
The Clinton Administration's Law Enforcement Strategy:

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



Taking Back Our Neighborhoods
One Block at a Time

May 1999

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

– President William J. Clinton

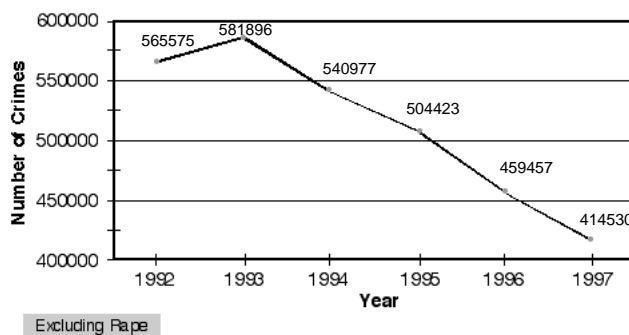
“We have a responsibility to the victims of crime and violence. It is a responsibility to think not only of our own convenience but of the tragedy of sudden death. It is a responsibility to put away childish things – to make the possession and use of firearms a matter undertaken only by serious people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

– Attorney General Robert F. Kennedy

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

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

Figure 1
Violent Crimes With Firearms
FBI / UCR Data



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

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

The Clinton Administration's Record on Guns

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

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

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

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

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

THE YOUTH GUN CRIME ENFORCEMENT ACT OF 1999

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

– President William J. Clinton

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

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

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

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

1. EXTENDING AND STRENGTHENING THE BRADY LAW

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

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

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

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

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

Expanding the Brady Law's Protections

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

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

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

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

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

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

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

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

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

2. RESTRICTING YOUTH ACCESS TO FIREARMS

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

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

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

Raising the Age of the Youth Handgun Ban to 21 – The Youth Handgun Safety Act, signed by President Clinton in 1994, bans possession of handguns by juveniles under the age of 18, and prohibits adults from transferring handguns to juveniles. Under the Act, however, it is legal for 18 to 20 year-olds to possess handguns and even to buy them from unlicensed sellers in their neighborhoods or at gun shows. The ease with which 18 to 20-year-olds can get guns is especially troubling given that ATF crime gun tracing data shows that more crime guns are traced to 18 and 19-year-olds than to any other age group.

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

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

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

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

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

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

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

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

3. COMBATING ILLEGAL TRAFFICKING IN GUNS

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

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

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

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

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

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

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

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

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

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

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

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

4. STRENGTHENING THE ASSAULT WEAPONS BAN

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

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

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

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

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

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

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

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

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

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

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

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

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

Prosecuting Illegal Acquisition, Possession, and Use of Firearms

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

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

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

Towards a Comprehensive, Community-Based Gun Violence Reduction Strategy

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

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

Boston's strategy to prevent youth violence.

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

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

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

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

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

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

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

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

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

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

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

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

Youth Crime Gun Interdiction Initiative Report

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

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

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

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

Developing and Promoting Smart Prevention and Intervention Strategies

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

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

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

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

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

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

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

FY2000 Budget

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

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

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

CONCLUSION

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