AMERICAN PROSECUTORS RESEARCH INSTITUTE
The nonprofit research, training and technical assistance affiliate of the National District Attorneys Association

Combating Gun Violence

PROMISING PRACTICES FOR AMERICA'S PROSECUTORS

PROJECT SAFE NEIGHBORHOODS

APRI Report

The American Prosecutors Research Institute (APRI) is a nonprofit research, training and technical assistance affiliate of the National District Attorneys Association (NDAA).

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INTRODUCTION

"Gun violence is still a serious problem…In America today, a teenager is more likely to die from a gunshot than from all natural causes of death combined. These details have caused too many families to bury the next generation. And for all our children's sake, this nation must reclaim our neighborhoods and our streets."

—*President George W. Bush*

Despite an overall decline in the number of gun homicides over the last 15 years, gun violence in America remains unacceptably high. Two-thirds of the 15,000 people murdered each year die at the hands of armed criminals. According to the FBI, in New York City in 2000 there were 11,297 violent crimes committed with guns—434 homicides, 6,456 robberies and 4,407 aggravated assaults. Sixty-four percent of all New York City murder victims were killed with guns. For every fatal shooting, there are roughly three non-fatal shootings. In fact, guns are involved in more than one-third of a million violent crimes annually.

Individual cities and states are responding to this epidemic of gun violence. Strategies implemented by local jurisdictions range from interrupting the sources of illegal guns and deterring illegal gun possession to developing focused prosecution tactics for gun crimes.

In addition, the Department of Justice's Bureau of Justice Assistance (BJA) is supporting the American Prosecutors Research Institute's (APRI) efforts to identify promising gun crime reduction practices through case studies and site visits to communities across the country. The National District Attorneys Association (NDAA) and the National College of District Attorneys (NCDA) have partnered with APRI in training local prosecutors with the latest research and strategies. The history and implementation of Richmond, Virginia's successful gun violence reduction program known as "Project Exile" was documented in APRI's recent publication *Combating Gun Violence: An In-Depth Look at Richmond's Project Exile.*[1]

This monograph begins with a brief summary of Project Exile. It continues by reviewing the Project Safe Neighborhoods (PSN) initiative, emphasizing the five PSN core elements. A vari-

ety of other, alternative strategies for controlling gun violence are then discussed. Practical, concrete experiences from projects in Texas, Colorado, King County (Seattle), Washington, and Baltimore, Maryland are used to illustrate the wealth of strategies that can be deployed in fighting gun violence and gun-related crimes. Next, some of the statistical data emanating from these programs is briefly reviewed. The monograph concludes with a discussion of some of the challenges faced by these programs, the lessons that can be distilled from these experiences, and a look to the future of gun violence reduction programs.

"Local jurisdictions are developing innovative ways to connect the police and prosecutors with the community. Through efforts like Richmond Exile, PSN, and the initiatives reviewed by APRI in this monograph, this connection has proved invaluable in reducing gun-related violence and making each community feel that its neighborhood is a safer place to live."

—Richard Nedelkoff, Director, Bureau of Justice Assistance

"From the local prosecutor's perspective, Project Safe Neighborhoods is an historic endeavor that will bring local prosecutors and their federal counterparts closer together in pursuing mutual goals in a collaborative way. The true beneficiary of this initiative should be the American public. Reducing gun violence and enhancing community safety is a goal and priority for all."

—Newman Flanagan, Executive Director, NDAA, and President, APRI

[1] To obtain a copy of the Richmond monograph, contact APRI at (703) 518-4394, or visit our website at http://www.ndaa.org/apri/programs/gun_violence/index.html.

Project Exile in Richmond, Virginia

In 1994, the City of Richmond, Virginia was wracked by violence. With 160 homicides that year, Richmond contributed one-fourth the total homicides recorded statewide. In fact, Richmond consistently had one of the highest per capita homicide rates in the country. Yet, in 2001 only 69 homicides were recorded in Richmond. Other cities across the nation experienced sizable decreases in violent crime during this same time period, but the decline in Richmond was more pronounced. What accounted for this success story? A significant part of the answer is Project Exile—a unique partnership of federal and local law enforcement, the private sector, and the citizens of Richmond.

The concept is simple: Project Exile, through a coordinated team effort between local and federal agencies combined with extensive community outreach, enforces existing gun laws to reduce gun violence and to achieve the ultimate goal—saving lives. Project Exile's message is also simple, and powerful: "An illegal gun gets you 5 years in Federal Prison."

The United States Attorney's Office for the Eastern District of Virginia, the Commonwealth's Attorney's Office for the City of Richmond, and the Richmond Police Department came together in 1995 as the Project Exile Task Force to address the city's gun violence and identify solutions. The task force started by asking: Why is the violent crime rate so high in Richmond, and what can be done about it? Task force members identified several critical factors underlying the high rate of crime: high firearms carrying rates, territorial disputes, and variability in the application and enforcement of existing laws. To address these issues, the task force designed a three-pronged approach: federal prosecution, a fully integrated and coordinated partnership between all law enforcement agencies, and an innovative outreach effort to involve the community, including an extensive media campaign. Richmond's success in implementing these strategies and in ultimately reducing gun violence has served as the model for Project Safe Neighborhoods and other communities nationwide.

Federal Prosecution

One of the key components of the Richmond Exile effort was federal prosecution under 18 United States Code Sections 922 and 924, with stiffer sentencing guidelines for those using firearms in the commission of drug offenses or crimes of violence, as described below:

- **18 USC § 922** prohibits possession of firearms while possessing drugs; by convicted felons; if a person is a fugitive from another state; if an individual is under a felony indictment; if the person is the subject of a restraining order; by a drug user; if an individual has been involved in prior domestic violence; or if the gun is known (by the possessor) to

be stolen. In order to be eligible for federal prosecution the firearm must be in or affecting interstate commerce.

- **18 USC § 924(c)** carries a mandatory five-year jail term for carrying a firearm in connection with drug dealing or any prohibitions listed above. It also outlines stiffer bond and "no bail" provisions prior to an offender's first court appearance. This statute was amended in October 1998 to broaden its applicability to mere possession of a firearm in furtherance of a drug trafficking crime or crime of violence. Increasing the mandatory prison term if a weapon is brandished (from five to seven years); discharged (to 10 years); or if the weapon is a machine gun, destructive device, or has a silencer (to 30 years) gives prosecutors even more effective tools with which to penalize armed felons.

- **18 USC § 924 (e)(i)** carries a mandatory minimum 15-year sentence for a person with three prior convictions for a violent felony or serious drug offense.

To determine whether persons arrested for illegal gun possession should be prosecuted federally or locally, two decision criteria are applied:

- *Did the possession violate federal law?*
- *If so, where will the potential sentence be more severe?*

PARTNERSHIP

Achieving successful federal prosecutions required state, local, and federal law enforcement agencies to form a partnership with a minimum of territorial strife, organizational differences, and managerial disputes. To accomplish this, key stakeholders built an integrated and coordinated partnership emphasizing communication and cooperation. Collaborators in the Project Exile task force were:

- City of Richmond Commonwealth's Attorney's Office;
- U.S. Attorney's Office;
- Richmond Police Department;
- Bureau of Alcohol, Tobacco, and Firearms (ATF);
- Virginia State Police; and
- Federal Bureau of Investigation (FBI).

The task force meets bi-weekly to discuss current cases and relevant issues. In addition, it trained every police officer in Richmond on firearms laws and gun interdiction and detection. Each officer was provided with a laminated wallet card summarizing the federal firearm statutes. The task force electronically connected the Richmond Police Department's Firearms Administrator to the ATF Tracing System.

Two prosecutors were specially assigned to the U.S. Attorney's Office: one from the state Attorney General's Office and one from the Commonwealth's Attorney's Office. Combined with the assigned assistant U.S. attorney, this means that there are typically three attorneys utilized on Project Exile at any one time.

COMMUNITY OUTREACH

The Project Exile task force launched a massive media campaign to spread Exile's message to the gun-toting criminals and law-abiding citizens of Richmond.

An illegal gun gets you 5 years in Federal Prison.

PROJECT EXILE. REPORT ILLEGAL GUNS 780-1000

Eventually, that message—"An Illegal Gun Gets You Five Years in Federal Prison"—appeared before the community in multiple venues:

- 15 billboards;
- A city bus painted entirely black, with the Exile logo prominently displayed, which traveled throughout the city, changing routes each day (nicknamed "The Death Bus");
- Four separate television commercials, shown repeatedly;
- Traffic reports;
- Print advertising;
- Supermarket bags ("Bag a Crook, Support Project Exile"); and
- Business cards distributed by local police.

The community outreach component of Project Exile offered numerous advantages:

- it provided for a strong and consistent deterrent message to potential offenders;
- it allowed for the involvement of the community in implementing Project Exile and the media campaign; and
- it included the use of community policing and community prosecution, which helped educate the community about gun violence, Project Exile, and the criminal justice system.

"Is it better to prosecute 100 people for gun crimes and not tell anyone, or prosecute 10 people and tell everyone?"
—*David Hicks, Commonwealth's Attorney, City of Richmond*

SO, WHAT HAPPENED?

As noted earlier, the City of Richmond witnessed a dramatic decline in its homicide rate, plummeting from 160 in 1994 to 69 in 2001—a drop-off of 57 percent. Also, in the last two years alone, 94 convictions have resulted from Richmond Exile prosecutions: a conviction rate of 71 percent. Additionally, 926 illegal guns have been removed from the streets. While academic studies are needed to evaluate the extent to which these results are due to Project Exile, a positive impact on the Richmond community seems clear.

PROJECT SAFE NEIGHBORHOODS

"Project Safe Neighborhoods is a new national initiative that will get gun-wielding criminals off our streets and out of our neighborhoods…These new federal, state, and local prosecutors will ensure that our gun laws are vigorously enforced so that our citizens will be protected from gun violence."

—United States Attorney General John Ashcroft

President Bush announced Project Safe Neighborhoods (PSN) in May 2001. In January 2002, United States attorneys and their counterparts in local prosecutors' offices, police departments, and the Bureau of Alcohol, Tobacco, and Firearms gathered at the National Advocacy Center in Columbia, South Carolina to officially launch the PSN gun crime reduction initiative. During the conference, Attorney General John Ashcroft urged local, state, and federal law enforcement officials to create partnerships and to build upon existing state and local gun crime reduction initiatives.

PSN is designed to promote interagency coordination to find new ways to combat gun violence and deter would-be criminals from carrying firearms. As evidence of Congressional and administration support, $558.8 million was dedicated to PSN in fiscal years 2001-2002, of which $75 million was earmarked to hire 600 state and local prosecutors dedicated to handling gun crimes. These prosecutors have been charged with determining the most effective method of reducing gun violence and implementing that strategy.

A cornerstone of PSN's gun violence reduction strategy is effectively utilizing a full range of sanctions, including substantial prison sentences to vigorously enforce gun laws. Federal firearms laws can be more punitive than corresponding state laws and can include certain mandatory minimums and more stringent bail criteria for violent and repetitive offenders. Moreover, by making these facts consistently and widely known to potential gun-using criminals, the message is sent that *persons carrying illegal firearms or committing crimes with guns will face swift, certain and severe punishment*.

Benefits of enhanced enforcement and prosecution under federal criminal statutes include:

- An aggressive position against bond to prevent defendants from re-offending or fleeing while awaiting trial.
- Penalties for firearm violations that are clear, substantial, and served in full without parole.
- The possibility of longer incarceration in a prison, away from family and cohorts.

CORE ELEMENTS

PSN has five **core elements**: *partnerships, strategic planning, training, community outreach, and accountability.*

- **Partnerships**: Nationally, 99 percent of violent crimes are investigated and prosecuted locally. Given this statistic, PSN mandates the creation of Local Gun Crime Task Forces involving representatives from local and federal law enforcement, local and federal prosecutors, and community members. Together, the partners develop plans to jointly reduce gun violence and identify the most appropriate—the most *punitive*—venues for prosecuting gun cases.

- **Strategic planning**: Most jurisdictions have a limited number of resources. Therefore, it is important to determine how to apply these resources to achieve the maximum benefit. PSN emphasizes the collection and analysis of *data* of all kinds, to help identify the precise nature of the gun violence, to document the extent of the gun problems and to help implement an appropriate response to fight gun violence.

- **Training**: PSN strives to increase the knowledge base of prosecutors and law enforcement officers through extensive training. PSN focuses on training federal and state prosecutors and law enforcement officials both jointly and as distinctive groups. Joint trainings help to strengthen interagency partnerships, while separate trainings enable each group to discuss issues specific to its individual duties. With increased knowledge these officials will be able to more effectively target gun offenders. PSN supports training at both the national and local level. Every jurisdiction is encouraged to adopt a local training program that helps field officers gather the information necessary to convict gun offenders.

- **Community outreach**: The goal of community outreach efforts is to send a message to illegal gun carriers: hard time for gun crimes. PSN focuses not only on prosecuting and incarcerating criminals, but also on changing their behavior so they will stop carrying guns. Even if criminals continue to conduct illicit activities, streets will be safer if they are not carrying guns. The community outreach facet of PSN, it is hoped, will take advantage of a broad-scale, multimedia approach.

- **Accountability:** The success of PSN will be measured not by the amount of resources that go into the project, but rather by the results that come out of it. The key to accountability and measuring success lies in the planning stages, at project startup. Once the nature of the gun problem has been identified and defined through the strategic planning process, measurable goals and objectives must be determined, so that subsequent data collection and analysis can assess whether the implemented programs were successful. Another part of the accountability function entails publication of program outcomes—arrest and conviction rates, sentencing trends, case declinations, and the like—so that

both law enforcement and the community will know what is working and what is not.

PSN represents an important step forward in the drive toward curtailing gun-related crimes, drawing on the experiences of Richmond's Project Exile and building on other successful strategies that have been implemented in cities across the country. What do these initiatives look like? What strategies have they used? How, if at all, do they differ from Richmond's Project Exile? How might they supplement or be incorporated into PSN? APRI staff conducted extensive interviews, reviewed documents, and collected data during site visits with four prominent community efforts to fight firearms-related violence. In the next chapter, we review and describe these programs.

"Success in combating gun crimes requires federal and local prosecutors to work together."
—*Paul J. McNulty, U.S. Attorney, Eastern District of Virginia*

The core elements of PSN have been crystallized in the efforts of U.S. Attorney McNulty, who has been at the forefront of the PSN initiative in his district, which consists of 50 independent local prosecutor offices and four U.S. Attorney's offices. In his PSN-related activities, McNulty has taken steps to reach out to every local prosecutor and chief law enforcement official in his district—to share ideas, build effective partnerships and implement action plans.

McNulty co-sponsored – with the Richmond Police Department – a "Summit on Gun Violence." The summit brought together chief executives of all law enforcement agencies – including local prosecutors – in the Eastern District of Virginia. Also in attendance were representatives of the Department of Justice, FBI, Virginia Attorney General's office, APRI, the International Association of Chiefs of Police, and other national and local law enforcement and civic organizations. The summit participants developed a strategic vision for reducing gun-related violence, culminating in specific plans for each of the district's four offices. The U.S. Attorney's Office also arranged individual meetings with all local prosecutors in the district to underscore the importance of gun violence reduction initiatives and the need for close relationships between federal prosecutors and their local counterparts. Collaboration and best practices serve as a foundation for these PSN-rooted efforts.

Tailoring Strategies to Local Needs

As noted in previous chapters, both Richmond's Project Exile and the federal government's Project Safe Neighborhoods are efforts to create aggressive, integrated strategies to fight gun-related violence. Diverse jurisdictions are trying to curb gun crime in a variety of ways. Project Exile has influenced many; others are being shaped through PSN-based initiatives.

APRI staff investigated several such programs around the country—programs in Baltimore, Maryland; King County (Seattle), Washington; Texas; and Colorado. Each has faced its own, context-specific gun-related issues; each has come up with its own, unique solutions to these issues, with varying degrees of success. In this chapter, we examine some of the alternative strategies that these programs have produced. While each program's origins predate those of PSN, we will use the five core elements of PSN—partnering, strategic planning, training, community outreach and accountability—as a model to organize the discussion and help us understand what these programs are collectively doing. One thing is certainly shared by all of these programs: an intense desire to take violent gun offenders off the streets and make the streets safer for all.

The appendix contains an overview of how these programs started, their structure and successes.

Partnering

All the programs reviewed by APRI place a strong emphasis on partnering.

> "We build on relationships. When the high-level people cooperate, it works."
>
> *—John McKay, United States Attorney, Western District of Washington*

But "partnering" can take many forms, and many different groups could plausibly be considered a "partner" in a gun violence reduction program. Typically, the partners in the programs are various representatives of law enforcement and prosecutor offices. It has been a common experience that the major strategies of programs targeting gun violence cannot be accomplished without bridging the gap between federal, state, and local law enforcement groups, and forming coordinated partnerships among these criminal justice agencies.

Texas Exile partners, for example, are a task force comprising the Criminal Justice Division of the governor's office, the state attorney general, district and county attorneys, the U.S. Attorney's Office, state and local police agencies, and the ATF. Task force members are expected to provide mutual assistance where appropriate. For instance, police are encouraged to call the ATF when a gun is recovered, and to call prosecutors when legal questions arise. Texas Exile has even gone so far as to formalize these partnering relationships through an "Interlocal Cooperation Act Contract," outlining the responsibilities of each partner.

King County's FireArm Crime Enforcement Coalition (FACE) takes things a step further. While all the criminal justice agencies that are represented on the Texas Exile task force are likewise participants in King County's coalition, FACE also includes groups such as the Washington State Crime Lab, the state Department of Corrections (DOC), and the state Department of Fish and Wildlife (F&W). As will be described later, groups such as these can make interesting contributions to the overall effort to deter gun violence.

> "The benefit of the coalition is that nothing is done out of self-interest. As a result, we get cases that are better prepared and that don't get turned over."
> —*Mark Larson, Deputy Prosecuting Attorney, King County Prosecuting Attorneys Office*

Colorado Exile has also benefited from an emphasis on partnerships among its law enforcement agencies. Members of the Colorado Exile coalition are similar to those of Texas Exile—local prosecutors and U.S. attorneys, state and local police (including the sheriff's office), and the ATF. But in Colorado, the partners have a more systematic set of interrelationships. For example, ATF agents and police officers are assigned to each other's offices and share each other's resources and intelligence. In Colorado Springs, a "rapid response" strategy has been adopted that allows an ATF agent to be present at gun arrests and seizures in order to accelerate the investigative process.

Partnerships Systematizing Prosecution and Case Flow

All of the programs examined share a commitment to vigorous prosecution, whereby the maximum possible sentence is pursued. One of the major benefits of partnerships between the U.S. attorney's office and the local prosecutor's office is that a system can be established that takes advantage of the different laws available in the state and federal systems. Each of the programs examined in this monograph sought to establish a case flow system and utilized both the federal and local prosecutorial abilities.

Baltimore's Project DISARM began the process by having cases reviewed by ATF personnel, followed by the State's Attorney's Office and the U.S. Attorney's Office, with an eye toward determining where the stiffest sentence could be obtained. Any individual with at least two prior violent crime and/or narcotics felony convictions arrested in possession of a firearm was considered a DISARM target. DISARM personnel consulted with the local and federal prosecutors to consider various factors surrounding the arrest, such as probable cause, the offender's prior record and the admissibility of evidence. Subsequently, an evaluation was made as to whether the case meets the guidelines for federal prosecution.

In 1997, the Baltimore City State's Attorney's Office created the Firearms Investigation Violence Enforcement Division (F.I.V.E.). F.I.V.E. is devoted to investigation and enhanced prosecution of non-fatal shootings that result in serious injury and certain other handgun violations by offenders with histories of handgun violence. The F.I.V.E. unit refers cases to DISARM and

works closely with the U.S. attorney to determine if cases merit federal prosecution. Baltimore has also established Gun Court for first-time gun possession offenders. The F.I.V.E. prosecutors who exclusively staff the court prosecute these first-time offenders to the fullest extent possible. Gun Court has helped to unclog district court dockets and has allowed for continuity in the prosecution of gun cases.

The Baltimore City State's Attorney also implemented the Stopping Adolescent Violence Early (SAVE) program, an anti-violence effort in the Juvenile Court Division that identifies violent youth who, because of their offense or their offense record, appear to pose a significant threat to the community. These youth are targeted for enhanced prosecution. The program was eventually expanded to include the prosecution of all handgun offenses committed by juveniles in both the juvenile court and the criminal adult court. One prosecutor handles all cases involving 16- and 17-year-old juveniles whose primary charge is a misdemeanor handgun violation with original jurisdiction in the adult criminal court. A second prosecutor is responsible for all cases where juveniles under the age of 16 are originally charged in juvenile court with handguns as either the primary or secondary charge.
Each prosecutor follows the offender through probation or incarceration until the offender is eventually released. The prosecutors then work with the offenders through probation or after-care.

As a matter of policy, FACE prosecutors in King County seek maximum accountability for armed and violent offenders. To this end, absent proof problems, they will not agree to any plea in which the penalty enhancement for gun possession would be dismissed. They also seek maximum sanction time whenever an offender is found to be in violation of any firearm prohibition while under active supervision of the state DOC, regardless of whether new criminal charges are filed. The King County Prosecuting Attorney's Office also obtains signed statements acknowledging loss of firearm rights whenever any offender is found guilty of a crime that prohibits firearm possession or ownership, and ensures that any hunting firearm license the offender had is revoked.

The Firearms Crime Coordinator (FCC) in each of King County's police agencies reviews firearms cases before submitting them for prosecution. Felony face sheets are stamped with a red "Firearms Crime" stamp to make sure the cases stay visible and do not get lost in the shuffle. The FCC for the prosecuting attorney's office liaisons with federal authorities to review cases and decide which ones to prosecute in federal court.

Colorado and Texas Exile have seized on the strategy of filing charges in both federal and state courts. A team of local prosecutors and assistant U.S. attorneys meets periodically to determine where to prosecute each case. In making these determinations these jurisdictions have found that having a cross-designated prosecutor is particularly beneficial.

The cross designated prosecutor understands both federal and local laws and court systems, and can evaluate cases in light of these considerations. After determining the best forum, the cross-designated prosecutor can bring the case to trial.

STRATEGIC PLANNING

"We are racking up the offenders most likely to commit violence in the future: drug dealers, career criminals and domestic violence offenders with a track record for committing violent crimes. The theory is to lock them up before they have a chance to commit more crimes."
—Michael McCaul, Deputy Attorney General for Criminal Justice, Texas Attorney General's Office

Partnering is a value shared by all the programs researched by APRI. But the energy created by partnerships must be harnessed and focused on specific objectives. This requires *planning*: identifying key objectives and resources and generating strategies for using the resources to accomplish the key objectives.

Developing Objectives

Strategic objectives can be as varied as the local issues one faces. In response to escalating crime problems and violent drug-related offenses in the 1990s, Baltimore's officials sought to interrupt the gun crime

"The issue of homicide reduction in Baltimore City is the most serious issue facing the city and its future…The goal is to get as many violent offenders off the street as possible."
—Baltimore City State's Attorney Patricia C. Jessamy

element in these incidents, concentrating on illegal firearm possession among felons. More specifically, the goal of "Project DISARM" was to reduce firearm-related violence by identifying, targeting, and apprehending violent offenders with prior criminal convictions and/or narcotics traffickers who use or carry firearms to further their criminal actions.

King County's FACE program also focuses on reducing the frequency of violent firearm-related crime. But the mission that the FACE partners set out for themselves also included a *process* objective—they wanted to implement initiatives "…that *unify* law enforcement, prosecutors, and other vested agencies in a *consolidated* effort…"[2] (emphasis added). The members of the King County program clearly wanted to reduce gun violence but also felt that the "unified, consolidated" approach was sufficiently important to make it part of their overall objectives.

Creating, Using and Sharing Staff Resources

All of the programs, to one degree or another, attempt to maximize resources by

[2] This quote comes from the FACE program manual.

"It's not just the 'state' arm or the 'federal' arm, it's the *'prosecutorial'* arm."
—Richard Marianos, ATF Special Agent, Resident Agent in Charge, Colorado Springs

sharing or cross-designating staff. Often this involves cross-designating prosecutors, but at times it involves other staff as well. The Colorado Springs District Attorney's Office has devoted one full-time prosecutor to Exile cases and prosecution of gun-related crimes. This prosecutor conducts trainings for prosecutors and law enforcement and coordinates with all deputy DAs in all criminal felony courts in the Fourth Judicial District of Colorado. In addition, the prosecutor acts as liaison to the Gun Interdiction Unit (GIU) strike force, a special unit formed by the Colorado Springs Police Department and the ATF that focuses on urban enforcement of gun laws and proactive disarming of criminals. The prosecutor assists in this effort by acting as the on-call prosecutor for any questions from the GIU and tracking dispositions of all firearm-related felonies for statistical analyses.

In Texas Exile, each participating district attorney agrees to designate one prosecutor to work with the U.S. Attorney's Office to prosecute gun cases only. The attorney general helps in this regard by reimbursing the district attorney for the designated prosecutor's salary and fringe benefits. The attorney general also assists local district attorneys in prosecuting criminal cases involving firearms by providing resources such as funding, outreach and training materials. In addition, the attorney general assigns a deputy attorney general to assist with the prosecution of gun cases.

In Baltimore's Project DISARM, two prosecutors from the State's Attorney's Office were cross-designated as special assistant United States attorneys to prosecute gun cases that are charged in federal court. Further, an ATF agent was assigned to work with local police in each jurisdiction, and an assistant U.S. attorney was assigned to work with local prosecutors in evaluating gun cases for possible trial.

King County tried to broaden the flexibility of staff involved in FACE. Most notably, each police agency designates at least one officer to act as a "Firearm Crime Coordinator" (FCC). (Larger agencies have one FCC per precinct.) The FCC is responsible for identifying and reviewing all firearms cases before they are submitted to the prosecutor's office. The King County Prosecuting Attorney's Office also has an FCC, who acts as filing coordinator for all cases, is cross-deputized as a special assistant U.S. attorney and screens cases for perpetrators meeting criteria to be classified as a career armed criminal. In addition, King County has added a full-time prosecutor targeting violent juvenile offenders.

Using and Sharing Information and Technical Resources

PSN aims to make the use of data and related technical sources an integral part of efforts to prevent gun violence. The pro-

grams analyzed by APRI staff vary in the extent to which the collection and analysis of data contribute to the overall gun crime reduction program. Perhaps the most ambitious data-oriented approach is used in King County's FACE program, where all firearms that have been possessed or used illegally are traced through the ATF's National Tracing Center. All crime-related shell casings are imaged, and every effort is made to restore obliterated serial numbers.

Additionally, as part of the SMART (Supervision Management and Recidivist Tracking) program, the state Department of Corrections (DOC) and the Redmond (Washington) Police Department work together by documenting all police contacts with recidivist offenders currently on parole. Any suspicious behavior is reported to the DOC. At times DOC officers ride along with Redmond police officers; if they encounter a parolee who has committed a parole violation, the DOC officer is empowered to write up new charges—including gun charges for parolees in possession of a firearm—rather than merely issuing a parole violation citation. A parolee can thus face a mandatory minimum sentence of five years, as opposed to a 90-day parole violation.

In addition, the DOC has coordinated activities with those of the state Department of Fish and Wildlife (F&W). This came about when F&W staff learned that a large number of ex-offenders and actively supervised offenders were in possession of firearms under the cover of hunting licenses. Knowing that it is not illegal to purchase or own a hunting license, and that an F&W officer would have no reason to routinely check them for any prior felony convictions, these offenders illegally carried firearms under the cover of their licenses. The SMART program coordinated DOC and F&W efforts by conducting routine comparisons of known offenders—whether active or inactive—against hunting licenses issued by the Washington State Department of Licensing. As a result, hunting licenses are now issued more discriminatingly, and warnings are given to persons who purchase them. Further, F&W officers now also check the criminal histories of hunting violators, and if the violator is a felon new gun charges are filed.

TRAINING

> "The point of the coalition is to get as many people in the coalition as possible. This got built from the inside-out. It was a cultural change in policies and criminal justice."
> *—Allan Alef, ATF Supervisory Special Agent, Seattle*

The matter of training and development can cover a wide domain of topics and issues. It involves the development of specific knowledge, skills and abilities. It affects perceptions and how people process information. It imparts motivation. At the broadest level, training and development—whether delivered formally or informally—can serve to change entire group or organizational cultures.

This is apparent when one considers the diverse array of approaches the various jurisdictions have taken to train and develop program participants. In King County, the

ATF provides all training for firearms enforcement procedures, including firearms tracing, evidence processing and enforcement tactics. The ATF is also responsible for developing tools and options for responding to school violence incidents, including tactical support functions, prevention, education and training on firearms and explosives.

More generally, FACE has emphasized a "train-the-trainer" approach in attempting to improve the knowledge and skill base of law enforcement. Initially, 175 officers from state, local and federal departments received training from the sheriff's office on the FACE initiative. Each of these officers was then charged with providing in-house training to all supervisors and officers in his or her own department. The training included material on FACE and its impact; firearms training (proper handling of firearms, evidence processing, tracing techniques, use and completion of standard forms, and the like); and legal issues, especially issues revolving around the burden of proof that must be attained for a successful prosecution. Finally, the full-time prosecutor assigned to the FACE program targeting violent juvenile offenders trains officers on how to prepare firearm reports on juveniles by identifying essential elements of offenses.

All of the programs reviewed by APRI gave police officers laminated reference cards. The information provided on the card varied, but would include applicable federal firearms statutes, contact information, interview debriefing questions, or other things that would be useful for an officer to know. In Colorado Springs, this kind of information was supplemented at roll-call trainings. Such trainings—which include segments on how to properly debrief a suspect at a crime scene and how to treat the crime gun as evidence—also ensure that law enforcement partners are fully aware of illegal firearms trafficking in the area.

The key participants in these programs have realized that training is not a single event or function. Constructive feedback can be another form of training police officers. Prosecutors in the jurisdictions studied in this monograph give officers feedback on the outcomes of cases, applicable laws, how to build a case and how to improve police reports so that the prosecutors are able to secure convictions. This feedback helps to improve the quality of the cases that are presented to the prosecutor and thus the quality of cases that go to trial. Formal training sessions help the officers learn the law, but feedback teaches the officers specific applications of laws and enables them to improve their fieldwork.

"Texas Exile sends a clear message to convicted felons and drug dealers: 'Gun Crime Means Hard Time. If you carry a weapon in Texas, you'll do hard time in federal prison.' We will incarcerate those who illegally possess or sell guns, without infringing in any way on the gun-related rights of law abiding citizens."
—Texas Attorney General John Cornyn

COMMUNITY OUTREACH

The community plays a key role in the successful execution of PSN or Exile-based gun crime reduction programs. To take full advantage of the community's insights and resources, it is crucial that the community be involved throughout the development, implementation and evaluation of the program.

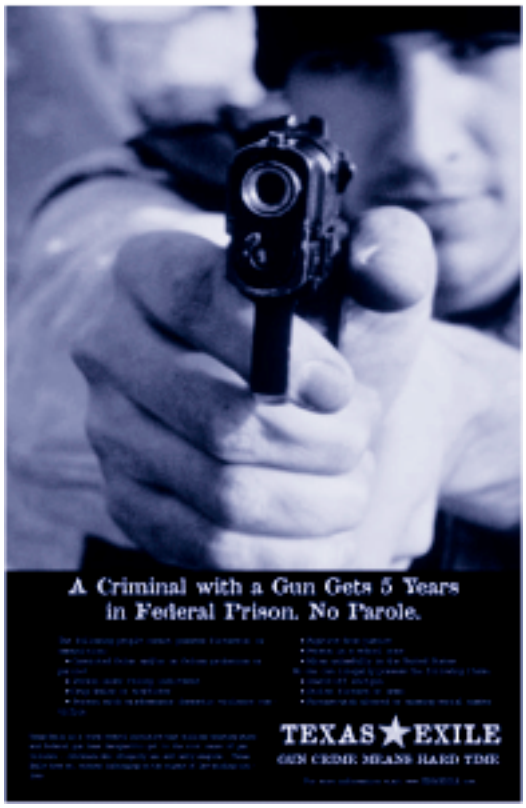
There are any number of ways that one can "reach out" to the broader community. It can be accomplished through publicizing one's program—its objectives, its methods, and its outcomes. The community can be sought out as conduits for implementing one's program. Even more fundamentally, the community can be embraced as part of the program partnership, giving them a say—and therefore a stake—in building the program from the ground up. The programs highlighted in this monograph reached out to their communities in a variety of ways.

Getting Out the Message, Motivating the Community

"You need to get the word out to the police, the DAs, and the community."
—*Terry Morgan, Commander, Redmond, WA Police Department*

Like its counterpart in Richmond, Texas Exile emphasized a media-savvy outreach campaign. The Attorney General's Office dedicated $360,000 to fund a public awareness program. The slogan, "Gun Crime Means Hard Time," was borrowed from Fort Worth's program. Since Texas has a large Hispanic population, the message is advertised in both English and Spanish.

The multi-level advertising campaign focused on getting the message out through billboards, radio and TV advertisements, newspapers, bus benches, the transit authority, grocery carts, newspaper dispensers, hats, t-shirts, delivery trucks, cards and posters, and flyers posted and distributed by convenience stores, banks, and other businesses affected by gun crime.



Communications companies donated radio time and billboard space. Legislators and law enforcement officials reached out to the news media to advertise the initiative and encourage citizens to report illegal gun carriers by calling the toll-free Crime Stoppers hotline.

Texas Exile also implemented various community law enforcement initiatives. These included:

- **Community policing,** which encourages non-violent conflict resolution through school-based programs;
- **Weed and Seed,** in which community representatives review and analyze crime problems and develop a strategic plan of action for coordinated enforcement and community revitalization; and
- **Citizens on Patrol** and **Neighborhood Watch,** which help educate the community about Texas Exile and encourage citizens to report illegal guns.

Colorado Exile also focused a large portion of its resources on an intensive media campaign. The Denver District Attorney's Office and the U.S. Attorney's Office, in particular, developed a strategic public awareness blitz that sent the message to offenders that gun law violations would not be tolerated. All citizens were urged to report illegal guns. The media campaign focused largely on making the public aware of the primary tenet of Colorado Exile: "If you pack an illegal gun, pack your bags for prison." A toll-free number set up through local Crime Stoppers was also heavily emphasized, along with the appeal to "Report Illegal Guns."

T-shirts and bumper stickers bearing the Colorado Exile logo and strategic law enforcement message were distributed to all law enforcement agencies in the Denver metropolitan area. Billboards bearing the same message were erected in neighborhoods targeted for their high violent crime rates and, in particular, gun violence rates. Newspaper advertisements highlighted the severity of firearm-related violence in the area and emphasized the importance of Exile in addressing this violence.

Probably the most creative aspect of the campaign came with a variety of television spots that spread Colorado Exile's deterrence message. In addition to several that focused on the starkness of prison life, one featured O.J. Simpson attorney Johnnie Cochran intoning, "If you've got a prior felony conviction and you're caught with a gun, not even I can get you off."

One objective of King County's FACE program was the desire to embrace public partners and publicize the program's initiatives to both improve public confidence in the criminal justice system and to serve as a deterrent to armed criminals. It accomplished this, in part, by proven methods of community policing and community prosecution. The Safe School Network (SSN) was created to address the rising tide of firearm-related incidents, as well as other forms of youth violence, in King County's school system. It is intended to keep students and school administrators aware of gun safety issues and the steps law enforcement is taking to try to reduce school violence.

> "The program is about prosecutors working together to reduce school violence through prevention and accountability."
> —*Chuck Lind, Deputy Prosecuting Attorney, King County Prosecuting Attorney's Office*

The prosecutor designated to handle juvenile firearms and school violence cases in King County plays a key role in the maintenance of SSN. The attorney disseminates a monthly newsletter to participating schools that updates current school safety issues, answers legal questions about gun laws and definitions, and lists contact information for key law enforcement officers in King County who handle school and gun-related violence cases.

SSN also maintains a website with information on gun crime-related issues, holds trainings in schools on consequences of criminal behavior, and offers a resource line for questions related to juvenile and firearm-related violence. Still another program—"Cops and Docs"—teams the Bellevue Police Department with physicians in presenting to eighth graders a message on the emotional, medical and legal consequences of youth gun possession and violence.

Spreading the News, Reinforcing the Message

The programs examined by APRI took different approaches to whether, and how, program outcomes should be publicized. Texas Exile, for instance, focuses on aggressively publicizing its results and successes to the citizens of Texas to reinforce the program's message. Each city with an active Exile program has an Exile chairperson to oversee public outreach and to raise funds to support the program. By publicizing convictions and increased sentences generated under the program, Exile participants let the community know that the program is working, while at the same time letting would-be offenders know the consequences of their actions.

The attorney general or local district attorney also issues a press release whenever a gun offender receives a particularly long sentence. To increase the likelihood that the media will pick up these press releases, the attorney general focuses on:

- A personal angle—focusing on a specific person; and
- A major event—sentencing/conviction.

The partners of Colorado Exile have focused special attention on making sure that members of the team are aware of the program's success. A "Weekly Accountability Report," listing the most recent arrest and seizure statistics, is disseminated to every district participating in the program. These statistics can then be shared with the public.

ACCOUNTABILITY: SO, WHAT HAPPENED?

Ultimately, the goal of gun violence reduction programs is to save lives. Prosecutors and their partners should be able to demonstrate to policymakers, government and community-based agencies and the citizens of their jurisdictions that their efforts are in fact achieving that ultimate goal.

"Let the police know that this has staying power – they know the law and they know what needs to get done. Let them know about successes." —*John Suthers, United States Attorney, Colorado*

A distinction should be made between program "outputs" and program "outcomes." Outputs are the direct result of a specific activity of some sort. For example, measurable outputs in a gun violence reduction program could include the number of people prosecuted or the number of guns confiscated. Outcomes, on the other hand, are indicators that the program and its outputs have succeeded in reducing gun violence. Examples of outcomes might be a decrease in emergency room admissions for gunshot wounds, a decrease in the homicide rate, or a decrease in calls for service reporting a person with a gun. Adopting and measuring both program output and program outcome objectives can help a gun violence reduction partnership demonstrate to stakeholders that the program is, in fact, working.

The PSN framework, as well as good "business practice," suggests that outputs and outcomes be considered at the very earliest stages of strategic planning so that change can be measured over time. However, in practice this generally does not occur until after a program has been operational for a time. Such is the case with the jurisdictions examined by APRI. Each has begun to document the outputs of its activities to some extent, with an eye toward demonstrating that gun violence reduction programs have saved lives. Bear in mind that no single outcome or output measure can be properly considered "the" indicator of a program's success. All measures are, to an extent, fallible (due to measurement problems, for example). Moreover, any single program will have multiple impacts—some of which may be measured quantitatively, but many of which can only be assessed qualitatively or subjectively. Therefore, in considering the success of the programs reviewed by APRI—or in constructing one's own measurements of program success—it is best to search for multiple indicators of success.

In the chapter on Richmond's Exile program, we briefly summarized some statistical information on "what happened." In other words, did Richmond Exile appear to have a positive impact on reducing gun-related violence? While a rigorous empirical evaluation of Richmond Exile (or any other such program) is far beyond the goals of this monograph, the available data point to the conclusion that Exile did, in fact, have a beneficial effect on driving down the rates of gun crimes in Richmond. Other programs examined by APRI also appear to have experienced successes.

Arrests and Convictions

As of August 2, 2002, Texas Exile had produced 1,597 indictments and 1,194 convictions, representing a conviction rate of 69 percent. In Texas there was an 82 percent increase in federal gun crimes prosecution over the last year. Colorado Exile has achieved some similarly impressive numbers in its brief existence. In the first

year of Colorado Exile, the number of federal firearms defendants—147—was more than double the number of the previous year. Of these defendants, 89 percent were convicted. In the second year of Colorado Exile, 144 defendants were convicted (a conviction rate of 81 percent). Since the inception of Baltimore's DISARM, roughly 250 cases have been adopted federally. Cumulative criminal histories of those convicted include 1,158 prior arrests and 395 convictions. In the first 26 months of its existence, Baltimore's F.I.V.E. unit handled 669 serious cases. As of November 2001, F.I.V.E. was responsible for convicting 766 offenders.

Sentencing

The offenders convicted in federal court under Texas Exile have been sentenced to an average of 72 months in prison. Offenders incarcerated through Colorado Exile were given an average sentence of 4.7 years in prison during the first year of the program and 5.8 years in prison during its second year. Sentences upon conviction under Baltimore's DISARM averaged more than eight years and ranged from five years to life in prison. Of the offenders convicted through the F.I.V.E. unit's actions, 260 were given sentences of 10 years or more and 299 are serving a mandatory sentence of five years without parole.

Other Indicators

- Nearly 2000 guns have been confiscated through the efforts of Texas Exile.
- King County's FACE has been recognized by the International Association of Chiefs of Police, which adopted the Coalition plan as a national firearms model in 1999 and recommended it as a model firearms plan to the attorney general in 2001.
- Federal prosecutors note that the DISARM program seemed to have helped reduce the homicide rate in Baltimore by 14 percent from 1999 to 2000. Anecdotal information also credits DISARM with being instrumental in engendering cooperation by offenders prosecuted under the program, in turn providing valuable information to law enforcement about other violent offenders and illegal narcotics operations.

Common Challenges and Lessons Learned

In implementing their programs, the jurisdictions highlighted in this monograph encountered various difficulties. Identifying these challenges and the lessons learned from them can serve as helpful tools for other jurisdictions attempting to develop gun crime reduction programs.

Forming and maintaining Partnerships

Arguably, the most distinguishing and essential characteristic of the reviewed programs is their focus on more aggressive prosecution of firearm crimes. Achieving this requires state, local and federal law enforcement to form partnerships that are free of territorial strife and organizational differences. In some cases, officials have found it difficult to establish and maintain such partnerships at all levels of law enforcement. This has been particularly true in statewide initiatives, where large geographic distances and demographic differences between urban and rural areas (including fewer resources in many smaller areas) have complicated efforts to "bring everyone together." Among the recommendations from program participants for gaining successful partnerships are the following:

- "Leave egos at the door";
- Have clear goals and objectives for the project; and
- Recognize the critical role of every participant in the initiative.

When all else fails—when fractious relationships, communication difficulties, or ego-based disputes seem insurmountable—it may be necessary to bring in an outside expert (such as a human resources professional or an individual knowledgeable in group facilitation) to help team members work through their issues.

Gaining Community Support and Involvement

The community is directly affected by the implementation and success of the program. At the same time, the program depends on members and institutions of the community to spread its gun deterrence message, both to the law-abiding citizens who will report crimes and to gun-toting criminals who risk lengthy prison sentences and/or being exiled to distant prisons. Gaining the community's support therefore becomes a core concern of the initiative. This can be achieved by keeping the community involved with and aware of the initiative from its inception. An even more aggressive approach would be to make the community a true partner with a decision-making role and a stakeholder's interest. To do this:

- *Keep information flowing in both directions.* In Baltimore, each police district is assigned a "community coordinator" who solicits community input regarding "quality of life" cases prosecuted at the district court. Any concerns are relayed to the prosecutors handling the cases.

These coordinators also attend community meetings and share their knowledge of current events and programs in the local criminal justice system. In Virginia, Colorado and Texas, beat police officers educate citizens on the street about their programs and distribute cards bearing the program logos.

- *Reach out to key members of the community.* Since gun violence in many areas disproportionately affects minorities, some critics have argued that gun crime reduction programs like Richmond Exile or PSN can be discriminatory. One way to deter this perception is by reaching out to members of the local minority communities, especially to prominent leaders within those communities. In Richmond, Exile organizers urged church leaders not to preach against Exile in their sermons, but rather to help educate the public that the individuals who were arrested under Exile had been targeted for their crimes and "not for who they are." The vital message is conveyed to the community that the *crime* is the target of Exile—*not characteristics of the person committing it*. Further, initiative leaders need to communicate to the public that the program is intended to control the violent use of guns, and support from key constituencies needs to be demonstrated. In Richmond, both the National Rifle Association and the Brady Center to Prevent Gun Violence gave their support to Exile. Such diverse support can be persuasive to doubting community members.

- *Encourage the public to report criminal behavior.* The advertising campaign employed by Richmond Exile worked, in part, as a tool to educate citizens on the benefits of reporting persons who sell and possess illegal guns in their neighborhood. Public tip-lines set up for citizens to report illegal guns help to involve the community in the criminal justice process and give them personal stakes in the initiative.

SECURING FUNDING AND RESOURCES

A number of jurisdictions have found it hard to secure the necessary funding to fuel their projects, particularly a sophisticated media campaign to spread the gun deterrence message. The experience of successful media endeavors in Richmond and Colorado suggests that one of the first steps in developing and launching a public awareness campaign is networking with community business leaders and media organizations to solicit their commitment and resources for the project. After setting up a non-profit—501(c)(3)[3]—foundation to receive tax-deductible donations, organizers in Richmond were able to enlist the support of legislators, politicians, business owners and community leaders who helped to fund the campaign. Advertising the program's successes should, in turn, generate further support to sustain the project. The key point is that community members—perhaps especially those directly affected by gun violence in their neighborhoods—are often more than willing to contribute their time, energy and other resources when

[3] Participants in Colorado Exile elected to use a pre-existing 501(c)(3), rather than start a new one. This may offer advantages to a jurisdiction starting a program, depending on the circumstances involved.

they see a program that they think can succeed in improving quality of life.

TRAINING

Lack of training and staffing—including the needed support mechanisms (such as records systems to track who gets trained, and on what topics)—has also proven to be vexing problems for some of the programs. Heavier use of train-the-trainer strategies (such as used in King County's FACE) may prove to be important. Investing in the training of a relatively few key personnel can be leveraged against the significant efficiency and productivity gains accrued by having these personnel act as subject matter experts in delivering training to other staff. More extensive use of cross-training will also be useful to jurisdictions facing staffing limitations. Similarly, sharing technology and other resources can be helpful in ensuring that intelligence and data are widely available.

CHOOSING THE MESSAGE

Although the threat of five years in a federal penitentiary if caught with an illegal gun is the hallmark of the federal prosecution component of PSN, some jurisdictions are reluctant to disseminate such a message to the community for fear that this promise may not be kept in all situations. Under Colorado law, it is not possible to specify in advance the penalties for carrying illegal firearms. As a result, the Denver District Attorney's Office and the United States Attorney's Office agreed upon a public awareness message that promised *definite* prison time as opposed to *an exact number of years*. As stressed by Denver District Attorney Bill Ritter, Colorado Exile officials did not want to "over-promise what could not [be] deliver[ed]." Examples of messages from reviewed programs are:

- **Richmond Exile:**
  "An illegal gun gets you five years in federal prison."
- **Texas Exile:**
  "Gun crime means hard time."
- **Colorado Exile:**
  "If you pack an illegal gun, pack your bags for prison."

Whatever the exact content of the message turns out to be, programs reviewed by APRI have also learned that the form of the message is also important. In particular, media campaigns are more successful when they possess the following characteristics: a clear, concise, exact, and consistent message focused on deterrence; a single logo; uniform and consistent coloration and formatting; and use of the *program* name in advertisements about the program, not the names of all the *players* involved in the program.

KEEPING THE MOMENTUM

One of the challenges to any successful program is sustaining the momentum. In Richmond, for example, once Exile was perceived as succeeding in curbing gun-related violence and improving Richmond's homicide numbers, some stakeholders felt there was a "lull" in the energy level—guns no longer represented the "priority problem." To sustain commitment and interest, attention must be focused on the continuing need for public safety and accountability, so that if the program begins to lose steam or if new problems arise, stakeholders will make adjustments and be able to rekindle inter-

est. In Richmond, the police hierarchy constantly reminds line officers about the importance of Exile's mission. Supervisors occasionally participate in unannounced ride-alongs with patrol officers to refresh them on the fundamentals of gun searches and investigations.

Also, as "founding members" of a program move on to other jurisdictions or projects, interest in the program may begin to wane. This underscores the importance of adding fresh blood to the program, by vigilantly recruiting new participants and by having a "succession plan" in place so that successors are prepared to take the lead when key members move on.

Having solid data available on gun violence is also important. Documenting program successes and sharing this information with program partners and with the public serves to keep everyone energized and enthusiastic about the program. (It also, of course, has the desirable effect of showing would-be offenders that they are at risk by engaging in gun-related crimes.) Further, publicizing data on program outcomes serves an important accountability function, and helps demonstrate that the program is working and deserves continued support and funding.

More generally, program partners need to be reminded that the problem of gun violence never completely goes away. It may change form or decline in frequency for some period of time, or the root causes may shift. But, unfortunately, *the fundamental problem of gun violence is never truly eliminated*. Consequently, the program needs to keep going and be ready, virtually at a moment's notice, to shift gears and evolve as circumstances warrant.

Putting Together Your Own Program: Strategic Considerations

In reviewing the programs described in this report, APRI has learned much about strategies to reduce gun-related violence. In this final chapter, we broaden our scope and consider some of the strategic issues that have surfaced in the course of our investigations. APRI staff have identified several "key questions" that any jurisdiction building an Exile- or PSN-like program needs to address. We hasten to emphasize that in many instances these questions do not have a single "correct answer." But how program participants respond to these questions will shape how the program unfolds.

Key Question #1:
Who Is Your Partner?

The first strategic question involves whom program participants choose to embrace as a fully involved partner, or stakeholder, in the program. Typically, the programs described in this report began with various branches of law enforcement and prosecutors as members of the partnership. Other sectors of the broader community tended to be brought in later in the process, once a program had been developed and was ready for implementation. At that point, media campaigns and other forms of outreach were used to help get the word out and to foster community "buy-in."

Yet gaining buy-in and allaying possible suspicions might be more easily achieved if community members are brought into the program "on the ground floor," so that they can have a voice in program development. Moreover, community members may have vital contributions to make in terms of analyzing and defining the nature of the gun problems facing the community, as well as in molding the program itself.

On the other hand, involving non-law enforcement community members as part of the initial group may make more difficult efforts to build true partnerships among the entire group. Further, these community members may have views on how to deal with the problems of gun violence that diverge significantly from those of law enforcement. In sum, the issue of "who is your partner?" is a complex one that must be carefully and sensitively considered by those who wish to develop a program to deter gun violence.

Key Question #2:
What Are Your Objectives?

The next strategic question—"What are your objectives?"—is a multifaceted one. At the simplest level, strategic objectives must be spelled out as specifically as possible, preferably with quantitative targets. This makes program evaluation easier, because program benchmarks are easier to judge in terms of whether success has actually been achieved. If the targets have not been

reached, specific objectives generally make it easier to determine what needs to be done to try to improve program outcomes.

But at a deeper level, this strategic question raises complicated issues. For instance, are partners only interested in reducing homicide rates? Or, are they also looking for increases in sentencing times? If the partners want the program to have multiple impacts, then the objectives need to be set accordingly.

It should be noted that this is not an academic exercise. Objectives are set to guide effort and actions. The more fully articulated and explicit the objectives are, the easier it is for stakeholders to channel their efforts in the proper directions.

Individuals and groups developing Exile-like programs deal with the fundamental issue of whether the program is primarily concerned with deterrence or punishment or both. The programs reviewed by APRI have, to varying degrees, tried to accomplish both objectives. They have sought to provide maximum sanctions to gun criminals while sending messages that are intended to change the attitudes of would-be offenders and deter them from committing crimes in the first place. And the emphasis on deterrence has been crucial in driving down gun violence rates, as potential offenders have learned that gun violence can and will be heavily punished with long sentences, sometimes in distant penitentiaries. Still, if at heart one's primary concern is with punishing criminals, a different mix of program components will result, in turn producing a different mix of outcomes.

KEY QUESTION #3:
Do You Stay Local or Go Statewide?

The filaments of crime can typically be traced to larger groups in larger jurisdictions than one's own. So the question arises, should you try to network and join forces with other cities or counties—very possibly on a statewide basis—in an effort to maximize resources and impact? By so doing, you may be able to stretch and merge the use of available investigative and prosecutorial resources. Or do you stay local and focus on the possibly simpler problems observed in one's immediate community?

The answer to this dilemma may not be as obvious as might seem to be the case. By working with other jurisdictions, you may well be able to stretch resources while simultaneously targeting the most egregious offenders—a statewide crime network, for instance, rather than "just" a local gang.

But at the same time, costs for such things as community outreach will go up significantly, as the program targets a larger area. Partnership dynamics will become more complex, perhaps confounding efforts to achieve real teamwork. Also, with growing scope and complexity of the criminal elements being targeted, training and staffing demands may increase dramatically. Moreover, by expanding the geographic scope of your program you may lose some degree of community involvement and buy-in. It may be difficult for people to endorse and support in a tangible way a program that focuses on a significant gun problem on the other side of the state,

whereas if citizens see constant evidence of law enforcement activity that improves the quality of life in their own neighborhoods, then support may be easier to come by. And, of course, with a more expansive focus for a program, the more complex the problems are likely to become and the more difficult it is to implement successful solutions.

KEY QUESTION #4:

What Role Will Be Played by Research?

As noted earlier, PSN emphasizes the collection and analysis of data as a key component of the process of defining the nature of gun problems, developing programs, and measuring program success. Because the programs in this report pre-date PSN and did not have the financial resources of the federal government available, no systematic data collection occurred at their outset. This is not uncommon. The role of research is often limited primarily to efforts to demonstrate that a program has "worked," but generally little consideration is given up front to more general concerns regarding how data should be collected and analyzed. PSN attempts to address this by providing funding to hire a criminologist in each of the 93 United States Judicial Districts.

Among the programs reviewed by APRI, "data analysis" seems primarily limited to ballistics analysis, checking known offenders against various already-available databases, and sharing of and access to various technologies. Efforts to measure program outcomes have largely been limited to collection of a few statistics to bolster perceptions of program success. We would suggest that jurisdictions developing gun violence reduction programs need to encourage—whether by training program partners or by consulting with research specialists—a much more sophisticated understanding and appreciation of the many possibilities presented by the careful, strategic collection and analysis of data. Examples of these possibilities include:

- Creation of specialized reports and databases, along with use of data mining tools to ferret out interesting trends;
- Surveys and focus groups of community members to identify the kinds of gun problems bubbling in the community and to assess community reactions to programs intended to solve these problems;
- Measurement of quality-of-life outcomes as alternative indicators of program success; and
- Sophisticated statistical and pattern analyses of crimes and offenders.

The results of efforts like these can be enormously beneficial when planning public safety initiatives and securing continued funding.

KEY QUESTION #5:

What Roles Will Be Played by Federal, State, and Local Officials?

The final question is perhaps not so much focused on "strategy" as it is on program *philosophy*. While PSN emphasizes a partnership between federal, state, and local officials, much of the programmatic respon-

sibility for implementing a program like FACE or Exile falls upon local officials, including local prosecutors. With these elevated responsibilities come increased operational and budgetary burdens.

The operational and workload challenges facing local prosecutors are already significant. Perhaps some data are worth citing here. The federal Bureau of Justice Statistics reports that in 1999, the United States spent $147 billion for law enforcement, corrections, and judicial and legal activities. Local governments pay 51 percent (roughly $75 billion) of this total. Similarly, local governments employ 59 percent of the nation's 2.2 million justice employees, with another 32 percent employed by state governments. Local prosecutors alone employ nearly 80,000 individuals, with a median staff size of nine employees. Local prosecutors and their staffs handle, in turn, 99 percent of violent crimes. They closed 2.3 million felony cases and almost seven million misdemeanor cases in the most recent reporting year. The complexity and severity of the demands placed upon them—growing usage of DNA evidence, problems in recruiting and retaining staff, high levels of workplace violence, and more—further testify to the magnitude of the task and the complexities facing local prosecutors.

Or to put it another way—local prosecutors already have their hands full! Now, add gun violence reduction programs to the mix, with an emphasis on aggressive prosecution of gun-related crimes. Will this lead to a shifting of responsibilities and levels of accountability among federal, state, and local officials? Will local prosecutors still have the central role in investigating and prosecuting gun crimes, or will U.S. attorneys take on a greater share of the burden for these cases?

As the division of labor between local prosecutors and U.S. attorneys is determined over time for these gun violence reduction programs, it will also be necessary to work through the issues that will arise in terms of the spirit of partnership envisioned by PSN. U.S. attorneys have been given a mandate to create and develop gun violence reduction programs. Yet, as noted above, local prosecutors are historically responsible for prosecuting nearly all violent crime, including gun crimes, and this responsibility is unlikely to change in the future, whatever shape gun violence reduction programs may take. It will be necessary to work out an understanding and a working relationship such that the different interests, needs, and responsibilities of both local prosecutors and U.S. attorneys are respected and addressed.

A related issue has to do with the role played by federal judges in these gun violence reduction programs. Many gun-based cases are now being tried in federal court, whereas previously they would have been tried locally. This may have the unintended effect of clogging federal court dockets, and may slow down or divert the handling of other cases. How will the federal judiciary respond if there is a broad, sustained influx of gun cases tried in their courts? Rather than moving more cases into federal court—because of the generally stronger penalties available in that venue—it may be more efficient, as a matter of policy, to realign state and local statutes so that stronger penalties are available to local prosecutors.

Future Directions

Since the president announced Project Safe Neighborhoods a year and a half ago, the nation has witnessed a new spirit of partnership and awareness of the need to vigorously enforce gun laws. There are nearly 600 new local prosecutors and 113 new assistant U.S. attorneys who are specifically responsible for deterring criminals from carrying weapons and prosecuting those who do. The results of their efforts are already becoming evident: according to the Department of Justice, the number of federal gun crime prosecutions has increased by 12 percent since the beginning of the 2002 fiscal year. In the upcoming year, the Department of Justice will continue to provide funds to hire an additional assistant U.S. attorney for each district, along with $12 million to prosecutors' offices to implement gun violence reduction programs. Furthermore, new grants are available to hire juvenile gun prosecutors, involve criminologists in local gun violence reduction programs and support community outreach efforts.

It is too early to objectively assess whether PSN will achieve its ultimate goal and rid the streets of gun violence. Nonetheless, the need for this program was reaffirmed in the 2001 National Crime Victimization Survey. This survey showed that although the violent crime rate in the U.S. declined 10 percent, hitting a record low, the percent of crimes, committed with a gun remained steady at 26 percent of the total number of crimes and murders increased by 3.1 percent. With statistics like these, the mandate to prosecutors, law enforcement officers and the community remains clear—get illegal guns off the streets. The strategies that are examined in this monograph are beginning to show results, and they should encourage jurisdictions across the country to improve and refine their approaches to reducing gun violence.

RESOURCES

Technical Assistance:

American Prosecutors Research Institute
Suite 510
99 Canal Center Plaza
Alexandria, Virginia 22314
www.ndaa-apri.org/apri/programs/gun violence/index.html
703-518-4394

Publications:

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Reducing Gun Violence, The Boston Gun Project's Operation Ceasefire, Bureau of Justice Assistance, Sept 2001

Web sites:

Project Safe Neighborhoods
www.projectsafeneighborhoods.gov
Project Exile Richmond
www.vahv.org/Exile
Virginia Exile
www.virginiaexile.com
Texas Exile
www.texasexile.org
Colorado Exile
www.du.edu/usaoco
FACE of King County, WA
www.metrokc.gov/sheriff/VFCCnew/fccnews.htm
Project DISARM & F.I.V.E. Unit of Baltimore
www.stattorney.org
Maryland CEASEFIRE
www.goccp.org

Department of Justice
www.usdoj.gov
National Institute of Justice
www.ojp.usdoj.gov/nij
Bureau of Justice Assistance
www.ojp.usdoj.gov/BJA
Bureau of Alcohol, Tobacco and Firearms
www.atf.treas.gov
Bureau of Justice Statistics
www.ojp.usdoj.gov/bjs
National Criminal Justice Reference Service
www.ncjrs.org

National District Attorneys Association
www.ndaa-apri.org
American Prosecutors Research Institute
www.ndaa-apri.org/apri/index.html

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APPENDIX:
DESCRIPTIONS OF FOUR PROMISING PROGRAMS

TEXAS EXILE

Faced with a dramatic increase in violent crime, and 68 percent of violent offenders re-offending within three years after release, Texas adopted Richmond's Project Exile model to combat gun violence in January 2000. Texas Exile was launched with a $1.6 million grant from then-Governor George W. Bush to the Attorney General's Office. Texas Exile is being implemented in Austin, Beaumont, Brownsville, Corpus Christi, Dallas, El Paso, Fort Worth, Houston, San Antonio and Tyler.

To reduce violent crime, Texas formed a statewide partnership between:

- Criminal Justice Division of the Governor's Office;
- Attorney General of Texas John Cornyn;
- District and county attorneys;
- United States Attorney's Office;
- Local and state law enforcement agencies; and
- Bureau of Alcohol, Tobacco and Firearms.

With the Texas Exile partnership, a task force determines the proper forum for each gun case. Because of judicial resistance to large numbers of gun cases in the federal court system, Texas utilizes local prosecution whenever feasible, with federal prosecution serving as a backup on selected cases.

Community Outreach

The Attorney General's Office dedicated $360,000 to fund a public awareness campaign for Texas Exile. The slogan, "Gun Crime Means Hard Time," was borrowed from Fort Worth's SafeCities program. Since Texas has a large Hispanic population, the message is advertised in both English and Spanish.

The multi-level advertising campaign focused on getting the message out through:

- Billboards
- Radio
- TV advertisements
- Newspapers
- Bus benches
- The transit authority
- Grocery carts
- Newspaper dispensers
- Hats
- T-shirts
- Delivery trucks
- Cards and posters
- Flyers posted and distributed by convenience stores, banks and other businesses affected by gun crime.

Each city with an active Exile program has an Exile chairperson to oversee public outreach and to raise funds to support the program. Communications companies donate radio time and billboard space. Legislators and law enforcement officials reached out to the news media to advertise the initiative and encourage citizens to report illegal gun carriers by calling the toll-free Crime Stoppers hotline.

Success of Texas Exile

In the two years that Texas Exile has been in operation, it has resulted in 1,475 indictments and 1,025 convictions. Judges have sentenced these defendants to an average of 72 months in federal prison. In Texas, there has been an 82 percent increase in prosecution of federal gun crimes over the last year. Most importantly, Texas Exile has taken 1,993 illegal guns off the street.

COLORADO EXILE

Faced with sustained high levels of gun violence, the opening of a Denver/Aurora drug corridor between Mexico, the US and Canada, and the Columbine High School tragedy, Colorado decided to counter gun violence by launching Colorado Exile in 1999. Since its launch, Colorado Exile has been implemented in the six-county metropolitan Denver area and surrounding cities, including the Colorado Springs/Pueblo corridor.

Colorado Exile opened up the option of prosecuting gun offenders in federal court. To ensure the aggressive prosecution of gun cases in Colorado, the following agencies formed a network to handle gun cases more expeditiously and efficiently:

- United States Attorney's Office, Denver, CO
- District Attorney's Offices, Denver and Colorado Springs
- Denver and Colorado Springs Police Departments
- El Paso County Sheriff's Office
- Bureau of Alcohol, Tobacco, and Firearms (ATF) local offices
- Federal Bureau of Investigations (FBI).

The first step in Colorado Exile's strategy was to educate local police officers about federal laws. To accomplish this, quick laminated reference cards detailing federal firearms laws were given to every police officer in Colorado during roll call trainings. If a federal violation is found, the case is labeled as a potential Colorado Exile case and referred to a team of deputy district attorneys and assistant United States attorneys. The team decides if the case is to be prosecuted in federal or state court. If the team thinks the case should be prosecuted under federal law, the case is referred to the United States Attorney's Office, and the ATF coordinates with the local police departments. By virtue of a multi-agency collaboration, the traditional jurisdictional roadblocks to federal prosecution are lifted.

Success of Colorado Exile

The number of individuals charged with federal firearms violations climbed from 54 in 1997 to 72 in 1998, but in 1999, during the first year of the initiative, the number of federal firearms defendants more than doubled to 147. Of those 147 individuals, 89 percent were convicted, with an average prison sentence of 55 months. In the second year of Colorado Exile, 144 defendants were sentenced, of whom 131 were incarcerated for an average of 69.8 months.

KING COUNTY, WASHINGTON'S FIREARMS COALITION ENFORCEMENT

Like many other American cities, the Seattle, Washington, metropolitan area experienced an alarming rise in the amount of gun-related violent crimes during the late 1980s and early 1990s. By the late 1990s, illegal carrying rates were still plaguing King County: Between 1996 and 1999, the number of charges filed against adult felons in possession of a firearm increased by 36 percent. Rates of juvenile firearm-related crime, in particular, soared in the mid-1990s, from a total of 77 incidents in 1994 to 151 by the end of 1995.

In 1999, the FireArm Crime Enforcement Coalition (FACE), a broad-based plan to reduce firearms violence, was officially launched in King County. The mission of the new coalition was clear: to develop and implement community partnerships, and to promote strategic initiatives that unify law enforcement, prosecutors and other vested agencies in a consolidated effort to reduce

the incidence of violent firearm-related crime. This integration of existing resources, commitment to partnerships and shared strategic focus allowed for demand-driven innovation to reduce violent firearms crime in King County.

From the beginning, all law enforcement agencies in the King County region offered their full support and commitment to the FACE mission. FACE includes:

- Every police chief in King County
- King County Sheriff's Office
- King County Prosecuting Attorney's Office
- United States Attorney's Office
- Washington State Crime Lab
- Bureau of Alcohol, Tobacco and Firearms (ATF)
- King County Department of Corrections
- Washington State Department of Fish and Wildlife
- Federal Bureau of Investigation (FBI).

Representatives from each of the agencies above pledged to uphold the mission of FACE, making their oath their bond. All have promised to achieve the coalition's five goals:

- To improve the quality of police investigations and case reports;
- To increase the effectiveness of criminal prosecution;
- To expedite the processing of firearms cases by police officers and prosecutors;
- To identify "Armed Career Criminal" cases for federal prosecution; and
- To increase the level of cooperation and information exchange between all agencies within the criminal justice system.

The "Firearm Crime" Case Identification Program

In November 1999, the FACE coalition launched the Firearm Crime Case Identification Program. Under this program each police office designated one officer to act as the agency's "Firearm Crime Coordinator" (FCC). The FCC is responsible for identifying and reviewing all firearms cases before they are submitted to the prosecutor's office. All felony face sheets are stamped with a red "Firearms Crime" stamp donated to each department by the ATF. The stamp ensures that no gun case falls through the cracks. The King County Prosecuting Attorney's Firearm Crime Coordinator acts as filing coordinator for all firearm cases and as a liaison with the ATF and other federal agencies to review and refer cases for federal prosecution and sentencing. The FCC is cross-deputized as a special assistant United States attorney and screens cases to target the armed career criminals.

SMART Partnerships

SMART (Supervision Management and Recidivist Tracking) is a program designed to enhance the supervision and tracking of recidivist offenders when they are released from prison.

Started in 1992, the SMART program has two major components:

- Roll call training sessions
- A formal system of information exchange between the Department of Corrections and the Redmond Police Department, including a requirement that police document every contact with anyone who is on parole on a Field Interview Report (FIR).

The Department of Corrections (DOC) coordinates with the Police Department and screens all FIRs for violations. Through SMART, police officers directly monitor parolees and report any suspicious behavior to the DOC. The DOC officers at times ride along with the local police to determine if their parolees are complying with the conditions of their release. If a parole violation is noted, such as illegal gun possession, the DOC officer is authorized to write up new gun charges, as opposed to simply issuing a parole violation; the parolee faces a possible five-year mandatory minimum instead of a maximum of 90 days.

One of the most innovative applications of the SMART program is the recent partnership between the Department of Corrections and the Washington State Department of Fish and Wildlife (F&W). Formed in 1998, the partnership coordinated the efforts of the DOC and the F&W by

conducting routine comparisons of known offenders, whether active or inactive, against hunting licenses issued by the Washington State Department of Licensing. As a result, hunting licenses are now issued more discriminatingly, and warnings are given to persons who purchase them. A loophole through which offenders were carrying weapons under the "protection" of hunting licenses was closed.

Success of FACE

King County FACE is the one of the few county-wide coalitions in the United States dedicated to reducing firearm violence in their jurisdiction. The International Association Chiefs of Police adopted the coalition plan as a national firearms model in 1999 and recommended it as a model firearms plan to the U.S. attorney general in 2001.

BALTIMORE, MARYLAND'S PROJECT DISARM

Excessively high levels of violence driven primarily by firearms-carrying felons and drug-dealing gangs have plagued Baltimore, Maryland, for the past two decades. Suffering a 10-year string of more than 300 murders annually, the city ranked as the second most violent among the 30 most populous cities in America in 1998 and eighth most violent among 207 cities with populations of 100,000 or more. While national crime trend studies reported homicide rates declining 36 percent between 1990 and 1998, Baltimore's rate increased five percent during this time.

Alarmed by the soaring numbers of gun-related homicides and their effect on public safety and the educational, commercial and economic growth of the city, the Baltimore City State's Attorney's Office (SAO) decided to break the cycle of violence ravaging the city. In 1994, the SAO implemented an enhanced gun prosecution program called Project DISARM and subsequently created a special unit called the Firearms Investigation Violence Enforcement Division (F.I.V.E.) to specifically handle the gun cases that were eligible for federal prosecution. By the end of the decade, the homicide rate in Baltimore began to decline, as much as 14 percent from 1999 to 2000. City officials point to a coordinated team effort and an aggressive prosecutorial approach as major contributing factors in making the city's streets safer.

Project DISARM

Project DISARM targets gun-related violence by seeking federal prosecution for individuals arrested while in possession of a gun who also have a substantial number of convictions for violent crime or drug trafficking. Under federal prosecution, these armed career criminals face up to life imprisonment and a mandatory minimum sentence of 15 years for illegally possessing a gun.

Project DISARM began as a joint effort of the United States Attorney's Office (USAO), the Baltimore Police Department, the Baltimore City State's Attorney's Office (SAO) and the Bureau of Alcohol, Tobacco and Firearms (ATF). It has been expanded to include Baltimore, Montgomery and Prince George's Counties and all areas identified by the High-Intensity Drug Trafficking Area (HIDTA) program.[1]

Firearms Investigation Violence Enforcement Division (F.I.V.E.)

As part of its overall strategy to deter gun crimes, the State's Attorney's Office created the Firearms Investigation Violence Enforcement Division (F.I.V.E.) in 1997. Baltimore City State's Attorney Patricia Jessamy requested and received a Local Law Enforcement Block Grant from the federal government to establish a unit devoted to the

[1] HIDTA is a joint venture of over 40 different federal, state and local law enforcement agencies that funds 32 distinct law enforcement initiatives developed to reduce drug-related crime and violence.

investigation and enhanced prosecution of non-fatal injurious shootings and certain handgun violations, specifically targeting recidivist handgun offenders. The focus is on non-fatal shootings where the victim suffers a significant injury or the defendant in question has shown a propensity towards violence, resulting in cases that are defendant- or incident-driven. As part of its duties, the unit refers certain handgun cases to the DISARM program. F.I.V.E. unit prosecutors work closely with the USAO to review cases to determine if they meet the guidelines for federal prosecution. This process ensures that gun crimes are prosecuted in the most appropriate and punitive forum.

F.I.V.E. began with six assistant state's attorneys and a comparable number of victim/witness specialists. In 2000, the division was expanded to 17 assistant state's attorneys with funding from the State of Maryland. In the 26-month period since its inception, F.I.V.E. handled 669 serious cases and achieved a successful prosecution rate of 80 percent. As of November 2001, F.I.V.E. convicted 766 offenders, of whom 260 are serving sentences of 10 years or more, and 299 are serving a mandatory sentence of five years without parole.

Successes

"The result of the DISARM program is we've taken significant actors off the streets of Baltimore, and people feel safer."
—*former United States Attorney Lynne A. Battaglia*

Since 1994, about 250 cases have been adopted federally. Cumulative criminal histories of those convicted include 1,158 prior arrests and 395 convictions. Sentences upon conviction have averaged more than eight years and have ranged from five years to life in prison.

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