive quantities of crack cocaine and cocaine in Brooklyn, New York and Baltimore, Maryland from the early 1980s until 2000. The defendants were charged with RICO, RICO conspiracy, murder, murder conspiracy and narcotics trafficking. None of the charged defendants were juveniles, but the enterprise frequently employed juveniles to work as low-level drug sellers. Five defendants were convicted in two separate trials in 2002 and 2004; one was sentence to life imprisonment; three defendants were sentenced to thirty years' imprisonment, and one defendant was sentenced to ten years' imprisonment. The other defendants pled guilty. | 30-40 |
| NY-E | U.S. v. Mathews, Curt, et al. | | M&P Crew | 6 | Three defendants were charged in 2004 with RICO, RICO conspiracy, murder in aid of racketeering, attempted murder in aid of racketeering, bank robbery conspiracy, kidnapping, and several other charges. Three other defendants pled guilty to other charges related to the crew's crimes. The charges stem from the defendants' participation in a violent Brooklyn based crew that sold narcotics, robbed banks and other businesses and kidnapped rival drug dealers from 1998 through 2002. All defendants have pled guilty and await sentencing. | 21-38 |
| NY-E | U.S. v. Farmer, Laval, et al. | | Bloods' "Velt Gangsta Lanes" | 5 | In 2004, five members of the Bloods' "Velt Gangsta Lanes" ("VGL") set, located in Roosevelt, New York, were charged with various violent crimes in aid of racketeering pursuant to Title 18, United States Code, Section 1959 (VICAR), involving murder and a firebombing. The five VGL members were among over fifty Bloods members on Long Island who have been prosecuted by this Office. One of the leaders of the VGL set was convicted after trial in 2006 on VICAR murder charges for the killing of a 14-year-old who was mistakenly believed to be a member of the Crips, and the shooting of a fellow Bloods member. This case effectively dismantled the VGL set on Long Island. | |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
|---|---|---|---|---|---|---|
| NY-E | | | The Crime Family | 12 | Twelve members of a violent narcotics trafficking gang known as "The Crime Family" were charged in 2001 with RICO, RICO conspiracy, narcotics trafficking and murder in aid of racketeering. Another twenty defendants were prosecuted by the Brooklyn District Attorney's Office as part of a coordinated state-federal investigation. The Crime Family ran a retail crack cocaine distribution operation from a public housing development in the East New York section of Brooklyn between 1997 and 2001 and regularly engaged in violence to protect its drug proceeds and reputation. The Crime Family possessed an arsenal of illegal firearms which were used by Crime Family members in several shootings, including a murder committed on January 25, 2000. The leader of the organization was convicted after trial in 2003 and sentenced to life in prison. The co-leader of the gang pled guilty and was sentenced to thirty-three years' imprisonment. The other defendants also pled guilty. | 17-35 |
| NY-E | | | Boston Crew | 4 | Four members and associates of a violent narcotics organization, identified in the indictments as the "Boston Crew," were charged with racketeering-related charges, including RICO, RICO conspiracy and murder in aid of racketeering, as well as narcotics charges. The organization operated in New York City, the Dominican Republic and Boston, Massachusetts. Three of the defendants pled guilty. The fourth defendant, a leader of the organization, was extradited from the Netherlands to the United States in early 2006 and is awaiting trial. | |
| NY-E | U.S. v. Medina, Henry, et al. | | FDP Crew | 13 | Thirteen members of a violent narcotics gang known as the "FDP Crew" were indicted in 2005 on RICO, RICO conspiracy and other offenses including narcotics trafficking, robbery, murder in aid of racketeering and firearms charges. Two members of the crew are charged with attempted murder for shooting at law enforcement officers on the crew's block. One defendant is charged with the murder of a rival gang member. Eight of the defendants have pled guilty or cooperated. The remaining five defendants are awaiting trial. | 19-45 |
| NY-E | U.S. v. Gil, Carlos, et al. | | Latin Kings | 2 | Two members of the Almighty Latin Kings Nation have been charged with murder in aid of racketeering for the 2001 murder of a rival gang member. The first defendant pled guilty in 2004. The second was charged with murder in aid of racketeering in December 2004 and is awaiting trial. | 1 Juvenile |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
|---|---|---|---|---|---|---|
| NY-E | U.S. v. Rodriguez, Amadeo, et al. | | Netas | 7 | Seven members of the Nétas' Freeport, New York "chapter" were charged in 2004 in an indictment and an information with VICAR murder, conspiracy, and assault charges, as well as firearms offenses. The defendants included the Nétas' Vice President and the gang's "Leader of Discipline." Most of the charges relate to a street war between the MS-13 and the Nétas, which originated with the November 1999 murder of a pre-med student at Stonybrook University. The victim was with several of the Nétas defendants when he was repeatedly shot and killed after MS-13 members mistakenly believed him to be a Nétas member. During the war with MS-13, two Nétas members murdered an innocent victim whom they mistakenly believed to be one of the leaders of MS-13 on Long Island. The trial for the two death-penalty eligible Nétas members is scheduled for 2007. | |
| NY-E | U.S. v. Katona, et al. | | Pagans Outlaw Motorcycle Club | 65 | On February 22, 2002, dozens of heavily-armed members of the Pagans Outlaw Motorcycle Club descended upon the Vanderbilt Catering Hall in Plainview, New York to attack a public event hosted by the Hell's Angels. About a dozen people were shot, stabbed or beaten, and one Pagan was killed. Approximately sixty-five Pagans – including three members of the Pagans' "Mother Club" – pled guilty to VICAR racketeering charges stemming from the fight, and a holdout defendant was convicted of VICAR racketeering counts at trial. The defendants were sentenced to between two and seven years' imprisonment for their involvement in this brawl. This prosecution essentially eliminated the presence of the Pagans on Long Island. | |
| NY-N | U.S. v. Edwards, Corey, et al. | 2003 | Boot Camp | 26 | This involved a neighborhood street gang that occupied a multi-block area in Syracuse, NY. The gang controlled the sale of crack cocaine in their territory by violence, which included routine shootings of rival gang members. Twenty-five defendants have pled to racketeering charges and been sentenced; the gang leader was convicted after trial and sentenced to 40 years. | 19-32 |
| NY-N | U.S. v. Applins, Billy, et al. | 2005 | Elk Block | 16 | This Syracuse street gang is a rival to Boot Camp. They also controlled a defined drug territory through violence and the use of firearms. All but five defendants have pled guilty to racketeering charges; the remaining five are scheduled for trial. | 19-38 |
| NY-N | U.S. v. Montanez, et al. | 2006 | Brighton Brigade | 14 | The Brighton Brigade is a Syracuse street gang that controlled their drug selling (crack) territory by violence and the use of firearms. They controlled an area of Syracuse that bordered on territory controlled by members of Boot Camp and Elk Block. As a result, violence between gang members was common. | 19-30 |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
|---|---|---|---|---|---|---|
| NY-N | U.S. v. Conley, Earnest, et al. | 2006 | Jungle Junkies | 30 | The Jungle Junkies is an Albany, NY street gang which, while local, has ties to national gangs such as the Blood's and Crips. All the defendants have significant criminal histories and were engaged in racketeering activities that included narcotic trafficking (crack) and attempted murders of rival gang members through the use of firearms. | 18-23 |
| NY-S | U.S. v. Hidalgo, Jose, et al. | 2003 | Hidalgo Organization | 9 | The Hidalgo Organization was primarily a wholesale drug distribution organization that distributed hundreds of kilograms of heroin and thousands of kilograms of cocaine throughout the New York City area between the late 1980s and early 2002. The Organization also laundered millions of dollars in drug proceeds during this period. In furtherance of the Organization's drug business, members of the Organization murdered two rival drug dealers who were selling narcotics near the Organization's territory, in November 1994 and December 1994, respectively. | |
| NY-S | U.S. v. Vega, Edwin, et al. | 2003 | Sex, Money and Murder | 5 | Sex, Money and Murder ("SMM") was a violent subset of the Bloods, operating out of the Soundview section of the Bronx. SMM sold crack cocaine and committed numerous acts of violence, including murder, to protect its drug territory. During the course of the Government's nearly decade-long investigation of this murderous gang, charges were brought against dozens of gang members and numerous murders solved. | |
| NY-S | U.S. v. Manzueta, Gregorio, et al. | 2003 | Manzueta Organization | 16 | Robbery, narcotics trafficking | |
| NY-S | U.S. v. Eusebio, Alvin, et al. | 2003 | Westchester Avenue Crew | 13 | The Westchester Avenue Crew sold crack and heroin in the Bronx and in Pennsylvania. In July 2002, gang leaders paid for the murder of a rival drug dealer. In October 2002, one of these gang leaders was murdered by members of the crew who wanted him out of the way. Two crew members planned the murder and enlisted a juvenile as the shooter. All defendants have been convicted. | 1 Juvenile |
| NY-S | U.S. v. Becton, Charod, et al. | 2003 | Murder Unit | 3 | Murder Unit was a street-level drug distribution gang that sold large quantities of crack cocaine and marijuana in the vicinity of Gerard Avenue and 157th Street, in the South Bronx. Members of the gang also committed acts of violence and threats of violence, including extortion. In January 2002, three members of Murder Unit murdered three people inside an apartment on Gerard Avenue, during the course of a Hobbs Act robbery in which they stole approximately 33 kilograms of cocaine. | |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
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| NY-S | U.S. v. Ma, Sui Min, et al. | 2003 | Frank Ma Organization | 5 | The Frank Ma Organization operated primarily in the New York City area, Los Angeles, and San Francisco, and was composed largely of Chinese and Vietnamese men and women. Throughout the 1990s, the organization was engaged in trafficking in Asian heroin, stealing luxury cars and shipping them to China for sale, and committing armed robberies of computer chip companies. The organization also committed several murders in furtherance of its illegal operations, operated various illegal gambling businesses, and engaged in alien smuggling. | |
| NY-S | Wang, Shao Fang, et al. | 2004 | Wang Enterprise | 8 | Illegal gambling parlors; smuggling Chinese citizens into U.S. | |
| NY-S | U.S. v. Abad, Freddy, et al. | 2004 | Andrews Avenue | 3 | The Andrews Avenue Enterprise was a violent armed robbery crew that committed dozens of home-invasion robberies and burglaries of suspected narcotics traffickers throughout the New York City area, from at least in or about 1993 through in or about fall 1996; the crew was responsible for at least two murders and a kidnapping prior to 1996; in September 1996, four members of the crew robbed and murdered a cocaine dealer inside his apartment in Upper Manhattan, in front of more than a dozen members of his family. | |
| NY-S | U.S. v. Shang, Lim, et al. | 2004 | Lim Organization | 5 | Illegal gambling parlors; trafficking in counterfeit goods | |
| NY-S | U.S. v. Gonzalez, Edwin | 2005 | Latin Kings | 1 | Street Gang | |
| NY-S | U.S. v. Brown, Mark, et al. | 2005 | Two Mile Posse | 22 | From 1999 to 2004, the Two Mile Posse was comprised of more than two dozen Jamaican nationals. The enterprise engaged in the transport of large quantities of marijuana from Arizona for sale in New York, New York, and the murder of several individuals to protect the Two Mile Posse's narcotics-trafficking activity. The Two Mile Posse's criminal activity was centered around marijuana-trafficking between Arizona and two locations in Manhattan. Some members of the Two Mile Posse loaded marijuana into trucks in Arizona, while others purchased the marijuana upon its arrival in New York, and sold it out of an apartment building in Manhattan. The murders charged in the indictment included a planned double homicide in which members of the Two Mile Posse gunned down two Jamaican nationals who had been extorting members of the organization and a vicious stabbing that took place on the streets of upper Manhattan. | |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
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| NY-S | U.S. v. Speed, Robert, et al. | | Speed Robbery Crew | 2 | This was a two-man organization that, after breaking into homes at night, bound, gagged and terrorized their victims, including children home alone, and that robbed businesses and restaurants at gunpoint in New York, New Jersey, and Connecticut. During the course of their criminal activity, they stole millions of dollars in cash and jewelry. One defendant cooperated against the other and pleaded to a RICO charge. The defendants committed over 180 robberies between 1995 and 2001, largely of homes and businesses. | |
| NY-S | U.S. v. Minaya, Franklin, et al. | | | 11 | This case involves a violent home invasion robbery crew that committed more than 80 robberies of drug dealers between 1997 and 2001. During these robberies, many victims were tied up, shot, and stabbed, and three people were killed. In addition to racketeering, the charges in the case included Hobbs Act, firearms, narcotics and murder charges. Three are currently fugitives; the rest have been convicted or pleaded guilty, and though none have been sentenced yet, two face mandatory minimums of 125 years. | |
| NY-S | U.S. v. Garcia, Rosalie, et al. | | Hoe Avenue Organization | 7 | The Hoe Avenue Organization operated a highly lucrative street-level heroin spot in the South Bronx, from in or about 1991 through 2002, which sold up to $70,000 worth of heroin per week; in furtherance of the Organization's heroin business, between 1993 and 1997 members of the Organization committed at least four murders of rival drug dealers who were infringing on the Organization's territory. | |
| OH-N | U.S. v. Wheeler, James Lee, et al. | 2003 | Outlaw Motorcycle Club | 38 | A 40-count indictment was brought against thirty-eight defendants from Indiana, Oklahoma, Kentucky, New York and Ohio. Thirteen of the defendants were charged with violating, and 15 other defendants were charged with conspiracy to violate, RICO by being members of or associated with the "Outlaw Motorcycle Club (OMC)" enterprise. The OMC was supervised on a national and international level by the international president or "International Spokesman". The defendants engaged in a pattern of racketeering by violating the federal drug laws, unlawful use of communications facilities, interstate travel in aid of racketeering, tampering with a witness, victim or informant, interstate transportation and possession of stolen motor vehicles, participating in extortionate credit transactions, attempted murder and murder, and attempted arson and arson. Many of the defendants charged held leadership roles in the OMC. Other charges included: drug conspiracy, firearms conspiracy, possession with intent to distribute controlled substances, extortionate credit transactions. | 35+ |
| OH-S | U.S. v. Myles, Gary, et al. | 2006 | the Grimmies | 8 | Murder, drug possession and various weapons charges | |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
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| OK-N | U.S. v. Summers, Michael, et al. | | Hoover Crips | 13 | A RICO conspiracy case was prosecuted against the Hoover Crips, a violent street gang operating in the Tulsa, OK area. The allegations included RICO conspiracy, VICAR, drug offenses, weapons offenses, and intimidation of witnesses. The leader of the gang dubbed himself the "five star general" of the Hoover Crips and the main defendants pled guilty to the RICO conspiracy charge. | 21-34 |
| PA-E | U.S. v. Williams, Vincent, et al. | 2003 | Boyle Street Boys | 8 | This gang controlled the Highland gardens section of Chester, PA. The victims included a 16 year old cooperating witness. Two other victims were murdered because they challenged the group's authority within the gardens. | 18-25 (2); 26-35 (6) |
| PA-E | U.S. v. Sosa, William, et al. | | Almighty Latin King and Queen Nation | 17 | Through ALKQN the defendants participated in a conspiracy to participate in the affairs of a racketeering conspiracy. They also conspired to murder, kidnap, conspired to kidnap, conspired to maim, used firearms during these violent crimes, and conspired to distribute more than 1,000 grams of heroin within 1,000 feet of a public elementary school from 1999 to January 2005. Seventeen defendants were indicted. Eight pled guilty, six were convicted at trial, and three were acquitted. | 18-25 (8); 26-35 (7); 35+ (2) |
| TX-S | U.S. v. Hernandez, Felix Ruben, et al. | 2003 | | 8 | This is a large, multi-year, multi-state, multi-ton cocaine and marihuana RICO conspiracy, which also involved money laundering and wire fraud activity. | 18-25 (1); 26-35 (5); 35+ (2) |
| TX-W | U.S. v. Salazar, Randy, et al. | 2003 | Texas Syndicate | 24 | The Austin Texas Syndicate engaged in drug trafficking and violent crimes including murder, attempted murder and aggravated robbery. The prosecution covered 4 murders. | 20-30 |
| UT | U.S. v. Swena, Tracy David, et al. | 2003 | Soldiers of Aryan Culture | 12 | This case involved gang crimes primarily related to prison activity, but with some spillover to the community after release. Charges ranged from attempted murder, aggravated assault, maiming, extortion, and drug distribution. Twelve defendants were charged. One defendant's case was dismissed outright. Sentences ranged from 3 1/2 years to 25 years imprisonment. This matter is closed, all eleven defendants pled and waived any and all appeal rights. | |
| UT | U.S. v. Smith, Tyrese, et al. | 2003 | | 10 | This case involving a street gang with Caucasian, African American, Hispanic, and Polynesian members. The charges included murder, attempted murder, arson, aggravated assault, and drug distribution. Ten people were charged federally. Of these ten, one was dismissed and pled in state court to distribution charges. Sentences for all other defendants ranged from 6 1/2 years to life imprisonment. | |
| UT | U.S. v. Chhoun, Daniel, et al. | 2006 | Tiny Oriental Posse | 14 | This case involves a Laotian and Cambodian street gang. Their criminal activities relate to their ongoing rivalry with another Asian gang. Fourteen defendants were charged, including thirteen members of the gang and one associate. | |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
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| VA-E | U.S. v. Allen, Antoine D., et al. | 2004 | Third Ward | 18 | Drug Ring | |
| VA-E | U.S. v. Montoya Baires, Wilfredo, et al. | 2005 | MS-13 | 3 | The three defendants, members of MS-13, killed a fellow MS-13 member in Manassas, Virginia, on August 11, 2004, because they suspected him of being an informant for the police, though he was not. Two defendants pled guilty to conspiracy to commit murder in aid of racketeering and face a maximum of ten-years imprisonment. The third was convicted in September 2006 after a jury trial of murder in aid of racketeering. He faces a mandatory life sentence. | 18-30 |
| VA-E | U.S. v. Reyes, Alirio, et al. | 2004 | MS-13 | 2 | On May 16, 2004, two members of MS-13, shot and killed a 17-year-old juvenile male and shot and seriously injured a 16-year-old juvenile female in Herndon, Virginia. The defendants suspected that the juvenile male was a member of a rival gang, the 18th Street Gang. After the shooting, the defendants fled to Los Angeles, where they were apprehended by members of the U.S. Marshals' Fugitive Task Force. Within months of their arrest, the defendants were charged federally with murder in aid of racketeering and related charges. One defendant pled guilty to murder and was sentenced to life imprisonment. After three days of trial, the second defendant also pled guilty to murder and later was sentenced to life imprisonment. | 25-30 |
| VA-E | U.S.A. v. Batts, et al. | 2004 | Third Ward Gang | 18 | In February 2004, 18 members of this conspiracy were charged with conspiracy to violate the RICO statute and conspiracy to distribute 50 or more grams of cocaine base. The case went to trial in July 2004. The conspiracy involved a group of individuals who referred to themselves as the "Third Ward Gang." The gang operated three open-air drug markets within the Third Ward political district in Petersburg, Virginia. In addition to moving major amounts of cocaine base, the group was also involved in a number of violent acts in an effort to protect their drug territory. Of the 18 indicted, 13 pleaded guilty and 5 went to trial and were found guilty. They received the following sentences (in months): 57, 62, 120, 164, 156, 265, 235, 240, 245, 262, 292, 300, 300, 360, 372, 384, Life, and Life. | 18-30 |

| Dist. | Case Name | Year Indicted | Gang/ Organization | # Def | Case Comments/Allegations | Age Range |
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| VA-E | U.S. v. Gia Le, Cuong, et al. | 2003 | Oriental Playboys | 7 | The defendants were members of a Vietnamese gang known as the Oriental Playboys, or OPB. The gang originated in 2000 as an offshoot of another Vietnamese gang, and, between late 2000 and early 2001, its members were responsible for numerous armed home-invasion robberies, assaults, attempted murders and murder in Northern Virginia, Maryland, and Washington, D.C. They were also involved in drug trafficking (cocaine, crack cocaine, marijuana and ecstasy), gambling, and credit card fraud. Thirteen members of OPB, including the seven defendants identified above, were convicted of various federal offenses. The leader of OPB pled guilty to RICO, two counts of VICAR murder, VICAR attempted murder, VICAR assault with a dangerous weapon, conspiracy to commit robbery, and two counts of firearms murder. He was sentenced to life imprisonment. | 18-35 |
| VA-W | U.S. v. Brown, Travis L., et al. | 2005 | Project Crud or PJC, Westside | 23 | The indictment was against a gang in the Charlottesville area known as "Project Crud", or "Westside". The indictment identified 17 individuals who were responsible for the distribution of large quantities of crack cocaine who enforced their drug distribution network through numerous acts of violence, including robbery, kidnapping, assault and murder | 26-35 |
| WA-W | | 2006 | Hells Angels | 5 | The defendants were charged with racketeering crimes, including murder, extortion, robbery, and trafficking in stolen motorcycles. Trial is pending. | 30-40+ |
| WA-W | U.S.A. v. Wegers, et al. | 2006 | Bandidos | 20+ | The defendants were charged with VICAR and, in some cases racketeering. All of the defendants' cases have been resolved, most by pleas, some by dismissals. | |
| WI-E | U.S. v. Acosta, Gregorio, et al. | 2005 | Latin Kings | 49 | In October 2005, 49 members of the Milwaukee Latin King street gang were indicted on federal RICO and RICO conspiracy charges. The case is currently in the pretrial motion stage with a anticipated trial in the summer of 2007. | 3 Juveniles (two transferred to adult) 16-25 (50%) 25-35 (50%) |

## Senate Judiciary Committee
## Crime and Drugs Subcommittee Hearing
## "Rising Crime Rates in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime"

## Question for James Alan Fox
## Professor of Criminology, Northeastern University

**Question of Senator Joseph R. Biden, Jr.**

Mr. Fox, critics of crime and drug prevention funding often look for immediate and definitive change in crime and drug rates. As you and I know all too well, a comprehensive crime prevention program takes time and tenacity.

What effect will drastic reductions in prevention programs today have on crime rates over the long term?

Do you believe the disregard for much of this critical funding has contributed to the current rise in violent crime that we have been experience? If so, please explain.

The most effective prevention strategies are those that work with pre-teens, those who are still young and impressionable and will be impressed by what a teacher, a preacher or some other authority figure has to say. Such initiatives, of course, do not bear fruit (in terms of lower rates of criminality and substance abuse) for several years until the youngsters mature into their most at-risk ages.

It is regrettable, to say the least, that the downturn in crime during the 1990s gave some leaders the view that the crime problem was solved and money (for cops and for kids) could be diverted elsewhere. Crime and violence can be controlled but not eliminated as a concern. Almost inevitably, once we stop working hard to suppress the problem, it returns.

In recent years, we have witnessed a resurgence in crime and violence, especially among underprivileged youngsters. It seems more than coincidental that this comes in the wake of sharp cuts in crime prevention funding.



40885.031

**Question of Senator Joseph R. Biden, Jr.**

Prisoner Reentry Efforts

I recently introduced a bill called the Second Chance Act, which authorizes $192 million annually for grants for substance abuse treatment programs, academic and vocational education programs, housing and job counseling programs, and mentoring for offenders so that they have a better chance of becoming productive, law-abiding members of society when they leave prison.

How would you characterize the effect of recidivism on crime rates in the US?

In your expert opinion, will the Second Chance Act help reduce recidivism and thereby reduce the cost to taxpayers of investigating, prosecuting, and incarcerating recidivists? Please explain.

A balanced approach to crime control blends prevention for youngsters and intervention for former offenders. Unfortunately, the get-tough, overly-punitive approach to corrections that took hold in this country over the past quarter century had a decidedly short-sighted view of recidivism. Although expanding prison populations did have an incapacitative effect in terms of lowering crime rates, it was without much concern for post-release issues, postponing a problem to a later point in time. The recognition that re-entry programs are essential is long overdue. While some critics may complain about spending money on prison education and job training programs, it is far more economical than the significant costs associated with reoffending.



40885.032

Response to Senator Edward M. Kennedy from Colonel Rick Gregory New Castle County Police

Senate Judiciary Committee, Crime and Drugs Subcommittee Hearing

"Rising Crime Rates in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime"

May 23, 2007

Question #1: What prevention programs do you believe are most important for the federal government to provide assistance to state and local law enforcement? Can you identify and describe in detail any community-based programs that demonstrate cooperation between members of the community and law enforcement that have achieved positive results?

Response from Colonel Gregory: Our most important prevention programs are the Boys and Girls Clubs and Police Athletic Leagues. These two programs afford us the opportunities to interact with young people in a positive non-threatening setting. This type of interaction is critical in furthering our prevention initiatives.

Our most effective community-based program is a local New Castle County program entitled Crime Prevention Area Watch (CPAW). This program grew from a small localized civic group conducting neighborhood watch, to multiple civic groups banding together to coordinate a large area watch. This invaluable group of volunteers, works together to conduct crime prevention patrols, share information on area crime problems, and serve as police liaisons to their respective communities. The group works closely with the New Castle County Police Community Services Unit to ensure monitoring and information sharing between local residents and police.

A second program, in the early stages, is our Volunteers in Policing Program. This group of volunteers will work in the police department assisting with a multitude of non-sensitive work designed to reduce the amount of time spent by uniformed officers on administrative or clerical duties. This decreased administrative time should lend itself to enhanced police services.

Question #2: As Professor Fox pointed out that, it is important to develop reentry programs, but offenders also need treatment during incarceration. Are in-prison rehabilitation programs offered to inmates in your jurisdiction? If so, what types of programs do you offer and how many inmates, on average, are able to take advantage of the programs? What prevention programs are offered in your jurisdictions and which programs are the most promising.?

Response from Colonel Gregory: Our agency does not function as a correctional agency and as such does not offer any rehabilitation programs.

**Senate Judiciary Committee**
**Crime and Drugs Subcommittee Hearing**
**"Rising Crime Rates in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime"**

**Questions for Ted Kamatchus**
**President, National Sheriff's Association**

**Question of Senator Joseph R. Biden, Jr.**

Mr. Kamatchus, as a Sheriff, you've been on the front lines fighting violent crime for years. In your testimony you point out that Byrne-JAG funded drug task forces are the cornerstone of drug enforcement efforts since they involve pooling resources and intelligence sharing, and targeting specific problem areas. Yet, as you point out, Byrne-JAG funding has been slashed.

In your experience, what effect have these funding cuts had on our efforts to combat methamphetamine and other drugs in the Midwest and around the country?

**Due to previous funding reductions prior to last year, fewer sworn officers are working in a slightly smaller number of drug task forces supported with Byrne-JAG grants. The 67% cut in FFY 2008 Byrne-JAG funding due to hit this year threatens to decimate drug task forces. In Iowa, the Governor's Office of Drug Control Policy (which administers the State's share of Byrne-JAG funding) projects this will result in the elimination of grant support for a minimum of 15 drug control programs and 39 personnel...nearly two-thirds of which are drug task force officers. Here in Marshall County we have seen a reduction of 1/3 of or taskforce staff over the last 4 years due to cutbacks. With the reduction of funding proposed for this upcoming fiscal year, further reductions will cause us to eliminate the Mid-Iowa drug taskforce completely.**

**When the Byrne-JAG funding goes away, so too does the coordination and pooling of local drug enforcement resources that last year in Iowa netted more than 3,000 pounds of illegal drugs valued at $31 million, over 2,000 criminal convictions and 363 meth lab incidents. The drug problem requires a shared response. The Byrne-JAG program is critical to catching drug dealers and keeping our communities—large and small—safe.**

**As the cornerstone of drug enforcement, a good number of the cases prosecuted at the federal level are initiated with local Byrne funded task forces. A reduction in drug enforcement at the local level will have a delayed but direct affect on the number and quality of mid and upper level drug offenders prosecuted and removed from our communities.**



40885.034

**Question of Senator Joseph R. Biden, Jr.**

Prisoner Reentry Efforts

I recently introduced a bill called the Second Chance Act, which authorizes $192 million annually for grants for substance abuse treatment programs, academic and vocational education programs, housing and job counseling programs, and mentoring for offenders so that they have a better chance of becoming productive members of society when they leave prison.

In your expert opinion, will the Second Chance Act help reduce recidivism and thereby reduce the cost to taxpayers of investigating, prosecuting, and incarcerating recidivists? Please explain.

**Yes, I believe that if effectively implemented it would help reduce recidivism and be cost effective in the long run. Treatment works to reduce recidivism and substance abuse, while increasing employment and productivity. I would also like to note that for this reason, NSA has endorsed the Second Chance Act. Sheriffs as you know also manage jails and we see day in and day out the revolving door for many offenders that have a drug addiction problem, that are mentally ill, or simply need the tools to integrate into society. As sheriff, I have seen the positive impact of effective treatment and training programs in my state and I believe that if such promising programs are replicated across the country, it would have a significant impact on reducing recidivism.**

Mentally Ill Offenders

As you know all too well, our county jails have become overburdened with the Nation's mentally ill.

Does the National Sheriffs' Association support establishing a commission, with representatives from the NSA, other groups, and government officials, to examine the benefits of diverting mentally ill offenders from jail to comprehensive care facilities in the community? **Yes. We have also worked with the National Association of Counties to push for a national Commission to explore in depth this important issue. We will continue to make this issue a priority within NSA as this is a critical issue that impacts sheriffs across the country.**

If so, what groups and government officials would you recommend including on such a commission? **Sheriffs and Police Chiefs, Social Service representatives, Corrections officials, Mental Health experts, Psychologists and/or Psychiatrists, Juvenile Justice officials, Health Care providers, Faith Community leaders, Homeless Service providers, Substance Abuse Treatment providers, Workforce Development and Transitional Housing officials, a mental health patient in recovery, and someone to assess the financial impact on the community. Diversity and practical experience required.**



40885.035

**Question of Senator Edward M. Kennedy**

A major theme that emerged at the hearing is that one of the biggest mistakes made since the dramatic decline in crime has been the failure of federal and local governments to continue investing resources in crime prevention programs.

Attorney General Gonzales recently stated in his speech at the National Press Club that the Department believes "...prevention is the real solution to crime among our youngest citizens. By law, the federal government has only a very limited role in prosecuting juvenile offenders – the vast majority of such crimes are prosecuted by the states. These are not issues that the Department can fix through heightened enforcement or by using federal tools. Instead we must focus on helping out communities that have plans and structures in place to work on prevention and offer positive alternatives to crime, violence and gang membership."

1. What prevention programs do you believe are most important for the federal government to provide assistance to state and local law enforcement? Can you identify and describe in detail any community-based programs that demonstrate cooperation between members of the community and law enforcement that have achieved positive results?

**-Community Coalitions are a bargain, because they bring volunteers together with local law enforcement to work on crime/drug prevention issues of mutual concern.**
**-School Resource Officers represent collaborative efforts involving parents, students, educators, law enforcement and the general public in a school/community partnership to prevent and reduce crime, drug abuse and violence.**
**-GREAT**
**-DARE is being implemented in about 75% of U.S. school districts and in more than 43 countries around the world.**
**-Mentoring**
**-Youth Diversion, Intensive Supervision.**

**Marshall County and the City of Marshalltown participate in all of the above programs. These are funded in part through local grants and community donations as well as various governmental funds.**

2. As Professor Fox pointed out that, it is important to develop reentry programs, but offenders also need treatment during incarceration. Are in-prison rehabilitation programs offered to inmates in your jurisdictions? If so, what types of programs do you offer and how many inmates, on average, are able to take advantage of the programs? What prevention programs are offered in your jurisdictions and which programs are the most promising?



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The Marshall County Sheriff's Office provides substance abuse treatment, educational development and re-entry preparation training for inmates who are incarcerated in our facility over 30 days. These programs are prepared and taught through our local Community College and the Substance Abuse Treatment Center of Iowa.

The following summary of program evaluations commissioned by the Iowa Department of Public Health support the benefit of jail-based treatment and drug courts:

Background: Three studies done in Iowa [Iowa Adult Methamphetamine Treatment Project – Final Report, 2003; Iowa Outcomes Monitoring System (IOMS) Iowa Project, 2005; and Final Report on the Polk County Adult Drug Court, 2001] demonstrate that treatment for addiction is effective. Key findings are below.

Treatment is effective in stopping methamphetamine use. A 2003 Iowa Adult Methamphetamine Treatment Project report found that 71.2% of the clients using methamphetamine remained abstinent six months after treatment and 75.4% of clients were abstinent one year after treatment. The 2005 report found that of those who were interviewed six months after their discharge, 65.4% of methamphetamine users were abstinent, 49.3% of marijuana users were abstinent, and 47.1% of those admitted for alcohol abuse were abstinent. (Source: Iowa Department of Public Health and Iowa Consortium for Substance Abuse Research and Evaluation)

Treatment helps those in recovery stay out of jail. The 2003 report found that 90.4% of methamphetamine clients had not been arrested six months after treatment and 95.7% of methamphetamine clients interviewed one year after treatment had not been arrested during the previous six months. The 2005 study found that in the six months after treatment, 89.2% of methamphetamine users had not been arrested, 88.1% of alcohol users had not been arrested, 98.1% of cocaine users had not been arrested, and 83.9% of marijuana users had not been arrested. These rates compare to 32.4% of clients who had not been arrested in the 12 months prior to treatment. (Source: Iowa Department of Public Health and Iowa Consortium for Substance Abuse Research and Evaluation)

Treatment helps people get back to work. The 2003 report found that 54.8% of the methamphetamine clients were working full time six months after treatment while 66.7% were working full time one year after treatment. The 2005 report found that the percentage of those employed full time increased by 14.3% for all clients. (Source: Iowa Department of Public Health and Iowa Consortium for Substance Abuse Research and Evaluation)



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**While longer treatment periods improve outcomes, results for patients treated for approximately 60 days or less are still impressive. Through interviews conducted six months after treatment, the 2003 study found that clients who had longer lengths of treatment (more than 90 days) were almost one and a third times more likely to remain abstinent and about one and a half times more likely to be employed full time. The 2005 study found that the average methamphetamine patient was treated for 87.4 days. In general, patients who were treated for longer periods of time were more likely to be abstinent: 38.1% for 31-60 days, 61.1% for 61-90 days, 53.2% for 91-120 days and 61.1% for more than 120 days. (Source: Iowa Department of Public Health and Iowa Consortium for Substance Abuse Research and Evaluation)**

**A drug court study shows savings on justice system costs. The 2001 study of methamphetamine and other drug offenders graduating from the Polk County Drug Court showed that they had received more treatment, had lower re-arrest rates, and saved on justice system costs (Source: Division of Criminal & Juvenile Justice Planning, Iowa Department of Human Rights)**



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**Question of Senator Richard J. Durbin**

eTrace is an Internet-based crime gun tracing program that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) makes available to law enforcement agencies. eTrace allows law enforcement agencies to submit crime gun trace requests quickly and accurately through a website. eTrace also provides each law enforcement agency with a searchable database of all crime gun trace requests submitted by that agency. This enables agencies to perform customized analyses within their jurisdiction to determine, for example, whether particular individuals have repeatedly purchased guns that were later used in gang crimes.

ATF makes eTrace available for free to law enforcement agencies, but many agencies are not aware of the program and have not contacted ATF to sign up for it. I have made concerted efforts to reach out to Illinois police chiefs and sheriffs to encourage them to sign up for eTrace, and many have.

**a) What steps, if any, is the National Sheriffs' Association taking to promote the use of eTrace among sheriffs' offices nationwide?**

**Any issues that NSA addresses or promotes are discussed in depth by the relevant committees that have jurisdiction over the issue. When provided with additional information, we would be happy to address with issue with NSA membership.**

**b) Please recommend any additional steps that could be taken, either by the National Sheriffs' Association or by others, to promote the use of eTrace.**

**We have many ways of reaching out to the nation's sheriffs through a number of communications outlets such as newsletters, Sheriff Magazine, e-action alerts, NSA trainings and seminars during our conferences and workshops throughout the year.**



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**Senate Judiciary Committee**
**Crime and Drugs Subcommittee Hearing**
**"Rising Crime Rates in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime"**

**Questions for Russ Laine**
**Vice President, International Association of Chiefs of Police**

**Questions of Senator Richard J. Durbin**

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ATF makes eTrace available for free to law enforcement agencies, but many agencies are not aware of the program and have not contacted ATF to sign up for it. As you know, I have made concerted efforts to reach out to Illinois police chiefs and sheriffs to encourage them to sign up for eTrace, and many have.

**a) What steps, if any, is IACP taking to promote the use of eTrace among police departments nationwide?**

The IACP promotes eTrace in a number of ways including mentioning it in our firearms interdiction newsletter; developing marketing materials for law enforcement agencies that promote e-trace; discussing eTrace in all firearm training courses and materials, specifically advocating that e-trace be a part of the standard operating procedure for all agencies; promoting eTrace on our Web site. Additionally, the IACP has been in discussions with ATF Special Agents in Charge across the country to aid better state, tribal and local access to ETrace.

**b) Please recommend any additional steps that could be taken, either by IACP or by others, to promote the use of eTrace.**

The IACP is continuously working to keep communications with the Commission on Accreditation for Law Enforcement Agencies (CALEA) to make it a standard that agencies trace their guns. The IACP is also exploring ways in state law enforcement agencies can trace guns for smaller agencies that do not have the manpower/resources or expertise to trace weapons.



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**Question of Senator Edward M. Kennedy**

A major theme that emerged at the hearing is that one of the biggest mistakes made since the dramatic decline in crime has been the failure of federal and local governments to continue investing resources in crime prevention programs.

Attorney General Gonzales recently stated in his speech at the National Press Club that the Department believes "...prevention is the real solution to crime among our youngest citizens. By law, the federal government has only a very limited role in prosecuting juvenile offenders – the vast majority of such crimes are prosecuted by the states. These are not issues that the Department can fix through heightened enforcement or by using federal tools. Instead we must focus on helping out communities that have plans and structures in place to work on prevention and offer positive alternatives to crime, violence and gang membership."

1. **What prevention programs do you believe are most important for the federal government to provide assistance to state and local law enforcement? Can you identify and describe in detail any community-based programs that demonstrate cooperation between members of the community and law enforcement that have achieved positive results?**

The IACP has long supported programs that appreciate the unique relationships that state, tribal and local law enforcement agencies have with their communities. Therefore, the IACP strongly supports programs that emphasize the value and jurisdiction of state, tribal and local agencies.

Specifically, the IACP is a strong support of the Community Oriented Policing Services (COPS) Program and the community policing philosophy it fosters. The COPS Program has been very successful in helping law enforcement agencies throughout the nation reduce crime rates and maintain safer communities. The Program has allowed large and small agencies to hire additional officers, purchase equipment and establish high successful community programs. One such program that many agencies have maintained is the School Resource Officer program, which provides a practical level of security within the school system.

Additionally, many specific communities have successfully piloted community programs including non-fatal shooting teams, before and after school programs for minors, and "safe cards" at churches where parishioners can drop an anonymous tip into the collection plate for the minister to give to the police.

2. **As Professor Fox pointed out that, it is important to develop reentry programs, but offenders also need treatment during incarceration. Are in-prison rehabilitation programs offered to inmates in your jurisdictions? If so, what types of programs do you offer and how many inmates, on average,**



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**are able to take advantage of the programs? What prevention programs are offered in your jurisdictions and which programs are the most promising?**

The IACP supports federal funding assistance for programs that address the difficulties that often confront communities when convicted criminals return after completion of their sentence. These programs are designed to assist released offenders in making a successful, peaceful and lawful reentry into their communities. The IACP also believes that the funds for these programs should not be drawn from existing law enforcement programs.



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**Senate Judiciary Committee**
**Crime and Drugs Subcommittee Hearing**
**"Rising Crime Rates in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime"**

**Questions for Tom Nee**
**President, National Association of Police Organizations**

**Question of Senator Edward M. Kennedy**

A major theme that emerged at the hearing is that one of the biggest mistakes made since the dramatic decline in crime has been the failure of federal and local governments to continue investing resources in crime prevention programs.

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1. What prevention programs do you believe are most important for the federal government to provide assistance to state and local law enforcement? Can you identify and describe in detail any community-based programs that demonstrate cooperation between members of the community and law enforcement that have achieved positive results?

**The most important way the federal government can provide assistance to community prevention programs is through Department of Justice local law enforcement assistance grant programs, particularly the Community Oriented Policing Services (COPS) program and Byrne-JAG program. These justice assistance programs have contributed countless resources to help combat crime, from assisting with the hiring and retention of over 118,000 police officers to serve in local communities, to paying for overtime, equipment, training, and allowing for the development of innovative partnerships with communities to prevent and fight crime.**

**The COPS and Byrne-JAG programs provide what state and local law enforcement agencies consider "user-friendly funds." There are several reasons these grants are considered "user-friendly". The grant awards are distributed up front instead of on a reimbursement basis, giving recipients immediate control over their funds. Additionally, there are no mandatory set-asides, allowing states**



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and local agencies to spend the grant funds where they are needed most. This helps retain local decision-making abilities with those who know local needs best – local officers who have an intimate knowledge of the communities in which they serve.

As I mentioned in my testimony, local law enforcement agencies, particularly those in large cities, are struggling to maintain full and efficient work-forces. In this struggle, it is community policing that is hit the hardest as resources are continually shifted to counter-terrorism efforts. Federal support for state and local law enforcement through the funding of the COPS and Byrne-JAG programs is vital to helping agencies provide resources and officers for crime prevention programs, such as the G.R.E.A.T. (Gang Resistance Education and Training) Program in Phoenix, Arizona. The G.R.E.A.T. Program provides a violence prevention curriculum to give students the life-skills they need to avoid gang pressure and youth violence. While G.R.E.A.T. is now a national program, it began in 1992 as a combined effort of the Bureau of Alcohol, Tobacco and Firearms and the Phoenix Police Department.

Another example of a community program that has proven so successful that it is now a national program is the Police Activity League (P.A.L.). P.A.L. is a youth crime prevention program that relies on educational, athletic and other recreational activities to cement a bond between police officers and the youth in communities. P.A.L. was established by a Lieutenant in the New York City Police Department as a way to keep youth gangs from forming and harassing city neighborhoods. There are Police Activity Leagues in every major city in the nation.

Cities such as Los Angeles, California, have P.A.L.s, but also have additional programs that have been established to meet the demanding need for crime prevention programs. Los Angeles has seen a steep increase in gang-related crimes, despite a decline in the city's over-all crime rate. The Los Angeles Police Department (LAPD) has several gang prevention and intervention programs to help families keep their children out of gangs. The Jeopardy Program, a gang prevention program for boys and girls ages 8 through 17 and their parents, combines the strength of the community, neighborhood schools and the police department to affect positive, lifelong attitudinal changes in the youth. The program offers a variety of educational and physical projects, from tutoring to martial arts, to help keep children from participating in gang activity.

These programs – G.R.E.A.T., P.A.L., and Jeopardy – were established as a result of the deep understanding police officers have of the needs of their respective communities. This understanding came about through community policing, which until the recent steep decline in federal funding, has been a primary beneficiary of the COPS and Bryne-JAG programs. Through federal support of these grant programs, law enforcement and community partnerships have been



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**able to flourish by giving police departments the ability to participate fully with community groups and organizations to provide programs such as these.**

2. As Professor Fox pointed out that, it is important to develop reentry programs, but offenders also need treatment during incarceration. Are in-prison rehabilitation programs offered to inmates in your jurisdictions? If so, what types of programs do you offer and how many inmates, on average, are able to take advantage of the programs? What prevention programs are offered in your jurisdictions and which programs are the most promising?

**NAPO recognizes the importance of rehabilitation programs for inmates as a way to reduce recidivism. However, I will have to respectfully defer to the expertise of my fellow witness at the hearing, Sheriff Ted Kamatchus, President of the National Sheriffs Association, because NAPO members do not run jails, but the Sheriffs do.**

**Question of Senator Richard J. Durbin**

eTrace is an Internet-based crime gun tracing program that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) makes available to law enforcement agencies. eTrace allows law enforcement agencies to submit crime gun trace requests quickly and accurately through a website. eTrace also provides each law enforcement agency with a searchable database of all crime gun trace requests submitted by that agency. This enables agencies to perform customized analyses within their jurisdiction to determine, for example, whether particular individuals have repeatedly purchased guns that were later used in gang crimes.

ATF makes eTrace available for free to law enforcement agencies, but many agencies are not aware of the program and have not contacted ATF to sign up for it. I have made concerted efforts to reach out to Illinois police chiefs and sheriffs to encourage them to sign up for eTrace, and many have.

a) What steps, if any, is NAPO taking to promote the use of eTrace among police organizations nationwide?

**There are several ways NAPO promotes the use of federal programs established to assist law enforcement agencies do their jobs. NAPO uses its website, as well as electronic messages to our membership, to alert and educate our members of such programs and initiatives that we feel would be helpful to their particular agencies. Additionally, such information is obtainable through NAPO's monthly newsletter, *The Washington Report*.**

**Furthermore, NAPO makes time available for speakers from federal agencies and departments such as the ATF, the Federal Bureau of Investigation, and the Departments of Justice and Homeland Security, to address our members on available programs at NAPO's annual convention and seminars.**

b) Please recommend any additional steps that could be taken, either by NAPO or by others, to promote the use of eTrace.

**There are many programs, such as eTrace, that are valuable to law enforcement agencies, but do not have the press to become widely used. Educating each department at the state and local level of this program and the ease of its use is vital to getting departments to use eTrace. Beyond NAPO educating its membership of the values of eTrace and having materials about the program readily available, the ATF needs to step up its out-reach to local police departments, particularly those in small cities and localities, to make them aware that this program exists.**



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**Senate Judiciary Committee**
**Crime and Drugs Subcommittee Hearing**
**"Rising Crime Rates in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime"**

**Questions for Mayor Douglas Palmer**
**President, The United States Conference of Mayors**

**Question of Senator Joseph R. Biden, Jr.**

Mr. Palmer, I appreciate the Conference of Mayors candor and leadership on a number of gun issues.

Since the unfortunate lapse of the assault weapons ban in 2004 – which I and others led by my colleague Senator Feinstein fought – are your members finding more assault weapons and large capacity ammunition clips (i.e., exceeding ten rounds) on the streets?

**Response: There is strong anecdotal evidence that assault weapon crimes are increasing. Miami has reported more crimes with assault weapons. We have requested that the Police Executive Research Forum conduct a survey to find out the true nature of the problem. We would also ask that this Committee charge the U.S. Department of Justice to provide such information.**

In practical terms, what impact will renewing the assault weapons ban have on crime in our nation's cities?

**Response: It would reduce the likelihood that dangerous weapons fall into the hands of criminals, that innocent people suffer harm, and the vulnerability of law enforcement officers to these types of weapons.**

As Mayor of a major City like Trenton, are you concerned that somebody who may be a prohibited firearms purchaser under federal law – like a felon or domestic violence offender – can go down the street to a gun show and purchase the same firearm that he couldn't buy from a licensed gun store? In your experience, how does this loophole affect felons' ability to obtain guns? Would enacting legislation to close the gun show loophole better protect cities like Trenton and others from gun crimes?



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**Response: The City of Trenton, as well as The U.S. Conference of Mayors, strongly supports closing the gun show loophole. It is completely illogical not to require that all purchasers of firearms comply with the Brady background check system. In our city, which rests right on the border of Pennsylvania, half the guns used in crimes come from that state, where lax gun show regulation and background checks invite straw purchases. After Pennsylvania, the guns used in crimes in our city come primarily from Georgia and Florida and the Southern states, where, again, the supply line is thriving because of the successful lobbying efforts on behalf of hunters and sportsmen. I emphatically believe that the framers of the Constitution had no intention of protecting the rights of convicted felons, perpetrators of domestic violence, and those adjudicated mentally ill, to bear arms. Indeed, I believe the framers would be appalled at the way the Second Amendment has been so grotesquely twisted into a protection for chronic gun offenders. I am one of the 15 founding members of the Mayors against Illegal Guns, the bipartisan coalition begun by Mayors Michael Bloomberg of New York and Thomas Menino of Boston. This coalition now has more than 250 Mayors on board, all in support of closing the gun show loophole. This is major issue for cities and it warrants thoughtful attention, unencumbered by lobbyists.**

**Question of Senator Richard J. Durbin**

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ATF makes eTrace available for free to law enforcement agencies, but many agencies are not aware of the program and have not contacted ATF to sign up for it. I have made concerted efforts to reach out to Illinois police chiefs and sheriffs to encourage them to sign up for eTrace, and many have.

**a) What, if anything, is the U.S. Conference of Mayors doing to promote the use of eTrace by law enforcement organizations nationwide?**

**b) Plea se recommend any additional steps that could be taken, either by the U.S. Conference of Mayors or by others, to promote the use of eTrace.**



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**Response A: The U.S. Conference of Mayors has had several discussions on this subject as part of our national conferences with Mayors and officials from DOJ and ATF. We strongly support eTrace, and would be happy to work with this Subcommittee and the Department of Justice to further promote eTrace. There was a time when our Mayors Institute on Community Policing had the resources to work on such important matters. Unfortunately, as a result of Congressional budget cuts and the decisions of the Department of Justice, we have been unable in recent years to focus as much attention on these issues as we would like.**

**Response B: Promotion of the program can and must continue. It might be interesting to try and leverage local action through some sort of matching grant program – similar to what recently passed Congress for the States to enter more mental-health records into the NICS system.**



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**Question of Senator Edward M. Kennedy**

A major theme that emerged at the hearing is that one of the biggest mistakes made since the dramatic decline in crime has been the failure of federal and local governments to continue investing resources in crime prevention programs.

Attorney General Gonzales recently stated in his speech at the National Press Club that the Department believes "...prevention is the real solution to crime among our youngest citizens. By law, the federal government has only a very limited role in prosecuting juvenile offenders – the vast majority of such crimes are prosecuted by the states. These are not issues that the Department can fix through heightened enforcement or by using federal tools. Instead we must focus on helping out communities that have plans and structures in place to work on prevention and offer positive alternatives to crime, violence and gang membership."

1. What prevention programs do you believe are most important for the federal government to provide assistance to state and local law enforcement? Can you identify and describe in detail any community-based programs that demonstrate cooperation between members of the community and law enforcement that have achieved positive results?

2. As Professor Fox pointed out that, it is important to develop reentry programs, but offenders also need treatment during incarceration. Are in-prison rehabilitation programs offered to inmates in your jurisdictions? If so, what types of programs do you offer and how many inmates, on average, are able to take advantage of the programs? What prevention programs are offered in your jurisdictions and which programs are the most promising?

**Response 1: We will forward under separate cover our latest Best Practices publication on at-risk youth and preventing youth violence.**

**Response 2: Most cities do not run the corrections system; it is a State and County proposition. We are, however, focusing more attention on comprehensive planning that emphasizes prevention, intervention, and social supports for at-risk youth as well as ex-offenders transitioning back to the community. As for the City of Trenton, we have a number of promising efforts under way, including:**

- **The holistic youth development program we have established to provide healthy after-school activities for young people – not just athletics but academic and mentoring support and enrichment activities that span the arts and music and activities ranging from chess to martial arts.**



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- My Mayor's Office of Employment and Training (MOET), which provides job training and placement with a focus on re-entry opportunities for ex-offenders who want to re-direct their lives. Re-entry support is crucial; in New Jersey alone, we expect 70,000 ex-offenders to return to our communities in the next five years. It is in society's best interest to provide effective transitional supports for housing, transportation, and decent jobs, so that these individuals can re-direct their lives away from crime. Our MOET Advisory Board is coordinating efforts with more than 40 local employers to hire MOET clients – and to recruit additional businesses and corporate sponsors who will assist not just with hiring but with mentoring.

- One crucial prevention program in our city focuses on truancy reduction and prevention – and does so by requiring parents to participate in psycho-social evaluations of the root causes of a child's truancy, so as to address whatever disincentives or issues are placing that child at risk of dropping out. We have very few repeaters among our truant students and the reason is that case-by-case interventions focus on family dynamics, involve parents, and produce solutions that prevent children from falling through the cracks.

- Our YouthStat collaboration also emphasizes just-in-time intervention. YouthStat is a partnership among state, county, school district, law enforcement, corrections, and treatment agency officials who meet weekly and review cases together, so that they can leverage the most effective interventions from across the spectrum of available programs.

In all of our prevention and intervention activities, Trenton emphasizes partnership and coordination. One of our partners, the federal government, has, however, cut Community Development Block Grant and housing funds in the past five years by about $5 million in our city alone.

This is why I am urging you to support the 10-Point Plan of the U.S. Conference of Mayors, "Strong Cities ... Strong Families for a Strong America." The 10-Point Plan is a blueprint for an effective domestic policy. It contains measures to counter violent crime and support innovative local prevention and intervention partnerships like those in Trenton that I have described. It would help de-concentrate poverty through affordable housing, back local workforce development, improve after-school alternatives to gangs, and restore the federal-local partnership on crime prevention; in short, enable cities like mine to continue to reach and redirect people before they make the bad choices that have created our nation's prison industry. I sincerely appreciate your efforts to curtail the illegal gun trade and urge you and your colleagues to also consider and support the comprehensive strategies contained in the Mayors' 10-Point Plan.



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# SUBMISSIONS FOR THE RECORD

## Advancement Project

April 25, 2007

Honorable Dianne Feinstein
11111 Santa Monica Blvd, Suite 915
Los Angeles, CA 90025

Dear Senator Feinstein:

The Advancement Project has long been an advocate for comprehensive system-wide solutions to youth violence. To that end, on January 17, 2007, we released a study on the youth gang crisis in Los Angeles entitled, *A Call to Action: A Case for a Comprehensive Solution to LA's Gang Violence Epidemic.*

The study's foremost recommendation is grounded in the public health approach to violence prevention that advocates for a regional comprehensive gang violence reduction strategy that coordinates existing governmental and community resources that are research based and effective. In order to be successful, a regional strategy requires centralized accountability and coordination to ensure effective design, implementation, and evaluation of model gang violence prevention efforts that are focused on youth who are most at risk of gang membership.

The ``Gang Abatement and Prevention Act of 2007'' introduced by Senators Feinstein and Hatch appropriately calls for the creation of a National Gang Research, Evaluation, and Policy Institute that will serve as the leading body for the promotion and facilitation of national gang violence prevention strategies that supplement local efforts through research, technical assistance, and evaluation.

Research has shown the investment in prevention efforts not only deters gang involvement, but is also fiscally prudent given that *one dollar* spent in prevention produces a savings of *seven dollars* in avoided prosecution and incarceration. As such, the Advancement Project supports the Gang Abatement and Prevention Act of 2007 for its recognition of the importance of prevention and its intent to institutionalize and strengthen regional gang prevention strategies.

Sincerely,

Constance L. Rice

1541 Wilshire Boulevard, Suite 508, Los Angeles, CA 90017, Phone (213) 989-1300, Fax: (213) 989-1309
1730 M Street NW, Suite 910, Washington, D.C., Phone (202) 728-9557, Fax: (202) 728-9558
www.advanceproj.org



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April 19, 2007

Senator Patrick Leahy
433 Russell Senate Office Building
United States Senate
Washington D.C. 20510

Re: **Senate Bill 456 (Feinstein)**

Dear Senator Leahy:

Due to an increase in gang violence in our community, the Bakersfield City Council formed the *Safe Neighborhoods and Community Relations Committee*. We are the citizens that comprise the advisory sub-committee which focuses on the reduction of gang violence in the community.

In January 2005, Senator Feinstein introduced S. 155 (The Gang Prevention and Effective Deterrence Act of 2005). The bill was referred to the Committee on the Judiciary and remained there.

In January 2007, Senator Feinstein introduced S. 456 (The Gang Abatement and Prevention Act of 2007). It, too, has been referred to the Committee on the Judiciary. The purpose of this letter is to urge your support for Senate Bill 456. This legislation will provide much needed tools for law enforcement to crack down on the proliferation of gang activity within our community.

Please take the necessary steps to get S. 456 before our legislators. Thank you for your consideration.

Yours very truly,

Walter Williams — Stephanie Campbell — Steve Perryman

DeVon Johnson — Ann Batchelder for Bob Malouf

cc: Senator Diane Feinstein

**City of Bakersfield**
**1501 Truxtun Avenue**
**Bakersfield • California • 93301**
**(661) 326-3751 • Fax (661) 324-1850**



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Statement
*United States Senate Committee on the Judiciary*
**RESCHEDULED: Rising Crime in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime**
**May 23, 2007**

**The Honorable Joseph R. Biden, Jr.**
United States Senator , Delaware

Opening Statement of Senator Joseph R. Biden, Jr.
Senate Judiciary Committee Subcommittee on Crime and Drugs
Hearing on Rising Crime in the United States
"Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime"
May 23, 2007

Good morning. I'm glad that you all could be here today to address a subject which I have been dedicated to during my 34 years in the Senate: how the federal government can help state and local officials create safe, vibrant communities by preventing crime. I want to thank and welcome our distinguished experts. I have some old friends here who have worked with me for years, and some new friends with whom I look forward to working with to make some real changes in our funding mechanism for local law enforcement.

Last week we observed National Police Week, reminding us that there are those who sacrifice every day, those who are willing to make the ultimate sacrifice, to protect our communities. We meet today against the backdrop of an insidious resurgence of violent crime in communities across the country.

For the first time in more than a decade, crime is on the rise. The 2005 FBI Uniform Crime Report found that murders are up 3.4 percent – the largest percentage increase in 15 years – with 16,692 murders in 2005 – the most since 1998. The report also found that other types of violent crime, including forcible rape, robbery, and aggravated assault, rose 2.3 percent.

The Police Executive Research Forum's recent study of crime in 56 cities found that over the past two years homicides increased more than 10% nationwide and more than 20% in many major cities. I am troubled by these trends but, quite frankly, I am not surprised. The Federal government has taken its focus off street crime since 9/11, asking law enforcement to do more with less. The Administration has understandably dedicated vast federal resources to counterterrorism, but it has done so at the expense of law enforcement, our communities are suffering the consequences.

The President has killed the COPS hiring program and drastically cut Justice Assistance Grants. The President has also re-directed 1,000 FBI agents from crime to counterterrorism and, as a result, violent crime investigations by the FBI are down by 60 percent. Fewer police on the street preventing crime and protecting communities means more crime – it's as simple that. Our sheriffs and police officers have done an extraordinary job in the face of diminishing federal support, but they need our help. We cannot focus on terrorism at the expense of fighting crime – we need to do both.

We have to get back to basics. More than a decade ago, we faced a similar violent crime crisis. We overcame that crisis by supporting local law enforcement with the tools and resources they needed to prevent crime whenever possible and to punish crime whenever necessary. We passed the most sweeping anti-crime bill in our history and created the Community Oriented Policing Services Program – the COPS program. We funded 118,000 local officers, expanding community policing across the nation.



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And it worked – crime rates fell for eight straight years. Violent crime dropped 26 percent; the murder rate dropped 34 percent. The Government Accountability Office has documented the success of these anti-crime measures and a recent Brookings Institute study found that the COPS program was one of the most cost-effective programs for combating crime. In fact, the Brookings Institute found that for every dollar spent on COPS, we save six to twelve dollars for the public overall.

Today we have several distinguished experts to help us understand how to best use federal resources to reverse these trends and to help make our communities safe again and I look forward to discussing these issues with them.

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**BOYS & GIRLS CLUBS**
**OF AMERICA**

May 8, 2007

The Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein,

On behalf of Boys & Girls Clubs of America and the over 4000 Clubs and the 4.6 million young people we serve, I would like to thank you for introducing the "Gang Abatement and Prevention Act of 2007". Our organization heartily endorses this legislation that will work to reduce the problem of gangs and gang violence in this country.

As the fastest growing youth development organization in the United States, we are faced with the ever increasing problems that gangs create for our young people. Prevention programs are a necessary component to combating the issue of gang violence, and Boys & Girls Clubs of America stands ready to provide support to Prevention Teams in communities where gang activity is prevalent. If possible, I would like to discuss with you our Gang Prevention programs and the outcomes we have seen as a result of their implementation.

Thank you for the opportunity to review S.456, and please let me know if there is anyway we can help with the implementation of the Act once it is passed.

Sincerely,

Lorraine Howerton

Lorraine Howerton
Senior Vice President
Office of Government Relations

ice of Government Relations • 1310 G Street NW, Suite 770 • Washington, DC 20005 • Tel (202) 478-6200 • Fax (202) 478-6201



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Chief Bratton Testimony for Senate Judiciary Hearing due Wednesday, May 23rd as of 051707

Senator Biden and distinguished members of the committee, I regret that scheduling conflicts prevented me from appearing in person to address this body. I am gratified that I am able to contribute to the record in writing on what I view as the most important issue facing U.S. law enforcement on the federal, state and local level: The Need for Balance in Policing Crime and Terrorism.

I offer my perspective as a 37-year veteran law enforcement officer, Los Angeles Police Chief, and former police Commissioner of the NYPD and the Boston Police Departments. In addition, as president of the Police Executive Research Forum and a long time member of the Major Cities Chiefs Association and the International Association of the Chiefs of Police, I make it my business to study current events and to gauge the effects of those events on the police profession. It is incumbent on police leaders to continuously re-evaluate the way we do business and to forecast the issues and problems that may impact on our ability to safeguard those we are sworn to protect and to serve.

Current research conducted by PERF[1] and supported by anecdotal evidence from some of the nation's leading police chiefs indicates that we have a developing crime problem in this country – a gathering storm. Crime is up in certain sectors, including gang and juvenile crime and this appears to be a harbinger of things to come. 2006 crime numbers indicate that crime is again spiking in communities throughout the country. In Los Angeles, where we have we have driven crime down by 29 percent over the last four years, and reduced the number of homicide victims by 25 percent, we still struggle with an entrenched gang crime problem. After four years of steady decline in gang-related crime including a 22% reduction in homicides[2], overall gang related violent crime in Los Angeles rose by 15% in 2006.[3] We track these crimes closely and when we identified this trend, I worked with my senior management team, Mayor Antonio Villaraigosa and other city and community leaders to develop a number of important, wide-ranging initiatives designed to significantly reduce the incidence of gang crime. LAPD's 2007

[1] For further details see: A Gathering Storm, Police Executive Research Forum, 2007.
[2] Based on comparison of full year 2006 (272) versus full year 2002 (350) published by LAPD GOSD
[3] Based on Total Gang Related Violent Crime 2006 (7714) versus 2005 (6668) source: 2007 LAPD Gang Enforcement Initiatives



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Gang Enforcement Initiatives[4] dovetail perfectly with the proposals presented in the Gang Abatement and Prevention Act of 2007 also known as the Feinstein-Hatch gang bill (S.456).

Among other initiatives, this comprehensive crime bill proposes an increase in gang prosecution and prevention efforts. It establishes an extended federal commitment to help fight criminal street gang violence nationwide, by authorizing more than $1 billion over the next five years to support Federal, State and local law enforcement efforts against violent gangs, witness protection programs, and services geared toward gang prevention.

This bill recognizes what cops know, that we cannot arrest our way out of our gang crime problem. The police alone cannot own the gang problem. Society must step up to address intervention and prevention and the Feinstein-Hatch Bill is a major and essential step in the right direction.

I think we can all acknowledge that following the tragic events of September 11, 2001, the law enforcement paradigm in this country changed dramatically. Federal resources were reallocated from traditional crime to terrorism and many state and local police agencies expanded their roles from fighting crime to include the prevention of, and response to terrorism. To a large degree, this dramatic shift in priorities was necessary and we have been successful. No major attack has been executed within our borders since that fateful day. A number of attempts have been thwarted and if an attack were executed, we are much better prepared to respond. At the same time, the renewed emphasis on crime reduction spurred by community policing and organizations like PERF and the federal COPS office in the 1990s continued to bring dividends in terms of historic and sustained declines in crime rates throughout the country through 2005.

Along with terrorism, other disturbing trends have been identified. Gang crime, identity theft, computer-related crime, human trafficking, untaxed cigarettes, and the counterfeiting of mainstream products to name a few are adding new dimensions and problems that must also be addressed by our thinly stretched federal, state and local criminal justice systems.

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[4] See attached document "LAPD 2007 Gang Enforcement Initiatives"

It appears that as law enforcement reacted to the aftermath of 9/11 and the United States' federal dollars and priorities shifted, there is some evidence to suggest that organized crime groups were able to exploit the reduction in law enforcement attention and move aggressively to establish new "trade routes," alliances and activities.

Further, more and more of our organized crime investigations lead circuitously back to terrorism cases. We know that there is a confirmed link between counterfeit products and terrorism funding. This position is supported by reports from the United States House Committee on International Relations and House Energy and Commerce Subcommittee, which indicate that the sales of counterfeit goods finance terror organizations and facilitate violent criminal activity.

The federal government must recognize that while we are committed to balancing Homeland Security demands with our responsibility to prevent and respond to traditional crime, fear and disorder, we still need some of the federal resources and assistance that were critical to our successful efforts to reduce crime dramatically in the 1990s. Simply put, in the 1990s, we got it right. We may still be benefiting from the residual effects of those days when we were sharply focused on our crime fighting mission. But recent crime trends would seem to indicate the residual benefits of these federal resources that have not been replenished are largely over. We need to re-invigorate the partnerships we forged and the meaningful change we accomplished through that concerted effort to drive down crime. At the local level, we created many initiatives and ideas that were implemented with great positive effect with significant federal investment, and reinforced the essential benefit of a federal/local partnership. Crime is not a local issue. Terrorism is not a federal issue. There is a mutual responsibility and obligation to address both issues collaboratively.

But for the last five years, it appears that the federal government has disinvested from traditional crime fighting at a time when we were finally getting it right. As I have stated, I believe that the spikes we are seeing are the first signs that the residual benefits of the 1990s investments are coming to an end. If this disinvestment is not reversed, we risk returning to an era where the police were thought to have no impact on crime and no role in crime prevention and control - a time when street crime spiraled out of control and organized crime terrorized our communities through extortion and racketeering.

So what can be done to reverse the trend and to ensure that the pendulum does not continue to swing toward a sole federal focus on counter-terrorism to the further detriment of crime reduction efforts? The first step is to recognize that there is a problem. The next is to engage in discussion and debate aimed at developing plausible solutions. This committee hearing is encouraging and serves as evidence that we may be, once again, moving toward the successful partnerships of the 1990's.

We got it right in this country in the 1990's when we formed inter-agency partnerships and developed coordinated initiatives to combat both street crime and traditional organized crime. I know that together we can, once again make a difference. Fortunately, we have identified these trends early enough. We can now exploit our improved federal-local relationships to deploy our best and most seasoned organized crime investigators and gang crime specialists alongside our counter terrorism resources and analysts to form a seamless linkage to battle these connections and dismantle both sides of these symbiotic unions.

As Chief of the Los Angeles Police Department, President of the Police Executive Research Forum and an active member of the Major Cities Chiefs Association, I urge the federal government to re-commit itself to a working partnership that supports all of our priorities and provides additional resources to the Federal Bureau of Investigation and other federal agencies to work with us on both the traditional crime and the counter-terrorism fronts. In this new age of intelligence led policing, success is about cooperation, networking, openness and transparency. We have an overriding need and urgency to work together to balance traditional crime fighting and the new challenge of counter-terrorism. The American public deserves nothing less.

Thank you.

WILLIAM J. BRATTON
Chief of Police
Los Angeles Police Department

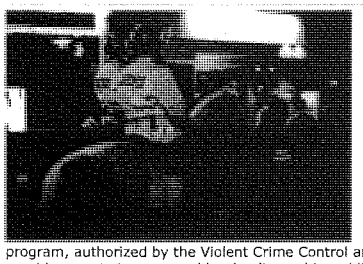
Attachments

Policy Brief #158
The Brookings Institution March 2007

# More COPS

By John J. Donohue III and Jens Ludwig

ABSTRACT



It would be unrealistic to expect crime to continue dropping sharply as it did in the 1990s, but that is no reason to undermine the progress brought by successful policies. With recent FBI data showing crime on the rise, it is time to reconsider the massive de-funding of one of the most successful federal anti-crime measures of the 1990s: the U.S. Department of Justice's Office of Community Policing Services (COPS) program. The program, authorized by the Violent Crime Control and Law Enforcement Act of 1994, provides grants to state and local police to hire additional officers and adopt aspects of "community policing."

The COPS program distributed nearly $1 billion in hiring grants to state and local police in each fiscal year from 1995 to 1999. Yet the amount of COPS funding allocated to helping state and local departments hire more police has declined dramatically over the past several years. The funding allocated for this purpose in fiscal 2005 was just $5 million. COPS has been effective in putting more police officers on the street. The best available evidence suggests that more police lead to less crime. Thus, COPS appears to have contributed to the drop in crime observed in the 1990s.

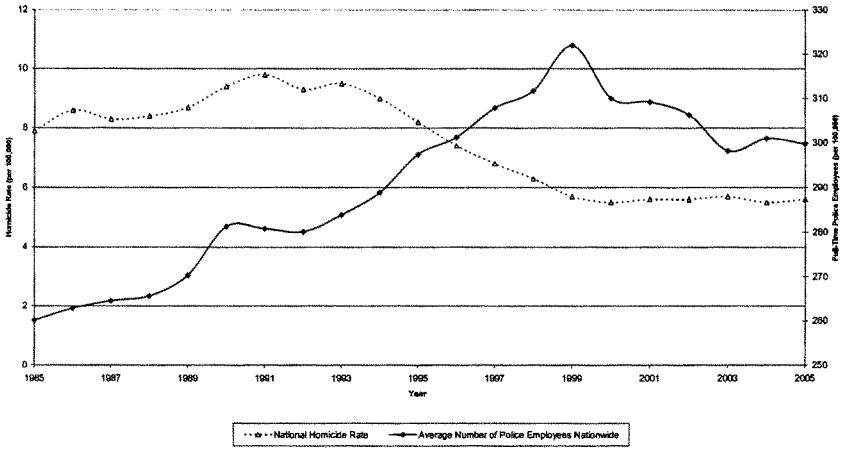
Given that the costs of crime to American society are so large - perhaps as much as $2 trillion per year - even small percentage reductions in crime can reap very large benefits. Our calculations suggest restoring the $1.4 billion COPS budget that prevailed in fiscal 2000 is likely to generate a benefit to society valued from $6 billion to $12 billion. COPS appears to be one of the most cost-effective options available for fighting crime.

POLICY BRIEF #158

**Introduction**

FBI statistics suggest that violent crime rates increased from 2004 to 2005, and continued to climb through at least the first half of 2006. The massive drop in violent crime witnessed in the 1990s, when homicide rates declined by nearly 45 percent, has stalled since the turn of the millennium (Figure 1). As the Washington Post noted in a front-page article in December 2006, "the historic drop in the U.S. crime rate has ended and is being reversed."

**Figure 1**




It is in our view no coincidence that violent crime rates were declining during the 1990s when the number of police patrolling U.S. streets was on the rise (shown in Figure 1 by the number of police per 100,000 people), and that the crime drop has stalled as the number of police per capita has declined. The increase in police spending during the 1990s was driven in part by the federal government's new COPS program, which distributed nearly $1 billion in hiring grants to state and local police in each fiscal year from 1995 to 1999. Yet the amount of COPS funding allocated to helping state and local departments hire more police has declined dramatically over the past several years; the total amount of funding allocated for this purpose in 2005 was equal to just $5 million (see: http://www.cops.usdoj.gov/mime/open.pdf?Item=1611).

A funding cut of 99.5 percent for police hiring under COPS would make sense if the program were ineffective or inefficient, but this is not the case. The best available



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research suggests that putting more police officers on urban streets is one of the most cost-effective ways to reduce crime.

**COPS and Cops**

Demonstrating the desirability of the COPS program requires that we establish a number of propositions. First, in order for the COPS program to reduce crime successfully in the United States, COPS hiring grants to state and local law enforcement agencies need to actually translate into more police officers on the street. This need not be the case, since as with any government program many things can go wrong. Money might be mismanaged or misspent. State and local police departments might be unable to recruit and train enough new police officers, particularly when the labor market is tight, as it was in the 1990s. Or jurisdictions that receive a grant from the federal government to hire more police might simply reduce their own financial contributions to the police department by the exact same amount.

Yet the best available research suggests that the COPS program was in fact successful in putting more police on the street. A recent report by the Government Accounting Office estimated that in 2000, the peak year of COPS hiring grants, the program funded around 17,000 sworn officers, equal to around 3 percent of the total number of sworn police officers across the country. A study by economists William Evans and Emily Owens at the University of Maryland suggests that state and local law enforcement agencies do reduce somewhat their own budgets for hiring in response to COPS grants, but that on average each extra 10 officers paid for by a COPS grant increases the size of the agency's police force by seven officers. Accounting for the partially offsetting behavior by state and local government suggests that COPS increased the total number of police officers on the street in the peak year of 2000 by 11,900 officers, equal to around 2 percent of the total police force in the country that year.

**COPS and Crime**

The second proposition – that more police on the streets leads to lower crime – would appear to be obviously true. But substantial social science research at one point seemed to challenge this proposition. The skeptics concerning police effectiveness pointed out that the police very rarely arrest someone who is in the middle of committing a crime. Even the very best police departments require several minutes to respond to a 911 call for help – which is usually enough time for criminal perpetrators to flee the scene. And of course with many violent and property crimes the victims themselves are unable to report the crime to the police until after the crime has been completed. As President Clinton was advocating the need for 100,000 more cops on the street in 1994, one prominent academic skeptic on police effectiveness (David Bayley) wrote: "The police do not prevent crime. This is one of the best kept secrets of modern life. Experts know it, the police know it, but the public does not know it. Yet the police pretend that they are society's best defense against crime and continually argue that if they are given more resources, especially personnel, they will be able to protect communities against crime. This is a myth."

Despite the plausibility of the view that stepped-up policing might reduce crime by increasing the chances that an offender is successfully identified, arrested and punished after the fact, many criminologists were primed to endorse Bayley's



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conclusion. These criminologists are skeptical about the whole idea of deterrence, noting that many would-be offenders are likely to be unaware of changes in policing intensity, while even those who are aware of stepped-up policing may be undeterred because they are drunk, destitute, enraged or deranged. Economists usually respond that more police spending can still reduce aggregate crime rates, even if many crime-prone people are unaware or unaffected by the policy change. All that is required is that at least some people at risk for committing crime realize and respond to the change in a local policing environment. Moreover, economists usually believe that criminals will be more responsive to changes in punishment certainty than severity, in part because people generally tend to be more focused on events that happen close in time rather than in the distant future. This implies that to the extent to which criminals can be deterred, stepped-up policing that increases the chances offenders are punished at all may be a more effective use of resources than handing out ever longer prison terms.

Progress in the science of econometrics has played an important role in providing a better answer to the important empirical question of the impact of police on crime. The key difficulty to generating good econometric estimates of this impact stems from the fact that police are not randomly distributed across municipalities in America. Big-city mayors are usually more worried about crime than their counterparts in charge of affluent suburban communities, and set their police budgets accordingly. But the fact that high-crime cities spend more on police per capita on average than do lower-crime jurisdictions does not mean that police cause crime, in the same way that the increased prevalence of sick people in doctor's offices does not mean that modern medicine causes bad health outcomes. Even comparing how crime changes within a given jurisdiction when police spending goes up may be problematic, since additional resources are often devoted to police departments when crime rates are increasing.

Only recently have social scientists been able to make real headway in untangling this causal relationship, with the best available studies now suggesting that increasing the number of police on the streets will in fact reduce crime. One of the best of these studies is by University of Chicago economist Steven Levitt,, who examines what happens in cities that increase police spending for reasons unrelated to what else is going on with local crime trends, for example because of stronger public service unions. Levitt's estimates suggest that each 10 percent increase in the size of the police force reduces violent crime by 4 percent and property crimes by 5 percent. The 2 percent jump in the number of police generated by COPS should reduce violent crimes by about 0.8 percent and property crimes by about 1 percent. Other studies that have followed Levitt's strategy of seeking natural experiments to generate valid estimates of the effectiveness of police in reducing crime typically find qualitatively similar results.

Note that Levitt's estimates reflect what happens to crime when cities put more police on the street and continue to deploy them in the usual way. Other research in criminology and economics suggests that the effectiveness of police resources might be enhanced further by targeting police attention at the highest-risk people or places, such as crime "hot spots" or gang members, or focused on the highest-cost parts of the crime problem, such as gun violence. These are the types of responses that the COPS Office promotes, and so the effects of increased police presence funded by the COPS program could in principle be somewhat larger than Levitt's estimates might imply.



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Several recent studies that attempt to directly evaluate the effects of the COPS program suggest that the COPS resources may indeed have been effectively targeted to generate such greater crime reductions. One of the best of these COPS evaluations is by University of Maryland economists William Evans and Emily Owens. Their estimates suggest the 2 percent increase in police under COPS led to a 2 percent decline in violent crime and a 0.5 percent reduction in property offenses. A recent study by the GAO yields qualitatively similar findings, suggesting that the COPS program contributed to a 2.5 percent decline in violent crime rates and a 1.3 percent decline in overall crime rates from 1993-2000.

These calculations imply that the COPS program is helpful but can account for no more than a small share of the massive proportional decline in violent crime rates observed throughout the United States during the 1990s. Other factors were even more important, including the increased spending on police that state and local governments undertook on their own, a massive increase in the nation's incarceration rate, and the waning of the crack cocaine epidemic. The legalization of abortion in the early 1970s may have also contributed to the crime drop of the 1990s by reducing the share of adolescents and young adults who were brought up in disadvantaged household environments. Other politically controversial public policies, such as new gun control measures, liberalized gun-carrying laws, and increased application of the death penalty, do not appear to have contributed to the crime drop.

In any case, the right standard for judging whether COPS is a success is not whether the program can account for a "large" share of the crime drop in the 1990s. The key issue instead is whether the independent effects of the COPS program to reduce crime is large enough to justify the program's budget. We turn to this third point next.

**The Benefits and Costs of COPS**

Given the dramatic costs that crime imposes on society each year, COPS appears to be an extremely sound investment from society's perspective. For a recent hearing of the Senate Judiciary Committee, one of us (Ludwig) updated previous estimates for the costs of crime in the United States compiled by economists David Anderson of Centre College and Mark Cohen of Vanderbilt University. These new calculations suggest that the total costs of crime to American society each year may be on the order of $2 trillion. Of this total, nearly $700 billion come from costs to victims, of which around $490 billion comes from serious violent crimes (nearly $180 billion from homicides alone). Additional costs to society from crime come from the approximately $350 billion worth of time and goods dedicated to protecting against crime by private citizens and firms as well as government agencies, $250 billion from the lost value of criminals' time spent planning crimes or in prison, and the remaining $700 billion or so is from costs imposed by white collar or economic crimes.

Can the costs of crime to American society really be nearly $2 trillion, equal to around 17 percent of Gross Domestic Product (GDP)? Note that because this figure includes intangible as well as tangible costs, the implication is that crime reduces our quality of life by the equivalent of 17 percent of GDP (rather than accounts for 17 percent of actual GDP). In addition to the obvious monetary costs, crime changes the way we all live our lives. For example, economists Julie Cullen of the University



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of California at San Diego and Steve Levitt of the University of Chicago find that each additional homicide in a city causes around 70 residents to move elsewhere. NYU economist Amy Schwartz and her colleagues estimate that fully one-third of the increase in property values in New York City over the 1990s may be due to a decline in that city's crime rate.

Given these enormous costs of crime, even a very small reduction in crime can generate benefits to society that outweigh the costs of more COPS funding. More specifically, suppose that COPS funding were restored to 2000 levels, which would require a total of about $1.4 billion in today's dollars for hiring grants to state and local law enforcement agencies. How much crime reduction benefit would we buy with this $1.4 billion annual payment? The calculations above suggest that the new COPS funding would reduce the roughly $500 billion violent crime cost by 1 or 2 percent and the $200 billion property crime cost by 0.5 to 1 percent. In total, these crime savings sum to between $6 and $12 billion. These calculations are conservative in the sense that we assume other costs of crime, such as preventive measures against crime by government and private citizens, are totally unaffected by marginal declines in crime. But even under this somewhat conservative approach, our calculations suggest that adding $1.4 billion in funding for the COPS program would avert between $6 and $12 billion in victimization costs to the American people.

**Conclusion**

The past several years have seen an increase in violent crime in America after many years in which the crime rate declined dramatically. Crime is a complex phenomenon, and the end of the crime drop is surely due to many different factors. But one contributing explanation in our view is the decline in police spending in the United States, including cuts to the budget of the federal COPS program.

Despite a long debate among social scientists about whether increased spending on police reduces crime, we believe the best evidence currently available strongly suggests that restoring funds for the COPS program will be a highly cost-effective way to reduce crime. At the same time that the COPS budget has declined, the Bush Administration devoted substantial new resources through Project Safe Neighborhoods (PSN) to, among other things, handing out gun locks as well as longer federal prison sentences to eligible gun offenders. Judging from previous research studies that we and others have conducted, we conclude that these activities are unlikely to have much impact on crime. Redirecting resources from PSN to COPS would be a step in the direction of restoring previous COPS funding and help reduce crime in America without requiring new government spending.

But more importantly, COPS represents one example where government spending can be even more efficient than private sector spending, so raising new tax revenues to expand the program may be justified. Like most economists, we are amazed at the efficiency and productivity of private market activities in most areas. However, in some special cases increased government spending can actually enhance efficiency, even if the higher tax revenues that are required cause some modest decline in private-sector economic activity. Policing is a classic example since this is what economists call a "public good." Private sector firms will have a hard time providing police patrol services to communities because even community residents who do not sign up for the firm's protection will benefit from having patrols serving



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other neighborhood residents. The fact that some gated communities compel residents to contribute towards private security simply serves to reinforce our argument.

The efficiency of increasing federal spending on the COPS program is suggested by the very high ratio of benefits to costs suggested by our calculations. We estimate that each additional dollar devoted to the COPS program may generate somewhere in excess of $4 to $8.50 in benefits to society. The relative benefits to costs of COPS are extremely high compared to other government programs, making COPS one of the most attractive federal expenditure programs available – not just for tackling crime, but for any governmental purpose.

These facts suggest two final points. First, the high returns of the COPS program suggest that some thought should be given to increasing funding beyond the level in 2000. Optimal allocation would suggest that COPS spending should be increased until the marginal gains of the last dollar spent fall to $1. Second, while we think the case for restoration of the funding is unassailable, we should also stress that there are some advantages to having this funding emanate from the federal government rather than through local or state sources. The reason is that the federal government alone has the power to run budget deficits, thereby avoiding the undesirable consequence of decreasing in funding for police when the economy turns down and state and local revenues decline.

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**John J. Donohue III** is the Leighton Homer Surbeck Professor of Law at Yale University and a research associate at the National Bureau of Economic Research.

**Jens Ludwig** is a nonresident senior fellow in the Economic Studies program at the Brookings Institution, professor of public policy at Georgetown University and a faculty research fellow at the National Bureau of Economic Research.

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**California Gang Investigators Association**
**PMB 331**
**5942 Edinger St., STE #113**
**Huntington Beach, CA 92649**
**Telephone 888 229 2442 Fax 714 846 6547**
**www.cgiaonline.org**

Senator Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

January 31, 2007

Dear Senator Feinstein:

The California Gang Investigators Association has supported comprehensive legislation to combat gang violence in each session of congress that it has been introduced, and continues to support your efforts. You may recall I testified before the Senate Judiciary Sub-Committee in support of Senate Bill1735, entitled "The Gang Prevention and Effective Deterrence Act of 2003." I again want to emphasize our association's continued support of your efforts and that of your fellow legislators in enacting "The Gang Abatement and Prevention Act of 2007."

Street gang activity has not abated and continues to terrorize our communities as evidenced by the rise in gang-related violence while other crimes of violence are slowing. Gangs remain a primary public safety concern for our neighborhoods. It is my opinion that street gangs kill neighborhoods just as surely as their bullets kill people. Gangs are creating urban wastelands of some of those communities most stricken by their violent activity. Hundreds upon hundreds of Americans are slain every year by street gangs, and thousands more are injured physically and psychologically by their senseless violence.

This legislation provides new law which will aid in this struggle, but beyond that it provides funding of resources to local law enforcement where the brunt of the enforcement efforts against criminal street gangs takes place. This assistance is vital to engaging the gangs with coordinated law enforcement efforts. The legislation will enable task forces to be equipped with modern crime fighting equipment utilizing the latest intelligence and analytical tools.

If our association can be of any further assistance to you please feel free to contact me at the above address and phone number, or by email at wmcbride@socal.rr.com.

Sincerely yours,

Wesley D. McBride
Executive Director
CGIA



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# California Peace Officers' Association

1455 Response Road, Suite 190, Sacramento, CA 95815
(916) 263-0541 FAX (916) 263-6090
E-mail: cpoa@cpoa.org Website: www.cpoa.org

May 15, 2007

Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 22510

Dear Senator Feinstein:

The California Peace Officers' Association represents the totality of California law enforcement. Our membership includes chiefs or police, sheriffs, management personnel from the entire profession as well as rank and file officers. We have examined your bill, the Gang Prevention and Effective Deterrence Act, and are pleased to endorse this legislation.

This legislation will give law enforcement increased tools to combat gang violence by not only increasing penalties, but by also focusing enforcement efforts on gangs who recruit children. The reality is that gangs are no longer neighborhood crime problems, but cross state lines, which makes the federal approach you have tailored singularly appropriate.

Your bill will not only provided needed additional resources for law enforcement to combat gangs, but it will create new prosecution offenses, which will provide additional strategies for cracking down on gang activity.

The California Peace Officers' Association stands ready to assist you in securing passage of this legislation. Please do not hesitate to call on us as this important bill moves through the legislative process.

Sincerely,

Paul Cappitelli
President
California Peace Officers' Association

CHICAGO SUN-TIMES

Chicago Sun-Times

**Violence at home should also get president's attention**
**By Sen. Joseph R. Biden, Jr.**
**December 28, 2006**

When the women and men fighting in Iraq return home, they will find violent crime is ravaging neighborhoods throughout our country.

Last year, there were more than 16,000 murders. Violent crime is rising faster than it has in 15 years -- in the Midwest alone, violent crime was up more than 5 percent. Law enforcement experts around the nation have called this crime problem "a gathering storm."

But all of this does not appear to be a priority for the Bush administration. While focusing exclusively on fighting terrorism abroad, they have left us vulnerable at home by slashing billions from federal crime-prevention assistance for state and local law enforcement and underfunding the FBI.

FBI Director Bob Mueller recently testified before the Senate Judiciary Committee and stated that of the 10 most important priorities of the FBI, violent crime is ranked eighth. He has redirected nearly 1,000 FBI agents from crime to counter-terrorism cases and says the lack of agents has required the FBI to make "difficult choices in determining how to most effectively use the available agents."

This is a false choice. The FBI's focus on terrorism does not need to come at the expense of combatting local crime. The truth is we must protect Americans from all threats, whether it is the dirty bomb smuggled into the country in the belly of a cargo ship or the armed drug dealer on the street corner.

Local officials have repeatedly warned us of the danger of the gap left by the FBI pulling out of investigating violent crime. The FBI must stay engaged because it has the expertise many local agencies don't have. And because local crime is impacted by international drug trafficking and international street gangs, local crime must be addressed with a national solution.

We can easily afford to give our law enforcement officials the tools they need if we change our priorities. This year, the tax cut for Americans making more than $1 million will cost $60 billion, whereas the budget for the FBI is less than $6 billion.

These are the wrong priorities for America. The right priority is to invest the amount necessary to ensure the safety of our citizens.

To meet this challenge in a fiscally responsible way, I have proposed creating a Homeland Security Trust Fund, to set aside less than one year of the tax cut for millionaires and invest an additional $10 billion a year to improve public safety and domestic security.

With this additional money we can easily restore funding for state and local law enforcement and hire 1,000 new FBI agents. In addition, we could implement the 9/11 recommendations, harden soft targets within our critical infrastructure, and ensure that first responders can talk in the event of an emergency.

It will be the responsibility of the new Congress to provide these critical resources. Our servicemen and women need to return to hometowns where they can walk the streets in safety.

*U.S. Sen. Joe Biden (D-Del.) is the ranking Democrat on the Subcommittee on Crime and Drugs.*



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EXECUTIVE OFFICER

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May 2, 2007

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Feinstein:

At its meeting held May 1, 2007, on motion of Supervisor Michael D. Antonovich, the Los Angeles County Board of Supervisors went on record in support of S.456, The Gang Abatement and Prevention Act of 2007, legislation, which you authored, relating to the authorization of $1 billion in funding to help fight criminal street gang violence.

Very truly yours,

Sachi A. Hamai
Executive Officer

SH:ag

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delaware The News Journal

**The News Journal**
**Police are everyday heroes**
**By Senator Joseph R. Biden, Jr.**
**May 18, 2007**

Heroism happens every day. We see examples of it on the news, from our soldiers overseas who commit acts of inspirational bravery. We owe them a debt of immeasurable gratitude.

But we also cannot forget that here at home thousands of brave men and women place themselves in harm's way for the safety of our nation. This week especially, as we commemorate National Police Week, we pay tribute to the sacrifices that our domestic soldiers in federal, state and local law enforcement make to protect communities from crime and terrorism.

Officers on the front lines live by the credo "to protect and serve." Unfortunately, this duty can involve a family making the ultimate sacrifice. Each year, between 140 and 160 officers are killed in the line of duty. Nearly one officer is lost every two days. Each had a personal story, a family in grief and a life deserving of honor.

In 1962, President John F. Kennedy signed a proclamation declaring that police officers "by their patriotic service and their dedicated efforts have earned the gratitude of the Republic," and designated the week of May 15 as National Police Week. Since then, Police Week has been a time when thousands gather in communities to honor the sacrifices of law enforcement officers. Moreover, they are displays of solidarity among survivors.

This year, the names of 145 officers who gave their lives in service in 2006 will be inscribed at the National Law Enforcement Officer Memorial in Washington, D.C. Fortunately, no Delawareans are on this list, but we have not always been so blessed. For families of law officers throughout the nation, the fear of a loved one not returning from a day's work is part of everyday life.

This week we thank police officers, we remember those who paid the ultimate price while serving communities, and we give comfort to the loved ones they have left behind.

*U.S. Sen. Joseph R. Biden, Jr. is the senior Democratic senator from Delaware and chairman of the Senate Judiciary Subcommittee on Crime and Drugs.*



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**Dubuque Telegraph Herald**
**Fighting Crime at Home and Abroad**
**By U.S. Senator Joseph R. Biden, Jr.**
**October 23, 2006**

As we combat terrorism around the world, fighting crime in our own backyards should not take a back seat. But a report recently released by the FBI shows it has.

Here in Iowa, violent crime was up 5.7 percent. There were 16,662 murders in our nation's cities and towns last year, representing a 3.4 percent increase – the largest in 15 years.

This troubling jump comes after more than a decade of historic reductions. No one factor is the cause, but it is clear President Bush's decision to cut billions of dollars for state and local law enforcement, and the FBI's shifting focus towards counter-terrorism, has had a major impact.

Back in the early 1990s we faced a similar national crisis. At that time, we recognized the only way to seriously address crime was for the federal government to support state and local law enforcement.

In 1994, I came up with the idea for the Community Oriented Policing Services Program, otherwise known as COPS. This successful program has provided more than $2 billion in federal resources for state and local law enforcement and has placed more than 118,000 cops across the country, including 700 in Iowa. In addition, COPS has also provided much-needed funds for crime prevention programs, technology, and drug task forces.

With this help, local agencies were able to work with community leaders and at-risk youth to stop crime before it happened. We also enacted tough federal sentences and provided prison funding to get violent offenders off the street.

It worked. Crime rates went down every year for eight consecutive years. Violent crime was reduced by 26 percent. Americans went from being afraid to go out on their streets to living in the safest neighborhoods in a generation. Despite this success, President Bush systematically eliminated the COPS program and other funding streams.

And the President has not replaced FBI agents who have been transitioned from working criminal cases to counter-terrorism. Since 9/11, the number of FBI agents focusing on crime has been reduced by over 1,000 agents. As a result, drug investigations have dropped by 60 percent, which doesn't help Iowans fighting to keep meth for being trafficked into your state.

It's time to change our priorities. I have proposed creating a $10 billion Homeland Security Trust Fund that would hire 50,000 cops, 1,000 FBI agents, and implement the 9/11 Commission recommendations. Furthermore, we could screen 100 percent of cargo containers coming into our ports; better protect our chemical facilities; and make sure our first responders have the technology they need to talk to one another in emergencies, if this Trust Fund were established.

I propose paying for these measures by taking back part of the Bush tax cuts for people making over a million dollars a year and placing that money in this Homeland Security Trust Fund. This year alone President Bush is



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giving more than $60 billion in tax cuts to millionaires, almost double the budget for the Department of Homeland Security.

The President has forgotten that local law enforcement also is our first line of defense against terrorism. It won't be a special forces soldier wearing night vision goggles who finds the terrorist putting a bomb in a dumpster. It will be the local cop.

The women and men fighting this war on terror overseas should not have to return to find their neighborhoods overrun with criminals and meth labs. We must be able to protect our citizens at home while also protecting our nation overseas. Our service people and our nation deserve better.

# Department of Justice

STATEMENT

OF

MARK EPLEY
SENIOR COUNSEL TO THE DEPUTY ATTORNEY GENERAL

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING

"RISING CRIME RATE IN THE UNITED STATES: EXAMINING THE FEDERAL ROLE IN HELPING COMMUNITIES PREVENT AND RESPOND TO VIOLENT CRIME"

PRESENTED ON

MAY 23, 2007



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**Statement of**
**Mark Epley**
**Senior Counsel to the Deputy Attorney General**
**U.S. Department of Justice**
**Before the**
**Committee on the Judiciary**
**Subcommittee on Crime and Drugs**
**United States Senate**
**May 23, 2007**

Mr. Chairman, Ranking Member Graham, Members of the Subcommittee, I am Mark Epley, Senior Counsel to the Deputy Attorney General of the U.S. Department of Justice.

My role as the senior counsel is to advise and assist the Deputy Attorney General in formulating and implementing the Department's budget and to oversee the Department's grant making components, including the Office of Justice Programs (OJP), Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW). I am pleased to be here today to discuss crime rates in United States and what the Department is doing to help communities prevent and respond to violent crime.

The Department of Justice uses two programs to measure nationwide crime rates: the National Crime Victimization Survey (NCVS), which measures crimes as experienced by victims, including crimes not reported to police; and the FBI's Uniform Crime Report (UCR) which measures crime reported to police occurring to people, businesses and organizations. Both programs should be viewed as complementary rather



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than competing measures of crime. The Federal government relies on both programs in order to comprehensively analyze crime. Each program contributes significantly to our understanding of the crime problem in the United States.

Due in large part to the hard work of law enforcement, recent data from the 2005 NCVS and UCR revealed that the Nation's crime rates remain near historic lows. After a dramatic rise in violent crime that peaked in the early to mid 1990s, crime rates have been falling precipitously ever since. Although 2005 data revealed slight increases in the number of violent crimes (murder, robbery and, to a lesser extent, aggravated assault), it is important to note that 2005 has the second-lowest rate recorded by the UCR in the past 30 years. Only 2004 had a lower violent crime rate. The overall rate of violent crime reported to the police decreased 39 percent in the past 13 years before 2004. In 2005 there was a small uptick of 1 percent.

Overall the current data do not reveal nationwide trends. Rather, they show increases locally in a number of communities. Observed increases in violent crime are sharpest in medium-sized cities. No change is observed among the largest cities. In addition, the data do not identify any single reason for the observed increases in cities experiencing an upward trend.

For example, while the United States experienced a 2.4% increase in the murder rate in 2005 (to the second-lowest rate ever recorded, identical to the murder rate in 2001 and 2002), the Northeast experienced a 5.3% increase in the murder rate at the same time



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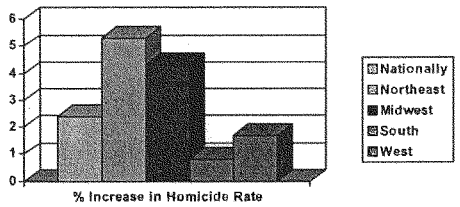
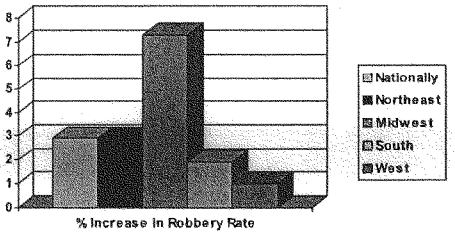
the South experienced a 0.8% increase and the West experienced a 1.7% increase in the murder rate.

Figure 1: Homicide Statistics by Region




Similarly, while the United States experienced a 2.9% increase in the robbery rate, the Midwest experienced a 7.3% increase in the robbery rate at the same time the Northeast experienced a 2.9% increase, the West a 1.0% increase, and the South a 1.9% increase in the robbery rate.

Figure 2: Robbery Statistics by Region



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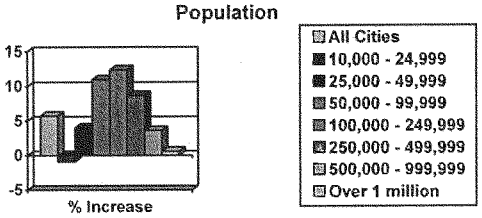
In 2005, there was a 5.7% increase in the number of homicides in U.S. cities as distinguished from rural and suburban areas. Cities between 100,000 and 249,999 experienced a 12.4% increase and cities between 50,000 and 99,999 experienced an 11% increase, while cities over 1,000,000 experienced a 0.6% increase and cities between 10,000 and 24,999 experienced a decline of 0.9%.

**Figure 3: Number of Homicides in Cities, by Population**




To better understand this situation, the Department of Justice visited and gathered additional information from 18 regionally distributed communities observing increases in violent crime and a number of those seeing decreases. From these meetings, the Department sought to identify common themes for the crime trends in the specific communities. The Attorney General articulated those themes in his remarks at the National Press Club last week, these included:

- Presence of loosely organized local gangs or street crews
- Prevalence of guns in the hands of criminals
- Level of violence among youth



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We also observed that in some of these cities, the strategic use of police resources has been effective in combating violent crime. Effective strategies have included elements of both COMPSTAT and community-oriented approaches to policing, as well as increased collaboration of law enforcement efforts across local, state, and federal jurisdictions.

As a result of these visits, the Department is developing appropriate policies to respond to the causes identified for the increases in violent crime in the communities visited (and, to the extent possible, for other communities as well) as well as matching existing program resources with community needs. In other words, we are working with our state and local partners to identify the problems and develop meaningful strategies to reduce and deter that crime.

One consistent theme we heard was the importance of federal – local partnership. A specific example of this kind of partnership is Project Safe Neighborhoods, through which local law enforcement and prosecutors can refer gun crime cases to the federal system. Through PSN we have doubled the number of gun crime prosecutions over the last six years compared with the preceding six years.

Another form of partnership in action is law enforcement task force activity. Some examples led by federal law enforcement include the FBI's Safe Street's Task Forces, the ATF's Violent Crime Impact Teams and the U.S. Marshal Service's fugitive apprehension task forces.



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Whether partnerships through prosecution or operations, we want to continue to find ways to shore-up our relationship with State and local law enforcement, but appreciate that sometimes that cooperation takes resources.

To meet this need the President's 2008 budget requests $200 million for the Violent Crimes Reduction Initiative. These funds will help communities address high rates of violent crime by forming and developing effective multi-jurisdictional law enforcement partnerships between local, state, tribal, and federal law enforcement agencies. Through these multi-jurisdictional partnerships, we can disrupt criminal gang, firearm, and drug activities, particularly those with a multi-jurisdictional dimension. Additionally, the Department will target funding to respond to local crime surges it detects in our ongoing research through the NCVS and the UCR.

Training will also continue to be an important component, with agencies throughout the Department focused on resources designed to assist law enforcement. Both OJP and the COPS Office provide training and technical assistance services with a focus on local solutions to common national problems. The focus of training is on current and emerging issues confronting law enforcement and the communities they serve.

In addition, the Department has begun to consolidate certain grant programs in order to increase effectiveness. Consolidation will allow state and local governments to



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identify their own unique needs and apply for assistance that directly addresses them. The discretionary character of some of these programs also allows the federal government to concentrate aid where it is needed most and where it shows the greatest promise of leveraging positive change.

The Byrne Public Safety and Protection Program will consolidate the Department's most successful state and local law enforcement assistance programs into a single, flexible, competitive discretionary grant program. This new approach will help state, local, and tribal governments develop programs appropriate to the particular needs of their jurisdictions. Through the competitive grant process, we will continue to assist communities in addressing a number of high-priority concerns, such as: 1) reducing violent crime at the local level through the Project Safe Neighborhood initiative; 2) addressing the criminal justice issues surrounding substance abuse through drug courts, residential treatment for prison inmates, prescription drug monitoring programs, methamphetamine enforcement and lab cleanup, and cannabis eradication efforts; 3) promoting and enhancing law enforcement information sharing efforts through improved and more accurate criminal history records; 4) improving the capacity of State and local law enforcement and justice system personnel to make use of forensic evidence and reducing DNA evidence and analysis backlogs; 5) addressing domestic trafficking in persons; 6) improving and expanding prisoner re-entry initiatives; and 7) improving services to victims of crime to facilitate their participation in the legal process. In addition to state, local, and tribal governments, non-government entities will also be eligible for funding under this program.



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The Department of Justice is committed to addressing violent crime. But we must understand that crime is not evenly distributed across the United States. Rather, some regions, counties, cities, and towns experience more crime than others. Further, crime is not evenly distributed across those communities with high crime rates. Rather some neighborhoods experience more crime than others (Washington, DC is a good example). The crime pattern we are now experiencing is one of general stability in our historic national lows with volatile changes in certain communities.

By better understanding emerging crime trends and the nature of crime in the United States, we can more effectively target assistance to areas with the greatest need and allow for adjustments in funding priorities. The multi-purpose grant programs such as the Violent Crime Reduction Initiative and the Byrne Public Safety and Protection Program will provide state, local and tribal governments with increased flexibility in using grant funds to best meet the unique needs of their jurisdictions.

This concludes my statement Mr. Chairman. Thank you again for the opportunity to testify before the Subcommittee on this important subject. I am happy to answer any questions you or other Members may have. Thank you.



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May 4, 2007

The Honorable Senator Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Feinstein:

As president of the Federal Law Enforcement Officers Association (FLEOA), the largest non-partisan professional law enforcement organization exclusively representing over 25,000 federal law enforcement officers, I would like to extend my support for the Gang Abatement and Prevention Act of 2007, S. 456.

The members of FLEOA recognize the need for the enhancements this important legislation will offer as they investigate some of the most violent and dangerous criminal elements within our society today. This legislation, if passed, will provide all Law Enforcement Officers with additional tools and enhanced laws for combating crime.

We recognize the importance of your position on the Senate Judiciary Committee, and we thank you for your hard work in introducing this important legislation. Your introduction of S. 456, Gang Abatement and Prevention Act of 2007 is greatly appreciated and will not be forgotten by FLEOA or by its members.

for Art Gordon
National President, FLEOA

***FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION***



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Statement
*United States Senate Committee on the Judiciary*
**RESCHEDULED: Rising Crime in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime**
**May 23, 2007**

**The Honorable Russ Feingold**
United States Senator , Wisconsin

Statement of Senator Russell D. Feingold
"Rising Crime in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime"
Subcommittee on Crime and Drugs
Wednesday, May 23, 2007

I'd like to begin by thanking Senator Biden for chairing this important hearing and by thanking the witnesses, whose expertise is greatly needed at a time when the nation is struggling with an increase in violent crime in our communities.

While we all hear about the rising crime rate in cities across America, one of those cities hardest hit is Milwaukee, Wisconsin. According to a report released by the Police Executive Research Forum, Milwaukee's homicide rates have increased by seventeen percent, robbery rates by thirty-nine percent, and aggravated assault by eighty-five percent in the past two years.

The statistics alone are staggering, but the human toll is truly heartbreaking. On Monday, May 14, just over a week ago, four-year-old Jasmine Owens was shot and killed by a drive-by shooter. She had been skipping rope in her front yard. On Thursday, February 22, Shaina Mersman was shot and killed at noon in the middle of a busy shopping area. She was eight months pregnant, and she died in the middle of the street. These are but two senseless deaths in a list of names that is far too long.

We need to figure out how to stem the tide of violence. Hearings like this and legislation such as Sen. Biden's "COPS Improvements Act of 2007," Sen. Feinstein's Edward Byrne Memorial Justice Assistance Grant Program bill, and my own PRECAUTION Act, which I am introducing later this week with Senator Specter, will help to do that. The PRECAUTION Act, though small in scope, is an important step in augmenting the essential financial support the federal government provides to our state and local law enforcement partners through programs such as the Byrne Justice Assistance grants or the COPS grants.

When state and local law enforcement receive federal support for policing, they have difficult decisions to make on how to spend those federal dollars. The PRECAUTION Act will create a national commission to review the range of prevention and intervention programming available, to identify the most successful strategies, and to report on those findings to the criminal justice community. It will fund a targeted grant program through the National Institute of Justice to support new and promising and innovative techniques that need federal dollars to be developed into more reliable strategies. In general, it will provide a resource for the criminal justice community to turn to when making decisions about how to further integrate prevention and intervention strategies into traditional law enforcement practices.

I very much appreciate the support that one our witnesses today, Ted Kamatchus, the President of the National Sheriffs' Association, gives to my bill in his testimony. Utilizing prevention and intervention strategies is both smart and necessary. The National Sheriffs' Association, the Council for Excellence



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in Government, the Consortium of Social Science Associations, and the American Society of Criminology have all endorsed the bill. I hope that other members of the Judiciary Committee will join Senator Specter and me in working to get this small but important piece of legislation passed.

I named the legislation the PRECAUTION Act because I know that it is far better to invest in precautionary measures now than it is to pay later the costs of crime—a cost borne not only in dollars but in lives. We have mourned the loss of far too many innocent lives already. Furthermore, David Kennedy, Director of the Center for Crime Prevention and Control at the John Jay College of Criminal Justice, reported in an August 2006 Washington Post article that, "state and local officials feel abandoned by the federal government. . . The federal government must return to its role as a real partner in conquering crime by providing funding and crafting effective approaches to key problems." Something must be done at the federal level to stem the tide of violence threatening our nation. Put very simply, we, as representatives of our constituents, have an obligation to act.

Thank you again, Senator Biden, for holding this important hearing and for providing a forum where we can begin to address the growing problem of crime in our communities.



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Statement
*United States Senate Committee on the Judiciary*
**RESCHEDULED: Rising Crime in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime**
**May 23, 2007**

**The Honorable Diane Feinstein**
United States Senator , California

Statement of Senator Dianne Feinstein
at a Hearing before the Senate Judiciary Committee's
Subcommitee on Crime and Drugs: "Rising Crime in the U.S.: Examining the Federal Role in Helping Communities Respond to Violent Crime"

I thank Chairman Biden for holding this hearing on an issue that is at the core of this subcommittee's jurisdiction – keeping Americans safe from violent crime.

Unfortunately, the news is not good. Last June, the FBI reported that its statistics in 2005 showed a 2.3% one-year rise in violent crime – our worst violent crime surge in almost 15 years. Putting this number in human terms, the International Association of Chiefs of Police estimates that the FBI's 2005 statistics meant that 31,479 more Americans were murdered, raped, assaulted or otherwise subject to violent crime in 2005 than in 2004.

Since then, the news unfortunately has only gotten worse. In December, the FBI revealed that violent crime in the first half of 2006 rose by 3.7% – 50% higher than in 2005. And violent crime and murder grew fastest in our mid-sized and smaller cities – not our largest urban areas.

We do not yet have FBI statistics for the rest of 2006. But a recent Police Executive Research Forum (PERF) survey of jurisdictions estimated that, since January 1, 2005, homicides, robberies and assaults with a firearm have all gone up at least 10%. At least 2/3 of jurisdictions reported a rise in each of these categories, with violent crime up by 20-30% in many cities. In just two years.

No wonder several witnesses will be talking today about a crisis when it comes to violent crime in America.

Gang Violence as the Cause
Of course, a big part of this crisis stems from gang violence. The warnings we have received about the links between these increases in violent crime and the spread of criminal street gangs have been steady and consistent.

When the FBI announced its 2005 figures last June, the Washington Post noted how criminal justice experts identified "an influx of gangs into medium-sized cities" as a big reason for this increase. According to the Los Angeles Times, Houston police attributed their 2005 increase to gang members who evacuated New Orleans after Katrina.

When its 2006 figures were announced, criminologists like James Alan Fox, who will testify here today, were quoted in the Washington Post as saying that "[w]e have many high-crime areas where gangs have made a comeback." And the LA Times noted how "[e]xperts said the crime upsurge reflected an increase in gang violence, particularly in midsized cities." Cities like Houston, which experienced a massive 28% increase in violent crime.



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And even in places with a reduction in violent crime – such as Los Angeles, which has moved into the ranks of the safest cities in the U.S. – Mayor Villairaigosa described gang violence as the "glaring exception." In 2006, gang crime was up by 15% in L.A. – up more than 40% in San Fernando Valley. 57% of Los Angeles' 478 homicides for 2006 were attributed to gangs. And 86% of those murder victims were African-American or Latino.

Every year, we see more shocking and horrifying tales of gang murders of beautiful children, like 14-year old Cheryl Green, killed because of the color of her skin, 9-year old Charupa Wongwisetsiri, killed when a drive-by bullet penetrated her kitchen wall, and Kaitlin Avila, a 3-year old child intentionally shot in the chest by a gang member who killed her father and didn't want a witness.

Nationwide, the FBI has identified at least 30,000 gangs, with 800,000 members. The FBI estimates that gangs are having an impact on at least 2,500 communities across the nation.

These criminal street gangs engage in drug trafficking, robbery, extortion, gun trafficking, and murder. They destroy neighborhoods, cripple families and kill innocent people. Our national gang problem is immense and growing, and it is not going away. Our cities and states need our help – a long-term federal commitment to combat gang violence.

The Feinstein-Hatch Gang Bill
In January, I joined Senator Hatch in introducing the Gang Abatement and Prevention Act. This comprehensive legislation is tough on crime – it adopts new federal criminal laws and tougher penalties and improves witness protection.

But it's also tough on the root causes of crime – identifying successful community programs, and then investing significant resources in schools and civic and religious organizations to prevent our young people from ever joining gangs in the first place.

I am pleased that this bill, S.456, has received letters of support from many organizations, including several whose representatives are appearing for this hearing today, or will be providing written testimony for the record:

- The International Association of Chiefs of Police;
- The National Sheriffs Association;
- The National Association of Police Organizations;
- The U.S. Conference of Mayors;
- The Police Foundation;
- The National District Attorneys Association
- The Fraternal Order of Police;
- The Major Cities Chiefs Association;
- The National Narcotics Officers Associations Coalition;
- The Federal Law Enforcement Officers Association;
- The International Union of Police Associations (AFL-CIO);
- The National Troopers Coalition
- The National Black Police Association, Inc.;
- The National Organization of Black Law Enforcement Executives;
- The Hispanic American Police Command Officers Association;
- The National Latino Peace Officers Association;
- The National Association of Women Law Enforcement Officers;
- The International Association of Women Police;



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- The National Major Gang Task Force;
- The National Gang Investigators Association;
- The California Gang Investigators Association;
- The Florida Gang Investigators Association;
- California Governor Arnold Schwarzenegger;
- California Attorney General Edmund G. Brown, Jr.
- The California Peace Officers' Association;
- The League of California Cities;
- Los Angeles Mayor Antonio R. Villaraigosa
- The County of Los Angeles;
- The Bakersfield City Council;
- The Sonoma County District Attorney's Office;
- The San Bernardino Sheriffs' Office;
- Boys & Girls Clubs of America;
- The National Mentoring Partnership,
- The Points of Light Foundation, and
- The Advancement Project.

For the past decade, Senator Hatch and I have been trying to pass federal gang legislation. Unfortunately, while Congress has failed to act, violent street gangs have only expanded nationwide and become more empowered and entrenched in other states and communities.

It is past time for the federal government to come to grips with our escalating levels of gang violence. I thank Chairman Biden for holding this hearing, and I hope it will assist Congress in moving forward this legislation.



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## Some Principles about Violence Prevention

Statement Prepared for the
Senate Committee on the Judiciary

Hearing on

"Rising Crime in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violence Crime"

May 23, 2007

James Alan Fox, Ph.D.
The Lipman Family Professor of Criminal Justice
Northeastern University

I am pleased to be here alongside law enforcement representatives from communities around the country. While I personally do not work the streets like these men, I do reside and work in Boston, a city that has grappled with a disturbing increase in gun violence and homicide, especially related to youth and gang activity.

Misery loves company, they say. And for whatever consolation it is supposed to be—and I'm not sure there is any—Boston has lots of miserable company, based on crime reports from many American cities.

Smart crime fighting involves a balanced blend of enforcement (from community policing to identifying illegal gun markets), treatment modalities (from drug rehab on demand to community corrections and post-incarceration services) as well as general and targeted crime prevention (from family support to summer jobs for high-risk youth). Regrettably, the prevention approach has at times been disparaged as "worthless" and as "soft on crime." Yet, this cynical perspective reflects gross misunderstanding of the process and goals of prevention, and a selective examination of outcomes. Simply put: Prevention programs *can* work; good prevention programs that are well-implement *do* work.



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Too often, prevention initiatives are funded and implemented on a shoe-string, and a rather short shoe-string with a brief window of opportunity to show results. This is a recipe for failure and provides additional fodder for skeptics. Besides the matter of funding adequacy, there are five fundamental principles of crime and violence prevention that are critical to a successful investment.

1. *No program is successful all the time or for all individuals.* No matter what the initiative, there will be failures—those who commit crimes or recidivate despite our best efforts to prevent it. Rather than focusing on the failures (as the media tends to do in its "good news is no news, bad news is big news" posture), the goal should be a reasonable reduction in offending rates. In light of the enormous social and administrative costs associated with each criminal act, even modest gains are worthwhile.

2. *Prevention should have an emphasis on the prefix "pre."* While it is unwise and inappropriate to "give up" on even a seemingly hardened offender, the greatest opportunity for positive impact comes with a focus on children--those who are young and impressionable and will be impressed with what a teacher, preacher or some other authority figure has to say. It is well-known that early prevention—during grade school if not earlier—can carry the greatest and most lasting impact before a youngster is seduced by gangs, drugs and crime. For that matter, we must recognize that children are often drawn to gangs for many positive reasons—camaraderie, respect, status, excitement, and protection. Our challenge is to identify and provide alternative means for youngsters to derive the same types of personal fulfillment in programs that foster positive youth development.

3. *Patience is more than a virtue, it is a requirement.* Prevention is not a short-term strategy. Rather, it involves a continued effort, undaunted by setbacks. Unfortunately, many prevention programs are given short windows in which to show progress, and are often terminated before the final results are in. What is needed is foundational support that extends well beyond election cycles.

4. *Prevention should take a multi-faceted approach.* Understandably, there is much temptation to target gang activity as perhaps the most visible and immediate threat to public safety. The proposed "Gang



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Abatement and Prevention Act of 2007" surely appears to represent a strong and balanced starting point. Yet there are many other points of intervention for successful crime reduction programming. For example, several proven and promising strategies are directed at at-risk families with young children. Rather than assail struggling underage single mothers for their lack of parenting effectiveness, many programs (like nurse home visitation) assist them in raising children who are less likely to become juvenile offenders. In addition, many school-based initiatives effectively and efficiently enhance the well-being of large numbers of children. Behavioral skills training at the elementary school level (such as Boston's Lesson One Foundation), anti-bulling curricula for middle school students (such as the Olweus bullying prevention program) that recognize the link between bullying and later offending, peer-mediation and mentoring programs in high school, and after-school programs targeted at the "prime time for juvenile crime" all have payoffs far greater than the investment.

5. *Prevention is significantly cost-effective*. Virtually all assessments of crime prevention confirm the adage that an ounce of prevention is worth a pound of prison time. It is, however, a political reality that sound investments in crime prevention can take years to reap the benefits. For example, the Perry pre-school program experiment implemented in Ypsilanti, Michigan translated into a 17-to-1 rate of return on investment, yet it wasn't until years later when the preschoolers matured that their significantly lower involvement in crime, alcohol and drug abuse was observed. It takes a bold leader to earmark funds today for tomorrow's success that his/her successor will derive.

The recent upturn in youth violence was anticipated years ago. Even while rates of crime were falling in the 1990s, criminologists warned about the potential for another wave of youth and gang violence ahead, a not-so-perfect storm combining an upward trend in the at-risk youth population with a downward trend in spending on social and educational programs to support youth.

Furthermore, we should not be surprised if the concomitant increase in the number of at-risk youth--especially black and Latino children living in urban neighborhoods of concentrated disadvantage and with less than



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adequate supervision--combined with budget cuts for youth programs, translates into more increases in gang and gun violence. We're already seeing the early signs.

The good news--or at least the encouraging word--is that the crime problem is not out of control, at least by contrast to the early 1990s when the nation's murder rate was almost twice what it is today. It is not surprising that a small bounce back would occur after the glory years of the late 1990s. But let this small upturn serve as a thunderous wake-up call that crime prevention, police funding, and gun control need to be priorities once again.

At this juncture, we must, of course, look toward immediate solutions for controlling the high level of gang activity and easy access to illegal firearms--approaches that heavily depend on police personnel, intelligence and deployment. At the same time, however, we must maintain a long-range view toward the future. The choice is ours: pay for the programs now or pray for the victims later.



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GRAND LODGE
FRATERNAL ORDER OF POLICE®

909 Massachusetts Ave., N. E.
Washington, DC 20002
Phone 202-547-8189 • Fax 202-547-8190

CHUCK CANTERBURY
NATIONAL PRESIDENT

JAMES O. PASCO, JR.
EXECUTIVE DIRECTOR

31 January 2007

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

I am writing on behalf of more than 326,000 members of the Fraternal Order of Police to advise you of our strong support for your bill, S456, the Gang Abatement and Prevention Act of 2007.

This bill authorizes $500 million over the next five years to create a new High Interstate Gang Activity Area (HIIGAA) program, which is structured to facilitate cooperation between local, state, and federal law enforcement in identifying, targeting, and eliminated violet gangs in areas where gang activity is particularly prevalent.

The bill will enable law enforcement funding for intervention and prevention efforts by schools and civic groups focused on at-risk youth, in a combined prevention-intervention-suppression approach modeled after a successful Operation Ceasefire strategy.

This bill aims to increase the penalties for existing racketeering other violent crimes, creates a new federal crime for violence committed in furtherance of drug trafficking, and enacts various other changes to the federal criminal code designed to more effectively deter and punish violence by criminal street gangs and other violent criminals.

We believe that our nation's law enforcement officers can be more effective at fighting the menace of criminal gangs if they have the necessary resources that this legislation provides. I want to commend you for your continued on our nation's most important law enforcement issues. If I can be of any further help on this or any other issue, please do not hesitate to contact me or Executive Director Jim Pasco through my Washington office.

Sincerely,

Chuck Canterbury
National President

—BUILDING ON A PROUD TRADITION—

**Statement of Colonel Rick S. Gregory**
Chief of Police, New Castle County, DE
Judiciary Committe

May 23, 2007

Chairman Biden, Senator Specter, distinguished members and my fellow law enforcement professionals, thank you for the opportunity to speak today. I am Rick Gregory, Chief of Police for the New Castle County Police Department in Delaware. Prior to my appointment in New Castle County, I was a member of the Florida Highway Patrol where I served for 22 ½ years rising through the ranks to my last position as lieutenant colonel where I served as a deputy director of field operations.

In October 2006, I was presented with the opportunity to lead the second largest police department and the pioneer agency for community policing in the State of Delaware. Our agency consists of 364 officers covering 426 square miles with a population of more than 450,000 citizens. During 2006, our officers responded to, or handled approximately 162,000 calls for service. For the year 2007, we will surpass that mark considering that we have handled 82,000 calls for service year to date.

Our federally funded sworn officer positions have gone from a high of 15 in 2000, primarily funded by the COPS grants, down to our current low of three. I speak to you today not as a representative of a small struggling agency barely able to keep its head above water, but as a flagship agency of a county that consistently receives triple AAA bond ratings. Despite this bright economic and enviable position, our county has been operating at a deficit since 2003. We are currently spending down our reserve and expect to deplete that by 2009 unless radical measures are adopted. Our County leadership proposed a 17% property tax increase which will help our situation, but only delays the inevitable. If a county with our economic status and forecast is facing such harsh measures… what is to become of the already struggling public safety agencies without continued support from our federal partners?



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Recently, our local newspaper featured articles that described the Homeland Security dollars being spent on equipment in our state. While this equipment is valuable and necessary, it is important that we do not lose sight of the ultimate weapon in combating crime and terrorism - the officer on the street. An expensive piece of equipment cannot fill the dual role of crime fighter and homeland security defender. Furthermore, without a front line police officer to work with these marvelous pieces of technology their value is significantly reduced and/or eliminated.

Earlier I mentioned that we are arguably the largest agency in the state dedicated to the tenets of community policing. Community policing is about interfacing our officers with the people that live and work in the communities we police. Without this interface, we as a police agency lose touch with the citizens we have sworn to protect. Effective community policing requires that officers have time to spend in communities getting to know who belongs there, who doesn't, what is out of place, what is working and so much more. Finding the time to get our officers in these communities is one of our greatest battles.

Recently, we have become predominately "a call for service" driven agency. By that I mean, our officers spend the bulk of their time responding from one 911 call to the next. This is not effective community policing. Given our current financial state, it is unlikely that our agency will be allowed to grow without the assistance of federal funding. Without that ability and our already lowered capability to get into our communities in an effective community policing – problem solving style, we will struggle to deal with the increase in violent crime activity – the latest national trend.

In our County, we are seeing a level of violence such as, the armed robbery of a pizza delivery person, as commonplace criminal acts. From 2005 to 2006, we saw a 38% increase in robberies. This type of crime has made violence impersonal and second nature to many offenders. People are shot for reasons as trivial as being on the wrong street, or saying the wrong thing. We must curb this growing trend in violent crimes, with declining federal resources for police personnel.



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A recent article in The USA Today entitled Youth Gangs Contribute to Rising Crime Rates (5-15-2007) stated, "increasing violence among teenagers and other youths appears to have contributed to a nationwide crime spike..." This trend is only the beginning of what is sure to continue for the indefinite future.

We in Delaware and specifically, New Castle County, are not immune from this national trend. Last summer one of our communities was bombarded with gang violence that eventually led to a full-scale brawl between rival gangs. This devastating encounter resulted in one person being killed by a handgun, one-person shot and one person stabbed. Twelve subjects were arrested for this battle and of those twelve, six were juveniles. When considering this homicide and the comments from the USA Today, remember that we are discussing juveniles with weapons. Firearms in the hands of adults are deadly, but consider firearms in the hands of an immature, gangster want to be - at the ripe age of 13.

The successful investigation and prosecution of this case was, in large part, due to the expertise offered by our federally funded gang officer. The federal funding for this officer from the Edward Byrne Memorial Fund, allows us to dedicate an officer to the growing problem of gangs and gang violence. Additionally, federal money spent on the community crime intervention program allows us to dedicate a Spanish-speaking officer to a troubled community with Hispanic gang influences. Together these officers provide invaluable intelligence on gangs in our communities. Without this federally funded expertise, this brutal crime may have gone unsolved.

Many of these juveniles start their life of delinquency as runaways. From 2002 through 2006 our agency saw a 22% increase in the number of juvenile runaways. I refer you back to the recent USA Today in which the Department of Justice comments on runaways "Many youths have little parental oversight and are too easily influenced by gang membership and glamorized violence in popular culture." It is well documented



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that the most indicative common denominator for predicting juvenile delinquency and juvenile victimization are juveniles with a history of running away. This in effect is a 22% increase in the number of kids primed for recruiting by gangs and the gang culture.

In September 2006, Mr. Jim Kane, Director of the Delaware Criminal Justice Council testified before Senator Specter and Senator Biden and touched on a federally funded initiative that is working effectively. I will not spend time on the same points as Mr. Kane, but it is important to restate the programs that work so effectively, and "Operation Safe Streets" is one such program. Since June of 2006, the New Castle County Police has collaborated with the State of Delaware's Department of Corrections Probation and Parole officers for the purpose of targeting two-time violent felons and preventing future crimes. For the period June 2006 through February 2007, this small four-person unit seized 82 firearms, a pound of crack cocaine, over three pounds of marijuana, almost 5 grams of heroin, 47 grams of methamphetamine, nearly a pound of PCP, apprehended 141 fugitives, conducted 1841 curfew checks, and seized over $30,00.00 in illegal proceeds.

In Delaware, the Safe Streets program is a collaborative effort involving the four largest police agencies and the Department of Corrections. Combined federal money in support of this program is close to one million dollars. Money spent on ventures such as this are truly effective weapons in the everyday battle to reduce or contain violent crime. Expanded measures in this regard remove repeat offenders from our communities and free up time for our officers to return to the job of community policing.

With that, I come to my plea. The expansion of programs such as Safe Streets, gang officers and community crime intervention officer, allows a small number of officers to have a magnified and directed impact on communities that most need our help. In addition, their efforts serve to rid the communities of repeat offenders, which frees up the officer on the street to spend more time in their communities working to break this



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increasing cycle of violence. While these positions are of great value, their longevity is limited due to the funding source. Byrne money, which funds these positions, is an excellent resource, but it is not a suitable device for hiring officers. COPS money, with its three-year hiring grant is a better funding source for stability reasons. Federal money spent on these proven successful endeavors is money well spent on the security of our communities.

Thank you again for the opportunity to address this committee and to take a few moments to explain how much we in state and local law enforcement, rely on federal funding to accomplish our mission.



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# TESTIMONY

# OF

# THE HONORABLE MATHIAS H. HECK, JR.

# PROSECUTING ATTORNEY

# MONTGOMERY COUNTY, OHIO

# AND

# PRESIDENT

# NATIONAL DISTRICT ATTORNEYS ASSOCIATION

# MAY 23, 2007

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**STATEMENT OF THE HONORABLE MATHIAS H. HECK, JR.**

**PROSECUTING ATTORNEY, MONTGOMERY COUNTY, OHIO**

**PRESIDENT, NATIONAL DISTRICT ATTORNEYS ASSOCIATION**

**BEFORE THE COMMITTEE ON THE JUDICIARY,**

**SUBCOMMITTEE ON CRIME AND DRUGS**

**UNITED STATES SENATE**

**CONCERNING "RISING CRIME IN THE UNITED STATES: EXAMINING THE FEDERAL ROLE IN HELPING COMMUNITIES PREVENT AND RESPOND TO VIOLENT CRIME" PRESENTED ON MAY 23, 2007**

## INTRODUCTION

Chairman Biden, Ranking Member Graham and Members of the Judiciary Subcommittee on Crime and Drugs:

My name is Mathias H. Heck, Jr. and I am the elected prosecuting attorney in Montgomery County, Ohio and have served in this capacity for approximately 15 years. Prior to serving as the elected prosecutor I served as an assistant prosecuting attorney in the same office for approximately 20 years.

I would like to extend a thank-you to both Senator Biden and Senator Specter for your invitations to submit written testimony to the Committee on the Judiciary, Subcommittee on Crime and Drugs. The National District Attorneys Association and I appreciate the opportunity to share our thoughts on the issue of violent crime in our



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communities and the federal government's role in providing assistance to prevent and respond to such crime.

Currently I serve as the President of the National District Attorneys Association (NDAA). NDAA is the largest and primary professional association of prosecuting attorneys in the United States. Formed in 1950 as the "National Association of County and Prosecuting Attorneys" and given its present name in 1959, NDAA has approximately 7,000 members, including most of the nation's local prosecutors, in addition to, assistant prosecutors, investigators, victim witness advocates and paralegals. The National District Attorneys Association provides professional guidance and support to its members, serves as a resource and education center, follows public policy issues involving criminal justice and law enforcement, and produces a number of publications.

I would also like to briefly describe my jurisdiction in order to place my remarks in context. Montgomery County, Ohio is located in southwest Ohio. It has a population of approximately 600,000 people living in a diverse community. The county seat is Dayton, which is the fourth largest city in the state. I currently supervise a staff that includes 85 assistant prosecuting attorneys. Annually, my office prosecutes more than 5,000 felony cases.

The views I express today represent those of the National District Attorneys Association and the beliefs of local prosecutors across this country.

**VIOLENT CRIME**

**The Issue:**

The FBI *Preliminary Semiannual Uniform Crime Report* released last year indicated an increase overall in the levels of violent crime for the first half of 2006 as



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compared to the same time period in 2005. Further inspection of the numbers reflected that the levels of increases in violent crime varied among cities based on the population size and by specific crime. As a result, addressing the violent crime problem will require a thoughtful city/county-specific solution in lieu of a standardized policy for application across all jurisdictions. I assure you that there are areas where local prosecutors need your assistance in addressing violent crime in our communities.

**Who is prosecuting violent crime in our country?:**

According to the Bureau of Justice Statistics (National Survey of Prosecutors, Prosecutors in State Courts, 2005, Steven W. Perry, July 2006, NCJ 213799) there are about 2,344 state court prosecutor offices in the United States employing approximately 26,500 criminal attorneys. These attorneys are responsible for handling about 95% of the criminal cases in this nation.

## PREVENTING AND RESPONDING TO VIOLENT CRIME

**Properly Trained and Experienced Advocates in the Criminal Justice System :**

Experienced, well-trained and competent local prosecutors and public defenders are essential to the functioning of the criminal justice system and the response it is capable of providing to incidents of violent crime in a community. Provided that prosecutors and public defenders have adequate experience as well as quality trial advocacy, ethics and specialized training at the beginning of and consistently throughout their careers, there is more likely to be a proper response to violent crime.

Unfortunately as so often is the case in local prosecutors' and public defenders' offices, the high attrition rates caused by high student loan debt and low salaries prevent individuals from becoming seasoned and well trained. Consequently new prosecutors are



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given the responsibility of prosecuting difficult cases for which they have not received specialized training and public defenders are required to defend defendants on very serious charges for which they are unprepared. Neither the safety of victims and the public, nor the due process protections of the accused should be short-changed while a new prosecutor or public defender develops his or her advocacy skills.

Incentives in the form of student loan assistance programs for prosecutors and public defenders would provide the necessary tools for local prosecutor and public defender offices to use in recruiting and retaining the best and brightest individuals as career prosecutors and public defenders. Enactment of federal legislation such as the "John R. Justice Prosecutors and Defenders Incentive Act of 2007" (S.442/H.R. 916) would provide the vital resources to improve the criminal justice process and ensure the public's safety.

**Gangs & Victim/Witness Relocation Programs**

In 2002 the National District Attorneys Association developed a comprehensive policy on juvenile crime issues and as part of that document adopted the following policy statement and commentary as they relate to juvenile gang activity:

> *Policy*: Adequate resources should be provided to prosecutors to assist in the prosecution of gang-related crimes and the protection of witnesses.
>
> Commentary: Prosecutors need to set a high priority within their offices concerning gang issues. Depending on the size of the jurisdiction and the gang problems in existence, community programs may vary. The error most often made by the prosecutor and other law enforcement officials in a community is to ignore the developmental stages of gang activity. According to the National Youth Gang Survey, in 1995, an estimated 31,000 gangs were operating in 4,800 U.S. cities with more than 846,000



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members, half of whom were under age 18.[1] Gangs exist in all types of jurisdictions, from rural to urban.[2]

Gang activity is not mere delinquency. Gang exploits have become increasingly more criminal in nature. Crimes that are designated "gang-related" tend to be overwhelmingly violent.[3] It is important that the consequences imposed reflect the serious level of behavior. Prosecutors must recognize the need for public safety and the goal of deterrence. As a gang becomes organized to commit crimes for profit, control and reputation, its members and "wannabe's" likely are directed to perform criminal acts. The gang itself then reaps the profits. This harms the victim and society as a whole.

Even if prosecutors give the gang issue a high priority, little can be accomplished unless adequate resources are provided to assist them. This can be done by providing sufficient detention space, appropriate prevention programs and human resources to enable all personnel within the juvenile justice system to do their jobs efficiently and effectively. The success of preventive programs in curtailing gang activity within a community must be able to rely on the prosecutor taking action against those who, in spite of preventive intervention, continue their gang involvement. There are those individuals who must be isolated from their peers by institutional detention. Only those prosecutors with adequate staff, court support and placement opportunities have achieved some success.

One issue often overlooked is the ability to protect witnesses who testify against gang members from retribution by the gang. Whether real or imagined, a witness must feel that taking the witness stand will not result in retaliation by the gang members on themselves or their family. The ability of the prosecutor to provide protection, move a witness, or otherwise arrange for relocation and similar services can go a long way in promoting the cooperation of a frightened witness. This is one area in which the federal government can provide both technical and financial resource assistance to local prosecutors.

Gangs whether comprised of adult or juvenile members are increasingly using tactics designed to intimidate witnesses and victims in an effort to interfere with the criminal justice process. This behavior intensifies the prosecutor's role in fighting gang violence. We must find new methods of protecting those individuals brave enough to

[1] OJJDP, Juvenile Offenders and Victims: 1999 National Report, supra, p. 77.
[2] OJJDP, Juvenile Offenders and Victims: 1999 National Report, supra, p. 78.
[3] OJJDP, Juvenile Offenders and Victims: 1999 National Report, supra, p. 78.



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come forward as witnesses. Of course, witness intimidation is not limited to gang related crime. This interference with the criminal justice system occurs in the prosecution of many violent crimes.

The greatest obstacle facing prosecutors today is obtaining the necessary resources to develop and implement witness protection and relocation programs in their localities. The federal government can assist by funding such programs to combat the increasing level of violent gang related crime in communities across America.

**Community Prosecution**

The National District Attorneys Association supports the principles of community prosecution to empower communities to combat crime and improve public safety. The Association also encourages prosecutors to cultivate community and interagency partnerships and to mobilize their communities in collaborative crime prevention and law enforcement initiatives.

This proactive, community oriented and problem-solving approach to law enforcement embraces the role of the community in solving local crime and safety problems. Collaboration is a key component of community prosecution and partnerships among community residents, businesses, private institutions, law enforcement and other governmental agencies are developed and directed toward crime prevention goals.

The development and implementation of these programs requires funding and resources often not available to local prosecutor offices. Increased federal funding and the hiring of additional prosecutors for participation in such programs would assist localities in identifying the cause(s) of specific crime; implementing an issue-focused strategy; and improving the ability of localities to respond to and prevent violent crime in



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their communities.

**High Intensity Drug Trafficking Areas (HIDTA)**

The National District Attorneys Association encourages prosecutors whose jurisdiction falls within a high intensity drug trafficking area to actively participate in the HIDTA program and encourages the federal government to provide appropriate fiscal and other support services to state and local HIDTA members.

The HIDTA Program has provided over 1,300 participating local, state and federal agencies the means to physically co-locate personnel within HIDTA funded space and set up a national information-sharing system complete with tactical and strategic intelligence analysis capability. While HIDTA is a counterdrug program, the HIDTA intelligence centers operate in a general criminal intelligence environment, thus leveraging all criminal intelligence information for the program's primary mission. Analysts and law enforcement officers in HIDTA have direct access to thousands of criminal and public source databases and state-of-the-art analytical tools. This means that everyone is sharing the same information.

It is critical to the successful detection, investigation and prosecution of drug related crimes that multiple agencies and multiple jurisdictions coordinate their efforts, combine their resources and technologies, and engage in effective information gathering and intelligence sharing. It is equally vital that such efforts be fully funded with the aid of the federal government.



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**Prisoner Re-Entry Programs**

The National District Attorneys Association believes that prisoner re-entry is an important consideration for the criminal justice system and society as a whole for a variety of reasons, which include:

- A record number of prisoners are being released from incarceration on an annual basis;
- The cost of housing inmates is increasing at a rapid rate; and
- The rate of recidivism among those released from confinement is high at the present time.

According to the United States Department of Justice figures, approximately 650,000 prisoners are released from incarceration annually.[4] As a result 650,000 ex-offenders reenter our communities in need of housing, medical and mental health treatment, employment, counseling and a variety of other services. Communities are often overwhelmed by these increased demands and, due to budget constraints, unable to provide minimum services to ex-offenders. As a result, the safety of our communities and citizens is jeopardized when releasees, who are unable to acquire employment, housing and needed services, revert to a life of crime.

In addition, reports reveal that the cost of housing inmates is rapidly increasing. Direct expenditures for corrections have increased from $9,048,947,000 in 1982 to $56,956,871,000 in 2001.[5] With current economic constraints and nation-wide budget

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[4] "About 650,000 inmates were released from prison in 2002, up from around 150,000 in 1977." Bruce Western, *Lawful Reentry*, The American Prospect, December 2003, p. 54.
Almost 650,000 prisoners are released from incarceration annually. United States Department of Justice, Office of Justice Programs, *Learn About Reentry*, *available at* http://www.ojp.usdoj.gov/reentry/learn.html (accessed November 24, 2004).

[5] United States Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Key Facts at a Glance, Direct Expenditures by Criminal Justice Function, 1982-2001, available at* http://www.ojp.usdoj.gov/bjs/glance/tables/exptyptab.htm (accessed November 30, 2004).
"The average cost of incarceration for federal inmates is $22,517 a year. The annual cost of keeping inmates in a community corrections center is $17,706, according to the U.S. Department of Justice." Tresa



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reductions, states and localities are often unable to meet the demands that the increased number of inmates place on state and local governments.

Most significant is the rate of recidivism among released offenders. It is reported that "[f]ewer than half of all released offenders stay out of trouble for at least 3 years after their release from prison, and many of these offenders commit serious and/or violent offenses while under parole supervision."[6]

In July 2005 the Board of Directors of the National District Attorneys Association adopted ***Policy Positions on Prisoner Reentry,*** which, in part, state:

> The National District Attorneys Association believes that increases in funding at the federal, state, and local levels are imperative to developing and implementing service plans for offenders while incarcerated; for developing and providing community resources for ex-offenders upon their release from incarceration; for providing meaningful oversight by

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Baldas, *Considering the Alternatives*, The National Law Journal, November 15, 2004.

[6] "Fewer than half of all released offenders stay out of trouble for at least 3 years after their release from prison, and many of these offenders commit serious and/or violent offenses while under parole supervision." United States Department of Justice, Office of Justice Programs, *Learn About Reentry, available at* http://www.ojp.usdoj.gov/reentry/learn.html (accessed November 16, 2004).
"Of the 272,111 persons released from prisons in 15 States in 1994, an estimated 67.5% were rearrested for a felony or serious misdemeanor within 3 years, 46.9% were reconvicted, and 25.4% resentenced to prison for a new crime." United States Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Criminal Offenders Statistics, Recidivism available at http://www.ojp.usdoj.gov/bjs/crimoff.htm (accessed November 30, 2004).
"Approximately 2 out of every 3 people released from prison in the US are re-arrested within 3 years of their release." Report Preview, Report of the Re-Entry Policy Council, Charting the Safe and Successful Return of Prisoners to the Community, The Council of State Governments funded in part by the United States Department of Justice, United States Department of Labor & United States Department of Health and Human Services available at www. REENTRYPOLICY.ORG *citing* Patrick A. Langan and David J. Levin, National Recidivism Study of Released Prisoners: Recidivism of Prisoners Released in 1994, Washington, D.C., U.S. Department of Justice, Bureau of Justice Statistics, NCJ 193427, June 2002.
"Fully two-thirds of all those released on parole will be rearrested within 3 years. Parole failures now constitute a growing proportion of all new prison admissions." Joan Petersilia, *Prisoner Reentry: Public Safety and Reintegration Challenges*, The Prison Journal, Vol. 81, No. 3, September 2001, p. 365.
"67.5% of prisoners released in 1994 were rearrested within 3 years, an increase over the 62.5% found for those released in 1983." United States Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Reentry Trends in the U.S.: Recidivism*, available at www.ojp.usdoj.gov/bjs/
According to research conducted by Gaes, Flanagan, Motiuk, and Stewart in 1999, lower recidivism results from participation in selected prison programs. James P. Lynch & William J. Sabol, *Prisoner Reentry in Perspective*, Crime Policy Report, Vol. 3, September 2001, Urban Institute, Justice Policy Center, p. 6.



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probation and parole officers of offenders following release; and developing and implementing innovative programs such as reentry courts. Increased funding is also vital for conducting further research on prisoner reentry issues, solutions, and outcome measures.

Given the burgeoning numbers of prisoners being released from confinement each year, the only way that reentry and reintegration programs can achieve their goal of protecting the safety of the community while transitioning offenders back into society is through additional funding at all levels of government. Correctional facilities will require additional funding to develop and implement appropriate reentry programs as well as provide the necessary medical and mental health care, vocational training, and development of life skills. The community and social service organizations in particular will need additional personnel and resources to provide the necessary services for reentering prisoners. The court systems, correctional institutions as well as probation and parole departments will demand additional funding in order to provide meaningful oversight of offenders and imposition of sanctions when offenders fail to comply with the terms and conditions of their release.

It is equally important that additional funding be available for long term research on issues such as the impact of reentry programs on the rate of recidivism; for developing innovative programs for dealing with prisoner release issues; for evaluating risk assessments for efficacy and reliability; and for determining those characteristics which predispose offenders to succeed or fail in these programs.

**CONCLUSION:**

On behalf of the National District Attorneys Association I appreciate the opportunity to share the Association's viewpoint on how the federal government can assist local prosecutors in responding to and preventing violent crime. I believe that increased federal assistance in the form of funding, collaboration, and communication with local prosecutors will provide a measurable difference in our ability to address violent crime in our communities.



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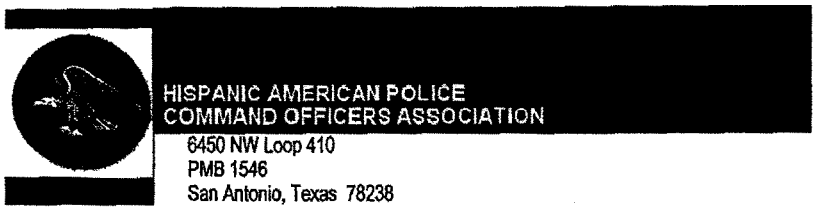


April 26, 2007

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

On behalf of the Hispanic American Police Command Officers Association (HAPCOA), I am writing to express our support for the Gang Abatement and Prevention Act of 2007. HAPCOA Is grateful for your leadership on this important issue and we look forward to working with you to ensure the timely passage of the critical legislation.

HAPCOA, the **Hispanic American Police Command Officers Association**, established in 1973, is .e oldest and largest association in the U.S. of Hispanic American command officers from law enforcement and criminal justice agencies at the municipal, county, state and federal levels. With members in hundreds of agencies across the United States and Puerto Rico, many of whom are active in local chapters, HAPCOA is a national organization with a local presence.

In recent years, incidents of gang related crime and violence has increased at an alarming rate in the communities throughout the United States. A Law enforcement effort to combat these crimes has been hindered by both a lack of resources and prosecutorial tools. HAPCOA believes that this legislation will help ensure that Federal, state, tribal and local law enforcement agencies have the tools and resources necessary to combat the growing problem of gang related crime and violence.

HAPCOA thanks you for your leadership on this important issue and for your continued support of the law enforcement community.

Sincerely,

Ray Leyva
National President

WWW.HAPCOA.ORG ◊ Tel: (210) 641.1305 ◊ Fax: (210) 641.1304



40885.111

International Association of Chiefs of Police

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Executive Director
Daniel N. Rosenblatt
Alexandria, VA

Deputy Executive Director
Chief of Staff
James W. McMahon
Alexandria, VA

January 31, 2007

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

On behalf of the International Association of Chiefs of Police (IACP), I am writing to express our support for the Gang Abatement and Prevention Act of 2007. The IACP is grateful for your leadership on this important issue and we look forward to working with you to ensure the timely passage of this critical legislation.

In recent years, incidents of gang related crime and violence has increased at an alarming rate in communities throughout United States. Unfortunately, law enforcement's efforts to combat these crimes have been hindered by both a lack of resources and prosecutorial tools. The IACP believes that this legislation will help ensure that federal, state, tribal, and local law enforcement agencies have the tools and resources necessary to combat the growing problem of gang related crime and violence.

Once again, the IACP thanks you for your leadership on this important issue and for your continuing support of the law enforcement community.

Sincerely,

Joseph C. Carter
President

# International Association of Women Police

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*Amy Ramsay*
Orillia, Ontario

**Executive Director**
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Phoenix, AZ

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amy.ramsay@ontario.ca

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

30 April 2007

Dear Senator Feinstein:

On behalf of the International Association of Women Police (IAWP), representing thousands of law enforcement officers from around the world, I would like to express my appreciation to you for introducing the "Gang Abatement and Prevention Act of 2007" and contribute our support for the legislation.

I understand how serious the gang problem is in the United States – it is also a significant problem in many other countries. Compounding this problem is the fact that gangs have been directly linked to narcotics trade, human trafficking, identification document falsification, violent maiming, assault and murder, along with the use of firearms to commit deadly shootings. It is my hope that the significant progress made against gangs in your country will be seen as a model for other countries.

I thank you for your continued support of law enforcement. We look forward to working with you to fight for the passage of this bill. If you have any questions, please feel free to contact me, at (705) 329-7585.

Sincerely,

Amy Ramsay, PhD
President

ttp://www.iawp.org

***The mission of IAWP is to strengthen, unite, and raise the profile of women in criminal justice internationally.***

**INTERNATIONAL UNION OF POLICE ASSOCIATIONS AFL-CIO**

*THE ONLY UNION FOR LAW ENFORCEMENT OFFICERS*

SAM A. CABRAL
*International President*

DENNIS J. SLOCUMB
*International Executive Vice President*
*Legislative Affairs*

TIMOTHY A. SCOTT
*International Secretary-Treasurer*

May 1, 2007

The Honorable Diane Feinstein
331 Hart Senate Office Building
Washington, DC 20515

Dear Senator Feinstein:

On behalf of The International Union of Police Associations, AFL-CIO, representing more than 100,000 rank and file law enforcement professionals across the nation, I wish to express our strong support for S. 456, "**The Gang Abatement and Prevention Act of 2007.**"

The creation of High Interstate Gang Activity Area programs will provide a national strategy and the crucial funding to facilitate the cooperative effort of all law enforcement to combat the violence and criminal enterprises of the gangs. Further, the enhanced penalties and the creation of various federal statutes to address this criminal phenomenon will allow law enforcement to more effectively investigate, apprehend and incarcerate those who prey on our communities.

We are appreciative of your efforts in this matter and your continuing support of law enforcement over the years to provide them with the resources and the tools to continue to protect our communities.

I look forward to working with you and your staff to bring this critical piece of legislation forward.

Very respectfully,

Dennis Slocumb
International Vice President

DS/sk

Legislative Affairs Office • 211 North Union Street • Suite 100 • Alexandria, Virginia 22314-2643 • (703) 519-4210
International Headquarters • 1549 Ringling Blvd • 6TH Floor • Sarasota, Florida 34236-6772 • (941) 487-2560 • Fax: (941) 487-2570

**Senate Committee on the Judiciary**

**"Rising Crime in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime"**

**Ted Kamatchus**
Sheriff, Marshall County, Iowa
President, National Sheriffs' Association

May 23, 2007

Good afternoon Mr. Chairman and members of the Committee. My name is Ted Kamatchus and I currently serve as the Sheriff of Marshall County, Iowa and President of the National Sheriffs' Association. I am pleased to have this opportunity to appear before you today to express my concerns and what I know to be the concerns of sheriffs across the country with recent increase of violent crimes coupled with severe reductions in federal assistance to state and local law enforcement agencies.

The essential message that I bring to you today is that the federal government needs to play a large role in crime-fighting. Together we need a coordinated national attack on crime, recognizing that there is no single "silver bullet" solution. Political rhetoric must not prevail over action.

As you may be aware, sheriffs play a unique role in our criminal justice system. In addition to providing traditional policing within their respective counties, sheriffs also facilitate local jails and are responsible for protecting and providing security for the



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judicial system. Over 99% of the sheriffs are elected and oftentimes serve as the chief law enforcement officer of their counties. Consequently, we have a keen understanding of the needs of our criminal justice system as well as of the local communities we serve.

In the early 1990's Congress joined in a partnership with local law enforcement to provide assistance in federal funds for hiring additional officers to put offenders behind bars and fight the war on drugs. Unfortunately, in recent years, the federal government has strayed from its commitment to fight crime.

The majority of violent crimes we have recently been experiencing have been related to drugs and an increase in gang activity. Sheriffs have not been able to hire the number of officers they need to address these issues, and in many jurisdictions, current levels of staffing only allow officers to respond from one 911 call to another.

For more than 30 years, Byrne grants have funded state and local drug task forces, community crime prevention programs, substance abuse treatment programs, prosecution initiatives, and many other local crime control and prevention programs. We perceive this program as the underpinning of federal aid for local law enforcement to address violent crimes. Continued reduction in Byrne funding will undoubtedly obliterate the successes that we have all helped to achieve.

In most states, Byrne funded drug task forces are the cornerstone of drug enforcement efforts. These task forces represent the ideal in law enforcement; pooling



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limited resources, sharing intelligence, strategically targeting a specific problem, and eliminating duplication of efforts. Moreover, these task forces allow federal, state and local law enforcement and prosecutors to work together and share intelligence to stem large-scale organized crime. However, most states have had to scale back on the number of such task forces.

I cannot emphasize enough the importance of COPS programs, particularly in that funding for these programs are distributed directly to local law enforcement agencies – those that can best assess and allocate funds where they have the most impact. COPS programs assure the quality of policing services through better training and the highest-technology equipment.

We have heard time and time again that "homeland security begins with hometown security." Yet, vital programs such as the Byrne and COPS programs that provide the necessary resources to ensure "hometown security" have both been cut drastically and the hiring initiative for COPS has been zeroed out in recent years.

It is of no surprise to those in the law enforcement community that since law enforcement programs have been depleted the crime rate has been rising. We urge this Congress to restore funds for these important public safety programs – Byrne at the authorized level of $1.1 billion and COPS at $1.15 billion. We would also like to express our thanks to Senators Biden and Feinstein for taking a leadership role in their efforts to restore funding for these two essential law enforcement programs.



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In addition to highlighting the importance of the Byrne and COPS programs, I would also like to urge the Senate to take action on some of the measures that we believe will assist local law enforcement address violent crimes. The National Sheriffs' Association has endorsed the Gang Abatement and Prevention Act (S. 456) aimed at increasing and enhancing law enforcement resources committed to investigation and prosecution of violent gangs, the Second Chance Act (S. 1060) which would begin to address the nation's escalating recidivism rates, Methamphetamine Production Prevention Act (S. 1276) which would facilitate the use of electronic methamphetamine precursor logbook systems in order to help states crack down on domestic meth production and the PRECAUTION Act which would create a national commission to identify promising areas of crime prevention and intervention strategies to provide guidance in a direct and accessible format to state and local law enforcement to ensure that the criminal justice community is investing its limited resources in the most cost-effective way possible.

Mr. Chairman, I would also like to note that over twenty sheriffs from border states were in Washington last month to seek federal assistance to address violent crimes along the border including human and drug trafficking, homicide, robbery, and proliferation of gangs and drug cartels. I cannot stress enough the urgency of this matter. I implore this Congress to heed the words of those sheriffs that have first hand experience of the violence along the border as this Congress revisits the issue of immigration reform. These sheriffs have stepped up to the plate to shoulder the burden of securing the border, which is primarily a federal responsibility, and we simply ask that the federal government



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provide appropriate funding to these sheriffs until the federal government can adequately address the problem.

***Conclusion***

I want to thank you for the opportunity to come before you and express my concerns. I hope I have conveyed to you the dire situation that sheriffs are faced with across the country and how critical Byrne and COPS programs are to us. The strain caused by limited funds for law enforcement programs in the face of increasing violence and drug abuse in our communities should be a major inducement for government and law enforcement alike to share the responsibility for keeping our communities safe. I ask for your full consideration on my comments today. I know that through your commitment and efforts together we can provide safer communities for the American people.



40885.119

# NATIONAL SHERIFFS' ASSOCIATION

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January 29, 2007

The Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510-0504

Dear Senator Feinstein:

I write to you on behalf of the National Sheriffs' Association to express strong support for the Gang Abatement and Prevention Act of 2007. This much needed legislation takes a necessary step toward addressing the growing epidemic of gang violence that is affecting our entire nation and has even stretched into some of our most rural communities.

The National Sheriffs' Association is the voice of 3,087 elected sheriffs across the country and the largest association of law enforcement professionals in the United States. As chief law enforcement officers in many jurisdictions across the country, sheriffs are aware that gang activity has been directly linked to the narcotics trade, human trafficking, identification documentation falsification and the use of firearms to commit deadly shootings. Thus, NSA recognizes the importance of the programs and initiatives the Gang Abatement and Prevention Act promotes.

The Gang Abatement and Prevention Act of 2007 would effectively address the growing problem of gang violence by creating a rational strategy to identify, apprehend, and prosecute gangs across the nation. Specifically, the bill would provide for the designation of High Intensity Interstate Gang Activity Areas (HIIGAAs) to identify, target and eliminate violent gangs in areas where gang activity is particularly prevalent. Such a program is integral to the cooperative efforts of local law enforcement to effectively deal with gang related activities.

While our top priority is to fully restore funding for the Edward Byrne Justice Assistance Grant Program, we believe that sheriffs would also benefit from the authorization of $1 billion to assist Federal, State and local law enforcement efforts to combat gang violence and promote gang prevention. Sheriffs hold the well-being and safety of their constituents as their highest priority. Appropriate funding, however, is necessary to effectively maintain safe communities. The Gang Abatement and Prevention Act aptly recognizes this need and allows for sheriffs to address the maladies of gang violence in schools, in local communities, and even across jurisdictions.

The Gang Abatement and Prevention Act of 2007 is a comprehensive piece of legislation that addresses both the enforcement and prosecution aspects of the battle against gang violence. The National Sheriffs' Association and its member sheriffs fully support this legislation and thank you for your continued support of law enforcement.

Sincerely,

Ted Kamatchus
President

*Serving Our Nation's Sheriffs Since 1940*

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*INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE*

# TESTIMONY

**Statement of**

**Russell B. Laine**

**Second Vice President**
**International Association of Chiefs of Police**

**Before the**

**Committee on the Judiciary**
**Subcommittee on Crime and Drugs**

**United States Senate**

**May 23, 2007**

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40885.121

Good Morning Mr. Chairman and Members of the Subcommittee,

My name is Russell Laine and I serve as the Chief of Police in Algonquin, Illinois. For those of you unfamiliar with the area, Algonquin is a community of approximately 33,000 located about 40 miles northwest of Chicago.

I am here today as the Vice President of the International Association of Chiefs of Police representing over 20,000 law enforcement executives throughout the world.

I am pleased to be here this morning to discuss the challenges currently confronting the U.S. law enforcement community and our need for an increased level of support from the Federal government.

In the United States, there are more than 18,000 law enforcement agencies and well over 700,000 officers who patrol our state highways and the streets of our communities each and every day.



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During the past 15 years, these officers, and the law enforcement agencies they serve, have made tremendous strides in reducing the level of crime and violence in our communities. This has been accomplished in part because these officers have an intimate knowledge of their communities and because they have developed close relationships with the citizens they serve.

Yet, despite the best efforts of our nation's law enforcement officers, the disturbing truth is that each year in the United States, well over a million of our fellow citizens are victims of violent crime. Unfortunately, in the last two years we have seen a steady increase in the rate of violent crime in the United States. According to the FBI Uniform Crime Report, Violent Crime rose at a rate of 2.5 percent during 2005. To put that in perspective, that is an additional 31,479 victims.

Unfortunately, this increase in the crime rate appears to be accelerating. For the first six months of 2006, the crime rate rose at a rate of 3.7 percent, when compared to the same time frame in 2005. If this rate holds for the final six months, and I am sorry to say that I believe it will, it would mean that



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an additional 47,000 Americans will find themselves victims of violent crime.

While there are many different theories as to why violent crime is increasing in these communities, after years of often double-digit declines, there is one fact that we all can agree on: no one is immune from crime. What were once considered "urban" problems—drug addiction and distribution, violent crime, gangs, and poverty—have migrated to suburban and even rural locations. Gangs, Guns & Drugs are everywhere!!

In many ways, my hometown of Algonquin typifies the problems that are plaguing many American communities. Traditionally, the Algonquin PD has not had to deal with the same level of crime and violence that has confronted larger communities and cities. For example, nearly twenty-two years ago when I arrived in Algonquin the pressing issues facing the department were dealing with curfew violations; parking issues and stray cows and horses that wandered onto main thoroughfare.



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Today, that thoroughfare is an eight lane highway, and the Algonquin Police Department is dealing with more dangerous criminals who are committing increasingly violent crimes. For example, Algonquin just experienced a rather infamous first in the history of our community: our first drive by shooting. If you would allow me, I would like to read from an analysis of this event that was prepared by one of my Sergeants.

> "*Eight bullet holes were found in the front of the residence and eight cartridge casings were recovered from the street in front of the residence. This same residence was the scene of a firebombing in January of 2006 and is the home of an 18 year old male who is a self admitted member of the Latin Kings street gang who claims to be "retired" from the gang and no longer involved in gang activity. Earlier that same evening there were shootings at the residences of members of the Sureno 13 street gang.*
>
> *In communities near Algonquin there has been, and continues to be, an ongoing war between the*



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*Latin Kings and the Sureno 13s street gangs for general supremacy and control of drug distribution in the area. These two gangs are well organized and are openly hostile towards each other and have been actively shooting at each other for some time*".

In years past "gang activity" within Algonquin could be accurately described as local youth wannabes who thought they were acting cool and seeking an identity for themselves and the random contacts with hard core gang members from other towns who were merely passing through Algonquin going from one place to another. Today there is an active gang presence within Algonquin and the attendant violence is increasing both in frequency and intensity.

I think it is safe to say that this report pretty much demonstrates that the days of worrying about stray cows are over.

And it is not just gang-related and other violent crimes that are on the increase. We are witnessing a rise in property



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crimes and like, many communities around the country, a new wave of financial and identity crimes.

Another example of this chilling trend in the mid-west is a new drug called "cheez," a mix of black heroin and Tylenol PM. It is mostly sold to minors and becoming a trend in schools.

As you can imagine, responding to and investigating all of these crimes is labor intensive and a time consuming process.

Unfortunately, our ability to do this is becoming increasingly strained. To be blunt, our resources are stretched to the limit. As a result, we have not been able to add the additional officers that would allow us to combat these criminals aggressively. We have not been able to take advantage of necessary training that would leave our officers better prepared to confront the new breed of criminals operating in our community. And we have not been able to acquire the sophisticated technology to help us in our crime fighting and which is available to the "bad guys".



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It is telling that this increase in violent crime, drug sales and gang activity in America, corresponds directly to the substantial decline in funding for state, tribal and local law enforcement from federal government assistance programs.

I will not use my time here this morning to enter into a prolonged discussion of the current budget situation confronting law enforcement but I would ask that I be able to submit a copy of the IACP's Budget Analysis for the record.

I do believe it is important to note that when compared to the FY 2002 funding level of $3.8 billion, the Administration's FY 2008 proposal represents a reduction of more than $3.2 billion or 85 percent and, unfortunately, no program has been hit harder over the last several years than the COPS Program.

These cuts are particularly troubling because the IACP believes that the COPS Program played an integral role in our ability to reduce crime rates in the past. By providing law enforcement agencies with the necessary resources, training and assistance, the COPS Program has become an invaluable ally to state, tribal and local law enforcement



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agencies. It is this fact that makes the current situation completely unacceptable, not only to the nation's entire law enforcement community, but also to the citizens we (you and I) are sworn to protect from both crime and terrorism. It is an undisputed reality: state, tribal, and local law enforcement agencies are on the front line of effective terrorism prevention. Because of their 24/7, 365 days a year efforts to prevent and combat crime and violence, state, tribal, and local law enforcement officers are uniquely situated to detect, investigate, apprehend and hopefully prevent suspected terrorists from acting.

We willingly accept the new responsibilities in combating terrorism, but our ability to continue with traditional policing is our best weapon against terrorism. For this we need your assistance.

State, tribal and local law enforcement are doing all that we can to protect our communities from increasing crime rates and the specter of terrorism, but we cannot do it alone. We need the full support and assistance of the federal government. That is why programs like the COPS program and the Byrne-JAG program have been so successful and



40885.129

so popular, with the state and local law enforcement community. And that is why it is so essential for these programs to be fully funded in FY 2008 and the years that follow.

Unfortunately, as the IACP Budget Analysis makes clear, the reductions these critical programs have suffered in recent years and the cuts contained in the proposed FY 2008 budget have the potential certainty **to cripple the capabilities of law enforcement agencies nationwide** and force many departments to take officers off the streets, eliminate the promise of vital communications between agencies during a major public safety emergency or natural disaster—all leading to more crime and violence in our hometowns and, ultimately, less security for our homeland.

Thank you.



40885.130

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www.cacities.org

May 18, 2007

The Honorable Dianne Feinstein
United States Senate
331 Senate Hart Office Building
Washington, DC 20510

**RE: S. 456 (Feinstein) Gang Abatement and Prevention Act of 2007**
**Notice of Support**

Dear Senator Feinstein:

On behalf of the League of California Cities (League), which represents California's 478 cities, we are pleased to support S. 456, "The Gang Abatement and Prevention Act of 2007." This important legislation would assist local governments in developing strategies to battle gang problems nationwide. Many of the most dangerous and well-established gangs originate in California. In coordination with the federal government, California could begin to address this problem with federal resources and support.

This legislation would create High Intensity Interstate Gang Activity Areas (HIIGAA) and provides assistance in the form of criminal street gang enforcement teams made up of local, state and federal law enforcement authorities to investigate and prosecute criminal street gangs in each area. This is very important to California, which already has four regions within the state that have been designated as High Intensity Drug Trafficking Areas (HIDTA). The League supports tools that will allow local governments to increase public safety in communities.

Additionally, S. 456 would increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, it would deter and punish violent gang crime, it would protect law-abiding citizens and communities from violent criminals, it would revise and enhance criminal penalties for violent crimes, and it would expand and improve gang prevention programs. The League supports stiffer penalties for violent offenders, supports additional funding for local agencies to recoup the costs of crime and supports measure that will increase community safety.

Thank you for your great leadership on this urgent issue for California. We look forward to working closely with you in advancing the legislation.

Sincerely,

Maria Alegria, President,
League of California Cities

Christopher McKenzie,
Executive Director

**Statement of Senator Patrick Leahy**
**Chairman, Senate Judiciary Committee**
**Hearing on "Rising Crime in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime"**
**May 23, 2007**

Violent crime in the United States is a problem that affects us all, and the rise in violent crime rates is an alarming trend that Congress must address. I thank Senator Biden for holding this important hearing.

Like my colleagues, I have been extremely concerned that violent crime, which had been declining through the 1990s, has once again been on the rise. I worry that the previous Republican-led Congress and the current Administration may have contributed to this trend by cutting funding to local law enforcement, which has always been our best resource in preventing violent crime.

We have seen a steady and significant decline in the funds appropriated and spent for the Community Oriented Policing Services Program. The COPS program increased police presence on the streets, and by all accounts aided in the steady decline in the national crime rate in the 1990s. Beginning with President Bush's first year in office, the Administration has proposed consistent cuts, and in fact has proposed to completely do away with the COPS program.

In 2005, the GAO recognized that the COPS program had been effective in reducing violent crime. Between 1994 and 2001, violent crime dropped by 29 percent. State and local law enforcement officers have consistently appreciated the program. Since the Administration and the Republican Congress began cutting this program, however, the rate of violent crime has once again been steadily climbing, as statistics for 2005 and the first half of 2006 show. Yet, the President continues to propose cuts in the COPS program and the Byrne grant program, another important program to fund local law enforcement.

We have been trying to reverse this trend. This Congress and this Committee have been taking important steps to show our support for our nation's law enforcement officers. In March, the Senate Judiciary Committee voted to report the COPS Improvement Act of 2007, which I joined with Senator Biden to introduce. Despite tremendous support for this legislation, a Republican objection to passing the House version of this bill has prevented this important legislation from passing the Senate. I hope the objection is soon withdrawn.

This legislation would reauthorize and expand the ability of the Attorney General to award grants aimed at increasing the number of cops on the streets and in our schools. In Vermont, for example, passage of the COPS Improvement Act would likely mean that 110 new officers would be put on the beat. Additionally, the COPS Improvement Act would authorize funds for district attorneys to hire community prosecutors and for law enforcement technology grants. The COPS program has been a resounding success, and



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the proposed improvements to the program would help our State and local law enforcement agencies cope with the substantial reductions in funding they have endured in recent years.

I am also a longtime supporter of the Edward Byrne Memorial Assistance Grant Program, which has been targeted for elimination by this Administration. Byrne funding is the backbone of counter-drug enforcement and prosecution efforts in Vermont. Over the years, Vermont has been able to support a broad spectrum of projects within corrections, courts, training, forensics, and domestic violence and victim services as a result of the Byrne grant program. In March, this Committee agreed to report reauthorization of Byrne grants, as well.

We must do what we can to reverse the alarming trend of rising crime in this country. We must give local law enforcement the resources they need, and we must make sure that the Federal Government is doing its part. We must fund and encourage more prevention programs, particularly for young people, which can reach kids before they turn to crime and keep all of us safer. I look forward to the insights of today's distinguished witnesses, including leaders of important law enforcement entities about how best to address our crime problem.

# # # # #



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May 30, 2007

The Honorable Joseph Biden, Jr., Chair
The Honorable Lindsey Graham, Ranking Member
U.S. Senate Committee on the Judiciary
Subcommittee on Crime and Drugs
Washington, D.C. 20510

Re: Committee hearing on Rising Crime in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime

Dear Chairman Biden and Ranking Member Graham,

On behalf of Legal Momentum, I would like to thank you for the opportunity to submit testimony about the federal role in addressing violence against women in the workplace. Legal Momentum has advanced the rights of women and girls by using the power of the law and creating innovative public policy for thirty-seven years. With a dedication to ending violence against women and allowing women access to economic opportunity, Legal Momentum helped craft the Violence Against Women Act of 1994 and currently chairs the National Task Force to End Sexual and Domestic Violence Against Women. Legal Momentum cares about ensuring both the safety of workplaces across the United States, and the safety of all employees who are victims of domestic violence. While sexual and domestic violence may at times affect the workplace, it is critical to recognize that the workplace, and one's rights within it, also affects the prevalence of this kind of crime.

**The Scope of the Problem**

**The Costs of Violence Against Women**

Violence against women has exacted a heavy toll on our country. Approximately 5.3 million women are victims of non-fatal intimate partner violence each year[i], and about 36,500 individuals, 80% of whom were women, were raped or sexually assaulted in the workplace each year between 1993 and 1999[ii].

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The cost of violence against women constitutes a significant proportion of the total cost of crime. The National Institute of Justice estimates that fifteen percent of the $450,000,000,000 annual cost of crime can be attributed to domestic violence alone, while $127,000,000,000 of this cost arises as a consequence of rape. This figure represents the sum of medical expenses, lost earnings, social service costs, pain, suffering and reduced quality of life for the victims[iii].

According to the National Violence Against Women Survey, the cost of intimate partner violence exceeds $5,800,000,000 per year, with health care costs accounting for two-thirds of this sum[iv]. Other costs include lost earnings from the paid work and household production of survivors and the lifetime earnings of homicide victims. However, the Center for Disease Control and Prevention warns that the costs in this report are not comprehensive because data for certain cost components is unavailable.

Violence against women also incurs significant costs in the workplace. The Bureau of National affairs reported the cost of domestic violence to United States employers to be between $3,000,000,000 and $5,000,000,000 annually in lost time and productivity[v]. This figure is likely a low estimate of the actual cost to employers because it does not include the costs suffered from employee turnover, additional security in the workplace, the loss of valuable human capital, and the liability of businesses for some incidents related to violence against women in the workplace.

Although some of the costs of violence against women can be quantified, many remain indeterminate. For example, children living in the context of domestic violence may suffer from trauma and anxiety or may experience behavioral changes with negative long-term consequences. Furthermore, the loss of economic security for survivors of violence can have consequences for both the survivor and to the state. For example, victims of sexual and domestic violence who rely on welfare services may be impeded from moving towards greater economic self-sufficiency. Data regarding the impact of violence against women on certain social services and criminal justice services is often unavailable. Therefore, the aggregate cost of violence against women is likely to be greater than the figures reported above.

**Homicide of Women in the Workplace**

Homicide in the workplace is certainly the most extreme and tragic example of sexual and domestic violence at work. Rebecca Griego, a twenty-six year old employee of the University of Washington, was just one of the three women killed by a former partner in the last several months. On April 2nd of this year, Griego was fatally shot by her ex-boyfriend, Jonathan Rowan, who had harassed and threatened to kill her. Despite the fact that Griego had filed a protection order, had changed addresses and phone numbers, had asked co-workers to watch out for Rowan, and had notified UW police, little was done in her workplace to prevent her tragic death[vi].

Rebecca's story is far from an anomaly. In fact, homicide is now the leading cause of death for women in the workplace[vii]. According to an analysis of 2004 homicide data by the Violence Policy Center, 1,807 females were murdered by males in the United States in 2004. For homicides in which the victim to offender relationship could be identified, ninety-two percent of female homicide victims were murdered by someone they knew, and sixty-two percent of these were wives, common-law wives, ex-wives or girlfriends of the offenders. Of homicides that were unrelated to the commission of any other felony, sixty-four percent involved arguments between the victim and the offender[viii].

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**The Need for Federal Involvement in Preventing Violence Against Women in the Workplace**

Congress began to substantively address the problem of violence against women with the passage of the Violence Against Women Act (VAWA) of 1994. VAWA increased the availability of shelters, counseling, and other services for survivors of such violence, and improved the response of the police and the criminal and civil justice systems to these incidents. The legislation has been tremendously successful in creating a community-coordinated response to prevent further incidents of violence in a woman's life. We are particularly grateful to Senator Biden for his continued leadership on this issue.

Nevertheless, more can be done at the federal level to prevent and reduce sexual and domestic violence. A woman's rights in the workplace, and her resulting economic security, greatly affect her ability to separate from her abuser. An abuser often retains control of a victim by making her economically dependent, and often attempts to sabotage the victim's ability to work. According to a 1998 report by the U.S. General Accounting Office, between 25% and 50% of domestic violence victims reported that they lost a job due at least partly to such violence[ix]. Almost half of sexual assault survivors lose their jobs or are forced to quit in the aftermath of the assaults[x]. Therefore, Congress must act to enhance the economic independence of victims of sexual and domestic violence in order to enable victims to escape the violence and thereby to prevent the commission additional acts of violence against women and their families.

**a. Creating a Workplace Resource Center**

Among the provisions contained the 2005 reauthorization of VAWA was one that created a workplace resource center. The center was meant to aid businesses in assisting victims of sexual and domestic violence to maintain both their productivity and their independence. Such a center could have a powerful impact upon both workplaces and employees who are victims of violence. Congress has the opportunity to demonstrate its continued commitment to workplace safety by authorizing appropriations for the workplace resource center

Hundreds of companies have already taken the lead and have developed programs and workplace policies to aid those employees who are victims of these crimes[xi]. However, according to a 2006 study by the Bureau of Labor Statistics, more than 70% of United States workplaces have no formal program or policy that addresses workplace violence, including sexual and domestic violence on the job[xii]. A workplace resource center would address this problem and help employers create appropriate human resource policies.

Often such policies require little work on the part of the employer. A business could aid an employee simply by changing where the employee sits in her office or by changing her contact information. It could also relocate the employee, take greater security measures or give the employee a different schedule, as appropriate. Establishing and publicizing appropriate policies can also foster an open environment in which victims are more likely to report the abuse they have suffered. Such an environment could allow for a greater number of abusive situations to come to light, and potentially be resolved. The resource center would allow employers to educate themselves about their rights and responsibilities under the laws while putting into place policies that would result in safer and more efficient workplaces.

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**b. Granting work leave to address sexual and domestic violence**

Having acknowledged the existence of a congressional role in responding to workplace violence, Congress should build on this foundation by establishing workplace protections for survivors of abuse. Congress should expand the protections of VAWA to address the workplace needs of victims of sexual and domestic violence. Under existing state laws, many victims are not able to adequately address the violence in their lives because they are afraid of losing their jobs if they disclose their situations to their employers, or take time off from work to make use of social services or of the judicial system. Therefore, working victims often face a difficult tradeoff between working to end the violence and protecting their economic independence.

Some states have acted to improve workplace safety and to protect the economic security of victims of sexual and domestic violence by allowing victims to take unpaid leave to attend related court proceedings while others provide unpaid leave for victims to address other needs related to the violence, such as the need to find safe housing. However, the protection that victims receive depends heavily upon where they live and work. Thus, two people employed by the same company yet residing in different states may face drastically varying levels of support in the workplace. Thus, Congress should move to establish a floor of protections by granting to all victims the right to take time off from work to address the violence they face.

Further action by Congress is also needed to guarantee a consistent set of basic economic protections for these women. Prohibiting discrimination against victims by employers would protect that person's ability to continue to support herself. Granting unemployment insurance to survivors of violence who have been forced to leave their jobs would create a last-resort protection for victims' economic security. While some states have implemented various aspects of these policies, Congress must act to ensure a consistent and comprehensive set of protections for survivors of sexual and domestic violence.

**c. Enforcing Gun Control Laws**

In the 1990's, Congress responded to the connection between domestic violence and homicide by preventing abusers from obtaining firearms if they are either the subject of a protective order regarding domestic violence or have been convicted of a misdemeanor involving domestic violence. However, enforcement of these laws through Brady Law background checks has been partly impeded. Only some states make records of domestic violence protective orders and misdemeanors available to the National Instant Criminal Background Check System, used to conduct the background checks[xiii].

**Conclusion**

Legal Momentum fervently believes that addressing the workplace needs of survivors of sexual and domestic violence is essential to reducing the cost of crime. Federal leadership on this issue will improve the lives of the victims of sexual and domestic violence and the safety and efficiency of workplaces. Safer workplaces and employees inexorably yield safer communities and lower crime rates.

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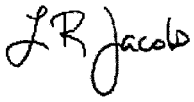
Thank you for the opportunity to provide these views. We stand ready to support your efforts toward crime reduction in any way we can.

Sincerely,



Lisalyn R. Jacobs
Vice-President of Government Relations

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[i] National Center for Injury Prevention and Control. *Costs of Intimate Partner Violence Against Women in the United States*, Atlanta: Center for Disease Control and Prevention, 2003.
[ii] United States Cong. Senate. 107th Congress, 1st Session. S. 1249, Victim's Economic Security and Safety Act of 2001, at 8 citing Greg Warchol, U.S. Dep't of Justice, *Workplace Violence*, 1992-96 (July 1998).
[iii] United States. Cong. Senate. 110th Congress, 1st Session. S. 1136: Survivor's Empowerment and Economic Security Act. [Introduced in the U.S. Senate; 17 April 2007] 110th Congress. Congressional Bills, GPO Access. 22 May 2007 < http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:s1136is.txt.pdf>
[iv] National Center for Injury Prevention and Control. *Costs of Intimate Partner Violence Against Women in the United States*, Atlanta: Center for Disease Control and Prevention, 2003.
[v] U.S. Cong. Senate. 107th Congress, 1st Session. S. 1249, Victim's Economic Security and Safety Act of 2001, at 19 citing Joan Zorza, *Women Battering: High Costs and the State of the Law,* Clearinghouse Rev., Vol. 28, No. 4, 383, 385 (1994); National Center for Injury Prevention and Control, *Costs of Intimate Partner Violence Against Women in the United States*, Atlanta: Centers for Disease Control and Prevention, 2003.; "Intimate Violence Costs Billions," ABC News, 4/29/2003.
[vi] Brunner, Jim and Nick Perry. "Months of Stalking End with 2 Dead at UW." The Seattle Times, 3 Apr. 2007.
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[ix] U.S. Gen. Acct. Office, *Domestic Violence: An Occupational Impact Study* 3 (1992)
[x] S. Rep. No. 138, 103rd Congress, 2nd Sess. 54, n. 69 (citing E. Ellis, B. Atkenson and K. Calhoun, *An Assessment of the Long Term Reaction to Rape*, 50 J. Abnormal Psychology 264 (1981)).
[xi] NOW Legal Defense and Education Fund. Creating Solutions—Creating Change. New York, 2002.
[xii] Bureau of Labor Statistics. *The Survey of Workplace Violence Prevention* (2006)
[xiii] Violence Policy Center. *When Men Murder Women: An Analysis of 2004 Homicide Data* (September 2006)

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April 30, 2007

The Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

I am writing today to offer the support of the Major Cities Chiefs for your anti-gang legislation, S. 456, *the Gang Abatement and Prevention Act of 2007*. We commend you for your tireless efforts to address gang violence in the United States.

Gangs are a concern for law enforcement at all levels and they have become national criminal syndicates. With the growth in gangs, gang related crime has also seen a sharp increase. Gangs today are more violent and better organized than in the past and there is a very real danger that gangs may become gateways for terrorist recruiting.

Your bill will provide more than a $1 billion for prevention, intervention and enforcement efforts against gang activities. This comprehensive approach to gang violence and crime will help law enforcement tackle this growing problem.

We are happy to join with law enforcement across the Nation supporting this legislation and look forward to working with you to ensure its prompt passage and enactment into law.

Sincerely,

Darrel Stephens
President



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May 16, 2007

The Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

We would like to express support for your legislation, S. 456, the Gang Abatement and Prevention Act of 2007, on behalf of the more than 4,000 local mentoring programs and nationwide network of state and local Mentoring Partnerships that we represent. In particular, we appreciate the inclusion of Title III, which seeks to increase federal resources to deter and prevent at-risk youth from joining illegal street gangs. Funding under this new initiative could assist mentoring programs which have proven expertise in working with at-risk youth.

MENTOR/National Mentoring Partnership provides tools, materials, and other support that help mentoring organizations effectively make high-quality matches between mentors and the young people who can benefit from their guidance and attention. One of our end goals is to keep youths from becoming delinquent or committing negative youth behaviors, such as joining gangs or perpetrating gang violence. We also seek to emphasize positive youth development, which can encourage youth to put their energy and ingenuity to work in ways that allow them to contribute to society. Your bill would achieve both aims.

Thank you for your leadership in introducing S. 456. Please feel free to contact us if we can be helpful in the implementation of the Act once enacted or in providing mentoring resources to assist you in these and other youth violence prevention efforts.

Yours truly,

Karen Nussle
Senior Vice President

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May 30, 2007

United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

RE: Written Response to Testimony before the Senate Committee on the Judiciary May 23, 2007 – Rising Crime in the United States

Dear Chairman Biden:

We wish to provide a written response to testimony brought before the Senate Committee on the Judiciary on May 23, 2007 concerning rising crime in the United States and its connection to runaway and homeless youth. The National Alliance to End Homelessness is a nonpartisan, mission-driven organization committed to preventing and ending homelessness in the United States. The Alliance analyzes policy and develops pragmatic, cost-effective policy solutions. We work collaboratively with the public, private, and nonprofit sectors to build state and local capacity, leading to stronger programs and policies that help homeless individuals and families make positive changes in their lives.

We write to respond to testimony given by Colonel Rick S. Gregory from New Castle County, Delaware who cited a connection between runaway youth and gang recruitment. Colonel Gregory also testified that a predictor of juvenile delinquency is a history of running away. The Alliance is not aware of any research or study supporting such a conclusion.

A minority of runaway and homeless youth commit crimes even when faced with little community support for their basic needs. A Midwestern, longitudinal survey of homeless youth from 1991 to 2006 found that only 31-38% of all homeless youth had a history of engaging in delinquent or illegal activities.[1] Other studies have similarly reported that only a minority of youth report involvement in stealing, forcible entry into a residence,

[1] Owen, G. et al. (2006). Overview of Homelessness in Minnesota 2006, Wilder Research Center, St. Paul, Minnesota. 29-35. Owen, G. (2001). Homeless Youth in Minnesota. Wilder Research Center, St. Paul, Minnesota. 25-26.



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prostitution, or drug dealing.[2] Across several studies on homeless youth, a history of gang participation has ranged from 14 to 53 percent.[3] These studies also underline the fact that, often, youth report involvement in deviant behavior to obtain money, food, and shelter. Consequently, a minority of runaway youth and homeless youth engage in criminal behavior as part of a survival strategy.

There is no doubt that homeless and runaway youth constitute a vulnerable population. Without access to basic needs and supportive, nurturing adults, youth may behave in unsafe ways. However, contrary to stereotypes, runaway and homeless youth are far more likely to be victimized than to perpetrate crime. Studies reflect a high rate of physical and sexual victimization and a far greater rate of repeated victimization by assault, abuse, and sexual exploitation than similarly housed youth.[4]

Colonel Gregory was correct in noting that youth, especially runaway and homeless youth, are often the target for gang, drug dealing, and pimp recruitment. However, the response to such exploitation is not enhancement of criminal laws against juveniles but public investment and federal support for cost-effective, early intervention community-based services and affordable youth housing models. We urge the members of the Committee to speak with their Senate colleagues about the inadequate federal response to youth homelessness and the need for increased appropriations under the Runaway and Homeless Youth Act as administered by the United States Department of Health and Human Services.

Please feel free to contact us if you require additional information or data.

Sincerely,

LaKesha Pope
Youth Program and Policy Analyst

Richard A. Hooks Wayman
Senior Youth Policy Analyst

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[2] Whitbeck, L.B., Hoyt, D.R., & Acklye, K. A. (1997). Abusive family backgrounds and victimization among runaway and homeless adolescents. *Journal of Research on Adolescence*. 7, 375-392.
[3] Robertson, M.J. and Toro, P.A. (1998) Homeless Youth: Research, Intervention, and Policy. 1998 National Symposium on Homeless Research, Department of Health and Human Services.
[4] Stewart, A.J., Steiman, M., Cauce, A. M., Cochron, B. N., Whitbeck, L.B., & Hoyt, D. R. (2004). Victimization and posttraumatic stress disorder among homeless adolescents. *Journal of the American Academy of Child Adolescent Psychiatry* 43(3): 325-331; Whitbeck, L.B., Hoyt, D.R., & Acklye, K. A. (1997). Abusive family backgrounds and victimization among runaway and homeless adolescents. *Journal of Research on Adolescence*. 7, 375-392.



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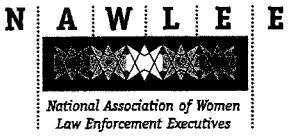


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OBJECTIVE
To promote the ideals and principles of women executives in law enforcement and to provide a forum for the exchange of information concerning law enforcement and generally foster effective law enforcement.

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| [illegible]er | 2006 |

May 9, 2007

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

On behalf on the National Association of Women Law Enforcement Executives (NAWLEE), I am writing to express our organization's support of the Gang Abatement and Prevention Act of 2007. NAWLEE is appreciative of your efforts and leadership in bringing forth is legislation and will support your efforts in any way possible.

Gang related crime and the violence often associated with it is on the rise in our communities and current law enforcement resources have not been enough to make an impact. NAWLEE anticipates that this legislation will increase the law enforcement resources necessary to more effectively expand and improve gang prevention programs, and enhance our ability to investigate and prosecute criminals engaged in violent crimes.

Again, on behalf of NAWLEE members, thank you for your support of Law Enforcement and your efforts in helping to keep our citizens safe.

Sincerely,

Laura Forbes

Laura Forbes
President

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**JUDGE ADVOCATE**

RON E. STALLING

May 22, 2007

The Honorable Senator Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510-0504

Dear Senator Feinstein:

The National Black Police Association is writing this letter in support of the Gang Abatement and Prevention Act of 2007.

The Gang Abatement and Prevention Act of 2007 will provide monies and resources to address the growing problem of gangs and gang violence in our communities. This legislation will provide the opportunity to begin to examine alternative approaches to prevention and intervention in the gang culture as well as utilizing the existing research regarding effective grass roots strategies for addressing problem.

Additionally, it provides law enforcement agencies with the funding for equipment, personnel, and the increase in penalties for crimes related to gangs and gang related crimes.

The National Black Police Association believes this legislation goes a very long way in the right direction as it provides the needed resources to address gangs and the gang culture in our communities. Hopefully, the future strategies will involve a comprehensive approach in a public health paradigm.

We are excited about the opportunity to work you. Also, thank you for leadership on this important issue in our community.

Sincerely,

Ronald E. Hampton
Executive Director

Cc: Marcus G. Jones, National Chairman

**TESTIMONY BEFORE CONGRESS**

**TESTIMONY FOR THE SENATE JUDICIARY COMMITTEE, SUBCOMMITTEE ON CRIME AND DRUGS SUBMITTED BY NCJFCJ PRESIDENT HONORABLE DALE KOCH, MAY 30, 2007.**

Mr. Chairman and members of the Senate Judiciary Committee, as President of the National Council of Juvenile and Family Court Judges (NCJFCJ), I thank you for the opportunity to submit written testimony before the Senate Judiciary Subcommittee on Crime and Drugs. We are pleased to provide information regarding trends in juvenile delinquency based upon research conducted by the National Center for Juvenile Justice, the research division of the National Council of Juvenile and Family Court Judges.

**THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES**

The National Council of Juvenile and Family Court Judges is the nation's oldest judicial membership organization, established in 1937 by judges focused on improving decision-making, services, and systems related to children and families. Now celebrating our 70th year, NCJFCJ's focus areas have increased to include: juvenile delinquency, domestic violence, child abuse and neglect, substance abuse and the myriad matters facing juvenile and family courts today. Our staff of 120 is headquartered on the University of Nevada, Reno campus, with offices in Pittsburgh, PA (National Center for Juvenile Justice), and Washington, D.C. We provide training, technical assistance, research and publications to improve practice to as many as 30,000 judges and other professionals annually. Our National Center for Juvenile Justice provides the nation's juvenile justice statistics annually. Our work is largely Federally supported by the United States Department of Justice and the United States Department of Health and Human Services; substantial funding also is derived from state and private foundation resources.

NCJFCJ is recognized for its groundbreaking work in developing guidelines for best practices in handling of child abuse and neglect and juvenile delinquency cases. These documents – *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases* (1995), and the *JUVENILE DELINQUENCY GUIDELINES: Improving Court Practice in Juvenile Delinquency Cases* (2005), have been endorsed by the Conference of Chief Justices and are being used by courts and systems nationwide to improve practice in cases involving children and families.

**JUVENILE CRIME DATA**

In response to the focus of this hearing, entitled "Rising Crime in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime," data provided by Dr. Howard Snyder of the National Center for Juvenile Justice, NCJFCJ's research division, supports concerns raised by you, Mr. Chairman, as well as members of the panel.

Arrest statistics from the Federal Bureau of Investigation show substantial growth in juvenile violent crime arrests that began in the late 1980s and peaked in 1994. This was followed by ten consecutive years of decline. Between 1994 and 2004, the juvenile arrest rate for Violent Crime Index offenses fell 49%, reaching its lowest level since at least 1980. However, this long-term downward trend was broken in 2005 with a small 2% annual increase in Violent Crime Index arrests. More specifically, 2005 saw an increase in juvenile arrests for murder (20%) and robbery (11%), but continued declines in arrests for forcible rape (-11%) and aggravated assault (-1%).



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While the number of juvenile arrests for murder increased in 2005 (to an estimated 1,260), this number was still below the level in 2002 (1,360) and far below the level of the peak year of 1993 (3,790). In contrast, the 2004-to-2005 growth in robbery arrests erased the entire decline that had occurred since 1998.

Juvenile arrests for property crimes continued to decline in 2005, reaching their lowest level in at least 30 years — and falling to half of what they had been in 1980. Juvenile arrests for drug law violations peaked in 1997 and have fallen substantially since then. Between 1997 and 2005 the juvenile arrest rate for drug law violations fell 24%. The male and female drug arrest trends differed. While the male arrest rate fell over the period, the female rate held constant.

It is interesting to note that while juvenile arrests for aggravated assault fell substantially from the mid-1990s through 2005, arrests for simple assault did not, staying essentially constant over the period. Once again, the male and female arrest trends differed. While juvenile male and female arrests for aggravated assault both declined over the period, female arrest declined less. And while juvenile male arrests for simple assault declined somewhat over the period, female arrests increased.

**RESOURCES NEEDED**

While a decrease in juvenile crime was noted in the decade between 1994 and 2004, juvenile crime in some areas is once again on the rise. A parallel decline in Federal funding in the area of juvenile justice over the past decade has led to a reduced focus on juvenile delinquency both at the state and Federal levels.

As a result of this reduced focus on juvenile justice, a number of challenges have arisen. Federally and locally, new programs and existing initiatives focused on juvenile offenders have encountered funding challenges. Based upon information provided by NCJFCJ's members, several disturbing trends have begun to emerge in states across the nation. Methamphetamine use in communities is having a simultaneous impact on delinquency and child abuse and neglect, devastating families and tearing at the fabric of society. Methamphetamine use by juveniles, once relegated to adult use, has emerged and is on the increase in many communities. Commitment of youth to juvenile justice and child welfare systems in order to access mental health treatment which may be unavailable in communities or too costly for families to access is increasing. Resources for health and educational screening and crisis counseling for juveniles in detention have declined. Funding for reentry programs, the system's last opportunity to impact behavior of juvenile offenders, has been limited. Funding for juvenile drug courts has decreased. Appropriate, accessible drug treatment for youth is limited, as well. Resources for programs for girls in the system are limited.

A national program focused on improving court practice in handling of delinquency cases which can result in improved outcomes for youth in the juvenile justice system has received limited Federal support. The NCJFCJ for over a decade has implemented successful systemic change in courts nationwide focused on child abuse and neglect. A similar program focused on delinquency is funded by the Office of Juvenile Justice and Delinquency Prevention and is at work in several jurisdictions nationwide, but is woefully under-funded due to limited Federal discretionary funding available.

While resources at the Federal level have continued to face challenges, state funding for programs focused on children and youth has also decreased, leaving states and local jurisdictions without the resources necessary to address juvenile delinquency cases in a way that would ensure community safety, accountability of juveniles in the system and competency development among offending juveniles.



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The Office of Juvenile Justice and Delinquency Prevention, (OJJDP) of the Office of Justice Programs of the U. S. Department of Justice was established under the Juvenile Justice and Delinquency Prevention Act of 1974. OJJDP's mission is to provide national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization, while supporting states and communities in their efforts to develop and implement effective and coordinated prevention and intervention programs and to improve the juvenile justice system. The goal is to ensure that the juvenile justice system protects public safety, holds offenders accountable, and provides treatment and rehabilitative services tailored to the needs of juveniles and their families.

Although there has been a demonstrated need for funding for juvenile justice programs, funding for that Office has varied significantly since 1998. In that year, OJJDP was funded at $499 million. In 2002, that amount increased to $565 million. However in 2007, that amount decreased to $348 million, a 38% decrease over five years' time. This latest decrease in funding has significantly hampered juvenile justice related programs, judicial education, and research in the juvenile justice field.

**PREVENTION**

Prevention programs have also been challenged. The quality of the earliest contact with a child or family and the resources provided at that early juncture can result in success or failure of that child or youth in later years. Children who have been abused, neglected or exposed to violence in their homes or communities are often in need of specialized treatment and other services. Youth who come into contact with the juvenile justice system are also in need of prevention and intervention programs which can result in diverting those youth from further delinquent behavior. Those services are often costly, and as a result, increasingly difficult to access in communities. The result is a revolving door into the system for disadvantaged children and youth.

Juvenile and family court judges across the nation are responding to the needs of their communities by assuming a leadership role within their jurisdictions and by moving off the bench and out into their communities to build support for needed resources, and advocating on behalf of children in their courtrooms. This judicial role, coupled with efforts in communities to improve child welfare and juvenile/family court systems on behalf of children and families, is a necessary step in prevention of juvenile and later adult crime. Children and youth in the child welfare or foster care systems of this nation often return to court as juvenile delinquents, and it is increasingly evident that children and youth who have come into contact with the court system are more likely to become adult criminals later in life. Federal support to bolster state and local efforts to provide needed services and programs is limited.

Funding for a national program which supports judicial education, leadership and collaboration in improving practice in handling of child abuse and neglect cases, has been ongoing for over a decade. This work has led the nation's efforts in jurisdictions as large as New York City, Los Angeles, and Chicago in reducing the number of children in the child welfare system, more effective provision of services and programs within sites, and reducing a child's time in the foster care system. As a result, more effective permanent placement for children in the child welfare system is being realized and caseloads are being reduced. The courts working under this initiative have increased numbers of children reunified with their families or adoptions into new families, as mandated in the Adoption and Safe Families Act of 1997. However, Federal support provided for this project has not been able to support an increase in the number of jurisdictions served – currently 31 nationwide.



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**ADDRESSING THE PROBLEM**

As in many public policy efforts over time, it has become clear that once a problem is 'solved' and focus shifts to another societal issue, the original issue once again burgeons into a growing problem which must be addressed. Juvenile justice efforts in this nation are at a critical juncture. Funding has been reduced, and focus of Federal and state governments has been on other issues. Juvenile crime rates in some areas are now on the rise. Without an ability to leverage Federal and state dollars to develop new programs, support existing programs and provide needed resources to youth and their families at the earliest or later entry points in the system, there is a fear on the part of juvenile justice professionals nationwide that juvenile crime will continue to increase, that communities will once again begin to struggle with safety of their citizens, and that the children and youth who are in the system will not receive the support, accountability or treatment that they need, driving the system into crisis over rising and increasingly violent juvenile crime.

In order to address juvenile crime as needed, these resources should be made available to juvenile and family justice systems nationwide:

- Increased funding for the Office of Juvenile Justice and Delinquency Prevention which will enable the Office to meet its mandate of providing resources for programs, education, research, statistics, and information dissemination to support the juvenile justice system nationwide.
- Training for judges and other professionals handling child abuse and neglect and delinquency matters.
- Support for developing model programs in key urban, rural and suburban areas that may be replicated in other parts of the country.
- Support for state-based court improvement programs focused on handling of delinquency cases.
- Increased funding to conduct research and track tends in depth in juvenile courts, to ensure that actual needs of youth are being addressed.

Should additional information in regard to any of these focus areas be needed, please contact the National Council of Juvenile and Family Court Judges. Thank you.

Honorable Dale R. Koch
Presiding Judge, Multnomah County Circuit Court, Portland, Oregon
President, National Council of Juvenile and Family Court Judges



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**Breaking the Silence**

**on Crime Victims with Disabilities in the United States**

*May 21, 2007*

*Joint Statement*

*by the*

*National Council on Disability,*

*Association of University Centers on Disabilities,*

*and the*

*National Center for Victims of Crime*

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# Breaking the Silence
# on Crime Victims with Disabilities in the United States

## Introduction

The National Council on Disability (www.ncd.gov) is an independent federal agency mandated to advise the President and Congress on the diverse needs of persons with disabilities and to promote policies and practices that empower individuals with disabilities. The Association of University Centers on Disabilities (www.aucd.org) supports member programs to enhance the quality of life for persons with developmental disabilities. The National Center for Victims of Crime (www.ncvc.org) is the nation's leading resource and advocacy organization dedicated to helping victims of crime rebuild their lives.

In releasing this joint statement, the National Council on Disability, the Association of University Centers on Disabilities, and the National Center for Victims of Crime announce their partnership to break the silence about criminal victimization of individuals with disabilities in the United States. The ultimate goal of this partnership is to foster greater public awareness about crime victims with disabilities and to forge a national commitment to better serve this particularly vulnerable population.

## Crime Victimization in the United States

In 2005, Americans experienced 23 million violent and non-violent crimes, fewer than half of which were reported to law enforcement.[1] This translates into one crime every five seconds in communities across the United States. The leading risk factor for becoming a victim of crime is now understood to be previous victimization. Individuals who become targets of repeat victimization may be unable to protect themselves, especially if no protective measures are taken to prevent subsequent offenses.[2]

Crime can have life-changing consequences for the health, well-being, and financial stability of victims who may struggle for weeks, months, and years with the aftermath of victimization.[3] Many crime victims suffer decreased productivity, lowered academic performance, severe loss of confidence, and ongoing psychological effects.[4] Mental illness, suicide, and drug and alcohol abuse are far more common among crime victims than among the



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general public. Battered women, for example, are five times more likely to attempt suicide, 15 times more likely to abuse alcohol, four times more likely to abuse drugs, and three times more likely to be diagnosed as depressed or psychotic than non-battered women.[5]

While the long-term impact of crime on individual victims can be profound, an enormous toll is also exacted on families, communities, and society at large—especially when victims do not receive the services and support they need to repair the harm. Without timely intervention, the consequences of crime can worsen, necessitating more costly and difficult intervention later on.

**Persons with Disabilities**

In 2002, 51.2 million people (18.1 percent of the U.S. population) reported some level of disability and 32.5 million (11.5 percent of the U.S. population) reported a severe disability.[6] (Census numbers exclude children under age six and individuals who reside in institutional settings.) A direct relationship exists between age and disability, with the disability rate for each age group successively higher than for the preceding younger group. With a disability rate of 19.4 percent, for example, people 45 to 54 years old were more than twice as likely to have a disability as people under 15 (8.4 percent) and half as likely as people 65 to 69 years old (38.4 percent). People 80 and older had the highest disability rate (71.7 percent).[7]

Individuals with disabilities often experience overt and subtle forms of marginalization that preclude them from fully participating in their communities. This marginalization takes shape through greatly reduced access to the wide range of services, programs, and activities available to members of the community, including safe and affordable housing, transportation, employment opportunities, social services, recreation, education (particularly adult and continuing education), and opportunities to participate in the political process.

**Crime Victims with Disabilities**

Very little reliable national data exists on crimes against persons with disabilities in the United States. The limited size and scope of the studies conducted to date preclude generalizing research results to the nation as a whole. Data that has been collected suggest that, when compared with the general population, persons with disabilities are victimized at much higher rates:



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- Children with a reported disability are 68 percent more likely to be victims of maltreatment than children with no reported disability.[8]
- Women with developmental disabilities are at a 4 to 10 times greater risk of sexual assault than women in the general population.[9]
- More than one-fourth of persons with severe mental illness were victims of a violent crime in the past year, a rate more than 11 times that of the general population.[10]
- From 15,000 to 19,000 people with developmental disabilities are raped each year in the United States.[11]

Crime victims with disabilities may experience victimization at the hands of family caregivers, intimate partners, or personal assistance service professionals. In fact, more than half of all abuse of people with disabilities is estimated to be perpetrated by family members and peers with disabilities. Service providers (e.g., paid or unpaid caregivers, healthcare workers, and providers of other community services, such as transportation) are generally believed responsible for the other half.[12]

Crime victims who are physically, financially, and emotionally dependent on an offender are far less likely to report a crime to authorities, seek justice, or access victim service assistance. These crime victims often fear retaliation by their offender or destitution if their offender is arrested and convicted—leading many crime victims with disabilities to live lives of silent desperation and hopelessness in the face of long-term, repeat victimization.

In an effort to close the research gap on crime victims with disabilities, in 1998 Congress enacted the Crime Victims with Disabilities Awareness Act, (CVDAA).[13] This measure directed the U.S. Department of Justice to conduct a study about crimes against people with developmental disabilities and to gather statistics on this population through the National Crime Victim Survey, the nation's primary source of crime victim data. Unfortunately, efforts to fully implement CVDAA have not been successful.

**Provider Issues**

Crime victim service providers—also known as victim advocates and victim/witness assistants—help crime victims cope with the aftermath of crime and navigate the criminal justice system. Crime victim service providers in the United States incorporate, by and large, a "victim-centered" approach that recognizes the individual circumstances and needs of every crime



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victim, educates victims about their options, and supports victims' decisions in a non-blaming, non-judgmental manner—an approach that is especially well suited to supporting crime victims with disabilities.

Located in a wide variety of settings (such as prosecutors' offices, police departments, probation offices, domestic violence shelters, and rape crisis centers), victim service providers offer crime victims a wide range of support services: safety planning, crisis intervention, emergency housing, supportive counseling, information about legal rights, assistance accessing victim compensation, court accompaniment, financial assistance, assistance with funeral arrangements, and information about what to expect at different stages of a criminal case.

Crime victim service agencies in the United States have made some headway in serving crime victims with disabilities; however, much remains to be done to build the capacity of the crime victim assistance field to support this population. For example, we need to increase awareness among crime victim service agencies that they are subject to federal civil rights laws which protect members of the disability community from discrimination. Discrimination in a disability rights context frequently entails policies, programs, services, or activities that deny full and equal participation by persons with disabilities, even when such results are not intended.

The Americans with Disabilities Act of 1990[14] prohibits discrimination within the areas of employment, state and local government programs and services, places of public accommodation, transportation, and telecommunications.[15] Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against people with disabilities by any entity receiving federal funds.[16] Additionally, programs providing temporary housing to crime victims are subject to the Fair Housing Act (as amended in 1988) which contains anti-discrimination provisions on the basis of disability.[17]

Crime victim service agencies also need to develop best practices to address the specific needs of different disability groups. Although some victim service providers may think they do not have the resources to meet the needs of crime victims with disabilities, they may not realize a vast array of resources is available to assist them in expanding accessibility as they strive to serve every segment of the community, especially the most vulnerable among us.



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**A Roadmap to the Future**

The ultimate goal of the partnership between the National Council on Disability, the Association of University Centers on Disabilities, and the National Center for Victims of Crime is to foster greater public awareness about crime victims with disabilities and to forge a national commitment to better serve this particularly vulnerable population. We call on elected officials at the national, state, and local levels; directors of social service agencies; disability providers; disability activists; law enforcement officers and prosecutors; victim service providers; leaders of social service, academic, and business institutions; media representatives; and members of the general public to join us in a comprehensive effort to effect positive and meaningful change in the following priority areas:

- **Public Education—to raise awareness about the circumstances and needs of persons with disabilities who have been victimized by crime.** Greater understanding by the general public, elected officials and other policy makers, the media, and those in the disability, criminal justice, and victim services communities is foundational to addressing the myriad unmet needs of this vulnerable and underserved population. Extensive outreach also is needed to educate crime victims with disabilities about their rights as victims and where they can go for help.
- **Research—to engage in national research that will establish the prevalence and consequences of crime against persons with disabilities and identify best practices for crime prevention and crime victim services to members of the disability community.** We need a much clearer picture of the number of crime victims with disabilities, the rates and types of victimization among different disability groups, the behavior of offenders and the settings in which victimization occurs, the availability and quality of services for crime victims with disabilities, and barriers to accessing these services. Sound public policy, resource allocation, and program development must be informed by current, scientifically valid data.
- **Public Policy—to adopt public policies that integrate crime victims with disabilities and their needs into the current framework of federal, state, and local services.** We must fully engage the political and policy development process to ensure adequate resources are directed to addressing the needs of crime victims with disabilities. Policies and laws that protect victims of crime must be inclusive of crime victims with disabilities.



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Furthermore, laws and policies that address disability issues should acknowledge and be sensitive to crime victimization issues, as appropriate.

- **Programs and Services—to improve the number of and access to appropriate programs and services that will help crime victims with disabilities rebuild their lives.** We must launch a national effort to ensure that crime victims with disabilities have full access to crime victims' rights, protections, and services that have greatly expanded since the advent of the crime victims' rights movement nearly three decades ago. Extensive training of crime victim service providers, law enforcement officers, prosecutors, and judges is needed to ensure the full participation of victims with disabilities in the criminal justice system. Disability professionals also need thorough training on recognizing and responding to victimization in the populations with which they work, including making appropriate referrals to crime victim service providers in their community.
- **National Leadership—to foster the development of leaders who will serve as agents of change on behalf of crime victims with disabilities.** This partnership envisions a national forum for leadership and constituents that serves as a unified and pro-active voice for crime victims with disabilities, a vehicle to exchange and share information on supporting this population, and a platform to advance a national dialogue on crime victims with disabilities.

###

*For more information about the partnership or this joint statement, please contact:*

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[1] Shannan M. Catalano, "Criminal Victimization, 2005," (Washington, DC: Bureau of Justice Statistics, 2006), http://www.ojp.usdoj.gov/bjs/pub/pdf/cv05.pdf (accessed January 22, 2007).



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[2] Deborah Lamm Weisel, "Analyzing Repeat Victimization," *Problem-Oriented Guides for Police Problem-Solving Tools Series, Guide No. 4,* (Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services, August 2005), http://www.cops.usdjoj.gov/mime/open.pdf?Item=1565 (accessed January 19, 2007).
[3] Judith Lewis Herman, *Trauma and Recovery,* (New York: Basic Books, 1992).
[4] R. Barry Ruback and Martie P. Thompson, *Social and Psychological Consequences of Violent Victimization,* (Thousand Oaks, CA: Sage Publications, 2001), 87-105.
[5] Evan Stark and Anne Flitcraft, *Women at Risk* (Thousand Oaks, CA: Sage Publications, 1996), 163.
[6] Erika Steinmetz, "Americans with Disabilities: 2002," (Washington DC: U.S. Census Bureau, May 2006), http://www.census.gov/prod/2006pubs/p70-107.pdf (accessed January 22, 2007).
[7] Ibid., Figure 2.
[8] Children's Bureau, "Child Maltreatment, 2004," (Washington, DC: U.S. Department of Health and Human Services, 2005), 27, http://www.acf.hhs.gov/programs/cb/pubs/cm04.pdf (accessed May 11, 2007).
[9] W. Abramson et al., eds., *Impact: Feature Issue on Violence Against Women with Developmental or Other Disabilities* 13, number 3 (2000).
[10] L.A. Teplin et al., "Crime Victimization in Adults with Severe Mental Illness: Comparison with the National Crime Victimization Survey," *Archives of General Psychiatry* 62, number 8 (2005).
[11] D. Sobsey, *Violence and Abuse in the Lives of People with Disabilities: The End of Silent Acceptance?* (Baltimore, MD: Paul H. Brookes Publishing Co., 1994).
[12] D. Sobsey and T. Doe, "Patterns of Sexual Abuse and Assault," *Journal of Sexuality and Disability* 9 (1991): 243-259.
[13] Pub.L. 105-301.
[14] Pub.L. 101-336.
[15] 42 U.S.C. §12101 et. seq.
[16] 29 U.S.C. §794
[17] 42 U.S.C. §§3601 et. seq.



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May 21, 2007

Senator Diane Feinstein
Washington, D.C.

**RE: Senate Bill 456**
**Gang Abatement and Prevention Act**

Dear Senator Feinstein,

The 20,000 law enforcement members of the National Latino Peace Officers Association (NLPOA) unanimously support and endorse the proposed *Gang Abatement and Prevention Act* (S. 456), as submitted. The NLPOA is a law enforcement organization made up of federal, state, and local law enforcement officers. The organization's members include more than 13 Chiefs of Police and Sheriffs. The membership also includes every level of law enforcement positions. The NLPOA has 80 chapters in 30 States and Puerto Rico and members in every state.

The NLPOA supports the *Gang Abatement and Prevention Act* (S. 456) as this legislation will assist in combating the violence and fear that surrounds many of our communities, both small and large. This legislation will help "Keep America Safe."

The NLPOA believes that this legislation is comprehensive and with meticulous attention dedicated to the facts as they apply to the rule of law. This legislation was well reasoned and provided a proportionate response to these types of crimes.

Sincerely,

*Roy Garivey*

Roy Garivey, National NLPOA President
PO Box 1717
Las Vegas, NV 89125
E-mail: garivey@latinopoa.org
(713) 829-9351

CC: National Executive Board and NLPOA Members



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# National Major Gang Task Force

:UTIVE DIRECTOR

d Cohn, Commissioner
a Department of Correction
ed)

:UTIVE BOARD

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sas Department of Correction

"Paco" Marcell
opa County Sheriff's Office
ix, Arizona

'resley
a Department of Correction

m Riley
ngton Department of Corrections

d Rothstein
sota Department of Corrections

Strode
ska Department of Corrections

Trout
of Prisons
l Bureau of Investigations

ermillion
Department of Rehabilitation and Correction

do Department of Corrections

:UTIVE LEADERSHIP COUNCIL

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a Department of Correction

Maloney, Superintendent
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k County Jail (MA)

Parry, Assistant Director
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l of Undergraduate Studies
sity of Maryland

Manyur, Assistant Director
tional Programs Division
l Bureau of Prisons, Central Office

April 26, 2007

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510-0504

**RE: Gang Abatement and Prevention Act of 2007 (S. 456)**

Dear Senator Feinstein:

Please be advised that the National Major Gang Task Force is in support of the above referenced legislation.

Our membership of approximately 1500 from across the country appreciates your continued initiative and leadership in developing this legislation.

Sincerely,

Edward L. Cohn
Executive Director

**National Major Gang Task Force Executive Headquarters**
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# NATIONAL NARCOTIC OFFICERS' ASSOCIATIONS COALITION

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April 17, 2007

The Honorable Patrick Leahy
Chairman
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy:

On behalf of the National Narcotic Officers' Associations' Coalition (NNOAC), I urge you to consider S. 456, the Gang Abatement Act of 2007. The more than 55,000 law enforcement officers represented by the NNOAC support this effort to give state and local law enforcement and community prevention and intervention groups new resources to prevent gang crimes and investigate gang violence.

Importantly, this bill encourages law enforcement intelligence and information sharing among new "high intensity interstate gang activity areas" and existing High Intensity Drug Trafficking Areas (HIDTAs). The direct overlap between gang crime and illegal drug trafficking means that efforts to address gangs in one particular region cannot be divorced from efforts to investigate and prevent illegal drug trafficking. Close collaboration is a necessity, and administrative resources already deployed for multi-jurisdictional drug enforcement efforts should be leveraged to enhance gang enforcement. This maximizes the resources that can be applied directly to the street for gang enforcement and prevention activities.

The NNOAC appreciates your continued dedication to helping state and local law enforcement tackle the tough challenges we face every day. Gang activity has destroyed the ambitions and lives of too many young Americans. Aggressive efforts to enforce laws and prevent gang violence are very much needed.

I respectfully request that you give serious consideration to S. 456, the Gang Abatement Act of 2007, and look forward to working with you on this important legislation.

Sincerely,

Ronald E. Brooks
President, NNOAC



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# NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES


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JESSIE LEE, JR.
*Executive Director*


May 18, 2007

The Honorable Senator Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510-0504

Dear Senator Feinstein:

I am writing to you on behalf of The National Organization of Black Law Enforcement Executives (NOBLE) to express our strong support for the Gang Abatement and Prevention Act of 2007.

The growing incidence of gang violence is the bane to the safety and security of our communities, including rural areas of this country. The criminal activities, murders, drug related crimes and violence perpetrated by gangs, borders on terrorism. Unfortunately, law enforcement's ability to combat these gang activities is hindered by a lack of human resources, as well as, a lack of technology to monitor and track gang activities that transcend jurisdictional boundaries.

The Gang Abatement and Prevention Act of 2007 will provide a cost effective means of addressing the growing problem of gang violence by creating a national strategy for early intercession and prevention, in addition to, identifying, apprehending, and prosecuting gang related criminal activities across the nation. Specifically, the bill provides for the designation of High Intensity Interstate Gang Activity Areas (HIIGAA) that will identify, target and eliminate violent gangs where gang activities are particularly prevalent.

This bill will provide law enforcement funding for intervention and prevention efforts by law enforcement, schools and civic groups focused on at-risk youth, in a combined, prevention-intervention-suppression approach, modeled after the proven, "Operation Ceasefire" strategy.

The bill increases the penalties for existing racketeering and violent crimes by creating a new federal crime for violence committed in furtherance of drug trafficking. It also provides for enhancements to the federal criminal code designed to more effectively deter and punish acts of violence, by gangs and other violent criminal organizations.

NOBLE believes that this combined prevention-intervention-suppression approach will help provide the resources and funds required for our federal, state and local law enforcement agencies to effectively, combat the growing problem of gang related crime and violence.

NOBLE's 3,500 law enforcement executive members thank you for your continued leadership on this important issue and for your continuing support of the law enforcement community. We look forward to working with you to help pass this important legislation.

Sincerely,

Jimmie L. Dotson

Jimmie Dotson
National President


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## NATIONAL TROOPERS COALITION

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May 23, 2007

The Honorable Dianne Feinstein
815 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

On behalf of state troopers and highway patrol officers across this nation, the National Troopers Coalition (NTC) is pleased to join our professional colleagues in law enforcement in supporting S. 456, the Gang Abatement and Prevention Act of 2007.

Gang-related crime has increased at a troubling rate; and the NTC is proud to support legislation that will enhance our efforts to identify, apprehend and prosecute these violent groups. S. 456 authorizes $500 million over the next 5 years to designate High Intensity Interstate Gang Activity Areas (HIIGAA's), and increases penalties for racketeering and other violent crimes. With these tools and the restoration of the Edward Byrne Justice Assistance Grant Program, troopers across this nation will be able to more effectively fight to stop these violent groups that are terrorizing our communities.

Thank you for your support of all the troopers and highway patrolmen represented by the National Troopers Coalition and our fellow law enforcement officers across this Country. If I may be of any further assistance to you, please feel free to contact me or our NTC Washington, DC representatives, Michael Canning or Brad Card.

Sincerely,

Dennis Hallion
Chairman

SUPPORT YOUR STATE TROOPERS
REPRESENTING OVER 40,000 TROOPERS SERVING 230 MILLION AMERICANS



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**Testimony of Thomas J. Nee**
**President**
**National Association of Police Organizations**
**"Rising Crime in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime"**
**U.S. Senate Judiciary Subcommittee on Crime and Drugs**
**Dirksen Senate Office Building, Room 226**
**May 23, 2007, 9:30 a.m.**

Good Morning Mr. Chairman, Senator Graham, and members of the Subcommittee. My name is Tom Nee and I am a Patrolman with the Boston Police Department. I also serve as the president of the Boston Police Patrolmen's Association, as well as the National Association of Police Organizations (NAPO), representing approximately 238,000 sworn law enforcement officers throughout the United States.

As police officers, it is our duty to serve and protect. As men and women working on the front lines to enforce the law, we have a right, a need, really, to have the full support of the federal government. This need is why I am here speaking to you today. America's state and local law enforcement are being disregarded by the current administration. They are being passed over for critical funding to assist them in performing their roles in combating and responding to crime and terrorism.

There are three issues that I will address this afternoon that are of increasing concern to NAPO and our members: the decrease in funding for vital Department of Justice state and local law enforcement assistance programs witnessed over the past several years; the additional duties taken on by local law enforcement agencies in the post-9/11 era; and finally, the recent increase in crime rates experienced by communities nationwide. These issues are interrelated and cannot be separated, particularly when addressing the issue of rising violent crime rates in the United States.

The Community Oriented Policing Services program, together with the Local Law Enforcement Block Grant (LLEBG) and the Byrne Memorial Fund, gave state and local law enforcement the necessary funding to truly assist their efforts to keep our nation's communities safe. These justice assistance programs have contributed countless resources to help combat crime, from assisting with the hiring and retention of over 118,000 police officers to serve in local communities, to paying for overtime, equipment, training, and allowing for the development of innovative partnerships with communities to fight crime.

With the support of these federal grant programs, community policing has been a dominant force behind the dramatic reduction in crime this nation has witnessed over the past 13 years. In 2000, violent crime rates were at their lowest level in thirty years, particularly in large cities. More police officers patrolling the streets not only provides greater police presence in our communities but also increases police knowledge of crime problems as well. Thus, allowing law enforcement to do its job more efficiently and effectively.



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A key factor in the implementation and success of community policing has been federal support through funding and resources to state and local law enforcement agencies. It is not a coincidence that community policing was at its best and national crime rates were at their lowest when federal support for programs such as COPS, the Byrne Fund, and LLEBG was at its highest. It is also no coincidence that the steep reduction in federal support for these programs corresponds with the increases in violent crime rates nationwide.

A December 2001 study by researchers at the University of Nebraska at Omaha found that the COPS program is directly linked to the historic drop in U.S. crime rates in the 1990s. The "More Cops = Less Crime" statistical analysis produced by Senator Biden, together with Congressman Anthony Weiner, gives further evidence to the link between the COPS grants funds and decreases in crime from 1995-2000.

According to the "More Cops = Less Crime" evaluation, the effects of the COPS grants from fiscal year 1994 to fiscal year 1999 on violent crime during that 1995-2000 period were substantial. During that time, approximately $2 billion was provided nationally in hiring grants and over $3.6 million was provided in innovative grants to cities with populations over 10,000. Nationwide, police departments in these cities reported that occurrences of violent crimes decreased by well over 150,000 between 1995 and 2000.

As NAPO represents the police forces of some of our nation's largest cities, we will focus on the effect these grants have had on the needs of a few of NAPO's local law enforcement agencies.

During this period, Phoenix, Arizona received $23.5 million in COPS hiring grants and $2.34 million in COPS innovative grants. Phoenix law enforcement estimates that these funds helped reduce reports of violent crime by over 1,500 incidents and reduced overall crime by 7,679 incidents. Los Angeles, California received nearly $194 million in COPS grants and $2.3 million in COPS innovative grants between fiscal years 1994 and 1999. During this time, violent crimes were reduced by 10,500 incidents and overall crime in the city by 53,435 incidents.

The COPS program was not the only catalyst for the increase in community policing and the decrease in national crime rates. The Byrne Memorial Fund contributed by awarding grants to assist educational and training programs for criminal justice personnel and provide for technical assistance to state and local law enforcement. Additionally, the LLEBG provided vast support to local police departments through facilitating the hiring and training of new officers, paying overtime and procuring needed equipment and technology. LLEBG funds also went towards enhancing school safety, supporting drug courts, securing violent convictions, enhancing community policing and defraying the costs of officer insurances.

Most of these programs were included when Congress agreed to President Bush's proposal to combine the Byrne Memorial Fund and the LLEBG; however, grant programs for the hiring and retaining of officers were cut back. Not only were hiring grants cut, but the total funding level for the new combined grant program, the Byrne Justice Assistance Grant (JAG), was significantly reduced and has not rebounded today.



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NAPO is truly concerned about the steep decline in funding for vital state and local law enforcement assistance programs that has occurred since fiscal year 2002, particularly in light of the additional duties taken on by law enforcement officers since 9/11.

Following the September 11, 2001 terrorist attacks and the creation of the Department of Homeland Security in 2002, NAPO has witnessed steep declines in the funding levels for these critical law enforcement assistance programs. In fiscal year 2002, the funding level for Department of Justice law enforcement assistance grant programs was at $3.831 billion. In fiscal year 2005, the funding level for these programs was at $1.851 billion. While we have seen moderate increase in this funding level in fiscal years 2006 and 2007, the fiscal 2007 level of $2.3 billion is still $1.5 billion less than what these programs received five years ago.

Advocates of these reductions argue that state and local law enforcement are not losing critical funding; rather, agencies are receiving assistance funds through Homeland Security programs. However, Homeland Security grants provide only limited funding for law enforcement personnel initiatives. They are also distributed through the states, while the COPS grants go directly to law enforcement agencies, giving them more flexibility in deciding where and how to use the funds to meet their communities' needs the best. More often than not, the funds most needed by local law enforcement agencies are those that can be used to hire new officers, retain officers, and obtain new equipment.

Nevertheless, law enforcement has seen a steady decline in Homeland Security funds as well. As of fiscal year 2007, the three primary DHS programs - the State Homeland Security Grant Program, the Law Enforcement Terrorism Prevention Program, and the Urban Area Security Initiative – have been slashed by almost 50 percent from fiscal year 2003 levels, when these programs received more than $3 billion in funding. Yet law enforcement's role in homeland security has not diminished along with the funding.

Together, DOJ and DHS law enforcement assistance programs have seen a total decrease of $2.03 billion in funding between fiscal years 2004 and 2007. This sharp, steady decline in funding has occurred despite the fact that state and local law enforcement continue to assume more duties to protect communities against terrorist threats, continue to fight against drugs and domestic crime, and endure pressing state budget constraints.

This brings me to our other concerns. Today, local police departments, already undermanned due to a lack of resources to hire new officers, must place officers into Drug, Gang and Terrorism Task Forces, as well as protect critical infrastructure during periods of heightened national threat advisory levels, often at the expense of street patrols.

Phoenix, Arizona law enforcement agencies have had to redeploy officers and resources to fixed structure protection, such as water treatment facilities, Arizona Public Service power stations, and airports, among other infrastructure. While these resources are being shifted away from community policing, Phoenix is seeing record increases in violent crime. Just between 2005 and 2006, the city saw a nearly 5 percent increase in its violent crime rates, including a 4.5 percent rise in homicides and an over 6 percent rise in aggravated assault. Now if you include 2004 in



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those numbers, Phoenix law enforcement saw an astounding 12 percent increase in homicides and an almost 20 percent increase in aggravated assault over a two year period.

Law enforcement in Los Angeles, California has seen a substantial amount of resources - officers and funding - shifted to homeland security details. Hundreds of law enforcement personnel have been assigned to terrorism prevention issues. However, the Los Angeles Police Department has limited funds to hire new officers. When the department is mandated to redeploy officers to protect infrastructure, staff terrorism task forces, and take on counterterrorism duties, patrol units suffer. Over the past several years, although L.A. has seen a decrease in the overall level of violent crimes, including murder, it has seen a significant increase in gang-related homicides and violent crimes. Los Angeles police attribute this to the lack of resources the police department has to cover the holes in community policing and gang deterrence caused by new terrorism prevention duties.

Chicago and Miami are also seeing similar spikes in gang-related violent crimes and the cities' police departments are spread to thin to properly respond to this disturbing trend. While NAPO wholeheartedly endorses legislation aimed at helping state and local law enforcement in their efforts against gang expansion and activity, particularly Senator Dianne Feinstein's "Gang Abatement and Prevention Act of 2007," we feel it is not enough. Gang violence, terrorism prevention, and the fight against domestic crime cannot always be taken as separate issues, but as pieces of a whole – the protection of our nation's communities. The issue at hand is about giving state and local law enforcement the equipment, training and personnel it needs to accomplish all of its duties.

Another case in point: New York City. The New York City Police Department (NYPD) has lost over 4,000 officers since 1999. After the 9/11 terrorist attacks, the city has been on high alert and its police department has dedicated over 1,000 police officers to counterterrorism activities. Officers assigned to street patrol are being trained in terrorism prevention in addition to their usual training, adding to their responsibilities while patrolling New York City streets. Despite these additional duties and training, New York City police officers are some of the lowest paid law enforcement officers in the nation.[1] Low salaries and no premium pay for the added terrorism responsibilities are the primary sources for low officer retention rates and the City's inability to recruit and retain new officers.

The NYPD no longer has the funds or personnel to have officers completely dedicated to either terrorism prevention or community policing. The city, whose police department is now also a counterterrorism force, is short thousands of officers and is barely able to retain the officers it has today.

State and local law enforcement endure growing budget constraints even as they assume more duties to protect our nation's communities against terrorist threats, as well as continue their daily fight against drugs and domestic crime. According to the FBI's semi-annual Uniformed Crime Report (UCR), which was released in December of last year, there was a steep increase in violent crime in the first half of 2006. These results follow the 2005 UCR, which stated that the murder

[1] During training, new hires earn $25,100 a year. Upon completion of the Police Academy, their annual base salary increases to $32,700. Adjusted for inflation, this is the lowest pay in the history of the NYPD for rookie cops.



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rate was up by 4.5 percent from 2004 to 2005 and that violent crime in general, which included robbery, aggravated assault and homicides, increased by 2.5 percent. Up to 2006, 2005 marked the highest rise in the crime rate in 15 years.

It is beginning to appear that 2005 was not an anomaly, but rather the start of a terrible trend. Reports of violent crime nationwide surged by nearly 4 percent in the first half of 2006 when compared with the same six months of 2005. This includes a drastic, almost 10 percent increase in the number of robbery offenses, an approximate 1.5 percent rise in murder offenses, and an increase of over 1 percent in aggravated assaults. Some of our nation's cities have experienced remarkably higher increases in violent crimes than this national summary recognizes.

Between 2004 and 2006, the reported homicides in Boston alone increased by almost 23 percent; the highest homicide rate the city has seen in eleven years. In this time period, Boston also saw a nearly 10 percent rise in robberies and a staggering 37 percent rise in aggravated assaults involving firearms.

Houston, Texas experienced an increase of over 26 percent in reported homicides, a nearly 40 percent rise in robberies and a 22 percent rise in aggravated assault in just a two year period, from 2004 to 2006. Over these same two years, Detroit saw a 7 percent rise in reported homicides, an astonishing 40 percent increase in robberies, and a 22 percent rise in aggravated assault.

As we have witnessed in cities such as Phoenix, Los Angeles, Boston, and New York, local law enforcement agencies are struggling to meet the needs of their communities due to increased duties and diminished federal assistance and support. With the police departments in this nation's largest cities undermanned and overworked and national crime rates at their highest levels in fifteen years, how can Congress and this Administration justify cutting or eliminating grants under the COPS program and the Byrne-JAG program?

Over the past 15 years, local law enforcement officers and the agencies they serve have made tremendous strides in reducing the level of crime and violence in our communities. This success was in large part because of the generous assistance and support given to them by the federal government. However, today, as state and local law enforcement take on more duties to protect our communities from rising crime and terrorist threats, federal support of vital assistance programs is in a continuing state of decline. Now is not the time to disregard the programs and resources that have proved to be effective in protecting our neighborhoods. Community oriented policing works. We recognize this fact and so do Americans. It is now time that the federal government recognizes the important impact having more police on the streets has on crime.

Thank you for this opportunity to speak to you on behalf of America's rank and file law enforcement officers. I ask that my printed testimony be made part of the record, and I would be happy to answer any questions you may have.



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NATIONAL HEADQUARTERS

WILLIAM J. JOHNSON
Executive Director

January 29, 2007

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Feinstein:

On behalf of the National Association of Police Organizations (NAPO), representing 238,000 rank-and-file police officers from across the United States, I would like to thank you for introducing the "Gang Abatement and Prevention Act of 2007" and advise you of our support for the legislation. If enacted, this legislation will greatly assist state and local law enforcement in their efforts against gang expansion and violence.

Recent studies on gangs have estimated that over 25,000 different gangs, comprising over 750,000 members are active across the United States. 100 percent of all cities larger than 250,000 have reported gang activity, and approximately half of those cities stated their gang problem was getting worse. Compounding this problem, gangs have been directly linked to narcotics trade, human trafficking, identification document falsification, violent maiming, assault and murder, and the use of firearms to commit deadly shootings. The "Gang Abatement and Prevention Act of 2007" works to reduce gang violence by creating new High Intensity Interstate Gang Activity Areas (HIIGAAs) to facilitate cooperation between federal, state and local law enforcement and by authorizing more than $1 billion over the next five years to combat gang activity. It also creates new gang prosecution statutes focusing on street gangs and increases the penalties for violent gang crimes, strengthening prosecutors' ability to combat gang activities.

I thank you for your continued support of law enforcement. We look forward to working with you to fight for the passage of this bill. If you have any questions, please feel free to contact me, or NAPO's Legislative Assistant, Andrea Mournighan, at (202) 842-4420.

Sincerely,

William J. Johnson
Executive Director

*The National Association of Police Organizations (NAPO) is a coalition of police unions and associations from across the United States that serves to advance the interests of America's law enforcement through legislative and legal advocacy, political action and education. Founded in 1978, NAPO now represents more than 2,000 police unions and associations, 238,000 sworn law enforcement officers, 11,000 retired officers and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement.*

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Written Testimony of

Douglas H. Palmer
Mayor of Trenton, New Jersey
President, The United States Conference of Mayors

Before the

Crime and Drugs Subcommittee
Committee on the Judiciary
United States Senate

May 23, 2007



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Good afternoon. I'm Doug Palmer, Mayor of Trenton, New Jersey and President of The United States Conference of Mayors. I have been Mayor of Trenton since July 1990, and became President of The U.S. Conference of Mayors in December of 2006.

I want to thank Chairman Biden for calling today's hearing on issues related to crime in America's cities, as well as Senators Specter and Graham, and the entire Subcommittee. Chairman Biden has long been a major champion of anti-crime initiatives, and I very much appreciate his continued leadership.

As the tragedy at Virginia Tech University continues to demonstrate, gun violence and crime know no geographic boundaries. Whether at Columbine High School, or the Amish schoolhouse, or in cities across the nation every day, crime and violence are increasing.

How do I know this is a life and death matter?

In my own city, just over a year ago, seven-year-old Tajhanique Lee was out in the neighborhood riding her bike on a Friday evening. Unbeknownst to her, she rode right into a gang war, a reckless crossfire. And even though she was not the target, this beautiful little girl was shot through the mouth, the bullet going through both of her cheeks. Miraculously, she lived.

As our country and our people united to address the reality of terrorism after the attacks of 9/11, we must unite now to address the reality of gun violence and crime which continues to ravage our cities, suburbs and rural areas alike.

We must act now to prevent acts of violence and provide positive alternatives and help to those in need.

Mayors know that our first responsibility must be public safety. Only when our cities are safe can we focus on other priorities such as public education, job creation, and affordable housing. That's why one of the top priorities in our new *Mayor's 10-Point Plan on Strong Cities, Strong Families for a Strong America* is support for anti-crime programs.

In the 1990's, mayors and police chiefs put extensive effort into increasing public safety. And as we all know, there were dramatic results. Many cities saw crime rates drop to historic lows.



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We recognize that there were a number of factors for this reduction in crime – including a strong economy and tougher prosecution and sentencing practices, mainly of drug related crimes.

However, there is no doubt that additional police officers on the streets and greater support for innovative prevention programs had a major impact on crime. The partnership developed between the federal government and local governments - under programs such as COPS and the Local Law Enforcement Block Grant - greatly helped cities deploy more officers and change the way policing is done in America.

While the history of the 1990's was one of partnership and crime reductions, what has happened in recent years has been very different.

Cities lost more than $2 billion annually as the COPS hiring program was eliminated, and the local block grant was merged into the Byrne Justice Assistance Grant program - and then slashed. And now many cities are seeing significant crime increases.

The latest findings from the Police Executive Research Forum found that some cities are experiencing double-digit or even triple-digit percentage increases in homicides and other violence.

PERF's 56 city survey found that over a two year period:

- Total homicides were 10.21 percent higher;
- Robberies increased 12.27 percent;
- Aggravated assaults increased 3.12 percent; and
- Aggravated assaults with a firearm increased by almost 10 percent.

Funding cuts are not the sole cause of the recent crime increases. But they DID have a major impact.

In my city, crime dropped 27 percent last year – but our focused enforcement required us to exceed our budget by $6 million. And, we are confronting a small number of heavily armed street thugs who are intent on committing violence against one another.

New Jersey, with huge public support, has some of the most stringent gun laws in the nation – but criminals circumvent those laws simply by crossing the state line – which is our city line – into Pennsylvania. There, an assault rifle can be purchased at a gun show for about a hundred dollars. Life should not be that cheap.



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I have been to Harrisburg to urge legislation addressing guns and gangs and now I am here before you ... again making the case against a gun market that feeds those who are severely mentally ill ... or whose ruthless drug trade often involves the assassination of young African American or Latino men.

And I am pushing for more action at the state and local level.

Recently in Trenton our police arrested a murder suspect. At the time of the killing, he was out on bail. He was awaiting trial on the charge of shooting at a Trenton police officer.

Two years ago, a young man was arrested on gun charges four times in six months. Only on the fourth arrest was bail set high enough to keep him locked up.

Clearly, we have to address this "revolving door," which is why I am urging the New Jersey General Assembly to create a special "gun court'' to focus on weapons crimes and the small number of repeat offenders who are responsible for so much violence.

Cities face many problems related to crime such as:

- the growth of gangs;
- the increased availability of illegal guns - something made harder to address by bad federal policies;
- drug abuse, including new drugs such as meth; and
- the return of more than 600,000 ex-offenders annually to our cities.

There is also a growing culture of youth violence and disrespect on our streets - fueled by negative media and entertainment images and messages - that is contributing to the increase in crime.

And all of this is happening at the same time that local governments are being asked to do more to help secure our nation from terrorist attacks.

I know that the federal government has increased anti-terrorism grants, but the increased support for "homeland" security has unnecessarily come at the expense of "hometown" security.



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We commend the new Congress for increasing funding for COPS and the JAG program – the first time in years that the programs were not cut – and urge that both programs be fully funded in Fiscal Year 2008.

The Conference of Mayors has adopted policy which calls for the reauthorization of the COPS program, and we commend Chairman Biden for sponsoring S. 368, which would provide $1.15 billion annually. I know that the bill has already been approved by the full Judiciary Committee – and I urge Senate passage so that it can soon be signed into law.

As this bill moves forward, we hope that it will contain a number of elements supported by our policy including:

- Funding for the hiring or re-deployment of additional officers, with a continued emphasis on community oriented policing in and around schools;
- Significant retention funding beyond the initial three years of the program for officers where local fiscal conditions require continued support;
- Much needed flexibility to pay overtime so long as it results in an increase in the number of officers deployed in community oriented policing;
- A significant increase in the per-officer funding limitation;
- Significant support for crime-fighting technology including: improved public safety communications and crime mapping; expansion and replacement of facilities necessitated by the hiring of additional officers; and crime solving technologies including crime lab improvements and DNA backlog reductions; and
- Support for the criminal justice system including efforts to increase community prosecutions.



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I also want to express strong support for the "Gang Abatement and Prevention Act of 2007" (S. 456), sponsored by Senator Dianne Feinstein, and urge its approval. The bill would help fight criminal street gang violence nationwide by authorizing more than $1 billion over the next five years to support federal, state and local law enforcement efforts against violent gangs, witness protection programs, and services geared toward gang prevention.

And, we strongly support the Second Chance Act of 2007 (S. 1060), sponsored by Senator Biden, which would authorize comprehensive reentry programs, including: state and local reentry courts; Comprehensive and Continuous Offender Reentry Task Forces; drug treatment services to incarcerated offenders; technology career training for offenders; and mentoring services for reintegrating offenders into the community.

I want to end on this last point. April 16, 2007 is a national day of tragedy. We need a common sense approach to guns in America.

We must allow the police to do their jobs and trace illegal guns by defeating the Tiahrt Amendment.

We must close the gun show loophole which allows guns to be sold without background checks.

We must prohibit the sale of military-style assault weapons and large capacity ammunition clips.

We must make sure that records are accurate and shared regarding those who should be prohibited under current law from purchasing a firearm.

The federal government must actively enforce all the current gun laws, and make sure the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) – which has been a strong partner with local governments – is provided all the resources and staff it needs to help keep America safe.

Beyond legislation, a new effort must be made against the use and trafficking of illegal weapons. Weapon buyback programs and ballistics tracking offer the hope of reducing the toll these weapons take on our citizens, our communities, our children. And in our communities, we can do more to help teachers, coaches and family members intervene where predictors for violent behaviors exist.



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But comprehensive legislation at the federal level can take the lead in ensuring uniform protections and bringing safety to our communities. The dangers raised by inadequate protections in any given state threaten us all.

This issue has been labeled gun control and cast in the terms of sacred, abstract constitutional arguments.

But respectfully, I am here to tell you that there is nothing abstract about innocent victims being wounded and killed.

Yes, we have a Second Amendment, but we also have a Declaration of Independence and there is something to be said for life, liberty, and the pursuit of happiness. Bi-partisan, common sense action must be possible, and we call on Congress and the President to act now.

Thank you.



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# THE UNITED STATES CONFERENCE OF MAYORS

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ers
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Mayor of Trenton
residents
NUEL A. DIAZ
Mayor of Miami
residents
RY E. ABRAMSON
Mayor of Louisville Metro
HARD M. DALEY
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TERT
Philadelphia
R. VILLARAIGOSA
Mayor of Los Angeles
THOMAS WILDER
Mayor of Richmond, VA
LL WYNN
Mayor of Austin
utive Director
M COCHRAN

May 10, 2007

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
433 Russell Senate Office Building
Washington, DC 20510

The Honorable Arlen Specter
Ranking Member
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Specter:

On Behalf of the nation's mayors, I am writing to express strong support for the "Gang Abatement and Prevention Act of 2007"( S.456), sponsored by Senator Dianne Feinstein [D-CA], and urge its approval by the Senate Committee on the Judiciary.

We believe there needs to be strong mayoral involvement and leadership in combating the issue of gangs as it impacts the nation's cities and suburbs. Based on 2005 data published by the FBI, and new data gathered directly from 28 cities across the country by the Police Executive Research Forum (PERF), cities in all regions of the country and of varying sizes are seeing increases in violent crime.

Gang experts have advised us that the nation's largest and most dangerous gangs, including the Bloods, Crips and Mara Salvatrucha (MS-13), have spread from west coast cities to communities in Seattle, New York, Texas, Virginia and other parts of the country. Mayors have taken the lead in building and sustaining effective programs against gang crime in their cities.

Mayors strongly believe gang recruitment can be deterred through increased vigilance, strong criminal penalties, equal partnerships with state and local law enforcement, and proactive intervention efforts. That is why we have endorsed S.456 which would establish and extend federal commitment to help fight criminal street gang violence nationwide, by authorizing more than $1 billion over the next five years to support federal, state and local law enforcement efforts against violent gangs, witness protection programs, and services geared toward gang prevention. The bill includes $500 million to create a new high Intensity Interstate Gang Activity Area (HIIGAA) program, to facilitate cooperation between local, state, and federal law enforcement in identifying, targeting, and eliminating violent gangs in areas where gang activity is particularly prevalent. The bill would also create new criminal gang offenses to prohibit recruitment of minors in a criminal street gang, and to punish violent crimes related to gangs.

Thank you for reviewing S.456 and the nation's mayors urge passage. If you need any additional information, please contact Ed Somers with the Conference of Mayors staff at (202) 861-6706.

Sincerely

Douglas Palmer
Mayor of Trenton
President

Cc: Senate Judiciary Committee Members

STEPHAN R. PASSALACQUA
SONOMA COUNTY DISTRICT ATTORNEY
600 ADMINISTRATION DRIVE, 212-J SANTA ROSA, CA 95403 (707) 565-2311

DF
GYI

February 9, 2007

Senator Dianne Feinstein
United States Senate
One Post Street, Suite 2450
San Francisco, CA 94104

RE: Legislation to Fight Gang Violence

Dear Senator Feinstein,

I recently spoke to your California Staff Director Jim Molinari when I was in Washington at the National District Attorney Capital Litigation Workshop regarding the above mentioned legislation you were sponsoring. I have reviewed the aspects of the Gang Prevention Legislation and wanted to inform you that I enthusiastically support the bill and your efforts to address one of the most significant challenges that we face in Sonoma County and throughout the State of California and the Nation.

Enclosed please find our Critical Needs Assessment for 2006 which highlights how gang violence has placed an enormous strain on the Sonoma County criminal justice system (pages 1, 9-11, 23-31). I'm available to assist you in anyway possible with your legislation. Please do not hesitate to contact me.

Sincerely,

Stephan R. Passalacqua
District Attorney

pc
Feinstein

Enclosure

cc: Jim Molinari

GARY PENROD, SHERIFF-CORONER

May 7, 2007

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20515

Position: **SUPPORT: S. 456** - Gang Abatement and Prevention Act of 2007

Dear Senator Feinstein,

As the Sheriff of San Bernardino County I am pleased to support your bill S. 456. This bill will increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, deter and punish violent gang crime, protect law-abiding citizens and communities from violent criminals, revise and enhance criminal penalties for violent crimes, expand and improve gang prevention, and for other purposes.

As throughout the Nation, San Bernardino County is plagued with gangs and this bill will be a tremendous help to reduce gang violence. If I can be of assistance in this matter please feel free to contact me.

Thank you for your support of public safety.

Best Regards,

GARY S. PENROD, Sheriff

By: Barbara Ferguson, Lieutenant
Legislative Liaison
951-313-1348 (cell)

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
655 East Third Street • San Bernardino, California 92415-0061 Post Office Box 569 • San Bernardino, California 92402-0569

Pittsburgh Post-Gazette

Pittsburgh Post-Gazette
**Return the COPS to our schools**
**By Joe Biden**
**October 18, 2006**

The recent school tragedies in Pennsylvania, Wisconsin and elsewhere have starkly highlighted the dangers our children face in our nation's schools. While the spate of tragedies has focused the national conscience, this is not a new phenomenon. There have been 225 deaths from school-related violence since the 1999 tragedy in Columbine, Colo., and violent crime and gang violence more generally is going up.

President Bush recently convened a White House conference to discuss strategies to combat school violence. While engaging in a dialogue is always a good thing, the President is dead wrong when he argued that the federal government has no role -- other than sharing information and best practices -- in combating school violence.

In the president's view, crime -- including school violence -- is a local problem to be addressed by local officials. In my view, this is dangerous and short-sighted. The federal government has an obligation to do all that it can to ensure the safety of our nation's cities, towns and especially our schools and children. Thus, it is critical that we support federal programs that can help prevent school violence. COPS (Community Oriented Policing in Schools) is just such a program. It was created after the 1999 Columbine tragedy and builds on one principal proposition: Specially trained school resource officers on patrol at our schools can make our kids safer.

The COPS program has funded more than 6,424 school officers, and these officers engage in community policing techniques that have been proven to deter violence. Research has shown that 81 percent of violent offenders communicate their intentions prior to acting. These officers work with students and faculty to recognize these signs to prevent acts of violence before they occur. They also work with school officials to ensure a rapid, coordinated response if an incident does occur.

Local law enforcement and school administrators recognize the value of school resource officers and, as a result, the COPS program enjoys widespread support around the nation. Professors at Yale and Georgetown University concluded in a recent study that each federal dollar invested in COPS yields between $6 and $12 in benefits to society by reducing crime -- "making COPS one of the most cost-effective ways available to reduce crime."

Nevertheless, it has been abandoned in recent years. In fact, President Bush has proposed to eliminate funding for COPS in his budget request each of the past five years. Regrettably, and despite my strong objections, Congress has followed suit and reduced funding for this program from a high of $180 million in 2002 until it was completely eliminated last year -- and again this year.

The impact of these cuts is stark. Back in 2004, the COPS office was forced to reject applications for 2,865 officers and it has been unable to solicit more applications due to lack of funding since that time.

The bottom line is that the president has the wrong priorities for America. Year after year, the president proposes cutting billions for COPS and other programs that assist local law enforcement. Instead, his priority is to extend a $60 billion a year tax cut for millionaires.

The right priority for our nation would be to take back some of the tax cuts going to people making more than a million dollars year and place the money in a Homeland Security Trust Fund dedicated to completely funding initiatives for homeland security and preventing local violence -- such as the COPS program.

It is critical that our nation's schools be a safe haven for our children. With local school boards facing budget shortfalls and local law enforcement stretched too thin combating rising crime and terrorism, the federal government simply must step in to promote a safe learning environment in our nation's schools. We owe our children nothing less.

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May 22, 2007

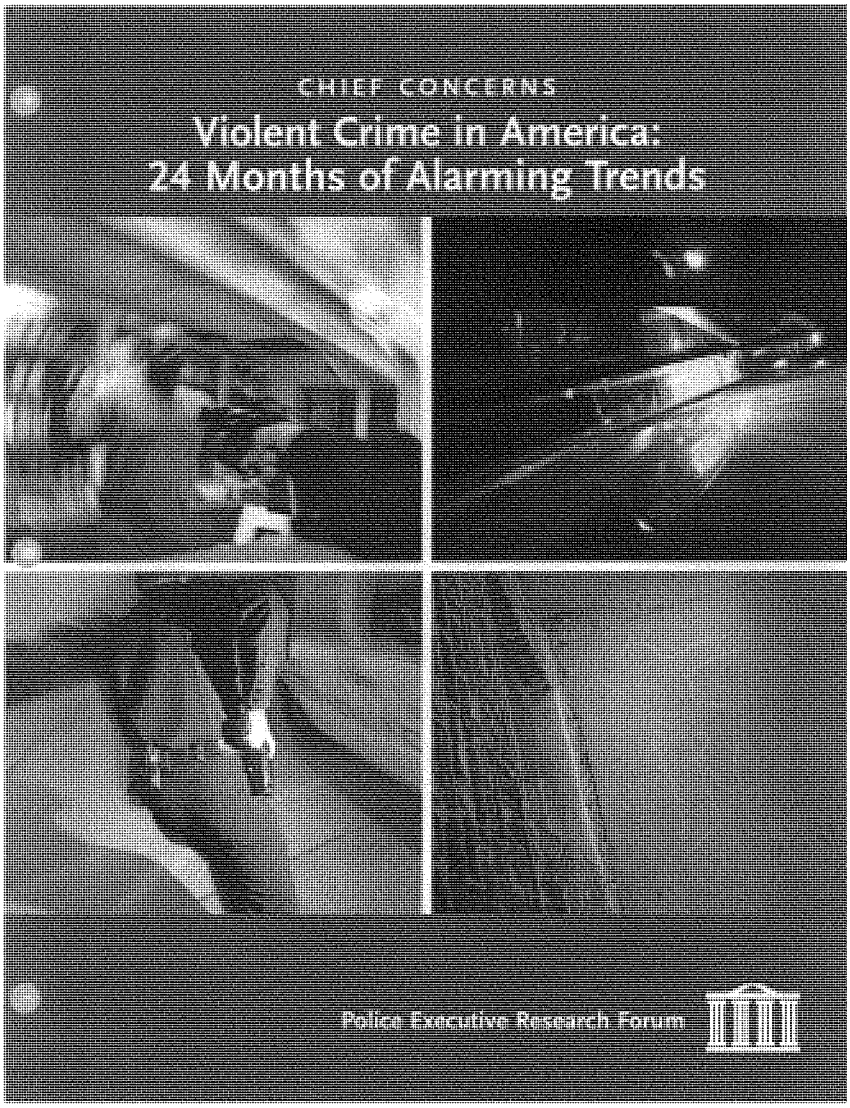
U.S. Senator Dianne Feinstein
SH-331 Hart Senate Office Building
United States Senate
Washington, D.C. 20510

Dear Senator Feinstein:

Thank you for contacting us about S.456 – The Gang Abatement and Prevention Act. The Points of Light Foundation is pleased to sign on as a supporter of this legislation. Please let us know what we can do to be of service in helping advance this bill.

Sincerely,

Howard H. Williams III
Interim CEO and President


CHIEF CONCERNS
Violent Crime in America:
24 Months of Alarming Trends
Police Executive Research Forum

*Chuck Wexler*
*Executive Director*

POLICE EXECUTIVE
RESEARCH FORUM

## Violent Crime in America: 24 Months of Alarming Trends

Violent crime increased last year, and many cities experienced double-digit or even triple-digit percentage increases in homicides and other violence, according to the latest statistics gathered by the Police Executive Research Forum (PERF), a Washington, D.C.-based organization of police chiefs, sheriffs, and other state and local law enforcement leaders.

PERF gathered crime statistics for all of 2006 from 56 policing agencies across the nation and found that overall, homicides increased 2.89 percent compared to 2005, and robberies increased 6.48 percent. Aggravated assaults declined 2.20 percent, but when aggravated assaults *committed with a firearm* were separated out of that category, there was a 1.28-percent increase between 2005 and 2006.

**24-Month Trend: Steady Increases in Violent Crime**

The new crime statistics for 2006 show a worsening of a trend first identified by PERF in mid-2005, when PERF began to hear rumblings from its members that "violent crime is making a comeback." A number of cities, particularly in the middle part of the United States, were beginning to experience large increases in three major categories of violent crime: robberies, aggravated assaults, and homicides.

Throughout 2006, PERF closely monitored violent crime rates. In an effort to obtain the latest trend information sooner than the FBI can provide with its massive Uniform Crime Reporting (UCR) program, PERF obtained statistics from 56 jurisdictions across the nation for 2006.

The findings are not uniformly discouraging. Dallas, Denver, and Washington, D.C., for example, reduced their homicide tolls significantly. Some cities experienced increases in certain types of violent crime but not in others.

**But overall, the 24-month trend, starting on January 1, 2005, is unmistakable: Among the jurisdictions filing reports with PERF, total homicides in 2006 were 10.21 percent higher than they were in 2004. Robberies increased 12.27 percent; aggravated assaults increased 3.12 percent; and aggravated assaults with a firearm increased 9.98 percent.**

The major increases in violence are not limited to a few scattered locations. Three-fourths of PERF's 56 jurisdictions reported increases in robberies between 2005 and 2006, for example.

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Following are additional indications of a nationwide surge in violence between 2004 and 2006:

- Increases of 20 percent or more in the number of homicides over the two-year period were detected in many jurisdictions, including: Baltimore County, Md.; Boston; Charleston, S.C.; Charlotte-Mecklenburg, N.C.; Cincinnati; Cleveland; Fairfax County, Va.; Hartford, Conn.; Kansas City, Mo.; Memphis; Nashville; Newark, N.J.; New Haven, Conn.; Orlando; Philadelphia; Rochester, N.Y.; San Antonio; San Jose, Calif.; and Seattle.
- Increases of more than 30 percent in robberies between 2004 and 2006 were found in Arlington, Tex.; Baltimore County, Md.; Cleveland; Detroit; Fort Wayne, Ind.; Las Vegas; Memphis; Milwaukee; Minneapolis; Montgomery County, Md.; Orlando, Fla.; Prince William County, Va.; Rochester, N.Y.; San Francisco; San Jose, Calif.; and Virginia Beach, Va.
- Increases of more than 30 percent in aggravated assaults with firearms were found in Boston; Cincinnati; Cleveland; Las Vegas; Orlando; Rochester, N.Y.; Sacramento, Calif.; St. Louis; Seattle; and other jurisdictions.
- Volatility was seen in cities like Atlanta, where homicides fell from 112 in 2004 to 89 in 2005, but then jumped to 107 in 2006. In many cities, certain types of crime increased sharply in 2005, but fell back in 2006.

**PERF Warned of a "Gathering Storm" of Violent Crime**

The 24-month trend toward increasing violence is disturbing news, because the United States enjoyed astonishing declines in crime during the mid- to late-1990s, followed by a leveling off in the early 2000s.

Monitoring the recent crime trends has been a top priority for PERF since the first indications of a surge in violence came to light in 2005. In August 2006 PERF held a conference to determine whether the reports of increasing crime were merely anecdotal or reflected a nationwide trend, and received overwhelming indications of a nationwide problem. More than 170 officials, including police chiefs and mayors from 50 cities, came to Washington, D.C. to attend PERF's Violent Crime Summit, and those leaders concluded that there was a "gathering storm" of increasing violence in America.

PERF then followed up by asking all of the chiefs who attended the Violent Crime Summit not to wait until the FBI released its nationwide crime statistics for 2006, but instead to send PERF their violent crime statistics for the first six months of 2006. PERF compiled the data and found that many cities indeed were experiencing sharp increases in violence. PERF also asked the chiefs to provide information about any recent crime "milestones" in their jurisdictions, and 13 responded. Three jurisdictions, for example, reported having experienced all-time highs in homicides in 2005 or the first half of 2006.



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The latest statistics for all of 2006 reinforce what PERF has been saying for more than a year: The crime reductions of the 1990s cannot be taken for granted. The nation is receiving a warning signal that federal, state, and local governments must refocus their attention on crime in order to restore the level of safety and security that Americans experienced in the 1990s. And the volatility in crime rates—across the nation, and within given jurisdictions—suggests that it will be critically important to watch crime statistics closely in coming months and years.

***Note on PERF statistics:*** The PERF statistics are similar to those in the FBI's Uniform Crime Reporting (UCR) program in that they are based on law enforcement agencies' reports of crimes actually reported to the police (as opposed to surveys or other methods of measuring crime). Because PERF members are police chiefs, sheriffs, and other law enforcement executives, PERF is able to obtain official crime statistics from many of the nation's largest jurisdictions, and to release those figures several months before the nationwide tallies are released by the FBI. PERF's previous "early warnings" about crime, based on the fist six months of 2006 data, were later confirmed when the FBI completed its more comprehensive UCR reports.

PERF's October 2006 report, "A Gathering Storm—Violent Crime in America," is available online at www.policeforum.org/upload/Gathering-Storm-PRINT-Final_110473745_1027200610304.pdf.)

For additional information, contact:

PERF Executive Director Chuck Wexler (202) 466-7820

**PERF Board of Directors:**

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Chief John Timoney, Miami Police Department (305) 603-6100

Commissioner Edward Davis, Boston Police Department (617) 635-4461

Chief Rick Myers, Colorado Springs Police Department (719) 444-7412

Sir Ian Blair, Commissioner, London Metropolitan Police Service 011-44-207-230-4402

Chief Dean Esserman, Providence Police Department (401) 243-6401

Chief Ella Bully-Cummings, Detroit Police Department (313) 596-2200

Special thanks are due to our partners at Motorola, Inc., for their support of the *Chief Concerns: Critical Issues in Policing Series.* This report could not have been possible without their help.

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# Violent Crime in America: 24 Months of Alarming Trends

56 Reporting Jurisdictions

1. Number and percentage of Police Departments with an increase in Violent Crime from 2005 to 2006.

   -Homicide: 28 out of 56 departments (50%) experienced an increase in homicide.
   -Robbery: 42 out of 56 departments (75%) experienced an increase in robbery.
   -Aggravated Assault: 18 out of 54* departments (33%) experienced an increase in aggravated assault.
   -Aggravated Assault with a Firearm: 23 out of 51* departments (45%) experienced an increase in aggravated assault with a firearm

2. Number and percentage of Police Departments with an increase in Violent Crime from 2004 to 2006.

   -Homicide: 40 out of 56 departments (71%) experienced an increase in homicide.
   -Robbery: 45 out of 56 departments (80%) experienced an increase in robbery.
   -Aggravated Assault: 23 out of 54* departments (43%) experienced an increase in aggravated assault.
   -Aggravated Assault with a Firearm: 33 out of 49* departments (67%) experienced an increase in aggravated assault with a firearm

3. Percent change in violent crime from 2005 to 2006.

   Homicide **increased** 2.89% from 2005 to 2006.
   Robbery **increased** 6.48% from 2005 to 2006.
   Aggravated Assault **decreased** 2.20% from 2005 to 2006.
   Aggravated Assault with a Firearm **increased** 1.28% from 2005 to 2006.

4. Percent change in violent crime from 2004 to 2006.

   Homicide **increased** 10.21% from 2004 to 2006.
   Robbery **increased** 12.27% from 2004 to 2006.
   Aggravated Assault **increased** 3.12% from 2004 to 2006.
   Aggravated Assault with a Firearm **increased** 9.98% from 2004 to 2006.

*At the time of this report, some agencies were unable to provide complete information.



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# Violent Crime Statistics 2004-2006**

| Jurisdiction | Type of offense | 2004 | 2005 | 04-05 percent +/- | 2005 | 2006** | 05-06 percent +/- | 04-06 percent +/- |
|---|---|---|---|---|---|---|---|---|
| Alexandria | Homicide | 2 | 4 | * | 4 | 5 | * | * |
| | Robbery | 187 | 197 | 5.35% | 197 | 202 | 2.54% | 8.02% |
| | Aggravated Assault | 213 | 201 | -5.63% | 201 | 178 | -11.44% | -16.43% |
| | A.A. with Firearm | 45 | 41 | -8.89% | 41 | 25 | -39.02% | -44.44% |
| Appleton | Homicide | 2 | 0 | * | 0 | 1 | * | * |
| | Robbery | 23 | 17 | -26.09% | 17 | 26 | 52.94% | 13.04% |
| | Aggravated Assault | 98 | 139 | 41.84% | 139 | 136 | -2.16% | 38.78% |
| | A.A. with Firearm | 8 | 7 | -12.50% | 7 | 18 | 157.14% | 125.00% |
| Arlington, TX | Homicide | 14 | 24 | 71.43% | 24 | 14 | -41.67% | 0.00% |
| | Robbery | 662 | 768 | 16.01% | 768 | 890 | 15.89% | 34.44% |
| | Aggravated Assault | 1017 | 1399 | 37.56% | 1399 | 1659 | 18.58% | 63.13% |
| | A.A. with Firearm | 193 | 382 | 97.93% | 382 | 443 | 15.97% | 129.53% |
| Atlanta | Homicide | 112 | 89 | -20.54% | 89 | 107 | 20.22% | -4.46% |
| | Robbery | 3116 | 2861 | -8.18% | 2861 | 2832 | -1.01% | -9.11% |
| | Aggravated Assault | 4427 | 4039 | -8.76% | 4039 | 4404 | 9.04% | -0.52% |
| | A.A. with Firearm | xx | xx | na | xx | xx | na | na |
| Baltimore | Homicide | 276 | 269 | -2.54% | 269 | 275 | 2.23% | -0.36% |
| | Robbery | 4050 | 3910 | -3.46% | 3910 | 4217 | 7.85% | 4.12% |
| | Aggravated Assault | 7159 | 6907 | -3.52% | 6907 | 6149 | -10.97% | -14.11% |
| | A.A. with Firearm | 1111 | 1087 | -2.16% | 1087 | 1074 | -1.20% | -3.33% |
| Baltimore County | Homicide | 29 | 40 | 37.93% | 40 | 36 | -10.00% | 24.14% |
| | Robbery | 1563 | 1765 | 12.92% | 1765 | 2083 | 18.02% | 33.27% |
| | Aggravated Assault | 4363 | 3665 | -16.00% | 3665 | 3472 | -5.27% | -20.42% |
| | A.A. with Firearm | 333 | 351 | 5.41% | 351 | 360 | 2.56% | 8.11% |
| Boston | Homicide | 61 | 73 | 19.67% | 73 | 75 | 2.74% | 22.95% |
| | Robbery | 2428 | 2649 | 9.10% | 2649 | 2678 | 1.09% | 10.30% |
| | Aggravated Assault | 4159 | 4489 | 7.93% | 4489 | 4358 | -2.92% | 4.78% |
| | A.A. with Firearm | 470 | 627 | 33.40% | 627 | 621 | -0.96% | 32.13% |
| Broward Sheriff's Office | Homicide | 26 | 22 | -15.38% | 22 | 33 | 50.00% | 26.92% |
| | Robbery | 1331 | 1299 | -2.40% | 1299 | 1348 | 3.77% | 1.28% |
| | Aggravated Assault | 2745 | 3015 | 9.84% | 3015 | 2770 | -8.13% | 0.91% |
| | A.A. with Firearm | 435 | 478 | 9.89% | 478 | 433 | -9.41% | -0.46% |

| Jurisdiction | Type of offense | 2004 | 2005 | percent +/- | 2005 | 2006** | percent +/- | percent +/- |
|---|---|---|---|---|---|---|---|---|
| Charleston | Homicide | 10 | 11 | 10.00% | 11 | 23 | 109.09% | 130.00% |
| | Robbery | 221 | 268 | 21.27% | 268 | 220 | -17.91% | -0.45% |
| | Aggravated Assault | 766 | 666 | -13.05% | 666 | 531 | -20.27% | -30.68% |
| | A.A. with Firearm | 117 | 135 | 15.38% | 135 | 122 | -9.63% | 4.27% |
| Charlotte-Mecklenburg | Homicide | 60 | 85 | 41.67% | 85 | 83 | -2.35% | 38.33% |
| | Robbery | 2786 | 3649 | 30.98% | 3649 | 3207 | -12.11% | 15.11% |
| | Aggravated Assault | 4118 | 3876 | -5.88% | 3876 | 3896 | 0.52% | -5.39% |
| | A.A. with Firearm | 1668 | 1976 | 18.47% | 1976 | 2086 | 5.57% | 25.06% |
| Chicago | Homicide | 449 | 450 | 0.22% | 450 | 467 | 3.78% | 4.01% |
| | Robbery | 15,974 | 16,030 | 0.35% | 16,030 | 15,860 | -1.06% | -0.71% |
| | Aggravated Assault | 18,820 | 18,033 | -4.18% | 18,033 | 17,438 | -3.30% | -7.34% |
| | A.A. with Firearm | 5136 | 4735 | -7.81% | 4735 | 4636 | -2.09% | -9.74% |
| Cincinnati | Homicide | 63 | 79 | 25.40% | 79 | 89 | 12.66% | 41.27% |
| | Robbery | 2389 | 2291 | -4.10% | 2291 | 2329 | 1.66% | -2.51% |
| | Aggravated Assault | 1208 | 1276 | 5.63% | 1276 | 1151 | -9.80% | -4.72% |
| | A.A. with Firearm | 192 | 269 | 40.10% | 269 | 322 | 19.70% | 67.71% |
| Cleveland | Homicide | 86 | 115 | 33.72% | 115 | 119 | 3.48% | 38.37% |
| | Robbery | 3325 | 3776 | 13.56% | 3776 | 4335 | 14.80% | 30.38% |
| | Aggravated Assault | 2465 | 2543 | 3.16% | 2543 | 2684 | 5.54% | 8.88% |
| | A.A. with Firearm | 599 | 610 | 1.84% | 610 | 790 | 29.51% | 31.89% |
| Dallas | Homicide | 244 | 198 | -18.85% | 198 | 184 | -7.07% | -24.59% |
| | Robbery | 7466 | 6882 | -7.82% | 6882 | 6914 | 0.46% | -7.39% |
| | Aggravated Assault | 7863 | 7783 | -1.02% | 7783 | 7292 | -6.31% | -7.26% |
| | A.A. with Firearm | 3178 | 3232 | 1.70% | 3232 | 3300 | 2.10% | 3.84% |
| Dearborn | Homicide | 4 | 3 | * | 3 | 2 | * | * |
| | Robbery | 160 | 205 | 28.13% | 205 | 166 | -19.02% | 3.75% |
| | Aggravated Assault | xx | 273 | na | 273 | 239 | -12.45% | na |
| | A.A. with Firearm | 40 | 48 | 20.00% | 48 | 36 | -25.00% | -10.00% |
| Denver | Homicide | 90 | 61 | -32.22% | 61 | 55 | -9.84% | -38.89% |
| | Robbery | 1221 | 1160 | -5.00% | 1160 | 1285 | 10.78% | 5.24% |
| | Aggravated Assault | 2585 | 2633 | 1.86% | 2633 | 2244 | -14.77% | -13.19% |
| | A.A. with Firearm | 465 | 449 | -3.44% | 449 | 352 | -21.60% | -24.30% |
| Detroit | Homicide | 383 | 374 | -2.35% | 374 | 411 | 9.89% | 7.31% |
| | Robbery | 5435 | 6725 | 23.74% | 6725 | 7600 | 13.01% | 39.83% |
| | Aggravated Assault | 9330 | 13273 | 42.26% | 13273 | 11390 | -14.19% | 22.08% |
| | A.A. with Firearm | 1367 | 1363 | -0.29% | 1363 | 1385 | 1.61% | 1.32% |

| Jurisdiction | Type of offense | 2004 | 2005 | percent +/- | 2005 | 2006** | percent +/- | percent +/- |
|---|---|---|---|---|---|---|---|---|
| Fairfax County | Homicide | 9 | 24 | 166.67% | 24 | 19 | -20.83% | 111.11% |
| | Robbery | 548 | 484 | -11.68% | 484 | 565 | 16.74% | 3.10% |
| | Aggravated Assault | 375 | 379 | 1.07% | 379 | 331 | -12.66% | -11.73% |
| | A.A. with Firearm | 22 | 11 | -50.00% | 11 | 17 | 54.55% | -22.73% |
| Ft. Wayne | Homicide | 22 | 25 | 13.64% | 25 | 17 | -32.00% | -22.73% |
| | Robbery | 305 | 375 | 22.95% | 375 | 403 | 7.47% | 32.13% |
| | Aggravated Assault | 234 | 248 | 5.98% | 248 | 220 | -11.29% | -5.98% |
| | A.A. with Firearm | 39 | 51 | 30.77% | 51 | 50 | -1.96% | 28.21% |
| Frederick | Homicide | 0 | 0 | * | 0 | 4 | * | * |
| | Robbery | 144 | 118 | -18.06% | 118 | 150 | 27.12% | 4.17% |
| | Aggravated Assault | 435 | 361 | -17.01% | 361 | 333 | -7.76% | -23.45% |
| | A.A. with Firearm | 48 | 39 | -18.75% | 39 | 33 | -15.38% | -31.25% |
| Hartford | Homicide | 17 | 25 | 47.06% | 25 | 24 | -4.00% | 41.18% |
| | Robbery | 890 | 689 | -22.58% | 689 | 760 | 10.30% | -14.61% |
| | Aggravated Assault | 578 | 683 | 18.17% | 683 | 704 | 3.07% | 21.80% |
| | A.A. with Firearm | 166 | 201 | 21.08% | 201 | 212 | 5.47% | 27.71% |
| Houston | Homicide | 275 | 336 | 22.18% | 336 | 376 | 11.90% | 36.73% |
| | Robbery | 10,182 | 11,128 | 9.29% | 11,128 | 11,371 | 2.18% | 11.68% |
| | Aggravated Assault | 12,065 | 11,653 | -3.41% | 11,653 | 11,648 | -0.04% | -3.46% |
| | A.A. with Firearm | 3,175 | 3,531 | 11.21% | 3,531 | 3,709 | 5.04% | 16.82% |
| Kansas City | Homicide | 91 | 119 | 30.77% | 119 | 115 | -3.36% | 26.37% |
| | Robbery | 1923 | 2000 | 4.00% | 2000 | 2034 | 1.70% | 5.77% |
| | Aggravated Assault | 4120 | 4110 | -0.24% | 4110 | 3926 | -4.48% | -4.71% |
| | A.A. with Firearm | 1621 | 2004 | 23.63% | 2004 | 1872 | -6.59% | 15.48% |
| Las Vegas | Homicide | 132 | 145 | 9.85% | 145 | 153 | 5.52% | 15.91% |
| | Robbery | 3729 | 3494 | -6.30% | 3494 | 5381 | 54.01% | 44.30% |
| | Aggravated Assault | 5318 | 5275 | -0.81% | 5275 | 6681 | 26.65% | 25.63% |
| | A.A. with Firearm | 554 | 691 | 24.73% | 691 | 724 | 4.78% | 30.69% |
| Los Angeles | Homicide | 518 | 486 | -6.18% | 486 | 481 | -1.03% | -7.14% |
| | Robbery | 14,024 | 13,487 | -3.83% | 13,487 | 14,235 | 5.55% | 1.50% |
| | Aggravated Assault | xx | 15,476 | na | 15,476 | 14,118 | -8.77% | na |
| | A.A. with Firearm | 5,837 | 5,704 | -2.28% | 5,704 | 5,370 | -5.86% | -8.00% |
| Lowell | Homicide | 5 | 2 | * | 2 | 12 | * | * |
| | Robbery | 169 | 213 | 26.04% | 213 | 213 | 0.00% | 26.04% |
| | Aggravated Assault | 771 | 753 | -2.33% | 753 | 654 | -13.15% | -15.18% |
| | A.A. with Firearm | 40 | 54 | 35.00% | 54 | 46 | -14.81% | 15.00% |

| Jurisdiction | Type of offense | 2004 | 2005 | percent +/- | 2005 | 2006** | percent +/- | percent +/- |
|---|---|---|---|---|---|---|---|---|
| Memphis | Homicide | 107 | 136 | 27.10% | 136 | 149 | 9.56% | 39.25% |
| | Robbery | 3773 | 4464 | 18.31% | 4464 | 5380 | 20.52% | 42.59% |
| | Aggravated Assault | 5765 | 7624 | 32.25% | 7624 | 5898 | -22.64% | 2.31% |
| | A.A. with Firearm | 2099 | 2478 | 18.06% | 2478 | 2237 | -9.73% | 6.57% |
| Miami | Homicide | 69 | 54 | -21.74% | 54 | 77 | 42.59% | 11.59% |
| | Robbery | 2367 | 2019 | -14.70% | 2019 | 2151 | 6.54% | -9.13% |
| | Aggravated Assault | 3870 | 3949 | 2.04% | 3949 | 3761 | -4.76% | -2.82% |
| | A.A. with Firearm | 770 | 806 | 4.68% | 806 | 707 | -12.28% | -8.18% |
| Milwaukee | Homicide | 88 | 122 | 38.64% | 122 | 103 | -15.57% | 17.05% |
| | Robbery | 2656 | 2917 | 9.83% | 2917 | 3691 | 26.53% | 38.97% |
| | Aggravated Assault | 1823 | 2804 | 53.81% | 2804 | 3383 | 20.65% | 85.57% |
| | A.A. with Firearm | xx | 437 | na | 437 | 520 | 18.99% | na |
| Minneapolis | Homicide | 54 | 47 | -12.96% | 47 | 59 | 25.53% | 9.26% |
| | Robbery | 2246 | 2584 | 15.05% | 2584 | 3081 | 19.23% | 37.18% |
| | Aggravated Assault | 2026 | 2439 | 20.38% | 2439 | 2868 | 17.59% | 41.56% |
| | A.A. with Firearm | 568 | 671 | 18.13% | 671 | 624 | -7.00% | 9.86% |
| Montgomery County | Homicide | 18 | 19 | 5.56% | 19 | 19 | 0.00% | 5.56% |
| | Robbery | 789 | 1035 | 31.18% | 1035 | 1137 | 9.86% | 44.11% |
| | Aggravated Assault | 987 | 875 | -11.35% | 875 | 862 | -1.49% | -12.66% |
| | A.A. with Firearm | 116 | 117 | 0.86% | 117 | 105 | -10.26% | -9.48% |
| Nashville | Homicide | 58 | 97 | 67.24% | 97 | 81 | -16.49% | 39.66% |
| | Robbery | 2,138 | 2,426 | 13.47% | 2,426 | 2,521 | 3.92% | 17.91% |
| | Aggravated Assault | 6,202 | 6,081 | -1.95% | 6,081 | 5,934 | -2.42% | -4.32% |
| | A.A. with Firearm | 1,505 | 1,609 | 6.91% | 1,609 | 1,676 | 4.16% | 11.36% |
| Newark, NJ | Homicide | 84 | 97 | 15.48% | 97 | 105 | 8.25% | 25.00% |
| | Robbery | 1,345 | 1,250 | -7.06% | 1,250 | 1,288 | 3.04% | -4.24% |
| | Aggravated Assault | 1,365 | 1,391 | 1.90% | 1,391 | 1,364 | -1.94% | -0.07% |
| | A.A. with Firearm | xx | xx | na | xx | | na | na |
| New Haven | Homicide | 15 | 15 | 0.00% | 15 | 24 | 60.00% | 60.00% |
| | Robbery | 738 | 848 | 14.91% | 848 | 809 | -4.60% | 9.62% |
| | Aggravated Assault | 925 | 977 | 5.62% | 977 | 997 | 2.05% | 7.78% |
| | A.A. with Firearm | 93 | 126 | 35.48% | 126 | 111 | -11.90% | 19.35% |
| Norfolk | Homicide | 35 | 58 | 65.71% | 58 | 28 | -51.72% | -20.00% |
| | Robbery | 684 | 886 | 29.53% | 886 | 884 | -0.23% | 29.24% |
| | Aggravated Assault | 541 | 803 | 48.43% | 803 | 669 | -16.69% | 23.66% |
| | A.A. with Firearm | xx | xx | na | xx | xx | na | na |

| Jurisdiction | Type of offense | 2004 | 2005 | percent +/- | 2005 | 2006** | percent +/- | percent +/- |
|---|---|---|---|---|---|---|---|---|
| Orlando | Homicide | 17 | 22 | 29.41% | 22 | 49 | 122.73% | 188.24% |
| | Robbery | 962 | 1204 | 25.16% | 1204 | 1530 | 27.08% | 59.04% |
| | Aggravated Assault | 2322 | 2324 | 0.09% | 2324 | 2065 | -11.14% | -11.07% |
| | A.A. with Firearm | 286 | 402 | 40.56% | 402 | 522 | 29.85% | 82.52% |
| Pasadena | Homicide | 9 | 6 | * | 6 | 11 | * | * |
| | Robbery | 298 | 285 | -4.36% | 285 | 247 | -13.33% | -17.11% |
| | Aggravated Assault | 343 | 488 | 42.27% | 488 | 334 | -31.56% | -2.62% |
| | A.A. with Firearm | 58 | 57 | -1.72% | 57 | 39 | -31.58% | -32.76% |
| Philadelphia | Homicide | 330 | 377 | 14.24% | 377 | 404 | 7.16% | 22.42% |
| | Robbery | 9757 | 10069 | 3.20% | 10069 | 10686 | 6.13% | 9.52% |
| | Aggravated Assault | 9814 | 10139 | 3.31% | 10139 | 10771 | 6.23% | 9.75% |
| | A.A. with Firearm | xx | xx | na | xx | xx | na | na |
| Phoenix | Homicide | 208 | 224 | 7.69% | 224 | 233 | 4.02% | 12.02% |
| | Robbery | 3723 | 4237 | 13.81% | 4237 | 4363 | 2.97% | 17.19% |
| | Aggravated Assault | 5050 | 5701 | 12.89% | 5701 | 6047 | 6.07% | 19.74% |
| | A.A. with Firearm | 1889 | 2212 | 17.10% | 2212 | 2320 | 4.88% | 22.82% |
| Prince George's County | Homicide | 134 | 151 | 12.69% | 151 | 134 | -11.26% | 0.00% |
| | Robbery | 3527 | 4446 | 26.06% | 4446 | 3069 | -30.97% | -12.99% |
| | Aggravated Assault | 3220 | 3365 | 4.50% | 3365 | 4210 | 25.11% | 30.75% |
| | A.A. with Firearm | xx | xx | na | xx | xx | na | na |
| Prince William County | Homicide | 6 | 13 | * | 13 | 16 | 23.08% | * |
| | Robbery | 206 | 250 | 21.36% | 250 | 351 | 40.40% | 70.39% |
| | Aggravated Assault | 282 | 347 | 23.05% | 347 | 379 | 9.22% | 34.40% |
| | A.A. with Firearm | 21 | 30 | 42.86% | 30 | 23 | -23.33% | 9.52% |
| Richmond, CA | Homicide | 35 | 40 | 14.29% | 40 | 42 | 5.00% | 20.00% |
| | Robbery | 500 | 526 | 5.20% | 526 | 504 | -4.18% | 0.80% |
| | Aggravated Assault | 509 | 574 | 12.77% | 574 | 645 | 12.37% | 26.72% |
| | A.A. with Firearm | 174 | 214 | 22.99% | 214 | 287 | 34.11% | 64.94% |
| Rochester | Homicide | 35 | 54 | 54.29% | 54 | 49 | -9.26% | 40.00% |
| | Robbery | 934 | 1029 | 10.17% | 1029 | 1335 | 29.74% | 42.93% |
| | Aggravated Assault | 1022 | 1066 | 4.31% | 1066 | 1192 | 11.82% | 16.63% |
| | A.A. with Firearm | 182 | 364 | 100.00% | 364 | 462 | 26.92% | 153.85% |
| Sacramento | Homicide | 54 | 53 | -1.85% | 53 | 57 | 7.55% | 5.56% |
| | Robbery | 1909 | 2034 | 6.55% | 2034 | 2188 | 7.57% | 14.61% |
| | Aggravated Assault | 2571 | 3025 | 17.66% | 3025 | 3113 | 2.91% | 21.08% |
| | A.A. with Firearm | 476 | 601 | 26.26% | 601 | 836 | 39.10% | 75.63% |

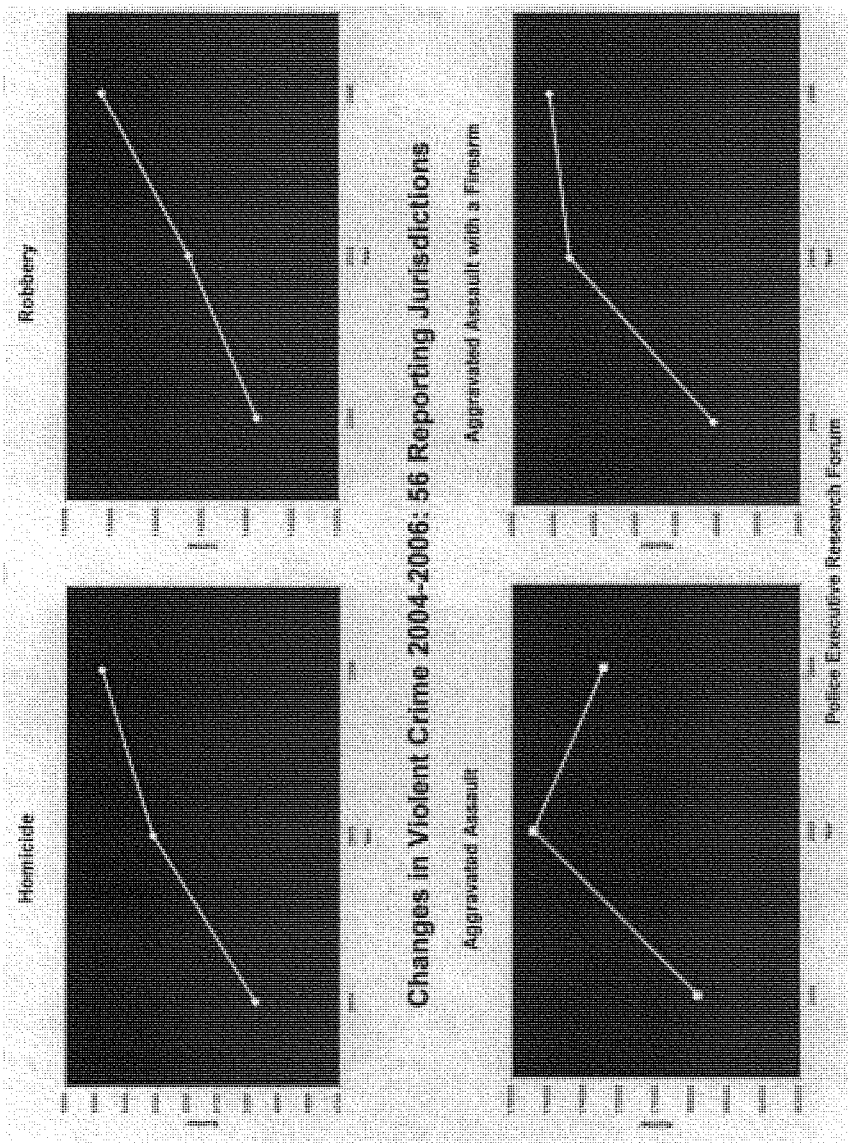
| Jurisdiction | Type of offense | 2004 | 2005 | percent +/- | 2005 | 2006** | percent +/- | percent +/- |
|---|---|---|---|---|---|---|---|---|
| St. Louis | Homicide | 114 | 131 | 14.91% | 131 | 129 | -1.53% | 13.16% |
| | Robbery | 2632 | 2965 | 12.65% | 2965 | 3147 | 6.14% | 19.57% |
| | Aggravated Assault | 4041 | 4949 | 22.47% | 4949 | 4992 | 0.87% | 23.53% |
| | A.A. with Firearm | 1567 | 1908 | 21.76% | 1908 | 2272 | 19.08% | 44.99% |
| San Antonio | Homicide | 95 | 87 | -8.42% | 87 | 119 | 36.78% | 25.26% |
| | Robbery | 2134 | 2167 | 1.55% | 2167 | 2324 | 7.25% | 8.90% |
| | Aggravated Assault | 4948 | 5174 | 4.57% | 5174 | 5024 | -2.90% | 1.54% |
| | A.A. with Firearm | 1104 | 1399 | 26.72% | 1399 | 1372 | -1.93% | 24.28% |
| San Francisco | Homicide | 88 | 96 | 9.09% | 96 | 85 | -11.46% | -3.41% |
| | Robbery | 3041 | 3078 | 1.22% | 3078 | 4127 | 34.08% | 35.71% |
| | Aggravated Assault | 2476 | 2791 | 12.72% | 2791 | 2455 | -12.04% | -0.85% |
| | A.A. with Firearm | 211 | 252 | 19.43% | 252 | 240 | -4.76% | 13.74% |
| San Jose | Homicide | 24 | 26 | 8.33% | 26 | 29 | 11.54% | 20.83% |
| | Robbery | 785 | 884 | 12.61% | 884 | 1030 | 16.52% | 31.21% |
| | Aggravated Assault | 2314 | 2319 | 0.22% | 2319 | 2285 | -1.47% | -1.25% |
| | A.A. with Firearm | 258 | 262 | 1.55% | 262 | 227 | -13.36% | -12.02% |
| Savannah-Chatham | Homicide | 25 | 31 | 24.00% | 31 | 29 | -6.45% | 16.00% |
| | Robbery | 643 | 650 | 1.09% | 650 | 690 | 6.15% | 7.31% |
| | Aggravated Assault | 419 | 478 | 14.08% | 478 | 398 | -16.74% | -5.01% |
| | A.A. with Firearm | 128 | 204 | 59.38% | 204 | 171 | -16.18% | 33.59% |
| Seattle | Homicide | 24 | 25 | 4.17% | 25 | 30 | 20.00% | 25.00% |
| | Robbery | 1588 | 1603 | 0.94% | 1603 | 1667 | 3.99% | 4.97% |
| | Aggravated Assault | 2041 | 2343 | 14.80% | 2343 | 2322 | -0.90% | 13.77% |
| | A.A. with Firearm | 232 | 287 | 23.71% | 287 | 337 | 17.42% | 45.26% |
| Springfield, MA | Homicide | 17 | 18 | 5.88% | 18 | 15 | -16.67% | -11.76% |
| | Robbery | 692 | 772 | 11.56% | 772 | 715 | -7.38% | 3.32% |
| | Aggravated Assault | 1931 | 1792 | -7.20% | 1792 | 1745 | -2.62% | -9.63% |
| | A.A. with Firearm | 352 | 323 | -8.24% | 323 | 299 | -7.43% | -15.06% |
| Trenton | Homicide | 18 | 30 | 66.67% | 30 | 20 | -33.33% | 11.11% |
| | Robbery | 576 | 805 | 39.76% | 805 | 629 | -21.86% | 9.20% |
| | Aggravated Assault | 716 | 658 | -8.10% | 658 | 593 | -9.88% | -17.18% |
| | A.A. with Firearm | 174 | 175 | 0.57% | 175 | 162 | -7.43% | -6.90% |
| Virginia Beach | Homicide | 18 | 22 | 22.22% | 22 | 19 | -13.64% | 5.56% |
| | Robbery | 477 | 670 | 40.46% | 670 | 688 | 2.69% | 44.23% |
| | Aggravated Assault | 383 | 430 | 12.27% | 430 | 425 | -1.16% | 10.97% |
| | A.A. with Firearm | 44 | 92 | 109.09% | 92 | 62 | -32.61% | 40.91% |

| Jurisdiction | Type of offense | 2004 | 2005 | percent +/- | 2005 | 2006** | percent +/- | percent +/- |
|---|---|---|---|---|---|---|---|---|
| Washington, DC | Homicide | 198 | 195 | -1.52% | 195 | 169 | -13.33% | -14.65% |
| | Robbery | 3057 | 3502 | 14.56% | 3502 | 3878 | 10.74% | 26.86% |
| | Aggravated Assault | 3863 | 3854 | -0.23% | 3854 | 3322 | -13.80% | -14.00% |
| | A.A. with Firearm | 774 | 806 | 4.13% | 806 | 820 | 1.74% | 5.94% |
| West Palm Beach | Homicide | 18 | 22 | 22.22% | 22 | 17 | -22.73% | -5.56% |
| | Robbery | 560 | 528 | -5.71% | 528 | 663 | 25.57% | 18.39% |
| | Aggravated Assault | 568 | 574 | 1.06% | 574 | 537 | -6.45% | -5.46% |
| | A.A. with Firearm | 168 | 155 | -7.74% | 155 | 161 | 3.87% | -4.17% |
| White Plains | Homicide | 0 | 2 | * | 2 | 2 | * | * |
| | Robbery | 66 | 45 | -31.82% | 45 | 45 | 0.00% | -31.82% |
| | Aggravated Assault | 97 | 57 | -41.24% | 57 | 59 | 3.51% | -39.18% |
| | A.A. with Firearm | 0 | 1 | * | 1 | 2 | * | * |
| Total for 56 jurisdictions | Homicide | 4976 | 5314 | 6.79% | 5314 | 5478 | 3.09% | 10.09% |
| | Robbery | 139045 | 146618 | 5.45% | 146618 | 156076 | 6.45% | 12.25% |
| | Aggravated Assault | 167666 | 176790 | 5.44% | 176790 | 172831 | -2.24% | 3.08% |
| | A.A. with Firearm | 38466 | 41976 | 9.12% | 42417 | 42853 | 1.03% | 10.05% |

xx Jurisdiction did not provide data

* The raw number of violent crime is too small to produce meaningful percent changes.

** Some of the 2006 data are estimates or preliminary numbers and may change.


Homicide
Robbery
Aggravated Assault
Aggravated Assault with a Firearm
Changes in Violent Crime 2004-2006: 56 Reporting Jurisdictions
Police Executive Research Forum

## FBI Statistics Confirm Surge in Violence

According to the last two available years of FBI statistics (2004 and 2005):

- 32,840 murders occurred in the United States.
- Victims reported 818,592 robberies in America.
- 1,710,328 aggravated assaults were reported in the U.S., 289,106 of which involved the use of a firearm.

## Milestones

- The nation's violent crime rose by 2% in 2005, the first increase in 13 years. (FBI)
- Major Cities across the United States experienced an increase in murders in 2006:

| | | |
|---|---|---|
| New York | +10% | (2005 FBI UCR/ 2006 NYPD Website) |
| Chicago | +3.8% | (PD stats as reported to PERF) |
| Houston | +11.9 | (PD stats as reported to PERF) |
| Miami | +42.6 % | (PD stats as reported to PERF) |

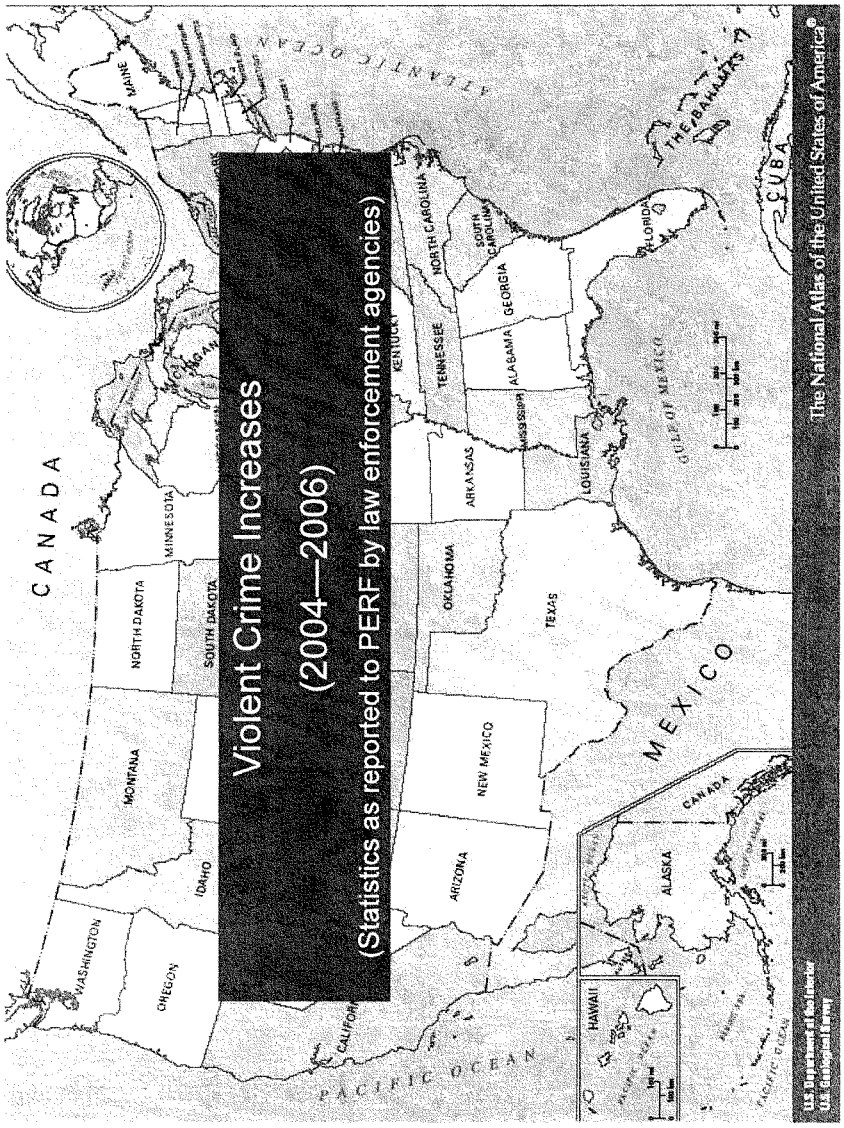
- Jurisdictions that recorded the highest number of murders ever include:

| | |
|---|---|
| Newark, New Jersey | (PD stats as reported to PERF) |
| Orlando, Florida | (PD stats as reported to PERF) |

- Prince William County, Virginia also had the largest number of robberies reported to the department in 2006. (PD Stats as reported to PERF)
- Murders in New Haven, Connecticut were up by more than 60%. (PD stats as reported to PERF) and Hartford experienced a five-year high in aggravated assaults (PD stats as reported to PERF)
- Boston, Massachusetts saw an eleven year high in homicides in 2006 (PD stats as reported to PERF)



40885.194


Violent Crime Increases
(2004—2006)
(Statistics as reported to PERF by law enforcement agencies)
CANADA
MEXICO
CUBA
THE BAHAMAS
ATLANTIC OCEAN
PACIFIC OCEAN
GULF OF MEXICO
WASHINGTON
OREGON
IDAHO
MONTANA
NORTH DAKOTA
SOUTH DAKOTA
MINNESOTA
MAINE
NEW MEXICO
ARIZONA
OKLAHOMA
TEXAS
ARKANSAS
LOUISIANA
TENNESSEE
KENTUCKY
NORTH CAROLINA
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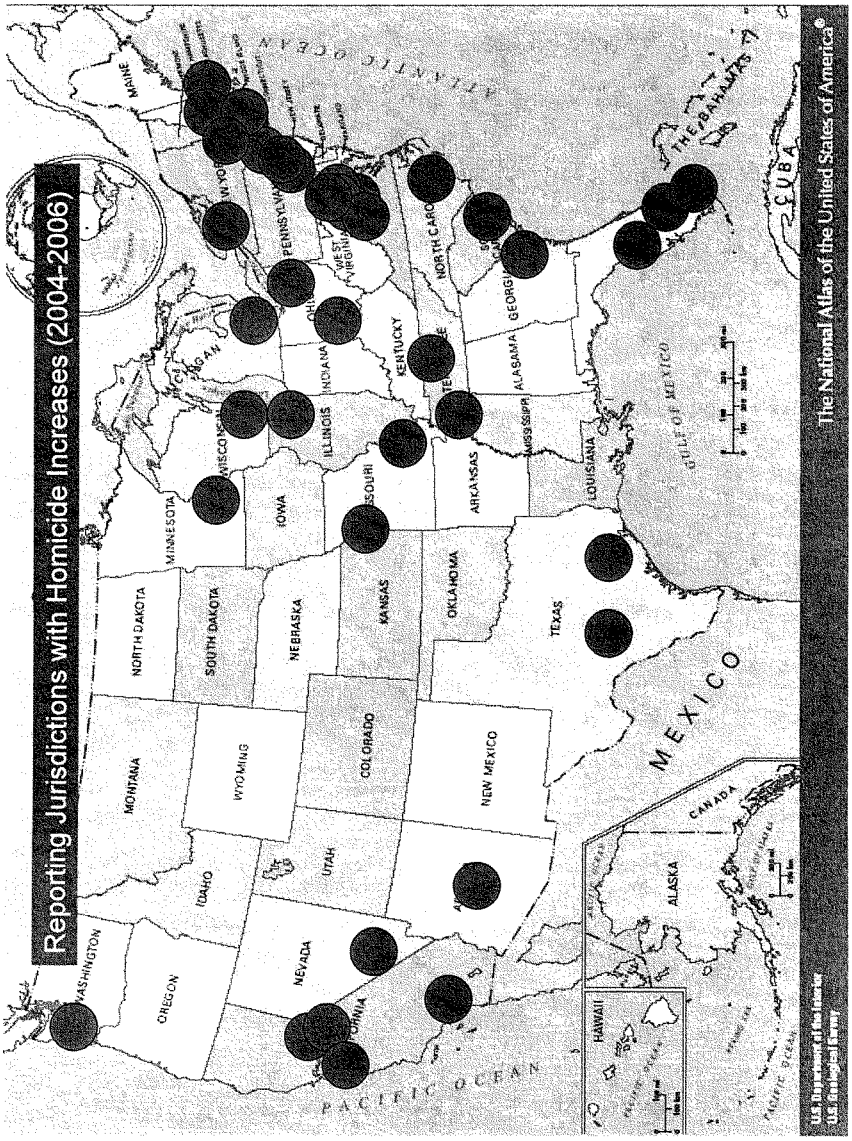
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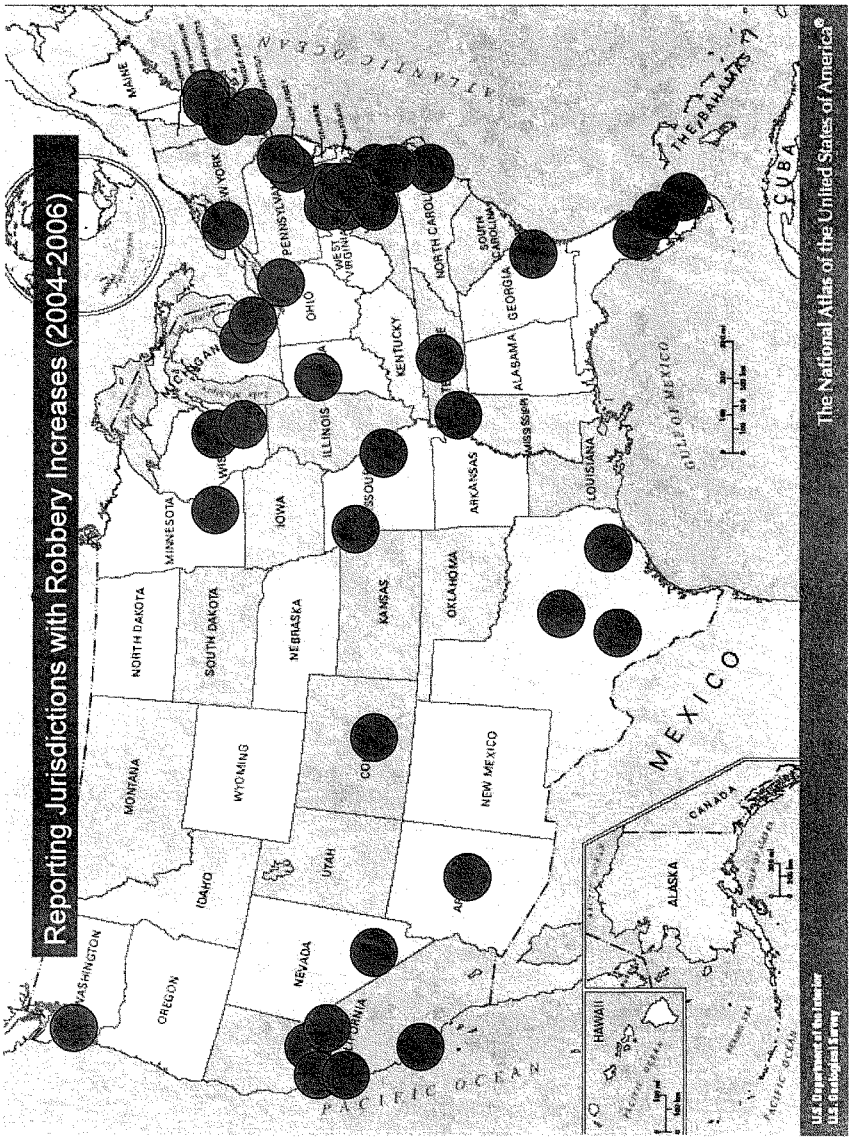
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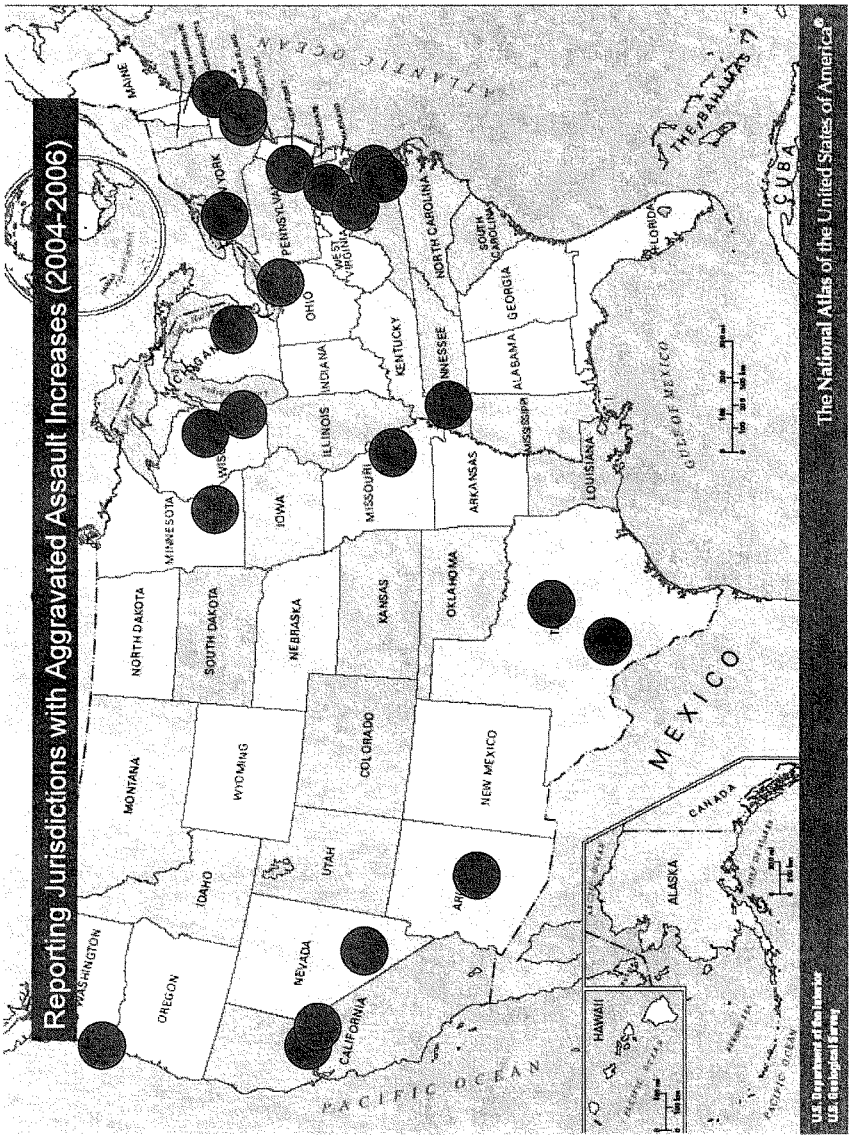
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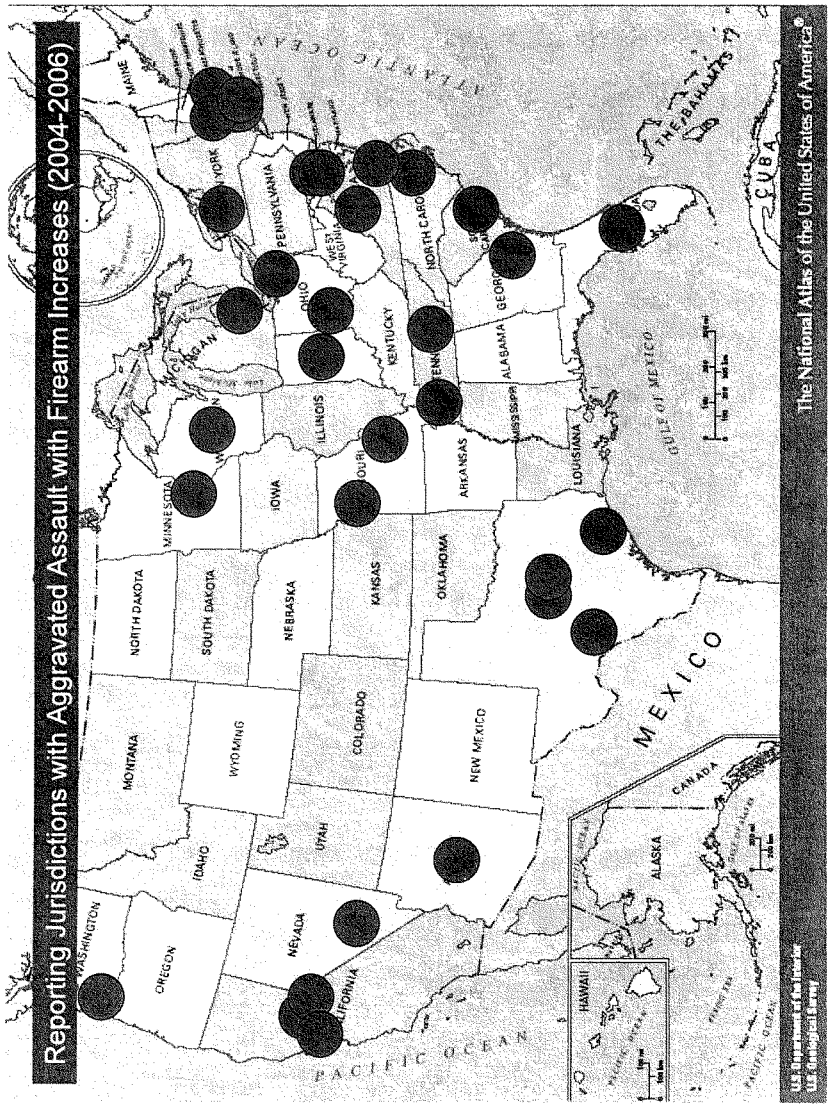
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May 8, 2007

iam G. Milliken
rman of the Board

ert Williams
dent

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

I am writing in support of S456, the Gang Abatement and Prevention Act of 2007.

Recent studies on gangs have estimated that over 25,000 different gangs, comprising over 750,000 members are active across the United States. Gangs have been directly linked to the narcotics trade, human trafficking, identification document falsification, violent maiming, assault and murder, and the use of firearms to commit deadly shootings. The Gang Abatement and Prevention Act of 2007 would work to reduce gang violence by creating new High Intensity Interstate Gang Activity Areas (HIIGAAs) to facilitate cooperation between federal, state and local law enforcement and by authorizing more than $1 billion over the next five years to combat gang activity.

The bill will also and importantly provide funding for intervention and prevention efforts in a combined prevention-intervention suppression approach modeled after the successful Operation Ceasefire strategy.

Thank you for your leadership on this issue and your continued support of the law enforcement community.

Sincerely,

Hubert Williams

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GOVERNOR ARNOLD SCHWARZENEGGER

March 20, 2007

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

The Honorable Orrin G. Hatch
United States Senate
104 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein and Senator Hatch,

Thank you for leading a bipartisan coalition to pass comprehensive gang legislation. I support your legislation, The Gang Abatement and Prevention Act of 2007, and appreciate that it would establish new crimes and tougher federal penalties to deter and punish members of illegal street gangs. I also strongly support the federal funding authorized in your bill for suppression, prevention and intervention programs.

Gang violence is a problem in communities all over California. We need to have a coordinated approach among federal, state and local governments to work together and eliminate this problem. I support the provisions in your bill that would create new High Intensity Interstate Gang Activity Areas, enhance existing federal efforts such as Project Safe Neighborhood and Safe Streets, and expand grants to states and local agencies and to community groups.

Fighting gangs in California will require various strategies including suppression, intervention and prevention. All of these efforts will require additional funds. I urge Congress to provide additional funding in Fiscal Year 2008 to build on federal anti-gang efforts, and to provide grants to state and local agencies to combat gangs and gang violence.

I appreciate your continued support for states and local communities in their fight against gangs.

Sincerely,

Arnold Schwarzenegger

STATE CAPITOL • SACRAMENTO, CALIFORNIA 95814 • (916) 445-2841

Stalking resource center | Victims of Crime

**"Stalking in the Age of Technology"**
**A Call to Action for National Stalking Awareness Month**
**By Senator Joseph R. Biden, Jr. and Mary Lou Leary, Executive Director of the National Center for Victims of Crime**
**January 26, 2007**

Imagine that you are a young wife—estranged from your husband. A court has ordered him to stay away from you, but he shows up everywhere you go. You see him while driving on the road, in the parking lot at work, at a nearby table in restaurants, and at your friends' homes. Although you haven't spoken to him in months, he always knows exactly where you are.

Last year, the Seattle police received such a report from Sherri Peak, 36, whose estranged husband Robert seemed to know her every move. Detectives believed that Robert Peak was stalking his wife, and they brought Sherri's car into the city shop to scan for tracking devices. After several hours of futile searching, one officer popped off the dashboard cover and spotted a global positioning system (GPS) and a cell phone embedded in the car. Then police checked the victim's home computer and found spyware that allowed her husband to hack into her e-mail. Sherri Peak was indeed being stalked—via technology.

The Peak case illustrates a disturbing criminal trend and the dark side of technology. The devices we use to surf the Internet, e-mail one another, download music, and find our way in unfamiliar towns have also equipped stalkers with powerful tools. While "conventional" stalkers follow a victim from home to work or place countless phone calls to their homes, technology-empowered stalkers use GPS to track victims and computer programs to trace every Web site victims visit and every e-mail they send or receive. Stalkers can harass or threaten their victims (or urge others to do so) via e-mail or Web sites set up to harm the victim. The potential impact of these tactics is staggering. National statistics show that 1 in 12 women and1 in 45 men will be stalked during their lifetime. The average duration of stalking is two years, and more often than not it is accompanied by physical violence. In one study, 3 of 4 women murdered by their intimate partners had been stalked by that partner before they were killed.

Although all 50 states and the federal government have stalking laws, many were drafted before the widespread use of e-mail, the Internet, chat rooms, Web sites, social networking sites, GPS, cell phones, and tiny hand-held video and digital cameras. Last year Congress tightened the federal stalking law to take into account these potential stalking tools and techniques. Although some states are following suit, state legislators must continually assess the power of their stalking laws to prohibit and appropriately punish acts of stalking with current or even future technology.

January is National Stalking Awareness Month – the perfect opportunity for parents, lawmakers and community leaders to carefully review state and local laws on stalking and insist that laws keep pace with technology and protect our families. Through vigilance, both citizens and officials can combat stalking via technology. Just as parents and teens are starting to learn how to protect their privacy while on-line, we can all learn how to detect high-tech stalking and what to do if it occurs.

*For more information, visit or call the Stalking Resource Center, www.ncvc.org/src, 202-467-8700, or the National Crime Victim Helpline, 1-800-FYI-CALL.*



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The State

**The State (Columbia, SC)**
**New Law Helps Track Sex Offenders**
**By Sen. Joseph R. Biden, Jr.**
**August 7, 2006**

Today in our country there are as many as 150,000 convicted sex offenders who have fallen through the cracks; 150,000 sexual predators lurking in our neighborhoods and jeopardizing the most vulnerable among us.

In the words of John Walsh, host of "America's Most Wanted," it is time to close the door. The Adam Walsh Child Protection and Safety Act, which was signed into law last month, will do just that. Plain and simple, this legislation will save children's lives.

Twenty-five years ago, John and Reve Walsh lost their son when Adam was abducted from a suburban mall and subsequently killed. The Walsh family, like others I have worked with over the years, has taken this unimaginable nightmare and turned it into a call to action. John created "America's Most Wanted" and has been a tireless advocate for legislation like this ever since.

Congress has done a great deal before and since Adam was abducted to protect kids. We created the National Center for Missing and Exploited Children in 1984; we enacted the crime bill in 1994; and we set up the Amber Alert system in 2003. But every time we have done something significant, the bad guys have figured out a way around it.

We require that our nation's 600,000 sexual predators be tracked. But the bad guys are taking advantage of loopholes, and about 20 percent are currently unaccounted for.

The Adam Walsh Act is about uniting 50 states in common purpose and in league with one another to prevent low-life sexual predators from slipping through the cracks.

This new law starts at the beginning by requiring convicted sex offenders to register prior to release from prison. We also make sure we keep tabs on everyone who poses a threat to our kids. While the Internet puts the knowledge of the world at a child's fingertips, it can also be abused and perverted by sexual predators. That is why the Adam Walsh Act adds the "use of the Internet to facilitate or commit a crime against a minor" as an offense that could trigger registration. And once someone is on a sex offender registry, we also need to ensure he can't go back to hiding in the shadows. Under this law, child predators are required to periodically check in personally with the authorities. They also need to update their photographs, so law enforcement and parents will know what they look like now.

If a registered sex offender fails to comply with any of these requirements, he or she faces up to 10 years in prison, and the U.S. Marshals — the most underrated, underestimated part of American law enforcement — will bring its expertise and energy to the task of tracking down these dangerous individuals.

One of the biggest problems in our current sex offender registry system happens when registered offenders travel from one state to another. That's why this new law fully integrates and expands the state systems so that information will be shared instantly and seamlessly among them. When a convicted sex offender moves into your neighborhood, your police need to know about it. We also mandate a national sex offender Web site that is searchable by geographic radius and ZIP Code so that parents can easily and quickly find out who is living in their neighborhoods.



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It has taken us months and years to enact this important law, and it has been a true bipartisan effort. Sen. Orrin Hatch has been a true leader, and I was very proud to work with him in achieving a bipartisan consensus to protect our children. We cannot bring back the kids whom the Walsh family and others like them have lost. But we can do everything we can to protect the living. This law serves as a monument to these families and our best attempt to fix a currently broken system.

It also should serve as a reminder that our job of protecting our kids is never done and one that requires continuing and constant vigilance. I know that John and Reve Walsh — and the other inspiring families that have pushed for this law — will make sure of that.

*Sen. Biden represents Delaware in the U.S. Senate.*



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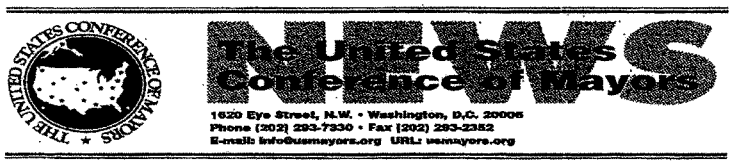


**For Immediate Release**
January 24, 2007

Contact: Rhonda Spears Bell (301) 651-2126 cell
rspears@usmayors.org
Elena Temple (202) 309-4906 cell
etemple@usmayors.org

## Mayors Release 10-Point Legislative Agenda on Issues Impacting Cities and Families at 75th Winter Meeting of The U.S. Conference of Mayors

**Washington, D.C.** – As the new Congress sets its policy agenda, more than 250 of the nation's mayors released a 10-point legislative plan today in Washington, DC where they have gathered for the 75th Winter Meeting of the U.S. Conference of Mayors, led by Conference President and Trenton, NJ Mayor Douglas H. Palmer.

Several mayors from the Conference's leadership crafted this new **Mayors 10-Point Plan**, called **'Strong Cities, Strong Families for a Strong America"**, during a special leadership meeting on January 11 in Washington, DC. The plan was then presented to House Speaker Nancy Pelosi the following day during a strategy session and brought to the full body of the Conference of Mayors at this Winter Meeting.

As CEOs of the nation's cities, mayors know all too well the challenges America's families face. We are here to forge a partnership with the new Congressional leaders that will invest in families and cities in a way that creates jobs and safe communities, and provides an environment where families and children can thrive," said Conference President Douglas H. Palmer. "We welcome the opportunity to work with this new Congress in a bi-partisan way as we move forward together to build a stronger America."

The Mayors' 10-Point Plan reflects some of the policies that the Conference has adopted over the past few years and will be used as a guide as the mayors engage the 110th Congress, the Administration, and the 2008 presidential candidates on significant issues and priorities that directly impact America's cities and families.

**The Mayors' 10-Point Plan includes:**

1) **Energy and Environment Block Grant**
The mayors are calling for a block grant to provide funding directly to cities and urban counties for programs that improve community energy efficiency; develop and implement community strategies to reduce carbon emissions, develop and implement community and transportation energy conservation programs; encourage the development of new technologies and systems to decrease the nation's dependence on foreign oil; and promotion and development of alternative/renewable energy sources.

2) **Federal-Local Partnership on Crime Prevention**
The mayors are calling for a federal trust fund to provide flexible resources for the deployment of law enforcement personnel, support local innovations, fight domestic violence and fund technology that helps fight crime. Specifically, funding for COPS and the local block grant should be restored.



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**3) Community Development Block Grants**
The mayors recommend that CDBG formula funding be doubled to $8 billion. This additional funding would address the delayed projects and activities which have resulted from cuts to CDBG, and further build on the proven record of an effective affordable housing and revitalization program.

**4) Affordable Housing Fund**
The mayors support an affordable housing fund to be administered by the Government Sponsored Enterprises (GSEs), (not by HUD or state housing agencies) funded at least 5 percent of their profits, with local government projects eligible to be assisted.

**5) Public Housing**
*Operating Subsidies* - The mayors support restoration of all public housing operating subsidies in FY 2007, including funding that was not part of the budget request but that is now needed because of utility costs previously not anticipated.

*HOPE VI* – The mayors support the restoration of HOPE VI to a funding level that returns the program to an effective national tool for public housing development.

**6) Infrastructure Tax Incentive and Bonds**
The mayors are calling for tax incentives, bonds, and other measures to support local and state efforts, and stimulate private sector participation to improve infrastructure including transportation, water, wastewater, brownfields, energy, telecommunications, schools and affordable housing options in America's cities.

**7) Competitive Workforce**
The mayors call for timely reauthorization of the Workforce Investment Act, and full funding of its programs to ensure a significant investment in lifelong learning for every American citizen.

**8) Children and Youth**
*No Child Left Behind* - It is critical that mayors be involved in every aspect of No Child Left Behind reauthorization, including discussions on full funding, teacher quality, performance standards, testing and evaluation, and methods of assessment and accountability.

*Children's Health Insurance* – It is crucial that funding for programs such as Head Start, Early Head Start, the Children's Health Insurance Program (SCHIP) be increased to their full authorization levels.

*Summer Youth* - The mayors are calling for a new summer youth employment initiative.

*After-School Youth* – Mayors are calling for an increased funding commitment directly allocated to cities for quality after-school programs.

**9) Homeland Security**
*Interoperable Communications* - The mayors are calling on a well-funded, stand-alone, Federal emergency communications grant program to carry out initiatives to improve interoperable communications, including flexible direct grants to cities and their first responders.

*Transit Security* – The mayors are calling for a flexible Federal transit security initiative to improve security in the areas of communications, surveillance, detection systems, personnel and training, and not require a local or state match. Furthermore, security funds should go directly to the operator of that system or the jurisdiction providing the security.

*Funding Mechanism* – Mayors contend that improvements must be made in the grant application process and delivery mechanism for federal homeland security resources to make sure that the process is user-friendly, the funding quickly reaches cities, and that funding is flexible to meet local needs.

**10) Unfunded Mandates/Preemptions**
Mayors are calling for new legislation to strengthen the federal-local partnership and further restrict the ability of Congress to impose unfunded federal mandates on cities or preempt local authority.

**More information on each legislative priority can be found on the U.S. Conference of Mayors website at www.usmayors.org.**

***The U.S. Conference of Mayors is the official nonpartisan organization of cities with populations of 30,000 or more. There are 1,139 such cities in the country today, each represented in the Conference by its chief elected official, the Mayor.***

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USA TODAY

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## Youth gangs contribute to rising crime rates

WASHINGTON (AP) — Increasing violence among teenagers and other youths appears to have contributed to a nationwide crime spike, the Justice Department said Tuesday.

Gangs and gun violence are partly to blame for the rise in crime that is on pace to increase for the second straight year, says Attorney General Alberto Gonzales in a prepared speech.

In response, the Justice Department is pledging to spend nearly $50 million this year to combat gangs and guns, and will push Congress to enact new laws to let the federal government better investigate and prosecute violent crime.

FBI data from last fall show violent crimes, including murders and robberies, rose by 3.7% nationwide during the first six months of 2006. Those findings came on top of a 2.2% crime hike in 2005 — the first increase since 2001.

Faced with the discouraging data, Gonzales last fall ordered a study of 18 cities and suburban regions to show why crime is surging.

According to Gonzales' prepared remarks and a Justice Department fact sheet, obtained by The Associated Press, the study found:

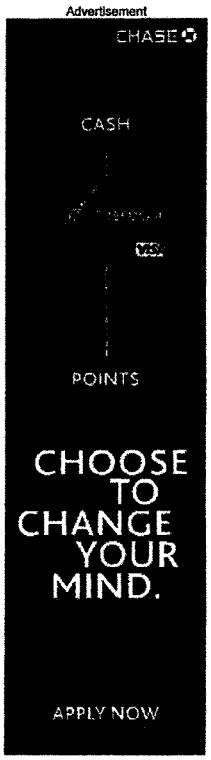
• That a growing number of offenders appear to be younger, and their crimes more violent, and that laws in some states provide few, if any, tough penalties on juvenile offenders.

• Many youths have little parental oversight and are too easily influenced by gang membership and glamorized violence in popular culture.

• Loosely organized gangs present the biggest concern for law enforcement officials because they are hard to investigate and their members often commit random acts of crime out of self-protection.

• Offenses committed by people using firearms pose a major threat not only to communities, but also to police. So-called "straw purchases," where gun owners buy their firearms through a go-between is an area of concern.

The Justice Department plans to distribute $18 million in grants nationwide this year to prevent and reduce illegal gun sales and other firearms crimes.



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Gonzales also will announce spending $31 million in new funds this year to combat gangs, according to the Justice Department fact sheet. The department also is working on a new crime bill to help federal authorities assist local and state police in cases involving juvenile crime.

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