



U.S. DEPARTMENT OF JUSTICE

President's Commission on
Law Enforcement and the
Administration of Justice

**Reduction of Crime
Hearing**

April 7 - April 9, 2020

Reduction of Crime Hearing Teleconferences

- **Tuesday, April 7th, Hearing 2:00pm to 3:15pm, Eastern Time - Violent Crime Overview: National and Local Perspectives Panel**
 - Amy Blasher, Chief, Crime Statistics Management Unit, Federal Bureau of Investigation
 - Justin Herdman, U.S. Attorney for the Northern District of Ohio
 - Sheriff Jim Skinner, Collin County, TX
 - Chief Steve Anderson, Metropolitan Nashville Police Department
 - Chief Scott Thomson (retired), Camden County Police Department

- **Wednesday April 8th, 2:00pm to 3:00pm, Eastern Time – Panel on Guns**
 - Thomas Chittum, Assistant Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives
 - Melissa Nelson, State Attorney, Florida's 4th Judicial Circuit
 - Paul Neudigate, Assistant Chief, Cincinnati Police Department
 - Zachary Terwilliger, U.S. Attorney for the Eastern District of Virginia

- **Thursday, April 9th, Hearing 11:00am to 12:00pm, Eastern Time – Panel on Gangs**
 - Timothy Sini, District Attorney, Suffolk County, NY
 - Commissioner Geraldine Hart, Suffolk County, NY Police Department
 - Victor Gonzalez, Director of Program Services, City of Houston Mayor's Anti-Gang Initiative
 - Deputy Sherriff, Robert Mateo, Polk County, FL



Tuesday, April 7, 2020

Amy Blasher

Crime Statistics Management Unit, Federal Bureau of Investigation



Amy C. Blasher, Unit Chief of the Crime Statistics Management Unit of the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services Division, is the program manager for the FBI's Uniform Crime Reporting (UCR) Program, managing the FBI's Crime Data Modernization initiative to improve the nation's UCR crime statistics for reliability, accuracy, accessibility, and timeliness. Ms. Blasher also oversees the national UCR repository which houses the Summary Reporting System and National Incident-Based Reporting System data collections, Hate Crime collection, Law Enforcement Officers Killed and Assaulted collection, and the National Use-of-Force Data Collection.

Amy C. Blasher
Unit Chief
Uniform Crime Reporting Program
Crime Statistics Management Unit, Federal Bureau of Investigation
Panel #1 Violent Crime Overview: National and Local Perspective Panel

The Uniform Crime Reporting (UCR) Program

The UCR Program is a nationwide cooperative statistical effort of more than 18,000 city, county, tribal, and state law enforcement agencies voluntarily reporting crimes that are brought to their attention. In addition, federal law enforcement agencies were mandated to provide crime data to the FBI by passage of the Uniform Federal Crime Reporting Act of 1988. The UCR Program was established in 1929 by the International Association of Chiefs of Police, to meet the need for reliable uniform crime statistics for the nation. In 1930, the FBI was tasked with collecting, publishing, and archiving those statistics. The crime data is submitted either through a state UCR Program or directly to the FBI's UCR Program in order to fulfill its primary objective, to generate reliable information for use in law enforcement administration, operation, and management.

Over the years, the data contained in the UCR Program's annual publication, *Crime in the United States*, has served as one of the country's leading social indicators as the American public looks to the report for information on the fluctuations in reported crime. Criminologists, sociologists, legislators, municipal planners, the media, and other students of criminal justice use the statistics for varied research and planning purposes.

Violent Crime as Reported by Law Enforcement

The FBI cautions users from assuming that data as reported directly from law enforcement sources will match the statistical information ultimately published by the UCR Program. Law enforcement agencies typically report information obtained directly from operational systems containing near-real time records. While violent crime trends will generally be very similar between operational data and reported statistics, these local data may not always reflect the data as provided to the FBI due to potential differences in definitions.

Short-term trends

The estimated number of violent crimes in the nation decreased 3.3 percent in 2018 compared with 2017 data, marking the second consecutive year of decreases. In 2018, there were an estimated 1,206,836 violent crimes. The estimated robbery offenses dropped 12 percent, and the estimated number of murder and nonnegligent manslaughter offenses declined 6.2 percent when compared with estimates from 2017. The estimated volume of aggravated assault offenses decreased 0.4 percent. Rape (revised definition) offenses increased 2.7 percent.

The overall number of violent crimes decreased in all city population groups. Law enforcement agencies in cities with populations of 50,000 to 99,999 reported the largest decrease, 4.8 percent. Law enforcement agencies in cities with populations of 100,000 to 249,999 reported the smallest decrease, 0.9 percent. Violent crime decreased 4.5 percent in nonmetropolitan counties and fell 3.5 percent in metropolitan counties. Violent crime decreased in all four of the nation's regions. These crimes were

down 5.0 percent in the West, 4.4 percent in the Midwest, 2.6 percent in the Northeast, and 1.2 percent in the South.

The FBI estimated that law enforcement agencies nationwide made 10.3 million arrests, excluding those for traffic violations, in 2018. The arrest rate for violent crime was 159.9 per 100,000 people. By violent crime offense, the arrest rate for murder and nonnegligent manslaughter was 3.7 per 100,000 people; rape, 7.7 (aggregate total using the revised and legacy definition); robbery, 27.2; and aggravated assault, 121.4.

Based on preliminary data from the first six months of 2019, the nation's law enforcement agencies reported a collective 3.1 percent decrease in violent crime, indicating that recent trends may be holding for the near-term. Preliminary data from January to June 2019 also showed that all four of the offenses in the violent crime category—robbery, rape, murder and nonnegligent manslaughter, and aggravated assault—decreased when compared with data from the first six months of 2018. The number of robbery offenses decreased 7.4 percent, rape offenses dropped 7.3 percent, murder and nonnegligent manslaughter offenses fell 3.9 percent, and aggravated assault offenses were down 0.3 percent.

Long-term trends

Since 2009, the nation has experienced an overall decline of violent crime of approximately 9 percent. From 2009 to 2013, the estimated number of violent crimes continued a decline, while a brief increase occurred over the years 2015 to 2017. Annual data from 2018 indicated that there may be a return to a decrease in violent crime. Law enforcement data from areas making up the nation's metropolitan areas comprised of urban centers with at least 50,000 inhabitants and its suburban¹ communities followed a similar trend as the rest of the nation, with an overall decrease of nearly 5 percent in the past 10 years.

In addition to the overall trend, the violent crime total is comprised of the individual offenses of murder and nonnegligent manslaughter, rape, robbery, and aggravated assault. The relative frequency of each of these four offenses has been relatively stable over the past five years. Despite the overall decrease in violent crime, reports have indicated small proportional increases in rape and aggravated assault since 2017.

Effects of the COVID-19 Pandemic on Crime Trends

The FBI has seen an increase in requests for information by individuals on the impact of local actions related to the COVID-19 pandemic such as "stay-at-home" orders or public health recommendations for social distancing on observed crime trends. While there have been statements made to the media by law enforcement agencies indicating a reduction in crime reports, the FBI will not be able to provide statistical measures to respond to these questions until later in the year. The FBI provides a set of specifications and structure for the translation of federal, state, local, and tribal statutes into standardized categories, which naturally creates some lag between the recording of crime information

¹ "Metropolitan Statistical Areas have at least one urbanized area of 50,000 or more population, plus adjacent territory that has a high degree of social and economic integration with the core as measured by commuting ties" ("Updates to Statistical Areas," Office of Management and Budget Bulletin 20-01, pg. 2, downloaded from <https://www.whitehouse.gov/wp-content/uploads/2020/03/Bulletin-20-01.pdf> on 4/5/2020).

by law enforcement and its ultimate reporting to the FBI. In addition, there may be crimes—such as intimate partner or domestic violence—that are reported to law enforcement at a much later date than their occurrence due to long-periods of quarantine. The final reports of violent crimes reported by law enforcement may vary from these preliminary accounts.

Factors Affecting Violent Crime and Efforts to Address Them

Historically, there are many known factors that contribute to levels of crime, including: population density; youth concentration; economic conditions; cultural; educational; recreational factors; family conditions; climate; effective strength of law enforcement agencies; and citizens' attitude toward crime and their reporting to law enforcement. Based on the complexities involved, the FBI makes no attempt to interpret the data. Instead, we defer to noted criminologists and sociologists who have analyzed crime trends in greater depths by incorporating all of these factors.

Each year when *Crime in the United States* is published, some entities use the figures to compile rankings of cities and counties. These rough rankings provide no insight into the numerous variables that mold crime in a particular town, city, county, state, tribal area, or region. Consequently, they lead to simplistic and/or incomplete analyses that often create misleading perceptions adversely affecting communities and their residents. Valid assessments are possible only with careful study and analysis of the range of unique conditions affecting each local law enforcement jurisdiction. The data user is, therefore, cautioned against comparing statistical data of individual reporting units from cities, metropolitan areas, states, or colleges or universities solely on the basis of their population coverage or student enrollment.

The FBI continues to work closely with our federal, state, local, tribal, and international law enforcement partners, including engaging in multiagency task forces and joint operations. We use the force-multiplier approach using an intelligence-focused approach to traditional criminal investigations.

Recommendations

The FBI recommends that the nation's law enforcement agencies fully support a transition to the National Incident-Based Reporting System (NIBRS) to improve understanding violent crime, its characteristics, and create a framework for better assessment of crime reduction strategies. The FBI is working vigorously with law enforcement agencies nationwide to help them transition to incident-based reporting. In fact, the FBI—with the support of national law enforcement organizations—has established January 1, 2021, as the goal for all UCR contributors to submit their data via NIBRS. At that time, the FBI will retire the historic Summary Reporting System (SRS) in favor of the more detailed data collection.

NIBRS provides a more comprehensive view of crime in the United States and offers greater flexibility in data compilation and analysis. When used to its full potential, NIBRS can identify with precision when and where a crime occurred, details about the crime, and the characteristics of its victims and offenders. It simply provides much more detail than the traditional SRS. The richer data submitted via NIBRS provides two important elements: accountability and transparency. Law enforcement agencies can use the data to address the concerns of community members regarding crime and they can use the data when deciding how to allocate resources. [In addition, NIBRS provides a common platform for critical](#)

[data sharing among law enforcement that can facilitate meaningful relationships and partnerships through task forces and interdepartmental collaboration.](#)

After full transition of the UCR Program to NIBRS in 2021, the nation will be better poised to monitor trends and patterns related to violent crime, to include additional violent offenses of kidnapping and human trafficking due to an expanded number of offense types captured in NIBRS. In addition, characteristics of violent crime, such as weapons associated with the offense and injuries to victims, will also be available to further understand and explore aspects of violent crime that impact our communities.

Impact of the NIBRS Data Collection and Use for Addressing Violent Crime by a Local Law Enforcement Agency

While NIBRS data will allow for the collection of additional details for the monitoring of national and local violent crime trends, the additional information collected with NIBRS crime incidents could also have the potential to assist law enforcement agencies with pattern analysis related to on-going cases. The following example was published in the International Association of Chiefs of Police's *Police Chief Online*²:

In early 2018, Norman [Oklahoma] experienced a string of robberies. Based on NIBRS data, the Norman PD detected a set of common elements—such as items stolen, times of offenses, and location types targeted—to find a probable link between at least three of the robberies. And based on the data elements for offender characteristics like gender and height, the Norman PD was able to use NIBRS data to narrow the list of suspects.

One example of the kind of crime trend [Crime Analyst Jason] Redden looks for is what kinds of offenses happen in different locations. A recent example of how NIBRS data help identify and address crime trends is a spike in the number of vehicle thefts from residential garages. Residents of Norman were leaving their cars unlocked inside their garages, and car thieves were using garage door remotes to access the garages and steal the cars. NIBRS helped reveal this trend through data elements pertaining to location types, offense types, and stolen property. Based on this knowledge, the Norman [Police Department] PD increased patrols in residential neighborhoods and engaged in public awareness activities to tell residents to keep their cars locked. The result was a decrease in the number of vehicle thefts. Under SRS, data would have revealed how many vehicle thefts were happening—but not what the relevant factors and circumstances were. But with NIBRS data, the Norman PD was able to strategically deal with the situation and detect links between the offenses.

The Norman PD has also used NIBRS data to show how groups such as gangs can escalate the seriousness of their offenses over time. For example, a new gang may begin with burglaries and later escalate to robberies or homicides. NIBRS can help an agency identify and analyze

² Jeffrey Fisher, "Are You Ready? How Norman, Oklahoma, Uses NIBRS," *Police Chief Online*, September 4, 2019, <https://www.policechiefmagazine.org/are-you-ready-how-norman-ok-uses-nibrs/?ref=508d0e51b76afebb2fc357604b9a9f70>, accessed on 4/6/2020.

this kind of trend with data elements related to gang involvement and offense types. In Norman, a new juvenile gang began committing nonviolent thefts but escalated to violent robberies. The Norman PD was able to use NIBRS data to demonstrate to the district attorney how such a progression of crimes can occur and gain the district attorney's agreement for strategies to deal with such crime-escalating groups.

Additional Sources for information

The FBI publishes its data and associated policies for law enforcement and the public on a publicly accessible websites.

- For more information on the FBI UCR Program: <https://www.fbi.gov/services/cjis/ucr/>
- For more information on the NIBRS Transition: <https://www.fbi.gov/services/cjis/ucr/nibrs>
- To access the FBI *Crime in the United States* annual publication and *Preliminary Semiannual Uniform Crime Report*: <https://ucr.fbi.gov/crime-in-the-u.s/2019/preliminary-report/home>

The FBI Crime Data Explorer (CDE) is a web-based platform to improve and modernize the user experience, expanding the UCR user base and promoting the benefits of NIBRS, Law Enforcement Officers Killed and Assaulted, and other crime data, to a wider audience.

To access the FBI Crime Data Explorer: <https://www.fbi.gov/cde>

Justin E. Herdman

U.S. Attorney for the Northern District of Ohio



Justin Herdman was sworn in as the United States Attorney for the Northern District of Ohio on August 21, 2017. In this position, he leads a staff of nearly 200 employees representing the United States in court in Ohio's northern 40 counties, including staffed offices in Cleveland, Toledo, Akron and Youngstown.

In 2017, Herdman was appointed to the United States Attorney General's Advisory Committee of the U.S. Attorneys (AGAC), of which he is currently the Vice-Chair. In this role, Herdman serves as one of fifteen United States Attorneys charged with developing and offering recommendations to improve management, operations, and functions of U.S. Attorneys' offices nationwide, as well as the Department of Justice. Herdman also serves as the Vice-Chair of the AGAC's Terrorism & National Security Subcommittee. In 2019, Herdman was appointed to Attorney General Barr's new working group focused on federal responses to Domestic Violence. Herdman also serves as a Co-Chair of the Attorney General's Prescription Interdiction and Litigation Task Force, which is responsible for coordinating the Department of Justice's civil and criminal enforcement efforts to combat prescription pill diversion, fraud, and abuse.

Herdman was an Assistant United States Attorney from 2006 through 2013, serving as both a line assistant and supervisor. During that time, he was responsible for investigating and prosecuting national security crimes, including the successful trial and appeal of a homegrown terror cell that sought to support al Qaeda. He was also part of the prosecution team of five self-proclaimed anarchists convicted of attempting to use explosives to blow up a Cleveland-area bridge.

Immediately prior to becoming U.S. Attorney, Herdman was a partner at Jones Day, where he represented businesses and individuals in civil litigation and under criminal investigation.

Before returning home to the Cleveland area, Herdman was an Assistant District Attorney in New York City, working for the legendary District Attorney for the borough of Manhattan, Robert M. Morgenthau, where Herdman prosecuted a wide range of violent crime and identity theft cases.

He serves as a Judge Advocate in the United States Air Force Reserve and is a former intelligence officer in the United States Navy Reserve. He earned his B.A. from Ohio University, his M.Phil. from the University of Glasgow, and his J.D. from Harvard Law School.

Justin Herdman
United States Attorney, Northern District of Ohio
Testimony Before President's Commission on Law Enforcement
Panel on National and Local Impact of Violent Crime
April 7, 2020

Thank you Commissioners for the opportunity to testify here today on the vital issue of violent crime and the impact it has on our nation, states, and local communities. My name is Justin Herdman and I am the United States Attorney for the Northern District of Ohio.

I am honored to speak not only on behalf of the Northern District of Ohio and its nearly six million residents, but also on behalf of my 92 U.S. Attorney colleagues from Maine to Guam. Your nation's U.S. Attorneys are committed to carrying out President Trump's executive order to reduce crime and restore public safety in America. We believe that our President and Attorney General Barr have made unprecedented strides in providing us with the tools to do just that – reduce crime and restore public safety. We have seen outstanding progress in many areas, only some of which I will highlight today, but there is still much work to do.

The Northern District of Ohio is comprised of Ohio's 40 northernmost counties, essentially every county north of Columbus. Pennsylvania borders us to the east, Indiana to the west, and Michigan, as well as a maritime border with Canada, to our north. Of Ohio's eight major cities, our district has five of them: Cleveland, Toledo, Akron, Canton, and Youngstown. In addition to major city crime problems, we also have many rural communities, suburbs, and exurbs. Of course, when talking about Ohio over the past decade, we cannot ignore the impact that overdose deaths – mostly from opioids but also increasingly from cocaine and methamphetamine – have had on our communities, law enforcement, public health, and local government. Thus, when we're talking about criminal trends in Ohio, and especially northern Ohio, we are talking about big-city problems, small-town problems, and everything in between.

It is in our major cities, however, where the most profound violent crime problems plague our district. We have made inroads in combatting violent crime, and I will spend much of my testimony discussing where and how that has been most effective. To set the stage on where we are today, though, it is necessary to go back to 2016. According to data provided by Ohio's Office of Criminal Justice Services, 2016 was a watershed year for violent criminals. In that year, and just within Ohio's eight major cities, violent crime was up 7.6-percent from 2015.¹ That is a disturbing and shocking increase, especially when one considers that the crimes making up the FBI's Uniform Crime Reporting (UCR) data are among humanity's most heinous: murder, rape, aggravated assault, and robbery.

¹ Alan Wedd, M.S. and Lydia Hoogerhyde, B.S., Ohio Department of Public Safety - Office of Criminal Justice Services, *Crime in Major Ohio Cities: Q4 2016*.

https://www.ocjs.ohio.gov/links/fourth_quarter_crime_report_2016.pdf

By the end of 2017, this increase in Ohio's violent crime had been almost entirely reversed. That year, violent crime in Ohio's major cities was down 7.6-percent from 2016, essentially driving violent crime back from its peak the year before.²

On the federal side, we are often asked what role we can play in driving violent crime numbers down. After all, these are crimes that stem from a host of socioeconomic ills: unemployment, poverty, lack of educational and economic opportunity, housing instability, substance abuse, childhood trauma, fractured families – the list goes on and on. Many of these problems do not fall squarely in the core competency of the federal government, let alone federal prosecutors.

This leads to my first recommendation: constructive, comprehensive community partnerships convened at the federal level and focused on violent crime prevention. Our Department-wide violent crime reduction program – Project Safe Neighborhoods – asked U.S. Attorneys to address the prevention side of violent crime by focusing on partnerships with local leaders and community organizations. In Cleveland, we leverage our local partnerships through a collaborative effort known as STANCE (Stand Together Against Neighborhood Crime Everyday). STANCE brings together law enforcement, court officials, probation and parole, youth counsellors, healthcare professionals, housing advocates, academics, and community organizations to focus on reducing firearms violence amongst Cleveland's young people. Instead of concentrating purely on enforcement, the group has addressed violent crime through expanded opportunity for youth, particularly over the summer months and out-of-school hours, by working with the office of Cleveland's Mayor Frank Jackson, who has made the issue of youth violence one of his signature efforts. Indeed, the issue of youth re-entry from juvenile facilities is the 2020 focus for STANCE.

My second recommendation: continued and committed prioritization of federal firearms prosecutions, especially using under-enforced statutes. For years, federal prosecution has centered on felons in possession of firearms and individuals who possess firearms in connection with a crime of violence or a drug trafficking offense.

To these two more traditional areas of federal firearms enforcement, I would add one more that has seen increased attention under the leadership of Attorney General Barr. Federal law also prohibits someone convicted of a domestic violence misdemeanor, or who is subject to a protection order related to domestic violence, from having a gun. The presence of firearms in a domestic abuse setting makes it far more likely that the victim of domestic violence will be murdered, or that police officers responding to a domestic violence call will be killed. For far too long, the prosecution of these domestic violence-related firearms cases has been under-emphasized by federal law enforcement. That tide is turning, though, as U.S. Attorneys are incorporating these domestic violence prosecutions into local crime reduction plans. And then last year, Attorney General Barr created the DOJ's first ever Domestic Violence Working Group.

² Alan Wedd, M.S. and Lydia Hoogerhyde, B.S., Ohio Department of Public Safety - Office of Criminal Justice Services, *Crime in Major Ohio Cities: Q4 2017*.

https://www.ocjs.ohio.gov/links/Fourth_Quarter_Crime_Report-2017.pdf

The importance of federal firearms prosecutions has received renewed attention with another signature initiative of Attorney General Barr – Project Guardian. I know that this will be covered by other witnesses, but I raise it to illustrate the centrality of federal firearms statutes to our Department-wide push to reduce violent crime. And a particular area of emphasis under Project Guardian is our federal prosecutions of straw purchasers. Straw purchases put guns into the hands of prohibited, violent criminals and are therefore a priority for federal prosecution.

Federal firearms prosecutions can deliver immediate impact on violent crime in our communities. As an example, I would offer the success we saw in Youngstown over the course of 2019. In both 2017 and 2018, Youngstown experienced 28 homicides - this represented an increase from the city's homicide numbers in 2015 and 2016. The 2018 numbers were particularly troubling as they included eight murders that occurred in less than one month, including a triple homicide in November 2018 where a 3-month old infant was killed.

As a result of this disturbing trend, in January 2019, Youngstown Police Chief Robin Lees and I convened a meeting at the U.S. Attorney's Office to which we invited all of our local, state, and federal partners in the area. One by-product of that meeting was a strategy developed by the Youngstown Police Department for focused and targeted firearms interdiction associated with particular problem areas in the city. Our local Project Safe Neighborhoods program was able to contribute a relatively modest amount of funding to help offset overtime for the Youngstown Police patrol officers who were working in close collaboration with ATF, Ohio Adult Parole, DEA, FBI, and the U.S. Marshals Service in the city. In two separate initiatives – Operation Steel Penguin which focused on spring and early summer, and Operation Rookery which focused on late summer and early fall – the joint federal, state, and local team efforts led to 109 arrests, 45 firearms removed from the streets, and 18 federal indictments. Most importantly, during the two phases of the operation, violent crime was reduced by 30-percent overall and homicides were down nearly 90-percent when compared to the same time periods in 2018. Youngstown finished 2019 near a forty-year low in homicide numbers.

My third recommendation: prosecution of drug trafficking organizations in order to reduce violent crime. When asked about the overlap between drug offenses and violent crime, I often point out that all narcotics trafficking relies on cash and drugs. Consequently, narcotics traffickers rely on firearms to protect themselves, their cash, and their drugs. As a result, it is no surprise to see violent crime linked to drug trafficking. When you add in the enterprise nature of narcotics trafficking, almost all of which is linked in some way to Mexican cartels, in short, there is no such thing as a non-violent drug offense.

One example of multi-agency commitment to reducing both drug trafficking and violent crime is Operation Hadley's Hope, which focused on the city of Mansfield, located about an hour south of Cleveland. This Cleveland FBI initiated the operation as a result of local intelligence collected by the Metropolitan Richland County (METRICH) Drug Task Force, which revealed potential supply and distribution connections between a series of large volume drug dealers in Mansfield. The case focused on disrupting these relatively decentralized drug trafficking organizations, which included a number of local gangs. This multi-year investigation included the use of multiple federal wiretaps and resulted in three large, coordinated takedowns

of the drug trafficking organizations in October 2017, February 2019, and March 2020. The investigation has resulted in the seizure of 51 firearms and the arrest of 145 individuals. Most importantly, violent crime was reduced by 19-percent in 2018 (following the first takedown) and a further 6.2-percent decrease in 2019 (following the second takedown). We are hoping for similar results following our third takedown last month, but even at this point, we can say with high confidence that this operation has had a significant impact on violent crime in Mansfield.

In another narcotics-focused initiative, since July 2018, our office has been a participant in the Department-wide Operation SOS (Synthetic Opioid Surge). This program commits the ten participating U.S. Attorneys to prosecuting every opioid case emerging from a selected target county. Since the inception of the program in Northern Ohio, our office has prosecuted 109 defendants from Lorain County for their involvement in the distribution of opioids. Of those 109 defendants, 63-percent were either under judicial supervision for a previous conviction or had an open case and were out on bond ordered by a state judge. Almost 25-percent of these defendants possessed firearms when they committed the federal offense. And another 25-percent of these defendants are classified as “career offenders” in that they have two or more prior convictions for either drug trafficking or violent offense convictions.

Most importantly, again, is the measurable effect that these Operation SOS arrests have had on violent crime in Lorain County. As an example, the city of Elyria, which is Lorain’s county seat, has contributed 56 of the cases prosecuted federally under Operation SOS. In 2018, Elyria had five homicides. In 2019, following the concerted joint federal, state, and local investigation of opioid traffickers, the city had only two homicides – a drop of 60-percent. More work will need to be done to correlate this aggressive level of federal prosecution with decreases in both violent crime and overdose deaths in Lorain County, but early returns are promising.

My fourth recommendation: federal, state, and local partnerships intensely focused on law enforcement operations in a designated geographical area. In addition to Operation Hadley’s Hope discussed above, I would point the panel to Operation We-R-CLE, a U.S. Marshals-led effort focused on violent fugitive apprehension on the east side of Cleveland in the spring of 2018. This operation, which relied heavily on the Cleveland Division of Police, Ohio Adult Parole, Ohio State Highway Patrol, and every federal investigative agency, saw a 175-percent surge in firearms-related arrests in the target area. Not coincidentally, homicides were down 20 percent across the city during that time and down 37 percent in the target area. Indeed, for the entire month of May 2018, there were two homicides in the entire city of Cleveland – an historic low. I am also aware of similar success that many of my U.S. Attorney colleagues have witnessed through the U.S. Marshals Service programs Operation Triple Beam and Operation Washout.

As relayed above, just based on results in the Northern District of Ohio, reduction in violent crime can be achieved through focused law enforcement efforts targeting the most violent offenders and offenses. These results are most impactful when they are delivered through combined operations of state, local, and federal agencies, particularly when directed at firearms violence, drug trafficking, gang activity, and violent fugitives. And, as successful as we have been throughout the country in reducing violent crime, there are still stubborn pockets of resistance where greater federal effort could help turn the tide.

Sherriff Jim Skinner

Collin County, Texas



Collin County Sheriff Jim Skinner is a 30-year law-enforcement veteran, trial attorney, and former prosecutor. He took office on January 1, 2017, and oversees 560 personnel, who serve over 1,000,000 citizens in the northeast quadrant of the Dallas/Fort Worth Metroplex. Like others, he's currently busy leading his Office's response to the national emergency related to COVID-19 and keeping an eye on a major project to renovate the intake, infirmary, kitchen, and housing areas of the county jail. He's honored to have been designated as a subject-matter expert in connection with the work of the President's Commission on Law Enforcement and Administration of Criminal Justice. In January 2020, he was a panelist and speaker at the White House's summit on human trafficking and commemoration of the TVPA 2000. As Chair of the Legislative Committee of the Sheriffs' Association of Texas, Sheriff Skinner was proud to be a part of the efforts to persuade the people and the 86th Texas Legislature to pass a constitutional amendment and several statutes important to law enforcement, including SJR 32 and SB 2100 (2019), which improved the humane retirement of law-enforcement dogs and other service animals. And, in May 2018, he spoke, by invitation, at Texas Governor Greg Abbott's multi-disciplinary meeting in response to the May 18 Santa Fe High School shooting.

Since taking office, Sheriff Skinner has implemented several initiatives, including enlarging the Patrol Section to keep pace with County growth; starting a fugitive task force with assistance from the U.S. Marshal's Service and serving or clearing thousands of aging felony warrants; forming, with seven other sheriffs, the North Texas Criminal Interdiction Unit and arresting over 130 traffickers, seizing tons of illegal drugs, seizing numerous military-style weapons and over \$1.5 million in bulk cash, stopping several loads of human cargo, recovering just over 100 stolen vehicles, and rescuing three missing children in separate traffic stops; forming a new detention intelligence unit and gathering intelligence from the county's 1,100-bed jail, including intelligence about gangs and drug cartels; and forming a child-exploitation unit that investigates internet-based child exploitation (including participating, in May 2017, in operation Medusa, which resulted in 17 arrests, and similar operations in 2018 and 2019, which resulted in dozens of arrests and terabytes of child pornography seized). Sheriff Skinner is also a member of county committees on child advocacy, courthouse security, jail population, and local mental-health care.

Sheriff Skinner is an active member of the National Sheriffs' Association and the Texas Sheriffs' Association. He sits on the 9-1-1 committee of the North Central Texas Council of Governments. He is a member of the North Texas Crime Commission and a former member of its board of directors. He's a member of the board of the local Meals on Wheels as well.



OFFICE OF THE SHERIFF
COLLIN COUNTY, TEXAS

JIM SKINNER, SHERIFF

To: President's Commission on Law Enforcement and the Administration of Justice
c/o Kristie Brackens, Sr. Policy Advisor, LE/A, BJA, DOJ
202.305.1229
Kristie.Brackens@ojp.usdoj.gov

From: Jim Skinner, Sheriff Collin County, Texas, 972.547.5100 JOS

Date: April 17, 2020 (Testified April 7)

Re: Criminal Highway Interdiction/Crime Reduction

Introduction

I'm the Sheriff of Collin County, Texas. My county is located in Northeast Texas, near Dallas County. Collin County has a population of just over 1 million and is one of the 12 counties in the DFW Metropolitan Planning Area with just over 7.4 million people.¹ In Texas, the Office of Sheriff is a constitutional office, and our main functions are traditional law-enforcement operations and running the county jail.² I took the oath of office on January 1, 2017.

Position

On April 7, 2020, I testified about criminal highway-interdiction units and cooperative efforts between sheriffs in multiple counties. I talked about the North Texas Criminal Interdiction Unit (NTXCIU)—a cooperative interdiction effort between sheriffs in eight counties in Northeast Texas. I covered a few cornerstones of successful interdiction and made a few recommendations.

In just over two years of operations, the NTXCIU has arrested over 130 smugglers; seized tons of illegal narcotics and more tons of marijuana, several military-style weapons, and over \$1.5 million in bulk cash; and recovered around 100 stolen vehicles. The NTXCIU's deputy sheriffs have also stopped three loads of human cargo—undocumented immigrants. More importantly, the NTXCIU has rescued three missing or abducted children in unrelated highway stops.

The NTXCIU has accomplished all of this without spending much additional money from the budgets of the member Sheriff's Offices. Sheriffs already have deputy sheriffs and vehicles patrolling highways in their counties. Starting an interdiction unit is largely a matter of obtaining the right training in highway interdiction. It's even better to build a multi-county interdiction effort to extend each sheriff's jurisdictional reach with an appropriate mutual-aid agreement. In a joint effort, sheriffs will want common uniforms, insignia, and vehicle markings. Automatic License Plate Reader (ALPR) technology is a valuable tool in highway interdiction.

Recommendations

1. Sheriffs across the nation in counties that cover major national or state highways (*e.g.*, highways designated as “drug transportation corridors”) should set up highway interdiction units.

Justification: An interdiction unit is a cost-efficient way to use one of a sheriff’s key strengths—jurisdiction over miles of state and federal highways and roads—to fight the smuggling of illegal narcotics, weapons, bulk cash, and victims of human trafficking by organized crime in a location they *must* use—highways and roads. Highway interdiction is effective in terms of arrests; seizures of illegal drugs, weapons, and bulk cash; recovery of stolen vehicles; and the rescue of children and undocumented immigrants.

2. Sheriffs in contiguous or nearby counties should set up flexible, cooperative interdiction efforts. Where necessary or appropriate, they should use a mutual-aid agreement.

Justification: A mutual-aid agreement can extend an interdiction group’s jurisdiction over more miles of highway and road.

3. Interdiction units and cooperative efforts should build strong partnerships with other local interdiction units, as well as state and federal agencies, and they should share information and intelligence—as well as hot lists and working methods—freely.

Justification: A critical key to successful interdiction operations is the free communication and sharing of information and intelligence. In the past eight weeks, the NTXCIU, DHS, HSI, and local interdiction units seized 2,225 kilos of methamphetamine in related stops in Collin County, in the Northeast part of Texas, on the East Coast, and in Laredo, on the border with Mexico, by sharing intelligence and communicating about their operations.

4. The President should direct the U.S. Department of Justice to establish a central, national database for ALPR data that meets specified standards (for privacy protection) (law-enforcement ALPR data). As a condition for membership in and access to the national database, an agency should be required to upload its LE ALPR data to the database.

Justification: ALPR data—which is aggregate data set consisting of a license plate’s letters and number, location, and date and time of reading—can help ongoing investigations. A national database will bring the benefits of uniform standards and a platform for sharing intelligence.

NTXCIU

Motivation: In early 2017, I and some nearby sheriffs wanted to do something to contribute to the fight against the opioid epidemic that was ravishing the nation and north Texas. We knew two key facts: (1) smugglers use the same roads and highways as everyone else and (2) Texas sheriffs have countywide jurisdiction over a significant number of highway miles.

Jurisdiction over the Supply-Chain Infrastructure: Some professionals, such as those in education, employment, and health care, work on the *demand* side of the nation’s drug problem. They work to reduce the demand for illegal drugs.

Local law enforcement often focuses on the *supply* side, starting with street-level dealers and trying to work up the distribution chain. It also works on the demand side by citing or arresting some buyers.

In contrast, a highway-interdiction unit or effort focuses nearly exclusively on the supply side—by targeting the highways and roads that are part of the smuggling infrastructure.

In 2006, the National Drug Intelligence Center identified eight major drug transportation corridors, and at least two of these run, including parts of I-30 (E/W) and I-35 (N/S), through the area worked by the NTXCIU.³ The NTXCIU's other highways include U.S. 75, U.S. 287, and I-20.

NTXCIU: In the fourth quarter of 2017, I and seven other sheriffs formed the North Texas Sheriffs' Criminal Interdiction Unit. These sheriffs include Sheriff Lane Akin, Wise County; Sheriff Harold Eavenson, Rockwall County; Sheriff Larry Fowler, Parker County; Sheriff Randy Meeks, Hunt County; Sheriff Larry Smith, Smith County; Sheriff Tom Watt, Grayson County; and Sheriff Bill Waybourn, Tarrant County. Each is a great Sheriff and public servant.

Interdiction Knowledge and Skill: Sheriffs already do a substantial amount of road work, such as enforcing criminal laws (intoxicated driving), rules of the road, and rules for commercial motor vehicles. Highway interdiction is a specialty, too. An interdiction officer must be skilled in selecting vehicles—reasonable candidates for being smugglers—from traffic flows for valid stops supported by probable cause or reasonable suspicion; talking with drivers and occupants and assessing their stories; and searching vehicles and hidden compartments. It's a special set of skills to both comply with the constitutional rules governing traffic stops and engage with travelers freely enough to detect inconsistencies and develop reasonable suspicion for a prolonged stop. Skill and a practiced eye help an interdiction operation achieve better results than the statistics of random stops.

Training to detect signs of human trafficking is a natural fit for interdiction as well. For example, the Texas Dept. of Public Safety offers a two-day, 16-hour program, "Interdiction for the Protection of Children."⁴ IPC training enables officers to spot signs of missing, exploited, and endangered children and has been credited with rescuing hundreds of children.

Mutual-Aid Agreement: Sheriffs may be able to extend their jurisdiction over more miles of highway with an appropriate mutual-aid agreement. In Texas, for example, although a peace officer has broad authority to make on-view arrests statewide in certain circumstances, a county officer has little authority to investigate crimes or make traffic stops for violations of the rules of the road outside the officer's home county.⁵ With a mutual-aid agreement, however, two or more counties may authorize their respective deputy sheriffs to investigate and enforce the law in all of the member counties.⁶

In addition to extending jurisdiction, the NTXCIU's agreement set up the cooperative effort with a high degree of flexibility. There isn't a single unit or chain of command. The mutual-aid agreement allows deputies from any two or more members to coordinate and carry out a specific joint effort. For example, Collin County's interdiction lieutenant can call his counterpart in Rockwall County and they can agree to meet next Wednesday morning and work a stretch of U.S. 75 or I-30 in either county. At the same

time, another pair of deputies can be doing the same thing on I-20 in Parker County. Less often, larger groups of deputies work together as well.

Deputies from the host county—where a particular operation, arrest, or seizure occurs—are usually responsible for taking custody of arrestees or seized vehicles or property. The host county also dispatches for an operation. Every deputy is obligated to comply with his or her own office's policies—as well as the host county's policies—especially those that deal with vehicle stops, searches, arrests, and the use of force. Each county retains primary financial and other responsibility for its own deputies, employees, vehicles, and other property.

The NTXCIU's mutual-aid agreement also addresses radio interoperability, federal detainer requests, forfeiture cases, citations in lieu of arrest, video and audio recordings, press releases and social media, and record keeping.

Key Interdiction Technology: Automated License Plate Readers

An automated license plate reader (ALPR) uses high-speed cameras and software to take pictures of license plates and convert them into data. The most important data in a set from a single ALPR read consists of (1) the license plate's numbers and letters, (2) the plate's geographic location, and (3) the date and time of the reading. Some reads include photographs of drivers or occupants.

ALPRs are mounted inside police vehicles or on fixed locations, such as traffic lights, bridges, toll booths, or mounts on the side of the road.

The basic information generated by ALPRs doesn't identify particular individuals. Additional steps are necessary to match license-plate-registration information with a particular ALPR reading.

The President should direct the U.S. Department of Justice to establish a central, national database for data that meets specified standards—chiefly for the protection of privacy in the gathering of, storage, use, and access to, data—for use by law enforcement (law-enforcement ALPR data).

First, ALPR data can help ongoing investigations. For example, officers can cross reference ALPR data with information in Amber alerts for missing or abducted children or other missing-person alerts.

Second, a national database for LE ALPR data would bring to the hundreds of agencies the advantages of a centralized clearinghouse: (1) uniform standards for the inclusion of data, (2) uniform policies for access to, maintenance of, and use or dissemination of data, (3) standards for data or cyber security, such as CJIS compliance, (4) a single location for high-quality data (thus, reducing the need to check multiple vendor databases), and (5) a platform for officers to communicate about their interdiction operations and investigations.

Third, I also recommend a rule that requires a law-enforcement agency to upload all of its LE ALPR data into the database in exchange for membership in, and access to, the national database.

Privacy and Policies: Critics are concerned about violations of privacy and civil rights.⁷ But federal and state officials have assessed the privacy impact of ALPR technology at different times,⁸ and they should continue to do so as the technology and law develop.

Carpenter v. United States, 138 S. Ct. 2206 (2018), will arguably affect the use of ALPR data. The U.S. Supreme Court held that the FBI needs a search warrant supported by probable cause to access seven days' or more worth of an individual's cell-site location information (CSLI). To be clear, the gov't's obtaining *fewer* than seven days' of CSLI might also be a search, but the Court declined to reach this question in footnote 3. An order under the Stored Communications Act, 18 U.S.C. § 2703(d), is insufficient. The Court highlighted the fact that CSLI technology allowed the government to get a comprehensive, encyclopedic chronology of an individual's physical movements and locations for up to five years (under carriers' data-retention policies). The majority said that individuals have a "reasonable expectation of privacy in the whole of [their] physical movements."

At the least, *Carpenter* adds to the conversation about the use of ALPR data and the right kinds of policies to govern ALPR-data use—especially if a national system of ALPRs grows that is capable of more completely documenting a license plate's movements. As examples, some differences between LE ALPR data and CSLI include:

- In contrast to basic cell-phone use, the act of driving in public is *less* private. The law has long required vehicles to be registered; vehicles to display plates (for precisely the purpose of identifying the vehicle on public roads); the drivers to be tested, licensed, and insured; and the act of driving on public roads is public by nature.
- Raw ALPR data is about license plates, geographic location, and time and date of a scan or reading. Additional steps are necessary for this data to link to a vehicle's registration and, thus, a person's name and address. Policy can address when to allow these additional steps.
- In *Carpenter*, the cell carriers kept CSLI for up to five years. ALPR policy can cut this time to something much shorter, like 90 days, and set privacy-sensitive exceptions for LE agencies to hold data for longer than 90 days. Short retention times would substantially limit the comprehensiveness of the picture of a persons' movements that could be assembled from ALPR data.

🌀 Endnotes:

¹ See NCTCOG, 2019 Population Estimates (Apr. 2019), <https://rdc.dfwmaps.com/pdfs/2019%20NCTCOG%20Population%20Estimates%20Publication.pdf>.

² See Texas Constitution, art. 5, § 23; Texas Local Gov't Code, Chapter 85, § 351.041; Texas Code of Criminal Procedure, esp. arts. 2.13, 2.17, 2.18, 2.20, 16.21, and Chapters 14-16.

³ See Nat'l Drug Intel. Ctr., Drug Transportation Corridors (Jan. 2006) (visited Apr. 6, 2020), <https://www.justice.gov/archive/ndic/pubs11/18862/transport.htm>. In June 2012, the Center ceased operations and the DEA assumed some of its key responsibilities. See U.S. DOJ, Nat'l Drug Intel. Ctr. (no longer maintained) (visited Apr. 16, 2020), <https://www.justice.gov/archive/ndic/>.

⁴ See Texas Dept. of Public Safety, Press Release, "DPS Interdiction for the Protection of Children program trains record 10,000 people" (Nov. 28, 2019), https://www.dps.texas.gov/director_staff/media_and_communications/pr/2019/1108a.

⁵ In Texas, a deputy sheriff is a peace officer. *See* Texas Code of Criminal Procedure, art. 2.12. And although a peace officer has broad authority to make on-view arrests statewide for certain on-view felonies or other crimes, *see, e.g., id.* arts. 14.01, 14.03, a county officer has virtually no authority to investigate crimes or make traffic stops for violations of the rules of the road outside the officer's home county, *see, e.g., id.* art. 14.03(g); *Thomas v. State*, 864 S.W.2d 193 (Tex. App.—Texarkana 1993, pet. ref'd); Texas Att'y Gen. Op. No. GA-0349 (2005); Tex. Att'y Gen. Op. No. JC-0530 (2002); Tex. Att'y Gen. Op. No. JC-0263 (2000).

⁶ *See* Texas Local Gov't Code, §§ 362.002–362.003. In 2019, the 86th Texas Legislature passed H.B. 1789 and strengthened the ability of counties to help one another with mutual aid. *See* Tex. Sen. Research Ctr., 86R2019 MP-F, Bill Analysis, HB 1789 (May 11, 2019), <https://capitol.texas.gov/tlodocs/86R/analysis/pdf/HB01789E.pdf#navpanes=0>.

⁷ *E.g.*, Vasudha Talla, Staff Att'y, ACLU, “Documents Reveal ICE Using Driver Location Data from Local Police for Deportations,” ACLU.org/blog (Mar. 13, 2019), <https://www.aclu.org/blog/immigrants-rights/ice-and-border-patrol-abuses/documents-reveal-ice-using-driver-location-data>.

⁸ The IACP studied ALPR use in 2012 for DOJ. *See* IACP, Automated License Plate Recognition Systems: Policy and Operational Guidance for Law Enforcement (Sept. 2012), <https://www.ncjrs.gov/pdffiles1/nij/grants/239604.pdf>. DHS conducted privacy impact assessments related to ICE's use of ALPR data from a commercial vendor in 2015 and 2017. *See* DHS, Privacy Impact Assessment Update for the Acquisition and Use of License Plate Reader (LPR) Data from a Commercial Service, DHS/ICE/PIA-039(a) (Dec. 27, 2017), <https://www.dhs.gov/sites/default/files/publications/privacy-pia-ice-lpr-january2018.pdf>. And the Texas Dept. of Public Safety assessed the technology's impact in 2014. *See* Texas DPS, Privacy Impact Assessment for DPS Collection, Storage, Management, and Use of Automated License Plate Reader Data (Sept. 2014), https://www.dps.texas.gov/administration/crime_records/pages/LPRPIA.pdf; *see also* Texas DPS, Crime Records Services, License Plate Reader (LPR) User Agreement (visited Apr. 6, 2020), https://www.dps.texas.gov/administration/crime_records/pages/LPRMOU.pdf.

Chief Steve Anderson

Metropolitan Nashville Police Department



Chief Steve Anderson is a 43-year veteran of the Metropolitan Nashville Police Department. His experience in the Patrol and Planning & Research Divisions served him well in his role as an Administrative Assistant to former Chiefs of Police Joe Casey, Robert Kirchner and Emmett Turner. Prior to Mayor Karl Dean appointing him Chief in 2010, Anderson headed, at separate times, the Administrative Services Bureau, the Investigative Services Bureau and, most recently, the Field Operations Bureau. In prior years he served as the law instructor at the MNPD Training Academy and provided on site legal advice to the SWAT Team and other department components during critical incidents and mass gatherings.

Anderson is a graduate of Peabody High School in Trenton, Tennessee, Belmont University (Bachelor of Science Degree), and the Nashville School of Law (Doctor of Jurisprudence Degree). He is a member of the Nashville and Tennessee Bar Associations and is licensed to practice law in the local, state and federal courts. Prior to joining the Metropolitan Nashville Police Department, he served in the United States Air Force and was employed by the White County, Tennessee Sheriff's Office.

Chief Anderson is known to seek and carefully consider input from his staff before making decisions that impact the operations of the police department. He also empowers his deputy chiefs, precinct and component commanders to work with community leaders in the development and implementation of strategies specific to their particular areas.

PROLOGUE: 40TH and Clifton, Community Engagement Crime Reduction Initiative

The power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behavior, and on their ability to secure and maintain public respect. Sir Robert Peel

The neighborhood in the area of 40th Avenue North and Clifton Avenue in Northwest Nashville had long been a “hot spot” for criminal activity. Repeated attempts to make crime reduction inroads into that neighborhood were futile. In 2018, West Precinct Commander Marlene Pardue, working closely with Team Leader Bob Hass, from the Department of Justice sponsored Public Safety Partnership, formed a Community Engagement Team assigned to that neighborhood. Upon her retirement, new Commander, David Corman, assumed that leadership role. Sergeant Jason Picanzo is the Engagement Team leader.

This initiative has been a huge success as measured on two planes. One, the continued cooperation of the citizens in the neighborhood in reporting criminal activity and in coming forward to give evidential information on specific criminal acts. This is documented below. Citizen accounts of criminal activity have transitioned from “it was ‘Some Dude’” to providing specific information as to the identity of perpetrators and to the location where evidence could be found.

Two, the vast improvement in the quality of life they are now experiencing. While being able to have a neighborhood cookout in a back yard, sitting on the front porch or being able to walk safely to the corner store is not a right guaranteed by the Constitution, these are basic human rights that is our responsibility to provide. This is now a neighborhood that can safely enjoy these activities

These successes are well documented below. The referenced youtube video is especially compelling.

It is very important to take into account that these successes come at a cost and must be carefully planned. Each of the following factors must be taken into consideration by management in planning such an initiative:

- An initiative such as this is very resource intensive and there must be a commitment to absorb the cost of the resources.
- Personnel selected for this type of initiative must have the right demeanor and must clearly understand the mission and stay true to the mission.
- Participating officers must recognize that crime in the community is not necessarily imputed to members of the community.
- Persons engaged in criminal activity in neighborhoods such as this are, for the most part, interlopers who we are displacing to commit crimes in other locations.
- In any major city, there will be other “hot spot” neighborhoods that need the same attention.
- It must be understood that significant resources must be expended to impact a relatively small area (the 40th and Clifton neighborhood is approximately one half square mile.)
- It must be understood and acknowledged that initiatives such as this will not produce the Compstat numbers traditionally utilized to gauge success.

If we plan to invest in the community, we have to be willing to invest in the community. The redundancy of this statement should serve to emphasize the point that, as in any endeavor, a half-

hearted attempt, or an investment in name only, will yield no success. Unless the support and dedication of resources is “all in” there will be no quality of life improvements for the neighborhood.

The Commission will soon have the opportunity to be the voice for neighborhoods such as this all across the nation. We urge you to use that bully pulpit to encourage federal, state and local officials to give great consideration to devoting sufficient resources to make transitional improvements such as this, one neighborhood at a time, all across America.

As this initiative matured we found that law enforcement became more than the agency that address criminal behavior. Law enforcement became the catalyst that bound together the other government agencies and the nonprofits to provide a concerted service to this neighborhood. The next step would be to bring the business world into this neighborhood to offer employment opportunities. A neighborhood that is a safe environment, with ample employment, is a neighborhood that can sustain itself.

Steve Anderson, Chief of Police
Metropolitan Nashville Police Department

Topic: Violent Crime Reduction Through Community Engagement: The 40th and Clifton Initiative

Nashville is a large, fast growing metropolitan area located in Middle Tennessee. Approximately 670,000 people live within the 533 square miles that make up Metropolitan Nashville/Davidson County. On any given day, the actual population could reach well over one million people due to commuters from the surrounding area who work in Nashville, and the large number of tourists who visit Music City, USA throughout the year. Due to its vast network of interstate highways and airports, Nashville is often referred to as the “Gateway to the South.” Such access lends itself to an ever growing and vastly diverse mixture of cultures and community issues.

The Metropolitan Nashville Police Department (MNPd) takes pride in its community policing initiatives and continues to pledge its devotion to building community partnerships and trust throughout its richly diverse population. Community policing concepts are truly integrated into every aspect of the department’s mission of crime prevention and public service. The goal of the Metropolitan Government of Nashville and Davidson County is to provide the public with the most effective and efficient police services so that people within the Metropolitan Nashville and Davidson County area can experience a safe and peaceful community.

The MNPd engages with over 600 community and business groups and over 111 community outreach and engagement programs. One in particular speaks directly to the topic of violent crime reduction and has, to date, resulted in outstanding results in both the building of community partnerships and trust and the realization of a dramatic violent crime reduction. The initiative known as, “The 40th and Clifton Community Engagement Program”, is worthy of recommendation to the Commission for replication in like communities across the nation.

MNPd’s West Precinct began its community engagement efforts at the start of the year in 2018. It began by working with the Department of Justice’s Public Safety Partnership. The goal was to focus on Collective Efficacy through community engagement. Collective Efficacy is the practice of all stakeholders within a community (residents, property owners/managers, businesses, faith organizations, government, etc.) working together to improve a community. In short, a collective effort that sought solutions from many different perspectives.

The 40th Ave N. and Clifton Ave. area in the West Precinct was chosen as the best area of focus for the beginning of the initiative. This was an area that historically had been an area known for high crime rates, the majority of which were violent in nature. For many years this area was policed utilizing more traditional approaches; bringing officers into the area and having them focus on proactivity (traffic stops, blue lights, arrests, etc.). This community engagement initiative sought to police the area utilizing the lessons learned throughout the MNPD's many years of community policing and outreach philosophies, engagement, relationships, and building trust instead of targeted enforcement.

From the beginning the importance of selecting the right engagement team was clearly noted. While community policing concepts are taught, accepted and practiced throughout the agency, this initiative called for taking those concepts to a higher level. Officers assigned to this initiative knew they had to build real and meaningful relationships with all the stakeholders within the engagement zone. A key concept in community policing is "giving someone a positive experience with an officer". The goal for the officers on this team was to not just have a positive experience but have an actual meaningful relationship.

Sgt. Picanzo, a supervisor with a background as a School Resource Officer, was chosen to head the team. He noted that during his work in schools, he learned that if he developed a close relationship with the students, he would not have search for issues in the school. Because of the relationships he built, the kids would come running to tell him what was happening, often before it even occurred. As the leader of the newly formed Community Engagement Team, that same philosophy was utilized as the model for this initiative.

The team started with a simple yet powerful universal concept--a concept that became the catalyst for the entire initiative. The team called it "breaking bread". The team would bring coffee and donuts to an alley where most of the residents would hang out and use that as a time to talk to and get to know them. It was important to get to know the residents as people, and likewise, the residents needed to see the team as people first, and police second.

As with any new initiative in a high crime community, where the residents have little trust in the intentions of local law enforcement, they were very hesitant at first. This area was no exception. At first, only 2 to 3 people would venture out to grab a donut and talk with the team. But after many weeks the group of residents that chose to participate and "break bread" grew to 10-15 people.

It was a time intensive phase of the initiative, but a critical one wherein relationships were built. This continued for many months, and the more residents participated, the more personal and deeper the conversations became. Through these conversations, the team learned of personal struggles that the residents were going through such as financial, health, and lack of nutritional food, just to name a few.

In one instance, a gentleman that the officers were talking to over donuts, mentioned that he had been sleeping on the floor on a pallet of blankets for over 7 years. This gentleman was in his 70's and could not afford his own bed. The team worked with another of MNPD's existing community outreach programs, the FOP CPR program, to purchase a bed and linens for him.

The team saw the positive effects of assisting to meet the residents' needs so they began to assist in other needs to include: purchasing clothing for children, assistance for groceries, assistance with gas for some vehicles, locate needed furniture to include couches and beds, and assisting residents to register with nonprofits to help with rent and utilities.

The team sought to assist the community with other needs and expand its engagement activities. In doing so, the team members became part of the community, not just someone that worked in the community. The team's engagement efforts included, but are not limited to:

- The team put together a 6-week summer program for neighborhood kids. Once a week the team took the kids to the Zoo, Zip Lining, and a military base.
- The team partnered with the FOP to put together a community-wide cookout.
- Delivered Thanksgiving meals.

After continuing the practice of meeting the needs of the residents and spending time with them building relationships for months, the team knew they had made some progress. One incident in particular, a violent gun related crime, demonstrated just how successful the team had been in establishing the trust of the residents in the community.

A male victim was shot in the leg. Patrol officers not specifically assigned to the team responded. Those responding officers began the investigation. While they did not receive the usual complete “stonewall” response, no one was providing any information about the crime, victim or suspect. A patrol officer indicated on the air that they could not get any information at the scene. As soon as the victim had been attended by medical officials, Sgt. Picanzo sent his team to the scene. Immediately, the same residents that would not speak to the patrol officers told team members who shot the victim, where the shooting took place, what the shooting was about, and where the weapon could be located.

At that critical point, the team knew they had accomplished something special, and became determined to build on it. It was the result the team had originally sought to replicate from Sgt. Picanzo’s experience as a School Resource Officer; build the appropriate trust and the citizens could empower themselves to work with the police to address crime in their community.

Clearly the team had built a solid relationship with the residents. It was time to actively seek their assistance to address the main crime issues in the engagement zone. Specifically, the team sought to address the issues that resulted in the community’s level of sustained violent crime. The key word is ‘sustained’. The team needed to abandon the tactics that were historically ineffective and seek help from the residents to provide direction.

The residents came through. They advised the team exactly where to be and on who and what to focus their attention. When the team showed up, they found everything the residents reported both accurate and useful. This allowed the team to be more efficient, and ultimately more successful, in addressing crimes in the engagement zone.

Since the start of the community engagement initiative in the 40th and Clifton area, overall crime has decreased **40%**. There has also been a reduction in violent crime of **40%**.

A reduction of this magnitude indicates not only a significant reduction in crime, but also a significant reduction in victims. The true success of the initiative became clear to law enforcement and the community alike.

This initiative has transformed a neighborhood that was historically known as a very dangerous community, into a safe and comfortable place to live. This last fall, residents who lived in the engagement zone for decades told officers how nice it was to finally have kids trick or treating in the neighborhood. Others mentioned they could have cookouts with friends and families for the first time. One resident spoke about how she was never able to have her grandkids visit her at her home, but now she is able to do so. These are powerful testimonies.

The statistical data itself speaks to the success of the initiative, However, the fact that the residents FEEL safe carries even greater significance, especially when they can express those feelings in their own words. In the fall of last year, a short video was produced to highlight the program and its success. At that time the initiative had been active in the community for 19 months. It was a simple concept; let the residents describe in their own words how life has

changed in this community. In the video, residents of the community were asked 4 simple questions:

1. Describe the neighborhood before community engagement.
2. How was the relationship with the police before community engagement?
3. Describe the relationship with the police in the present time?
4. What is the neighborhood like today?

The video can be accessed on YouTube at the following URL:

<https://www.youtube.com/watch?v=ojCokrWoRUU>

The relationship with the police and community has improved significantly. When the team began the initiative, this neighborhood was not immune to strained police relations. But now, there is a strong alliance and trust built between the police and the residents. It has been that cornerstone upon which the successes in crime reduction and quality of life have been built.

Sgt. Picanzo, the team leader, pointed out the following:

“A simple example as to how close these officers and the residents have become is when one of the residents went out of town for a weekend, they actually asked if the officer could dog sit for them over the weekend. This is something very simple but yet significant in that it shows the deep kinship these residents have with these officers and shows that these officers do not just work in this community but have become an important part of the community”.

Critical elements for success include:

- The importance of picking the right personnel. It requires officers that are willing to get out of their car and engage the community. Officers who see the merit in this style of policing.
- It is critical to have support from the chain of command. There is no way our team or the 40th and Clifton neighborhood could have been as successful without the full support from the entire chain of command.
- Sustainability is extremely important. Teams must be able to stay in an area for the long term. Sustainability is the key to significant successes.
- The work could not have been completed without funding for charitable needs within the community. Being able to meet the needs of the residents is what helped build the strong relationships. Teams need to be able to access funding to meet similar needs.

We would highly recommend law enforcement agencies across the country evaluate and consider this type of initiative for crime reduction and community engagement.

The above descriptive analysis provided by Lieutenant Jim Stephens, MNPD Strategic Development Division

Chief J. Scott Thomson (retired)

Camden County Police Department



Chief J. Scott Thomson (ret.) began his law enforcement career in 1992. His 27 years of service in policing were capped with the last 11 years (2008-2019) as the Chief of Police for the city and then county of Camden, NJ. From 2015 to 2019, he was the elected President of the Police Executive Research Forum.

Upon retirement from policing on September 1, 2019, Chief Thomson (ret.) joined Holtec International as the Executive Director of Global Security. His responsibilities are inclusive of the nuclear fleet security, corporate security, and cybersecurity. Holtec International is a world leader in the nuclear and energy industry with operations and facilities in 20 countries, on 5 continents, including an expanding fleet of U.S. nuclear power plants. In January of 2020, Chief Thomson (ret.) was additionally appointed as Chief Corporate Governance Officer for the company.

In May of 2013, Chief Thomson (ret.) created and implemented a new law enforcement organization, the Camden County Police Department, with the abolishment of the Camden City Police Department. It was a first of its kind endeavor in modern American policing.

This new organization significantly reduced crime in one of the nation's most challenged cities by leveraging technology and changing the organizational culture to an innovative guardianship ethos rooted in community policing. Homicides have been decreased by -72% and violent crime - 39%. These reductions have been sustained with a trajectory that now annually continues to build upon half-century lows.

The transformation has resulted in Camden, which was perennially ranked as the "Nation's Most Dangerous City", to be a safer urban city. This has facilitated the investment of \$3.5 billion in business development in Camden and the city's upward trajectory continues.

Chief Thomson has provided testimony for the President's Task Force Report on 21st Century Policing on using community policing to reduce crime. Chief Thomson sat on the Board of Advisors for the New York University School of Law's Center on the Administration of Criminal Law, The American Law Institute's Principles of the Law. He is the Co-Chair of The Policing Project at New York University Law School, an Executive Fellow for the Police Foundation in Washington, D.C., and a founding member of the Harvard University Law Enforcement Summit Executive Leadership Group.

Chief Thomson (ret.) is the Past President of the Police Executive Research Forum.

Testimony of:

Chief J. Scott Thomson (ret.),

- Camden City Police Department (1994-2013), Camden County Police Department, NJ (2013-2019)
- Past President Police Executive Research Forum (2019-Present)
- Executive Directive of Global Security and Chief Corporate Governance Officer for Holtec International (2019-Present)

Chairman Phil Keith, Vice Chair Katharine Sullivan, Executive Director Dean Kueter and the distinguished commissioners of the President's Commission on Law Enforcement and the Administration of Justice, I am extremely humbled and honored for the invitation to provide testimony on **Reduction of Crime** in our great country.

Sociologist Joel Kotkin researched a central thesis that throughout history great cities have had three characteristics in common. They were busy, they were sacred, and they were safe. As practitioners of public safety, we empirically know that of these three, safety is the bedrock upon which all other pillars are built.

I will share with this commission my firsthand experiences as both a former local police chief in a city once labelled as the "nation's most dangerous" and the president of a national policing organization.

For decades, Camden, NJ had the dubious distinction of having the highest rates in the nation for crime, poverty, and single parent households. In 2012, this city of 77,000 people, that is 96% minority with a per capita income of less than \$13,000 per year, had 67 murders. This is a rate of 87 per 100k or 18 times higher than the national average. For context, that year Honduras had the highest murder rate of any country in the world with 86 per 100k. Statistically speaking, Camden, NJ was arguably one of the most challenged cities in the United States of America. Although the issues that vexed this city are extreme, they are not unique.

On May 1, 2013, bold leaders from the city, county and state had the moral imperative to create a new police organization and abolish the existing department. A first of its kind endeavor in modern American policing. But with this tremendous logistical challenge came incredible opportunity to take a newer approach at a half century old problem. Some forecasted the social problems which drove violence were too deeply rooted and intractable for

the police to have a measurable impact on crime. But oftentimes basic solutions are the most effective remedies to complex issues. The highest order of government is the safety of its people, and failure was not an option.

Predicated upon the fact that in a democracy, our authority to enforce the law is contingent upon the consent of the people, we knew that any effective and sustainable public safety paradigm would begin and end with the community. We must capture their hearts and minds and empower them to reclaim their neighborhoods in a way that avoided the failed policy of militarizing streets, which polarized communities through heavy enforcement and arrest. Community Policing enhanced with technology, strengthened with state and federal partnerships, would be architecture of our public safety plan.

Community Policing cannot be a program, unit, strategy or tactic. It must be the core principle which lies at the foundation of a police department's culture. We developed the creed of "Service before Self" and incorporated it into the sworn oath of office for every single member. Community policing was not an option, it's an affirmative obligation.

The only way to significantly reduce fear, crime and disorder and then sustain these gains is to leverage the greatest force multiplier; the people of the community themselves. When police empower neighbors to feel safe enough to leave their homes, communities begin to hit tipping points in public safety as there are now far more good people than troublemakers on the streets. The opportunity for flagrant crimes to be committed is now greatly diminished and quality of life is enhanced.

So how do police get people to take that leap of faith and venture onto their front steps or walk down their streets where criminals seemingly operate with a sense of impunity? The answer in a single word is, TRUST. The public must TRUST its police. They must TRUST that we are guardians that watchfully protect people, while actively facilitating the cohesion necessary to build communities. Police cannot afford to operate after-the-fact, attempting to solve crime by seeking "just the facts". This trust is communicated through our actions, not our words. The only way trust is gained and built upon is through constant positive human contact. Classroom training for cultural sensitivity is valuable as a starting point, but understanding and empathy of another is experientially learned and it's a two-way street.

Police interactions with the people of the community cannot only be limited to 911 emergency calls or during an investigation for an infraction of the law. This must not be the lens through which we view and experience each other. **Police executives must facilitate the opportunity for frequent positive interactions with people of the community, absent moments of crisis or enforcement.** Police bear the burden of outreach. Our contact must be consistent with concern, yet respectful and knowledgeable to people's right to ignore or decline interaction to non-investigatory dialogue. American cities will never be made safer through police tactics akin to militarization.

As little as 5 years ago, Camden had over 175 flagrant open-air drug markets within its nine square miles. Historically, we would attempt to arrest our way through this problem; ultimately causing more harm than repair and never achieving our objective. But once we embraced a community policing culture, we prevented drug dealing through walking beats and bicycle patrols. Soon parents let children play in front of their houses. Corners that once held narcotic buyers and sellers are now home to pickup games of street ball, foot races, and pushup competitions between the neighborhood cop and the kids. The community is safer through less incarceration. **Police must utilize a holistic approach to reducing crime that embraces the Hippocratic Oath of 'first do no harm'.**

Obtaining trust is an evolutionary, not instantaneous, process. When police are immersed with the community having constant dialogue and communication, we quickly learn of the issues that matter most to them, the problems that have been negatively defining their lives for years and can address them in a meaningful way. The result of this is an enhanced quality of life for the community through consented law enforcement activity. **Police must enforce the law *with* the people and not unilaterally *upon* them.** This cannot be performed with a "zero-tolerance" mentality, nor ignoring the tenets of procedural justice and legitimacy. The community with whom we interact with are deserving of being treated with respect and dignity. Officers must be routinely trained and made aware of traditional tactics that, albeit lawful, aggravate and polarize community relations. Just because we can, doesn't always mean we should. **Procedural justice and police legitimacy should be integrated in the core curriculum at all police training academies and departmental in-service trainings.** With

the greater amounts of meaningful engagements, we saw our ability to solve homicides go from 16% to 61%.

When police chiefs must rapidly address escalating violent crime, we must do so with a laser like focus on the criminals responsible and not broadly upon the community in which the crimes are occurring. **Law enforcement must smartly transition from “Hot Spots” to “Hot People”.** In laymen's terms, *we must fish with a spear and not a net.* The importance of this cannot be overstated and is central to most of the contention between minority communities and the police. Residents of minority communities, just like anyone else, wish for the violent perpetrator to be removed from the same streets they must walk. Yet, after an incident of violence, frustrations run high bracing for the "protection" and heavy-handed enforcement tactics that will soon sweep through their neighborhoods. The irony of police re-victimization polarizes the people we are trying to protect and who we need to help us solve/stop the violence, while creating the concoction of a flash point. This is truly where partnership with federal agencies has its greatest value. Their ability and resources to orchestrate sophisticated investigations to target the most violent offenders is something police chiefs and the community value greatly. This is the core mission of the federal government's Project Safe Neighborhoods, and I can attest as a first-hand witness, it has saved lives. This was accomplished not just by coalescing federal law enforcement resources but also by building the local department's internal capacity through training and technical assistance delivered by the COPS Office, BJA, CNA, and IIR.

Evidence-based research, training, technology and intelligence has better educated and prepared today's police leaders than our predecessors. **Police must continue to evaluate their efforts and pivot from ineffective and damaging tactics to strategies that are working.** Anything less is a malpractice of policing. If everyone is thinking the same, then no one is thinking. Tremendous value is gleaned when practitioners and researchers collaborate from institutions like NIJ, BJA, the NYU Policing Project, Arnold Ventures, or the University of Pennsylvania's Greg Ridgeway, just to name a few from my experiences.

Although there is still much more work to be done, the progress thus far in Camden has been extremely promising. Since 2012, murders have been reduced by 67%, shootings by 66%

and total violent crime by 42%. But more important than crime statistics is the enhanced sense of safety claimed by our residents, business owners and visitors. The change is visceral. Most notable is a recent follow-up survey of middle school students who had initially reported that eight out of 10 did *not* feel safe walking to and from school. We shifted our walking and bicycle guardians to greet and engage the students while securing these corridors for safe passage. Today, more than 62% reported feeling safe. Promising progress but still much room left for improvement. Without question, this enabled children to better learn. Not coincidentally, test scores have increased as well. A rising tide lifts all boats. **Police must be cognizant of the potentially far reaching impact; positive and negative, intended and unintended, by our actions or inactions.**

The combination of enhanced safety and improving schools attracted more than \$3 billion dollars of private business investments and jobs into Camden, NJ. Camden is now headquarters to internationally renowned companies such as Subaru, the Philadelphia 76ers, American Water, and my new employer and global nuclear leader Holtec International. Nothing stops a bullet like a job, and nothing ensures a job like an education. This best summarizes the confluence of enhanced safety, better schools, and growing economic opportunity.

Finally, the keystone to community policing is the interaction between individuals: the officer and community member. Placing a badge upon one's chest does not inoculate them from the human conditions of bias, anger, vice, etc. **Officers must be better trained and equipped to handle the increasingly challenging situations they face on a daily basis.** Through training and supervision, we can frequently calibrate officers interpersonal and de-escalation skills so that situations better conclude safely for all parties.

Finally, it is critically important that police organizations do not solely measure their effectiveness by traditional outputs such as the Uniformed Crime Reports, arrests, tickets issued or individuals detained. I have learned that people measure safety by their ability to enjoy their front steps, walk to the corner store for a gallon of milk or allow their children to ride their bikes around the front of their home.

Thank you for this opportunity to contribute to the noblest of vocations.

U.S. DEPARTMENT OF JUSTICE

President's Commission on Law Enforcement and the Administration of Justice

Wednesday, April 8, 2020

Thomas Chittum

Assistant Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives



Tom was appointed Assistant Director of Field Operations in October 2019, and is responsible for ATF's investigative, law enforcement, and regulatory field operations nationwide. He was previously Deputy Assistant Director, Field Operations – Western Region, and oversaw the Dallas, Houston, Denver, Phoenix, Los Angeles, San Francisco, and Seattle Field Divisions. He was the Special Agent in Charge of the Washington Field Division from October 2017 to January 2019. In that position, he oversaw ATF's law enforcement and regulatory operations in the District of Columbia, Commonwealth of Virginia, and eastern

panhandle of West Virginia.

Tom's previous supervisory assignments include Chief, Special Operations Division; Assistant Special Agent in Charge, Seattle Field Division; Special Agent in Charge, Internal Affairs Division; Chief of Staff, Office of Professional Responsibility and Security Operations; Chief, Frontline Branch; and Resident Agent in Charge, Las Vegas Field Office.

Tom's career in law enforcement began in his home state of West Virginia in 1997 as a special agent with the Internal Revenue Service's Criminal Investigations Division. He joined ATF in the Miami Field Division in 1999. He transferred to the Louisville Field Division, London (Kentucky) Satellite Office in 2002 and worked there until 2008. He was a member of the Enhanced Undercover Program from 2006 to 2008. From 2005 to 2012, he regularly testified as an expert on the interstate nexus of firearms and how firearms facilitate the illegal drug trade.

Tom has a BA in Criminal Justice from Marshall University in Huntington, West Virginia; an MS in Criminal Justice from Eastern Kentucky University in Richmond, Kentucky; and a JD from the University of Nevada-Las Vegas. He is an attorney, licensed in Virginia, West Virginia, and Kentucky. He lives with his wife and three children in Virginia.



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Assistant Director

Written Testimony of Special Agent Thomas L. Chittum, III
Assistant Director of Field Operations
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
For the Presidential Commission on Law Enforcement and the Administration of Justice

It is my distinct honor and privilege to testify before you today. My name is Tom Chittum and I serve as Assistant Director of Field Operations for the Bureau of Alcohol, Tobacco, Firearms and Explosives. For more than 20 years, I have worked alongside the men and women of ATF to keep guns out of the hands of dangerous criminals. My testimony today will explain some of the ways criminals arm themselves, including the emerging threat posed by *privately made firearms*—what many call “ghost guns”—and what law enforcement and prosecutors can do about it. First, it is necessary to understand some things about federal firearms law.

The Law

Congress passed the *Gun Control Act of 1968*, or *GCA*, in response to rising violent crime rates and the political assassinations of President John F. Kennedy, Dr. Martin Luther King Jr., and Senator Robert F. Kennedy. The GCA expanded interstate commerce controls over common firearms, like pistols, revolvers, shotguns and rifles. It requires those “engaged in the business” of manufacturing or dealing in firearms to be licensed by ATF (known as Federal Firearms Licensees, or FFLs). Licensed manufacturers are required to mark firearms with serial numbers and other identifying information and all FFLs must keep records of the transfer of firearms.

The GCA also prohibits certain categories of persons—including convicted felons, qualifying domestic abusers, illegal drug users, fugitives, and others—from possessing any firearms. To help enforce those prohibitions and keep guns out of the hands of people who cannot legally possess them, Congress passed the *Brady Handgun Violence Prevention Act* in 1993. The *Brady Act* created the National Instant Criminal Background Check System (NICS), which is run by the Federal Bureau of Investigation (FBI), and requires FFLs to submit a potential buyer’s information to NICS before transferring a firearm. NICS searches available records and attempts to determine if the buyer is someone who is prohibited from receiving firearms.

Unlicensed Persons

Congress expressly passed the GCA to help law enforcement in the “fight against crime and violence” but added that it was not to “place any undue ...burdens on law-abiding citizens” who use firearms for lawful personal purposes. So, while the GCA requires *FFLs* to mark firearms they make with serial numbers and record sales, it does not impose those same requirements on *unlicensed persons*. An unlicensed person can privately sell a firearm and has no obligation to keep a record of the sale, or conduct a background check, or even know the identity of the buyer, as long as the person has no reason to believe the person is prohibited from receiving firearms.

Similarly, an unlicensed person can privately *make* a firearm and is under no obligation to place a serial number on it, nor register it, nor notify anyone of its existence. This is lawful as long as the person’s activities do not rise to the level that the person would be considered “engaged in

the business” of manufacturing or selling firearms. However, there is no bright line number to determine this. Rather, it is a fact-specific legal determination that can only be made through application of a number of factors. Indeed, it is a crime under the GCA to engage in the business of manufacturing or dealing in firearms without a license, though it requires proof of *willfulness*.

How Criminals Arm Themselves

The vast majority of firearms in America are in the hands of responsible, law-abiding adults, who use them for recreation or self-defense. Only a fraction of firearms will ever be used by a relatively few number of people to commit a violent crime and many of these people are already prohibited from possessing them. These criminals obtain their firearms in a variety of ways.

Firearms Traffickers – Many turn to what are commonly referred to as firearms traffickers. “Firearms trafficking,” however, is not a legal term; it is a law enforcement term. There is no federal “firearms trafficking” statute. Rather, people who move firearms from the legal market to the illegal market are prosecuted for underlying crimes, such as making false statements to FFLs, willfully dealing in firearms without a license, or knowingly transferring to a prohibited person.

Theft – Criminals steal firearms. Between 2012 and 2017, ATF documented the theft of **40,926** firearms from FFLs. These thefts occur many ways but often involve smash-and-grab burglaries. Federal law does not require FFLs to implement any particular security measures.

In this same period, however, over **1.8 million** firearms were estimated to be stolen from individual gun owners’ vehicles or residences, which were often left unlocked. These firearms pose a real threat not just to our communities but to law enforcement officers, as well. In 2019, six Alabama law enforcement officers were killed in the line of duty. Five of them were murdered with guns that had been stolen from private owners.

The Retail Market – FFLs are critical partners in promoting public safety because—among other things—they help keep firearms out of the hands of prohibited persons by running background checks and ensure crime guns can be traced to original purchasers by keeping records. Generally, people prohibited from possessing firearms do not attempt to purchase them directly from FFLs. When they do (in what is known as a “Lie-and-Try”), NICS background checks usually deny them. In 2018, NICS denied **99,252** transactions. However, in **4,240** of these cases, a firearm was transferred before NICS completed its check, but after the maximum three business days FFLs must wait for a NICS determination. These “delayed denials” trigger a retrieval by ATF.

More commonly, criminals defeat the controls placed on the licensed firearms dealers through the use of “straw purchasers.” In those cases, the actual buyer recruits a person with a “clean” background to complete the required paperwork, pass the NICS background check, and purchase the firearm on their behalf, thereby concealing the actual buyer’s identity.

The Private Market – Rather than risk getting arrested for theft, or creating a paper trail, or recruiting a straw purchaser, many criminals simply turn to private sellers, since unlicensed persons are not required to keep record of sales, or run background checks, or verify identities. These private sellers often advertise firearms for sale through social media, on Internet websites, in newspaper classified ads, or simply display them at gun shows, flea markets, and swap meets.

Privately Made Firearms. –With increasing frequency, criminals are making firearms themselves or buying them from someone who made them. Recall the GCA allows unlicensed persons to make a firearm and does not require them to place a serial number on it. Federal law does not

define what these “privately made firearms” should be called, which has led to a variety of monikers, including “ghost guns;” “homemade guns;” “self-made firearms;” “do-it-yourself” or “DIY guns;” “kit guns;” and others. While the phenomenon of privately made firearms is not new, until recently it was mostly the pursuit of hobbyists and firearms enthusiasts. It also required a certain level of skill and equipment, such as a milling or CNC machine. However, over the last several years, commercially manufactured “kits” have made it increasingly easy to complete and assemble a firearm at home with little time, effort or expertise.

Firearms Defined

The GCA regulates *firearms*, not firearm *parts* (except frames and receivers). A “firearm” is:

- (A) [a] weapon ... which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;” or
- (B) the frame or receiver of any such weapon....”

Under the GCA, a “frame or receiver”—which is itself legally a “firearm”—is the part that licensed firearms manufacturers must mark with a serial number for tracing purposes.

This sounds simple enough but determining whether an item meets one of the prongs of this definition—and therefore is a firearm subject to the GCA—requires a careful, case-by-case legal and technical analysis. ATF assesses, for instance, whether an item has certain holes or cavities that allow it to accept essential fire control parts, or whether it requires additional machining.

Determining the precise point at which an item has reached a sufficient stage of manufacture such that it goes beyond being an unregulated piece of metal or polymer, to being a firearm regulated under federal law does not lend itself to bright lines. This has given rise to terms such as “80% receivers” or “unfinished receivers,” which are not legal terms but illustrate the concept that, by stopping just short of where an item will be considered a “firearm” under the law, a person can avoid all of the regulations and prohibitions under the GCA.

Making a Firearm

Most people who make a firearm start with a “blank” that falls short of being an operable frame or receiver. Numerous companies now sell these items in “kits” and offer the materials, tools, and instructions necessary to “finish” the blank into a firearm frame or receiver. Some push legal boundaries and sell them with most or all of the parts necessary to make a completed firearm once some additional finishing is accomplished. Tutorials on how to finish a receiver and assemble completed firearms abound online. It can take less than one hour. The most common types of privately made firearms are AR-15 type rifles and semiautomatic pistols.

3D Printed Firearms

Although it is possible to make a firearm using a 3D-printer, 3D-printed firearms are, for the moment, not common and generally not durable. ATF has seen very few 3D-printed firearms actually used in crimes. Of course, that may well change as the technology becomes more affordable and widespread, and the materials used in the process are improved and strengthened.

The Issue

If an item is not a “firearm” under the GCA, it can be sold—even in large quantities—without the markings and paperwork requirements imposed on FFLs. A felon can easily obtain one

without a background check. They can even be ordered online and sent through the mail. Once completed, of course, a privately made firearm *is* a firearm, both under the GCA but also in fact. It can shoot and it can kill. Because they are not serialized and do not require recordkeeping, it is challenging for law enforcement to identify the source of these firearms when they are recovered in crimes. It also complicates federal prosecution, which relies on proof the firearm affected interstate commerce, typically determined by examining manufacturer markings. Some states have attempted to regulate privately made firearms, or kits to make them, with mixed results.

The Scope

There are no reliable national statistics on how many privately made firearms are used in crimes or recovered by police. This is true for several reasons, including the lack of serial numbers, no common definition or standardized reporting requirements, and frequent misidentification as commercially manufactured firearms. Even when police do correctly identify them, they often do not submit them to ATF for tracing because of the lack of a serial number.

However, using data from ATF investigations, our National Tracing Center, and submissions to the National Integrated Ballistic Information Network (NIBIN), coupled with verifiable information from several local jurisdictions, we do know a few things about them.

The issue of these firearms being used in crimes first rose to prominence in California and it continues to be most prominent there. However, they have proliferated and are now common in other metropolitan areas, including Washington, D.C., Baltimore, Philadelphia, and others. In fact, ATF has documented recoveries in 38 states, plus D.C., Puerto Rico and the Virgin Islands.

We know their use in crimes is increasing. The number of privately made firearms that ATF has seized in its criminal investigations has grown steadily since 2016. In Washington, D.C., only 3 were recovered in 2017, but 25 were recovered in 2018, and 116 in 2019. Similar growth has occurred in Philadelphia. While they still represent a small portion of total number of crime guns seized by police in these cities, the numbers are clearly increasing.

Since mid-2018, ATF has identified at least 1678 privately made firearms that were entered into NIBIN. In Fiscal Year 2019, 10.1% of the privately made firearms submitted to NIBIN were linked to shooting incidents. This is higher than the overall rate of 7.2% for commercially made firearms, suggesting they are being obtained specifically for criminal use.

ATF has also seen them serve as a source of supply for unlicensed dealers and other firearm traffickers, including some trafficking into Mexico, where they help fuel Cartel-related violence.

Examples

Not only have privately made firearms been used in an increasing number of crimes overall, they have also been used in headline-making crimes. For instance:

- In November 2017, a northern California man killed five people and injured 18 with AR15-type rifles he made himself.
- In August 2019, a California Highway Patrol Officer Andre Moye was murdered with a homemade AR15-type rifle in a dramatic shootout, and two fellow officers were injured.
- In November 2019, a 16-year old high school student in Santa Clarita, California used a homemade, unserialized .45-caliber pistol to kill two high school students and himself.

Recommendations

Law Enforcement

- Train police officers in basic firearms identification.
- Train police officers to interrogate armed criminals about the source of their firearms.
- Aggressively pursue investigations of illegal sources of crime guns and firearms traffickers.
- Work diligently to solve and prevent thefts of firearms.
- Promptly notify ATF of thefts from FFLs.
- Embrace the principles of *Crime Gun Intelligence*. This includes comprehensive firearms tracing and NIBIN submissions for all firearms, including privately made firearms. Recovery information provides useful analytical and statistical information, even when their source cannot be identified through tracing, and NIBIN can link and help solve shootings committed with privately made firearms.
- Find ways to accurately identify, measure, and report the use and recovery of all crime guns.

Prosecutors

- Aggressively prosecute not just the criminals who use or illegally possess firearms but also the traffickers, unlicensed dealers, straw purchasers, thieves and others who arm them.
- Where federal prosecution is not undertaken, use available state violations—such as “unsworn falsification”—to prosecute straw purchasers and people who “lie and try.”
- Use other state laws that can be used to prosecute firearms traffickers or people who transfer firearms to prohibited persons.
- Diligently report data to NICS to improve the efficacy of the background check system.

Outreach

- Educate private gun owners on how to protect themselves against theft and to keep personal records so they can accurately describe firearms to police when they are stolen.
- Engage in media outreach to publicize firearms trafficking prosecutions and deter people from trafficking firearms or transferring firearms to prohibited persons.
- Partner with organizations that have a mutual interest in protecting their communities from gun violence and may be willing to match rewards for information on firearm thefts and other trafficking offenses.
- Establish and maintain relationships with FFLs. They are a first line of defense against gun crime. Encourage them to adopt security best practices and report suspicious activity.

Partnerships

Finally, none of us can tackle violent gun crime alone. If you do not have one already, I encourage you to establish a strong working relationship with ATF. After working nearly half my life alongside them, I know that the men and women of ATF are some of the bravest, hardest working, most effective public servants on this planet.

Melissa W. Nelson

State Attorney, Florida's 4th Judicial Circuit



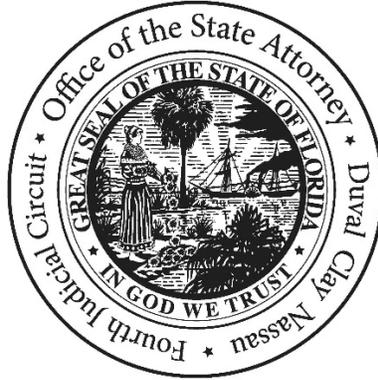
Melissa Nelson took office as the State Attorney for Florida's Fourth Judicial Circuit in January 2017. There, she leads 300 plus attorneys, staff, and investigators in their pursuit of justice.

In 1997, Nelson started her career as an Assistant State Attorney and for the next 12 years prosecuted cases ranging from misdemeanors to capital homicides. From 2009-2016, she worked at the international law firm of McGuireWoods.

Since taking office, Nelson has implemented many smart justice initiatives and spearheaded modern criminal justice reforms. She established Florida's first Conviction Integrity Review unit, developed a driver's license restoration program, convened the Juvenile Justice Advisory Committee aimed at reducing juvenile recidivism, and engaged the office in an academic research study focused on making data driven decisions. Each of these accomplishments reinforce her pledge to the citizens of Clay, Duval, and Nassau counties.

Nelson sits on various boards, both nationally and locally, including ATF's National Crime Gun Intelligence Governing Board, Florida's Cold Case Advisory Commission, Columbia University's Executive Session on the Future of Justice Policy, the Florida Supreme Court's Steering Committee on Problem-Solving Courts, and Jacksonville's Sulzbacher Center. She is also a fellow of the American College of Trial Lawyers.

Nelson earned both her undergraduate and law degrees with honors from the University of Florida. She and her husband, Jason, live in Jacksonville where they raise their three children



Melissa Williamson Nelson
State Attorney's Office for Florida's 4th Judicial Circuit
President's Commission on Law Enforcement and the
Administration of Justice Testimony: Reduction of Crime
April 8, 2020

WRITTEN STATEMENT

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THE PROBLEM

While the 4th Judicial Circuit of Florida suffers from the same violent crime problems that exist throughout the country, I will provide a flavor of our local challenges regarding violent gun crimes:

Homicides, aggravated assaults, and other instances of violence have persisted in Jacksonville, which is the largest city in Northeast Florida and makes up the vast majority of Duval County. Further, while the state of Florida experienced a 5% decline in murders from 2016 to 2017, Jacksonville homicides increased by nearly 3% over that same time period.¹ The burden of this violence is disproportionately felt by communities of color: our own data show that 66% of homicide victims are non-white. Last year witnessed 158 homicides in Jacksonville. To date in 2020, there have been 44 murders and over 115 shootings, and the city is on track to meet — if not exceed — last year’s figures. And just Monday, a 5-year-old girl was killed when caught in the crossfire of a gun battle over \$180 while sitting in the backseat of a car.

This high level of violence is often attributable to a small group of young adults and gang affiliates. The youth and young adults involved in gangs, sometimes referred to as “entertainment groups,” are responsible for a disproportionate amount of violent crime in Jacksonville. Gang members are typically young, minority men ages 16 to 24, but children as young as 12 years old are being recruited. Much of the violence between groups is believed to be the result of disrespect and retaliation. Violent confrontations often spawn from something as simple as an insult or derogatory comment on social media. These “entertainment groups” have created their own world through “drill music;” music designed to be listened to “on the way to kill or commit other violent crimes.”

OUR APPROACH

Drive-by shootings and shootings aimed at rival gang members are an obstinate problem. Because ShotSpotter² is employed by the Jacksonville Sheriff’s Office (JSO) in specific neighborhoods, we now can hear these shootings in real time. In the first quarter of 2020, ShotSpotter received 328 notifications of separate shootings.³

[Hearing the audio of the violence](#) is more powerful than merely being told about it. Shockingly, fewer than 1 in 5 shootings captured by ShotSpotter are even called in to 9-1-1.

We decided that this small population deserved our laser-focused attention. These offenders are a priority of our office; priority that has taken shape in the following ways:

I. STRATEGIC DEPLOYMENT OF PROSECUTORIAL RESOURCES

We realigned resources to address these violent crimes in several important ways, including changing our office’s organizational structure, creating new partnerships in the law enforcement community, and using Florida statutes creatively to more fully and intentionally prosecute the most dangerous repeat offenders. In an effort to formalize and implement this realignment, the office

created a three-year [Strategic Plan](#) for our operations, which we believe is the first of its kind in the country for a state prosecutor's office (**See Exhibit A**). Our office has also implemented several administrative efficiencies that not only improve internal processes, but allow for better allocation of resources that keep law enforcement officers on the street — making our community safer — and saving taxpayers money. These improvements saved over \$10 million in 2018 and 2019.⁴

A. Organizational Structure of the State Attorney's Office

Most prosecutor's offices have specialized divisions. These divisions might focus on sex crimes, homicides, or crimes committed by juveniles. We also have such divisions. But often, these divisions focus on offense, rather than offender. If we accept as true that a small population is responsible for a significant number of our city's violent crimes, then we need to focus our limited resources and intelligence efforts on those offenders; those who pull the triggers and those whose conduct is escalating. In our jurisdiction, this is a different way of thinking.

As a result, the State Attorney's Office (SAO) created the Targeted Prosecution Division, a unit designed to focus on those offenders who pose the most significant threat to society. This division is structured with a Proactive Unit (focusing on investigations) and a Reactive Unit (focused on prosecutions post-arrest). The prosecutors in this division are some of the most experienced and talented in our office, and are charged with dedicating their attention to the offenders wreaking havoc. Our way of thinking about how we charge these offenders has changed as well — we use every statutory tool available to address the community's most serious, violent offenders.

B. Law Enforcement Partnerships

As an additional component of our organizational structure, and in an effort to enhance our support of JSO's violent crime initiatives, we championed the creation of Jacksonville's Crime Gun Intelligence Center (CGIC).⁵ The CGIC functions as a result of extensive interagency collaboration including ATF, local law enforcement, the SAO, the United States Attorney's Office, FBI, Florida Department of Law Enforcement, and private crime laboratories. The CGIC is a hub that harnesses the power of intelligence, technology, and communication to investigate, solve, and prosecute gun crimes and focus on the drivers of the violence. The CGIC hosts a weekly meeting to review NIBIN leads⁶, discuss pending cases and targets, as well as use cross-agency collaboration to learn about developing issues. It is attended by the various relevant divisions in local and federal law enforcement, federal prosecutors, and our Targeted Prosecution division.

Additionally, the SAO recently signed on as a formal partner in U.S. Attorney General Barr's Project Guardian, in collaboration with the U.S. Attorney's Office for the Middle District of Florida, that will add to Northeast Florida's collective fight against gun crime and illegal guns. Through these assets, we are linking guns to crimes and crimes to criminals, and taking shooters off our streets.

C. Aggressive Prosecution of Prohibited Persons

The majority of violent crimes committed in our city are committed with guns, and many of the trigger-pullers are prohibited from having firearms because they have a prior felony conviction or have been adjudicated a juvenile delinquent.

i. Policy Directive: We issued a [policy directive](#) to all prosecutors that they “shall charge the most serious, readily-provable minimum mandatory enhancements when making filing decisions [related to gun crimes] unless permission is obtained...to not file those enhancements.” (See **Exhibit B**)

ii. Novel Prosecutions: We frequently see prohibited persons flagrantly [show off their long guns](#), rifles, and drum magazines on their social media platforms. They make videos — many of them produced professionally — and use them to threaten and celebrate murder as well as send messages between rival groups, thereby driving the cycle of retaliation activity. We have responded with novel prosecutions using their own videos, words, and photos against them. (See **Exhibit C**)

Without recovering the actual firearms, prosecutions of these cases take painstaking work. But these endeavors are worthwhile. In cases where we can use experts to prove that the firearms are indeed real firearms, we seek charges. These cases can be challenging, but we seek to send the message to these individuals and to our community that we will use every tool in our arsenal to combat their criminal conduct. As a result of this prosecutorial strategy, we have successfully obtained prison sentences for prohibited persons, known to us as “shooters,” but for whom the State could not prove a shooting case.

iii. Audit: Our office has engaged in audits of our prosecutions of Possession of a Firearm by a Convicted Felon to understand how we handle these cases and how we can better ensure that we leave no stone unturned in every single gun case we encounter. Several innovations came from this review:

- **Firearms Checklist:** This [evaluative tool](#) ensures that in those cases that we cannot formally charge, we have done everything we can to try to make the case and have investigated everything we can about the gun. (See **Exhibit D**)
- **Risk Assessment Tool:** This tool for gun possessions outlines [criteria and enhancements](#) for identifying High Risk Offenders and mandating uniform state offers. (See **Exhibit E**)
- **Visor Card:** In partnership with local law enforcement, we recently created a [Visor Card](#) for law enforcement officers to use on the street to make decisions when encountering situations involving a firearm to ensure viable, prosecutable cases. (See **Exhibit F**)

II. INNOVATIONS IN TECHNOLOGY

Advances in technology are critical to intelligence gathering and successful prosecutions, particularly of gun crimes. Because technology is evolving rapidly, case development depends on continuing education of both attorneys and staff. We have made obtaining the latest technological advances a priority of our innovative prosecutorial strategy.

A. Use of IBIS, NIBIN, and ShotSpotter

As discussed, the CGIC is the central point for innovations in gun prosecutions. In addition to our law enforcement partners, the most important component of the CGIC is cutting-edge technology, which includes IBIS software, NIBIN technology, and ShotSpotter. For years, prosecutors have used the science of ballistics matches in our trials as probative evidence. Utilizing NIBIN information as a lead generator is a game-changer because we are now able to [connect crimes](#) by following the crime gun used in their execution (**See Exhibit G**); but teaching prosecutors how to understand and use this information requires training. Targeted Prosecution has taken the lead in training⁷ our lawyers about NIBIN.

B. Developing Expertise in Technology

Because criminals use a variety of new technology platforms and tools to both communicate their plans and celebrate their violence, it is important to cultivate a point-of-contact who is responsible for staying abreast of new technology and for educating the office about using technology in prosecution. This is particularly true for wires, GPS, cell-site search warrants, and social media accounts. We have identified a prosecutor with a specialized interest in this area and have sent her to trainings across the country. She shares relevant information regarding technology and the law in an internal newsletter titled [Digital Shorts](#) (**See Exhibit H**). Currently, this prosecutor is leading a collaborative effort among law enforcement and businesses in the creation of a Digital Forensic Task Force. This task force is made up of representatives from both the public and private sectors who each have a specialized expertise in emerging technologies. They will share information about intelligence gathering practices and the intersection of these practices with the law.

III. PREVENTION AND INTERVENTION EFFORTS TO REDUCE GUN CRIME

While we are strategic and deliberate in our prosecution of the most significant public safety threats, we know we cannot eliminate violence by enforcement alone. To that end, we have engaged our community stakeholders to expand and enhance our front-end prevention and intervention efforts. Many efforts, outlined in [this strategy paper](#), have already been implemented, while several more are in contemplation or await funding. (**See Exhibit I**)

A. City of Jacksonville: Last year, our city partnered with national violence interrupters Cure Violence,⁸ who have assessed our local situation and are on the ground working every day to intervene in and de-escalate disputes.

B. Jacksonville Sheriff’s Office: JSO has employed custom notifications⁹ and gang call-ins.¹⁰ Auto burglaries are also a persistent problem in Jacksonville. In 2019, 5,467 auto burglaries were reported to the Jacksonville Sheriff’s Office — roughly 65% of which involved unlocked vehicles. From those reported burglaries, 635 guns were reported stolen. This is how many prohibited persons are accessing guns: through burglary and illegal street sales. JSO has initiated a daily “9 P.M. Routine” on social media reminding citizens to secure guns and lock cars. While this reminder is worthwhile, the community would greatly benefit from its expansion to a city-wide public service announcement that aired daily over multiple platforms.

C. State Attorney’s Office: In 2019, we launched a Community Crime Strategies Initiative. In a traditional prosecution program, the role of prosecutors is narrowly focused: attorneys receive case referrals, file criminal cases, and seek convictions. They rarely engage in prevention, intervention, or community strategies to reduce crime and increase the health of the community. In a Community Prosecution model, however, prosecutors step outside of the traditional role to engage as problem-solvers in the community. Prosecutors work directly in neighborhoods, develop relationships with local groups, align enforcement priorities with residents’ public safety concerns, and seek solutions to prevent crime. Community Prosecution programs have been universally recognized as successful crime-reduction initiatives.¹¹

Any discussion of violent crime cannot be done without also acknowledging the harm it has on collective and individual lives. To that end, the SAO has undertaken a significant victim initiative, which entails a comprehensive internal audit of every mode of communication with, service to, and tracking of victims in our Circuit. This initiative includes the first restorative justice pilot program established by a prosecutor’s office in the state of Florida, and is just one of the ways we are challenging the lens through which we view crime.

RECOMMENDATIONS FOR PROSECUTORS’ OFFICES

I. Strategic Deployment of Prosecutorial Resources

- Draft an organizational long-term vision and plan of action with input from leadership;
- Analyze internal organizational structure and embed resources with law enforcement partners;
- Convene stakeholders to assess partnerships and collaborative violence reduction strategies;
- Utilize historical audits and data tracking of prosecutions to understand how and why cases are dismissed;
- Create a tool for prosecuting gun possessions that includes criteria and enhancements for identifying High Risk Offenders as well as uniform state offers; and
- Focus resources on the most violent offenders, including historical audits and data tracking of current caseloads related to the prosecution of prohibited persons.

II. Innovations in Technology

- Analyze local crime data to determine where violence is occurring and nature of violence;
- Prioritize innovation and technology to improve prosecutions; and
- Identify a point-of-contact for technological education and training.

III. Prevention & Intervention

- Recognizing that enforcement is not the sole solution to reduce crime, focus efforts on community partnerships, prevention, and early intervention to minimize the population coming into the criminal justice system.

CONCLUSION

One of the most important missions of a prosecutor's office is public safety. Strategic and aggressive prosecution of violent crime drivers is key to keeping the public safe. From my personal experience as a career prosecutor, I believe a significant way to impact violent crime numbers is for these dangerous offenders to receive swift and decisive punishment — to the fullest extent allowable by law. The recommendations above are critical steps in reducing the culture of violence that plagues so many of our communities.

¹ In 2017, 112 murders and over 3,800 aggravated batteries were committed in the Jacksonville metropolitan area, which has a population of more than 900,000. According to the Uniform Crime Report, Jacksonville had more murders than any other city in Florida in both 2017 and 2018, and twice as many as Miami.

² In 2017, Jacksonville implemented and activated ShotSpotter — an innovative gunshot detection system. ShotSpotter is an intelligence platform created to alert police to gunfire in real time, providing officers with “increased tactical awareness” and connecting them to the community. When used as part of a comprehensive gun control strategy, ShotSpotter cities experience a decrease in gun crime and improved community relations. <https://www.shotspotter.com/system/content/uploads/SST-ElectedOfficials-DatasheetFAe.pdf>

³ On average, between July 2017 and July 2018, ShotSpotter activated 87 times per month — which is an average of 261 activations per quarter.

⁴ The SAO updated and expanded procedures to allow, among other things, officers to file their cases electronically rather than appear in person. It reinstated a referral card system for victims to report misdemeanor offenses directly to the SAO, which saved officers time. These improvements saved law enforcement more than \$1.4 million over 2018 and 2019. Additionally, the SAO expanded its use of civil citations, a prearrest diversion program for qualified juveniles who commit certain categories of misdemeanors in 2017, which allows local law enforcement to allocate resources to more serious crimes and reduces recidivism of young offenders. Since 2018, the expanded use of civil citations has saved taxpayers more than \$8.6 million.

⁵ A Crime Gun Intelligence Center (CGIC) is an interagency collaboration focused on real-time collection and analysis of intelligence for firearm-related crimes. The immediate collection of evidence expedites the identification of shooters, disrupts criminal activity, and prevents the perpetuation of violent gun crimes. Forensic evidence is turned into intelligence information on shooters by the CGIC and allows detectives to connect gun-related crimes, improving the identification of offenders and leading to their arrests. Jacksonville's CGIC was built and opened in the SAO's building in 2019.

⁶ The National Integrated Ballistic Information Network (NIBIN) is an evidence database available to major metropolitan areas through the Bureau of Alcohol, Tobacco, and Firearms (ATF). It is the only automatic interstate intelligence resource that allows for the capture and comparison of ballistic evidence. The intelligence gathered through NIBIN helps to solve and prevent violent crimes involving firearms. <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-national-integrated-ballistic-information-network>

⁷ Please contact the State Attorney's Office at www.sao4th.com to request a copy of this training.

⁸ Cure Violence is a public health model that has been adopted by a number of municipalities such as New York, Baltimore, Camden, and Kansas City. Cure Violence’s work has been independently audited and the reduction in violent crime in the geographic area where implemented is remarkable. On average, Cure Violence zones experience a 41-73% drop in shootings and killings. In addition, an analysis of New York Cure Violence zones conducted by John Jay College found a significant reduction in gun and violent crime, an increase in trust between citizens and law enforcement, and changed perceptions and attitudes of young men about violent behavior. <https://cvg.org/impact/>

⁹ A small and narrowly focused group of the most violent repeat offenders is investigated and monitored by the JSO. This strategy features a personal visit from the JSO Gang Unit to individuals with known gang involvement. At these notifications, law enforcement clearly communicates that they are aware of the violent actions being committed by the individual and their group and offer them the opportunity to make positive and long-lasting changes.

¹⁰ Individuals who are known to participate in gangs or violent groups are called together to receive a dual message of warning and encouragement. Those who attend are reminded of the laws they are at risk of breaking, given a clear anti-violence message from community leaders and ex-offenders, and then offered community resources and services. These Call-Ins feature an enforcement “hammer” component, warning individuals of the risks of continued negative actions, as well as a “hope” component, pleading with them to make positive choices and offering them services and opportunities. These Call-Ins have been in use for almost three years in Jacksonville.

¹¹ Miles, Thomas J., University of Chicago Crime Lab, Does the “Community Prosecution” Strategy Reduce Crime? A Test of Chicago’s Experience, American Law and Economics Review, August 2013. <https://academic.oup.com/aler/article/16/1/117/135028>

Melissa Williamson Nelson
State Attorney's Office for Florida's 4th Judicial Circuit
President's Commission on Law Enforcement and the
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April 8, 2020

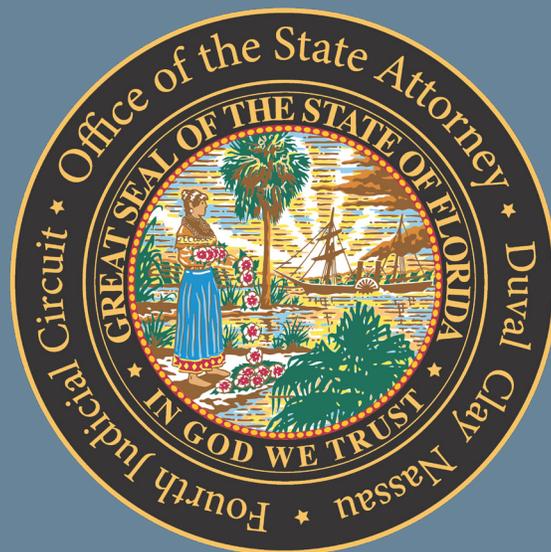
EXHIBIT A

SAO Strategic Plan

STRATEGIC PLAN 2020-2022

OFFICE OF THE STATE ATTORNEY
Melissa W. Nelson

Fourth Judicial Circuit of Florida
Serving Clay, Duval, and Nassau Counties



MISSION STATEMENT

The mission of the State Attorney's Office is to pursue justice for the citizens of the Fourth Circuit of Florida and fairly and impartially enforce the law.

Our Pledge

- To treat all participants in the criminal justice system with respect;
- To empower crime victims and treat them with dignity;
- To strive for fairness and impartiality in our use of prosecutorial discretion;
- To pursue just punishment and accountability for those guilty of crimes;
- To actively seek input from the diverse communities we serve;
- To be transparent in our actions and decision-making;
- To seek effective and innovative strategies for preventing and controlling crime;
- To support alternatives to the penal system when appropriate;
- To act as good stewards of public resources entrusted to us for our work;
- To stay abreast of best practices in our field and employ technology effectively;
- To collaborate with other government and law enforcement agencies and community partners to enhance public safety;
- To act with professionalism.

PURSUE JUSTICE ALWAYS

MESSAGE FROM THE STATE ATTORNEY



When I began my career at this office as an Assistant State Attorney 22 years ago, I felt lucky for the opportunity. Every day I had the chance to do what was right — to seek justice.

Today, as State Attorney, I again feel fortunate for the opportunity to lead the office for which I care so deeply.

On behalf of the State Attorney's Office and its employees, I am pleased to present the office's first ever Strategic Plan. This plan provides a public road map of our agenda. With these goals, this plan seeks to improve our long-term performance through measurable, clear, and tangible objectives and is intended to guide the office over the next three years, from 2020 to 2022.

Our strategic plan reflects priorities in five main categories: Pursue Public Safety in Clay, Duval, & Nassau Counties; Strengthen Victim Support & Community Trust; Expand Office Collaboration with the Community; Foster an Innovative & Efficient Office Culture; and Implement Smart Justice Reforms.

It is a plan focused on results, created through self-reflection on the work we do, as well as the desire to make our community safer, our work more efficient, our goals transparent, and our service to the public stronger than it is today.

It is a plan to better achieve our credo, "Pursue justice always."

This ambitious agenda took extensive time and careful consideration in order to better meet the needs of every person impacted by the criminal justice system and the community as a whole. Executing this plan will take even more dedication and hard work.

Knowing the level of commitment this office has to the people of the Fourth Circuit, I assure you we are up to the task.

A handwritten signature in cursive script, likely reading "Michelle".

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STRATEGIC PLANNING PROCESS

What do we stand for — as an office, and as prosecutors? A group of our employees worked for over a year to answer that question, by creating and publishing our Mission, Vision, and Values Statement. This declaration of the ideals that drive us provided a framework for the creation of this Strategic Plan — which our research indicates may be the first of its kind in the nation for a state prosecutor’s office.

With assistance from Alyssa Schuren at The Management Center, our office’s leadership worked with their respective divisions to brainstorm meaningful, measurable, and actionable goals and process improvements. Then, leadership engaged in a strategy session to discuss and streamline those goals. Over the course of the next several months, the planning team categorized and prioritized the goals. We truly wrestled with these goals, their intentions, and their import for our community. We sought feedback from several national associations as well as other prosecutors’ offices. Each goal was assigned to attorneys and staff throughout our office.

The exercise of creating, debating, and narrowing ideas into measurable goals was valuable to our organization. The process challenged us to consider how we can deepen and further improve our service to the public. The product of this experience is this three-year Strategic Plan, intended to guide the office’s work from 2020 to 2022.

The publication of this plan is an affirmation of our commitment to transparency and accountability. Coupled with the implementation of strategies already ongoing in the office, this plan will deliver sustainability and continuity over time.

Florida’s Fourth Circuit State Attorney’s Office intends to be better today than we were yesterday. We are honored to share our plan with you.

PRIORITY 1

Pursue Public Safety in Clay, Duval, & Nassau Counties

Goals:

1. Improve identification of high-risk, dangerous offenders through collaboration with law enforcement;
2. Seek to resolve Targeted Prosecution cases within 12 months, while ensuring the fair and equitable administration of justice;
3. Increase intelligence gathering, coordination, and communication between the Juvenile Division, Targeted Prosecution, and the newly created Crime Gun Intelligence Center (CGIC) through the dedication of an assistant state attorney;
4. Develop and implement proactive initiatives to target crime guns;
5. Finalize all arrest warrant requests within 30 days, absent extraordinary circumstances;
6. Implement an arrest alert system;
7. Establish and implement feedback loops to all law enforcement partners on our decision-making;
8. Stay apprised of and involved with national forensic science best practices and new technologies through the appointment of internal points of contact; and
9. Launch a Cold Case Initiative focused on homicides.

PRIORITY 2

Strengthen Victim Support & Community Trust

Goals:

1. Engage community stakeholders to provide input on major programs and significant public safety concerns and priorities;
2. Expand and launch a Community Crime Solutions Unit and program, including assigning prosecutors to the program, doing additional outreach to community partners, conducting community walks and follow-up, and attending routine and responsive community events;
3. Respond to public record requests expeditiously, demonstrating annual improvement over a 2018 baseline; publicly report statistics annually;
4. Increase transparency on office priorities and results through the creation of a public dashboard and via the release of an Annual Report each year;
5. Fully comply with Marsy's Law requirements;
6. Compile and implement best practices to support victims of crime to the fullest extent—from filing decisions, to routine communication, to trial preparation; benchmark progress through victim satisfaction surveys;
7. Provide tours and select usage of our office space as a community resource, promote this historic resource in the community, and track its utilization by community groups annually; and
8. Provide ongoing public education and engagement through establishing and implementing a social media plan, which includes increasing followership and expanding and enhancing community-facing platforms.

PRIORITY 3

Expand Office Collaboration with the Community

Goals:

1. Foster relationships with the health care and public health communities; collaborate to better address root causes of crime, including substance use disorders, mental health issues, and the victim/perpetrator cycle;
2. Create replicable school partnership models to prevent crime and focus on reducing gang activity, child abuse, drug use, and sexual abuse in participating schools;
3. Identify and implement sector-specific partnerships to respond to partner needs; assign liaisons and develop outreach plans;
4. Respond to sector and partner inquiries within 48 hours; track and report annually;
5. Respond professionally to requests from courts, law enforcement, victims, and opposing counsel within 48 hours.
6. Ensure professional written and oral communications, audited annually;
7. Establish and cultivate foundation relationships to better resource and bolster our programs; and
8. Launch an annual anonymous satisfaction survey, administered to those who interact with our office (judges, lawyers, advocates, victims, law enforcement, etc.); achieve steadily increasing annual satisfaction rates over a 2020 baseline.

PRIORITY 4

Foster an Innovative & Efficient Office Culture

Goals:

1. Advance the office's mission, vision, and values by embedding them into our office culture, hiring, and orientation process; set annual goals each December;
2. Establish new performance measures for prosecutors, focused on improving public safety, prosecuting major and violent crime, and a commitment to community engagement;
3. Increase office efficiency through the annual adoption of three to five office process and workflow improvements;
4. Roll out and complete supervisor and self-evaluations of all employees, including continuous process improvement expectations and efficiency-related innovations;
5. Ensure all attorneys and staff receive appropriate professional development; establish a professional development plan; majority of workforce engages in professional development opportunities;
6. Develop Circuit and Juvenile Felony Review Guides and accompanying training modules;
7. Implement a promotional plan for staff positions, special assignments, and in-position growth;
8. Reinforce a healthy and positive work environment, benchmarked by increasing annual employee survey satisfaction and engagement rates over a 2020 baseline;
9. Develop uniformity in case disposition by adopting guidance documents on routine charges; implement and audit processes;
10. Improve data sharing by deploying new technological solutions between the State Attorney's Office and both the Jacksonville Sheriff's Office and the Duval County Clerk's Office;
11. Ensure office sends a consistent, professional message in all materials, communications, and related processes; perform initial audit; create implementation plan; and
12. Convert paper-based prosecution to digital-based prosecution.

PRIORITY 5

Implement Smart Justice Reforms

Goals:

1. Establish a juvenile diversion transition plan based on the Juvenile Justice Advisory Committee's June 2019 recommendations;
2. Develop a new bail and bond policy based on research, expert advice, and community input;
3. Create and implement a diversion program tailored to human trafficking victims;
4. Audit all diversion programs annually to ensure equitable referral of participants, and enhance internal processes to maximize diversion opportunities;
5. Support the creation of a restorative justice pilot program;
6. Engage stakeholders to further enhance operations of problem-solving courts; establish and implement feedback loops with defense lawyers on successful outcomes of problem-solving courts; and oversee office prevention, intervention, and diversion programming through the direction of the Smart Justice Coordinator;
7. Expand K.E.Y.S. 2 Drive program to Clay and Nassau counties;
8. Increase utilization of diversion programs and treatment courts annually over a 2019 baseline;
9. Promote positive youth development, and crime prevention and desistance through collaborative implementation of a Young Adult Court for 18- to 24-year-old offenders;
10. Facilitate and participate in community sealing and expungement fair events; and
11. Collaborate with community partners to improve access to mental health treatment in the justice system by implementing evidence-based screening practices, developing guidance and training for prosecutors, and improving connections to treatment providers.

**Melissa Williamson Nelson
State Attorney's Office for Florida's 4th Judicial Circuit
President's Commission on Law Enforcement and the
Administration of Justice Testimony: Reduction of Crime
April 8, 2020**

EXHIBIT B

Minimum-Mandatory Policy



OFFICE OF THE STATE ATTORNEY
FOURTH JUDICIAL CIRCUIT
311 W. Monroe Street
Jacksonville, Florida 32202

10-20-LIFE ENHANCEMENT POLICIES AND PROCEDURES

Some confusion has existed with regard to charging 10-20-Life enhancements under Section 775.087, Florida Statutes, who has authority to approve not charging readily-provable enhancements, who has authority to approve deviations from charged enhancements, and the appropriate documentation needed when seeking these approvals. This memorandum outlines the policy of this office with regard to those issues. In the event that you encounter 10-20-Life situations not covered by this memo, please see your Division Chief, Director, or a Chief Assistant for further guidance.

1. **Authority to authorize warrants with section 775.087 enhancements.** The prosecutor assigned to any case has full authority to authorize, or decline, the issuance or denial of any requested arrest warrant that alleges sentencing enhancements under section 775.087, Florida Statutes. Issuing arrest warrants with section 775.087 enhancements are no different than any other warrants and shall be based upon the existence of probable cause. No further supervisory approval is necessary.
2. **Authority to charge section 775.087 enhancements.** As with any other charging decision, the discretion to charge section 775.087 enhancements rests with the prosecutor assigned to the case, with approval from a supervising Division Chief.

3. Guidance for charging section 775.087 enhancements.

- a. Section 27.366, Florida Statutes, notes a legislative intent that offenders who meet the criteria of section 775.087, Florida Statutes, shall be sentenced to the applicable minimum-mandatory sentence for possessing, discharging, or causing injury with an *actual firearm*. Section 27.366, Florida Statutes, notes a related legislative intent that prosecutors are to use their discretion when possession of a firearm is merely incidental to the charged offense.
- b. Consistent with this legislative intent, prosecutors in this office shall charge the most serious, readily-provable section 775.087 enhancements when making filing decisions unless permission is obtained, as outlined below, to not file those enhancements.
- c. The standard that governs the decision to charge section 775.087 enhancements shall be whether the available proof establishes a reasonable probability that a jury will make a special finding that an *actual firearm* was possessed, discharged, or caused injuries. When the available proof does not establish a reasonable probability that a jury will find that an *actual firearm* was possessed, discharged, or caused injuries, section 775.087 enhancements are not appropriate.
- d. Assigned prosecutors shall not engage in the practice of charging section 775.087 enhancements for negotiation purposes (either to prompt a plea or as a result of a defendant exercising his or her right to request a trial). Prosecutors also shall not engage in the practice of charging section 775.087 enhancements for tactical reasons when the requisite degree of proof is not present.
- e. Each case must be analyzed on a case-by-case basis to ensure that the requisite degree of proof is present. Assigned prosecutors are encouraged to discuss close cases with their assigned supervisor, and, if necessary, a Deputy Director or Director.

- f. When the readily-available proof does not establish a reasonable probability that a jury will find that an *actual firearm* was possessed, discharged, or caused injuries, no permission beyond the approval of a Division Chief is needed, and no deviation memorandum is necessary because the case does not fall within Section 27.366, Florida Statutes.

4. Not filing readily-provable section 775.087 enhancements.

Notwithstanding the legislative outlined above, in rare cases, a decision to not file readily-provable section 775.087 enhancements may be appropriate when considering the ends of justice or other, valid prosecutorial purposes. In those cases, the assigned prosecutor shall follow the procedure outlined below by submitting a deviation memorandum through his or her supervisors. A deviation memorandum is only required to not charge readily-provable section 775.087 enhancements. As noted above, no deviation memorandum is required when the charges or the enhancements are not readily provable. Defendants in those cases do not meet the criteria of Sections 27.366 or 775.087.

5. Deviating from, or dropping, section 775.087 enhancements.

Notwithstanding the legislative intent outlined above, nothing in Florida law prohibits a prosecutor from deviating from, or dropping, charged section 775.087 enhancements when doing so is necessary to accomplish the ends of justice or for other, valid prosecutorial purposes. Assigned prosecutors are expected to exercise their sound judgment and discretion when deviation or dismissing enhancements is appropriate. To ensure, however, that this office is consistent in its approach to these decisions, and to ensure that similarly-situated offenders are treated similarly, only the State Attorney, Chief Assistant State Attorneys, Directors, and Deputy Directors have authority to approve deviating from readily-provable section 775.087 enhancements involving possession. Only the State Attorney, Chief Assistant State Attorneys, and Directors have authority to approve deviating from readily-provable section 775.087 enhancements involving discharge or actual injuries.

6. **Deviation memorandum and procedures.** When an assigned prosecutor seeks to not charge, dismiss, or deviate from readily-provable section 775.087 enhancements, section 27.366, Florida Statutes, requires the assigned prosecutor to “explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney.” Accordingly, when the assigned prosecutor seeks to deviate from, or dismiss, readily provable section 775.087 enhancements, the prosecutor shall complete a Section 27.366 Deviation Memorandum (using the attached template). This memorandum shall serve as both the written explanation required by Florida law as well as the internal procedure by which all deviations are approved. The memorandum shall provide in detail the reasons for the requested action, the position of any victim(s) or the documented attempts to make contact with the victim(s) if unavailable, and the position of any investigating law enforcement agency. Once complete, the assigned prosecutor shall submit the deviation memorandum to his or her Division Chief at least ten (10) working days prior to the date when a decision is needed. The Division Chief shall note the date of receipt of the memorandum, shall indicate his or her recommendation, and shall forward the memorandum to the appropriate supervisor at the Deputy Director level or above for approval or denial. If a decision is needed sooner than ten (10) working days from the date of submitting the memorandum, the assigned prosecutor shall explain in writing the reason for the expedited request. Assigned prosecutors are encouraged to discuss deviations that are close calls with their supervisors prior to submitting deviation memoranda. Assigned prosecutors shall not fail to charge, drop, or deviate from readily-provable section 775.087 enhancements without a written Section 27.366 Deviation Memorandum and the approval of an appropriate supervisor.
7. **Defense requests to not charge, dismiss, or deviate from readily-provable section 775.087 enhancements.** In those situations in which the assigned prosecutor is requested to not charge, deviate from, or dismiss readily-provable section 775.087 enhancements, but does not believe doing so is appropriate, the assigned prosecutor shall inform the defense attorney of their right to appeal the decision through the State Attorney’s chain of

command. While documenting the file is always expected, no particular form of documentation is required.

8. **Right to appeal decisions.** As with any other decisions in this office, victims, law enforcement officers, and defense counsel shall have the right to seek review of any decisions made by this office through the State Attorney's chain of command. Appeals of any prosecutor's decision (whether the assigned prosecutor or a supervisor) shall always be to the next higher level of supervision.

9. **Failure to comply with policy.** This policy is for the internal use and guidance of the State Attorney's Office, Fourth Judicial Circuit, Florida. Failure to abide by this policy, although grounds for appropriate adverse employment consequences for the assigned prosecutor, creates no additional rights, claims, or defenses for individuals charged with crimes.

**Melissa Williamson Nelson
State Attorney's Office for Florida's 4th Judicial Circuit
President's Commission on Law Enforcement and the
Administration of Justice Testimony: Reduction of Crime
April 8, 2020**

EXHIBIT C

Prohibited Persons Brandishing Firearms in Music Videos



Melissa Williamson Nelson
State Attorney's Office for Florida's 4th Judicial Circuit
President's Commission on Law Enforcement and the
Administration of Justice Testimony: Reduction of Crime
April 8, 2020

EXHIBIT D

Firearms Checklist

FIREARM PROSECUTION CHECKLIST

Defendant: _____

S. A. NO.: _____

Firearm Offense:

- Possession of a Firearm by a Convicted Felon
- Possession of a Firearm by a Delinquent Felon
- Carrying a Concealed Firearm

Investigation Checklist:

- Fingerprint Analysis of Firearm (including related magazine and ammunition if possible)
- ATF eTrace of Firearms Recovered
- NIBIN Associations: Related Reports _____
- Jail Phone Calls, Jail Visitation, or Jail Tablet Records.
- Witness Statements / Sworn Statements
- Review Defendant's Prior Law Enforcement Contacts Related to Firearms
- Social Media Investigations

Defendant's Criminal History:

Enumerate Charges and Conviction Dates

Proposed Circuit Court Filing Decision:

- TCC
- DN
- Division Chief has been consulted and approves the proposed filing decision.

Filing ASA
Assistant State Attorney

Date

Division Chief

Date

Melissa Williamson Nelson
State Attorney's Office for Florida's 4th Judicial Circuit
President's Commission on Law Enforcement and the
Administration of Justice Testimony: Reduction of Crime
April 8, 2020

EXHIBIT E

Risk Assessment Tool

Risk Assessment of PFCF Offenders & Associated State Offer Ranges

Category 1: High-Risk PFCF Offenders

A PFCF offender qualifies as a **Category 1 PFCF Offender** if s/he has been convicted one of the enumerated underlying felonies, and s/he was released from incarceration within three years of the PFCF offense date.

Such qualifying prior felonies are:

Murder; Manslaughter; Sexual battery; Carjacking; Home-invasion Robbery; Robbery; Arson; Kidnapping; Aggravated Assault with a Firearm; Aggravated Battery; Aggravated Stalking; Shooting or Throwing Deadly Missiles; Armed Burglary; Battery on a Law Enforcement Officer; Resisting with Violence; Burglary to a Dwelling.

Likewise, a PFCF offender qualifies as a **Category 1 PFCF Offender** if s/he has been convicted one of the above-enumerated underlying felonies and another prior felony, and s/he was convicted of or released from incarceration pertaining to either prior felony within five years of the commission of the PFCF offense.

Category 1 PFCF Offender State Offer Range: 10 years + incarceration

Category 2: Moderate-Risk PFCF Offenders

A PFCF offender qualifies as a **Category 2 PFCF Offender** if s/he would have qualified as a Category 1 PFCF Offender but for the conviction or release date was outside five years.

A PFCF offender qualifies as a **Category 2 PFCF Offender** if s/he has been convicted of a PFCF within the past five years.

A PFCF offender qualifies as a **Category 2 PFCF Offender** if s/he has been convicted of at least two prior felony convictions, and the last prior felony conviction or release from incarceration was within five years of the PFCF offense.

Category 2 PFCF Offender State offer range: 5 to 10 years of incarceration

Category 3: All Other PFCF Offenders

All PFCF offenders who do not qualify under Categories 1 or 2 are **Category 3 PFCF Offenders**.

Category 3 PFCF Offender State offer range: Guidelines minimum or three years minimum mandatory to five years of incarceration.

Melissa Williamson Nelson
State Attorney's Office for Florida's 4th Judicial Circuit
President's Commission on Law Enforcement and the
Administration of Justice Testimony: Reduction of Crime
April 8, 2020

EXHIBIT F

Visor Card

VISOR CARD

Reference F.S.S. 790 Weapons and Firearms

JSO Crime Scene Order 338

Collection and documentation of evidence located on scene is of paramount importance for identifying suspects and linking crimes.

Firearm evidence from these crimes will be further investigated with the implementation of the National Integrated Ballistic Information Network (NIBIN).

KEYS TO BUILDING YOUR CASE

1. How do I prove the suspect knew the gun was there?
2. Was the gun concealed?
3. Did the suspect have access/control of the gun?
4. Is the suspect prohibited from having a gun?
1. Document actions and locations of all occupants upon initial encounter and approach of the vehicle both prior to and at time of final stop.
2. If you are going to question the suspect ensure you Mirandize (BWC)
3. If no PC for search ask for consent on body camera. If on body camera you DO NOT need written consent, ensure that consent is documented in reports.
4. Narrate the incident while using your body camera.
5. Interview all occupants of the vehicle to include all biographic information.
6. Firearm Knowledge, Vehicle knowledge (who, what, where, when & how)
7. Determine and interview the owner/renter of vehicle.
8. Use your BWC to document location and collection of evidence. Photograph evidence.
9. Use proper evidence collection techniques to preserve DNA and fingerprints as outlined in Crime Scene Order 338. If you have concerns about processing please contact a CSU to discuss.
10. Document and collect any items of interest based on the totality of the circumstances, such as ski masks, gloves and gang identifiers, etc.
11. Include a detailed summary of each interview in your narrative, build your case.
12. For questions or concerns, consult with your immediate supervisor.

Melissa Williamson Nelson
State Attorney's Office for Florida's 4th Judicial Circuit
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April 8, 2020

EXHIBIT G

Real-Time Results

SHOTSPOTTER + NIBIN = REAL-TIME RESULTS IN JACKSONVILLE MURDER INVESTIGATION



Just after 2 a.m. Jan. 25, 2019, officers responded to a ShotSpotter alert at W. 7th and Barnett streets to find Phillip Gardner dead from gunshot wounds. No one called 911 to report the shooting; no witnesses came forward. Fired cartridge casings were recovered and sent to the firearms lab for entry into the National Integrated Ballistic Information Network (NIBIN).

On Feb. 1, 2019, officers responded to a ShotSpotter alert on Barnett Street and found Pernell Dove critically injured from gunfire. No one called 911— without ShotSpotter, Dove would likely have died. The shooting was captured on a Real Time Crime Center camera and a suspect description was obtained. The casings were recovered and placed into NIBIN — within a day, they were linked to the Gardner shooting.



On Feb. 6, 2019, Tom Daniels was found shot to death inside his home north of Downtown. Neighbors heard gunshots, but there were no witnesses. Fired casings were recovered and placed into NIBIN. Within a day, they were linked to the Dove and Gardner shootings.

Homicide detectives interviewed Daniels' family and Jamin Tolliver, Daniels' stepson, was determined a person of interest. When interviewed, Tolliver, denied owning a firearm or being involved in Daniels' death. Detectives from all three cases coordinated their efforts.



On March 4, 2019, a search warrant was issued for Tolliver's home and a handgun was recovered that forensically matched all three shootings. With the assistance of ATF, investigators determined Tolliver purchased the firearm on Jan. 21, 2019 — four days before the first murder.

On March 6, 2019, Tolliver was arrested for attempted murder and armed robbery in relation to the Dove shooting. On March 25, 2019, Tolliver was interviewed again and confessed to shooting all three victims and has been charged with those crimes.



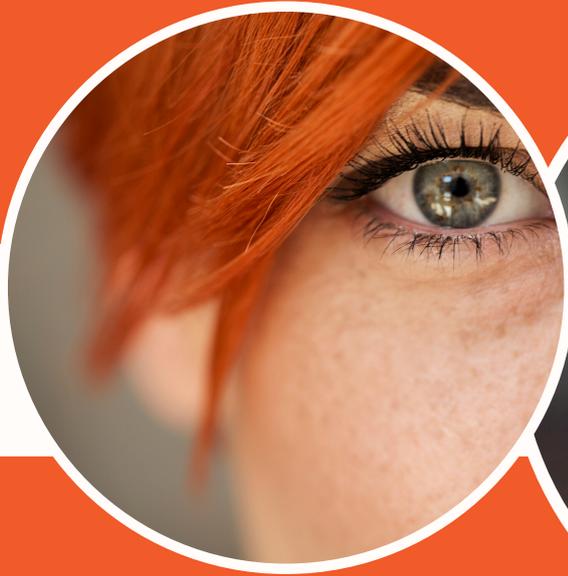
**Melissa Williamson Nelson
State Attorney's Office for Florida's 4th Judicial Circuit
President's Commission on Law Enforcement and the
Administration of Justice Testimony: Reduction of Crime
April 8, 2020**

EXHIBIT H

“Digital Shorts” Newsletter

RING IS WATCHING

REQUESTING DATA FROM RING LLC



Ring, LLC is a home security and smart home company that manufactures outdoor motion detecting cameras like the Ring Video Doorbell.

Ring distinguishes between content and non content information. Requests for content or non content information, and any related questions, should be sent to subpoenas@ring.com.

“Non content” information includes user information such as name, address, email address, billing information, date of account creation, and other types of account information. Send Ring a subpoena for this information.

“Content” information includes user generated content and the video and audio recordings stored in an account. Ring will only provide video content in response to a valid search warrant or with the verified consent of the Ring account owner.

When seeking video content, the search warrant should include the MAC ID for the device associated with the video. If the MAC ID is unavailable, then provide the email address, name, street address, and telephone number associated with the Ring account owner. The search warrant should also include the date(s), time(s) and time zone of the requested video(s).

In general, Ring has access to video recordings only if the user has a current Ring Protect plan subscription that was in place at the time of the event. The subscription allows Ring to retain videos for no longer than 60 days (180 days in the case of certain legacy users), but a Ring user can delete a video at any time during this retention period.

Given Ring's retention periods and the fact that video recordings can be deleted, you should email a preservation letter to Ring at subpoenas@ring.com as soon as a Ring device has been discovered on scene. The preservation request should be sent on law enforcement agency letterhead and include the device identifier MAC ID. Ring generally begins processing preservation requests the day they are received.

[Click here for a template of a Ring preservation letter.](#)

Submit emergency disclosure requests to legal@ring.com and include “EMERGENCY” in the subject line. Include in the email the nature of the emergency, the information sought, and how the disclosure of the information on an emergency basis will avert a threatened harm.

Arlo Technologies, WyzeCam, and Google Nest Cams also collect similar data from the cameras they manufacture.

**Melissa Williamson Nelson
State Attorney's Office for Florida's 4th Judicial Circuit
President's Commission on Law Enforcement and the
Administration of Justice Testimony: Reduction of Crime
April 8, 2020**

EXHIBIT I

Comprehensive Gang Reduction Strategy Paper



2019

COMPREHENSIVE GANG REDUCTION
STRATEGY

City of Jacksonville
Jacksonville Sheriff's Office
State Attorney's Office

Lenny Curry | Mike Williams | Melissa Nelson

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I. EXECUTIVE SUMMARY

Violent crime is an indicator of the overall health and safety of any community. Although the overall crime rate in Jacksonville is down, homicides, aggravated assaults, and other instances of violence increased in 2017. This increase is believed to have been caused, in part, by a small group of offenders made up of young adults and gang affiliates. These gangs, sometimes referred to as “entertainment groups,” consist primarily of young black males between the ages of 16 to 24. Gang affiliation tends to be based in geographic relationships and individuals “move-up” through the ranks of the gang by engaging in violent crime. Unlike the more traditional motivators behind well-established gangs, like the Bloods and Crips, these entertainment groups are not motivated by financial profit, but instead by respect and protecting one’s reputation. One of the predominant ways that these groups communicate is through the production of high-quality rap videos—where they use music to share violent acts and disrespect rival groups. Gang affiliates steal cars and pursue physical altercations with these rivals, sometimes resulting in shootouts or other violent acts of retaliation.

The City of Jacksonville, the Jacksonville Sheriff’s Office (JSO), and the State Attorney’s Office (SAO) have each invested significant resources into initiatives to combat violent crime. Developing and implementing a comprehensive strategic plan specifically focused on gang activity and gang violence will undoubtedly lend support to current initiatives. Research in this area reveals that effective gang reduction strategies require a multi-pronged approach, oversight, and initiatives targeting prevention, intervention, and corrections. The development of a cohesive and comprehensive strategy that includes continued communication amongst all stakeholders will enhance the effectiveness of the programs currently directed to fighting crime.

This memo discusses those initiatives currently underway that seek to reduce violent crime in the Jacksonville community and also outlines a series of initiatives or programs that should be considered when developing a comprehensive community-wide gang reduction strategy. Proposed solutions detailed within the memo are focused on prevention, intervention, and suppression of violent crime.*

Homicides, aggravated assaults, and other instances of violence increased in 2017. This increase is believed to be caused, in part, by a small group of offenders made up of young adults and gang affiliates.

Unlike more traditional gangs from earlier generations, these groups do not abide by a code of conduct. They lack hierarchal structure and organization. They are not motivated by money. Instead, they are motivated by respect and “street cred” which they earn by making drill videos and shooting rivals.¹

We have also identified those concepts and models that present funding and/or advocacy opportunities for community stakeholders to promote and sustain lasting and deeply impactful change for not just this at-risk segment of the population, but the overall health of and safety of greater Jacksonville.

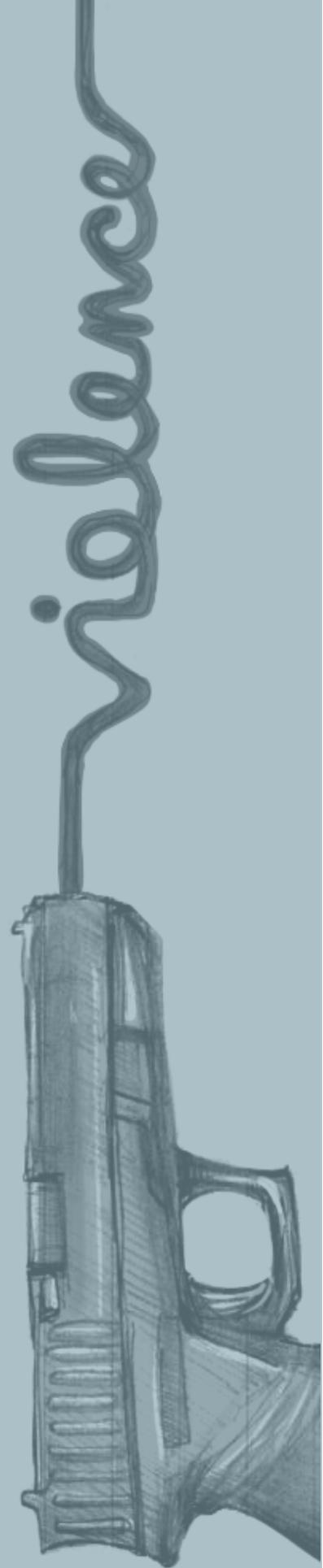
II. STATEMENT OF THE PROBLEM

Jacksonville has a persistent problem with violent crime. Although overall crime rates have been decreasing in Jacksonville, violent crimes consisting of gun and gang violence perpetrated by a few, select offenders are on the rise. Statistically, the increase in violence is small: in 2017, it was estimated that violent crimes in Jacksonville rose only 1.5%.² However, there were more than 100 reported homicides in Duval County alone.³ In 2018, the homicide rate is generally paralleling 2017, and several recent shootings in our community have garnered national attention.

Jacksonville is not the only city in the United States grappling with issues of violence. Other cities, including Los Angeles, Houston, and Fort Worth, Texas have also experienced an increase in violent crime in recent years.⁴ But this increase in violence is not representative of our community values nor is it evidence of neglect on behalf of our leaders. It is instead a problem caused in large part by a small group of juvenile and young adult offenders that our community has been unable to meaningfully engage.

The youth and young adults involved in gangs, sometimes referred to as “entertainment groups,” are responsible for a disproportionate amount of violent crime in Jacksonville. Gang members are typically young, minority men ages 16 to 24, but members are being recruited as young as 12 years-old.⁵ Gang members grow up surrounded by a subculture of violence, exposed to poverty, trauma, drugs, and guns. Sadly, attending school is often viewed as a sign of weakness. Cooperation with law enforcement is seen as a punishable offense, even by death. This subculture is their norm and many are not exposed to any other way of life.

These gangs have created their own world through music: they produce “drill music;” music designed to be listened to “on the way to kill or commit



other violent crimes.” Rappers associated with these criminal gangs achieve a certain level of fame online and within their community, and a level of respect and belonging these youth likely believe cannot be achieved through traditional avenues.

Although our community has yet to complete a deep dive into the motives behind this trend, much of the violence between groups is believed to be the result of disrespect and retaliation. Indeed, a review of these drill videos shows exactly this: shootouts initiated because of purported and perceived disrespect; insults directed to opposing gangs “disrespecting” those members who are deceased; and murdered gang members glorified by their images placed on clothing and signs. Violent confrontations spawn from something as simple as an insult or derogatory comment on social media.

In addition to producing music that incites violence, these youth steal cars and weapons, as well as buy and brandish illegally possessed firearms. Some members legally purchase guns or have their parents or friends serve as straw purchasers for them. In addition, stolen automobiles and the reckless use of firearms has made their violence mobile and deadly.

III. NEED FOR COMPREHENSIVE STRATEGY

The most successful violence reduction strategies incorporate a multi-pronged approach, engagement with the community, and a comprehensive, coordinated strategy. The topics discussed in this paper integrate the traditional tactics of law enforcement and prosecution with community engagement, rehabilitation, and initiatives designed to prevent the reoccurrence of violence. This strategy is a culmination of initiatives and programs that have been proven effective at reducing gun and gang violence in both Jacksonville and other cities within the United States.

Several initiatives by our current elected leaders are being implemented to improve intelligence gathering, increase surveillance and arrests, and prosecute and manage offenders. Mayor Curry allocated \$2.5 million in the Jacksonville

“You have a small number of people —people whose names we know, by the way — who are involved in this kind of activity. While it seems like a huge issue, and it is, it is very complex, it is not something that you can't work on and get your hands around.”

-Sheriff, Mike Williams

Additionally, they incite fear and suppress cooperation with law enforcement by threatening violence and death to anyone who reports information about their crimes.

Journey budget during his first term and increased funding for the Jacksonville Sheriff's Office to expand anti-crime technology. The Jacksonville Sheriff's Office has employed innovative and evidence-based strategies beyond the traditional sphere of enforcement. The State Attorney's Office has dedicated significant prosecutorial resources to support JSO's violent crime initiatives and target dangerous offenders. These initiatives could be enhanced through coordination of prevention and intervention programming, combined with enforcement and suppression efforts and strong community outreach.

Many of the national innovations highlighted below are new, having been developed in light of recent advances in neuroscience, that lead to a deeper understanding of the development of the young adult brain. Other initiatives are more ingrained in the fabric of communities, supported by data and metrics, and have withstood the test of time.

A single strategy cannot be successful on its own; however, not all of these projects are imperative in order to reduce violence in our City. This comprehensive strategy must be viewed as a long-term investment that the community is committed to funding and supporting over many years. The strategies below are included for review and to encourage a broader discussion about the best steps for increasing the overall health and safety of our youth and the greater Jacksonville community.

IV. CURRENT AND PENDING INITIATIVES

To fully understand the needs of the community and to develop an effective strategy that leverages existing resources, it is important to review the current state of affairs. A number of projects are already being developed by the Jacksonville Sheriff's Office, the City of Jacksonville, and the State's Attorney's Office to combat young adult and gang violence within the community. These projects have been carefully selected based upon statistical evidence of efficacy and with consultation of national experts. For example:

Gang and gun violence is a complex, sociological phenomenon that requires the use of evidence-based programs designed to address the specific needs of a community and the young adults within it.



- The City has invested significant funds in three state of the art, evidence-based intelligence initiatives to aid law enforcement in the identification and arrest of perpetrators.
- JSO has employed initiatives developed by John Jay College, a national leader in criminal justice and crime analysis, to assist with its mission to prevent gang-related crime.
- The SAO has created a Targeted Prosecution Unit staffed by lawyers dedicated to the prosecution of violent offenders and those who are likely to become violent offenders. The office has also established a community advisory committee to comprehensively review and recommend diversion programming, with an eye toward reducing recidivism.

The discussion that follows is a deeper look at some these initiatives, identifying successes, as well as areas in need of further development.

A. Jacksonville Sheriff’s Office Initiatives

i. John Jay Initiative

The JSO and SAO have engaged in a partnership with the National Network for Safe Communities at John Jay College. This programming educates law enforcement on the philosophy behind and implementation of the Individual Gun Violence Intervention (IGVI) strategy that reduces gun violence by targeting individual offenders. This IGVI strategy has been employed in Jacksonville: it includes Call-Ins and Custom Notifications, both geared toward intervening in and interrupting violence.

1. Gang Call-Ins

Individuals who are known to participate in gangs or violent groups are called together to receive a dual message of warning and encouragement. Those who attend are reminded of the laws they are at risk of breaking, given a clear anti-violence message from community leaders and ex-offenders, and then offered community resources and services. These Call-Ins feature an enforcement “hammer” component, warning individuals of the risks of continued negative actions, as well as a “hope” component, pleading with them to make positive choices and offering them services and opportunities. These Call-Ins have been in use for almost two years, and thus far three have been held in Jacksonville. Based on preliminary observation, it appears few of these identified individuals are taking advantage of the services being offered to them.

2. Custom Intervention Notifications

A small and narrowly focused group of the most violent repeat offenders is investigated

and monitored by the JSO. This custom strategy features a personal visit from the JSO Gang Unit to individuals with known gang involvement. At these notifications, law enforcement clearly communicates that they are aware of the violent actions being committed by the individual and their group and offer them the opportunity to make positive and long-lasting changes. To date, JSO has conducted 262 custom notifications. After completion of the custom intervention notification, 45% of the offenders have called the sheriff's office, and only 20-25% have taken advantage of the services offered.

3. Daily "9 P.M. Routine" Social Media PSA Regarding Locking Cars

Over a period of two weeks, from August 16-28, 16 guns were stolen from unlocked vehicles across Jacksonville in 14 days (Aug. 14-28). Presumably, the community is unaware of the danger posed by leaving unsecured guns in cars—both locked and unlocked.⁶ In the past five years, there has been a 73% increase in the number of juveniles who are arrested that possess firearms.⁷ Many of these guns are being used by youth to commit crimes, either in gang retaliations or in neighborhoods across the city. In an effort to combat this situation, in June 2017, JSO launched a social media strategy to publish daily reminders to lock cars each night at 9:00 p.m. The PSA, called the "9 P.M. Routine," has been picked up and echoed by local media stations as well as the mayor's office.

4. "Gun Bounty" Program

The purpose of this program is to use community-based intelligence to track down illegal firearms and get them permanently off the streets. JSO will work with community partners to invest \$250,000 in advertising the effort and will pay \$1,000 from its forfeiture budget for every tip that leads to the successful interdiction of an illegally possessed gun.



were stolen from unlocked cars from August 16-28, 2018.⁸



recovered since March 2017 through the gun bounty program.

B. City-led Investment in Crime Fighting Technology

i. National Integrated Ballistic Information Network

The City and JSO have invested in law enforcement's access to the National Integrated Ballistic Information Network (NIBIN). NIBIN is an evidence database available to major metropolitan areas through the Bureau of Alcohol, Tobacco, and Firearms (ATF). It is the only automatic interstate intelligence resource that allows for the capture and comparison of ballistic evidence. The database contains 3.3 million pieces of evidence and 16 million images. The intelligence gathered through NIBIN helps to solve and prevent violent crimes involving firearms. Since NIBIN's inception in 1999, NIBIN partners have processed approximately 99,000 leads and 110,000 hits.⁹

ii. Crime Gun Intelligence Center

The City, JSO, and SAO have also invested in the creation of a Crime Gun Intelligence Center (CGIC). CGICs are interagency collaborations focused on real-time collection and analysis of intelligence related to firearm-related crimes. The immediate collection of evidence expedites the identification of shooters, disrupts criminal activity, and prevents the perpetuation of violent gun crimes. Forensic evidence is turned into intelligence information on shooters by the CGIC and allows detectives to connect gun-related crimes, improving the identification of offenders and leading to their arrests.

Jacksonville's CGIC is currently being built in the SAO's building and will function as a result of extensive interagency collaboration including ATF, local law enforcement, the SAO, the United States Attorney's Office, crime laboratories, and community partners. This collaboration, when used in combination with evidenced-based enforcement interventions, has been proven to reduce gun violence by providing timely forensic evidence and intelligence for law enforcement and successful prosecution of violent offenders.

iii. ShotSpotter ©

In 2017, Jacksonville implemented and activated ShotSpotter—an innovative gunshot detection system. ShotSpotter is an intelligence platform created to alert police to gunfire in real time, providing officers with "increased tactical awareness" and connecting them to the community. When used as part of a comprehensive gun control strategy, ShotSpotter cities experience a decrease in gun crime and improved community relations.¹⁰

ShotSpotter is currently being used in more than 90 cities with great success. ShotSpotter cities experience, on average, a 35% reduction of gunfire incidents within the first two years.¹¹ Police Superintendent of Chicago Eddie Johnson believes that, "[t]he one technology that has made the most difference in Chicago's reduction in gun violence in the last 12 months has been ShotSpotter – it's a game changer."¹²

iv. Ballistic Water Tank

The JSO Firearms Laboratory has recently acquired a ballistic water tank that is used to test fire all suitable firearms that are recovered by police officers in the course of their duties. The shell casings from these test fires are then entered into the previously noted (NIBIN) database. This process allows certified firearms examiners at the JSO Firearms Laboratory to match shell casings from crime scenes to the gun that fired them if that gun is later recovered. This match develops both crucial evidence in criminal cases and important intelligence information on active gun criminals in our community.

The NIBIN, ShotSpotter, and JSO Firearms Laboratory processes are synthesized collectively to maximize the tactical attack on gun violence in Jacksonville. The leads produced during these processes will be crucial to the operations of the Crime Gun Intelligence Center.

C. State Attorney's Office Initiatives

i. Targeted Prosecution Unit

Intelligence-driven prosecution focuses the collective resources of a prosecutor's office on one goal: reducing violent crime through timely information sharing and close coordination with law enforcement and community partners. In 2017, the Targeted Prosecution Unit was created with the goal of promoting intelligence-driven prosecution and enhanced support of JSO's violent crime initiatives. Targeted Prosecution is embedded with JSO Gang Unit detectives and Violent Crime Impact Teams to share criminal intelligence. The unit also strategizes the prosecutions of high-priority offenders, including gang-involved juveniles and young adults, and is actively involved in numerous real-time law enforcement initiatives, such as routine citywide deployments.

State Attorney Melissa Nelson recently announced the reorganization of the Targeted Prosecution Unit to further bolster efforts against violent crime. It will now be divided into two divisions: proactive and reactive. The division's proactive group will continue to conduct longer-term investigations, such as the multiyear effort that culminated in the arrests

481

shots-fired calls in the service area between 7/28/16 - 7/28/17

1,323

shots-fired incidents detected in the same service area with ShotSpotter between 7/28/17-7/28/18

Intelligence-driven prosecution focuses the collective resources of a prosecutor's office on one goal: reduce crime.

Early data is evincing the value of crime-fighting technology.

of more than 40 individuals in the Rollin' 20s street gang. The reactive group will use every statutory tool available to address the community's most serious, violent offenders and those who use firearms to carry out their crimes. It will work closely with the Jacksonville Sheriff's Office, state and federal partners, and the Crime Gun Intelligence Center opening in spring.

ii. Development of Arrest Alert System

An Arrest Alert System is another important part of intelligence-driven prosecution. The launch of an arrest alert system will ensure that those key criminal enablers—the most violent in our city—are appropriately prosecuted regardless of the nature or level of their offense. As part of the SAO's technology budget request for 2019, the office asked the City for funding to develop or purchase an Arrest Alert System. In practice, the Arrest Alert System notifies prosecutors by email of priority arrests involving a specific individual, charge, or arrest location. The City responded with an increase of \$50,000 over last year's funding for this project. Additionally, arrest alerts can also be used to locate uncooperative witnesses and to gather information through debriefings on crimes in specific areas or among specific gang members.

iii. Community Prosecution

In late 2017, the State Attorney's Office formed a steering committee for the exploration, development, and implementation of a Community Prosecution model. In a traditional prosecution program, the role of prosecutors is narrowly focused: assistant state attorneys receive case referrals, file criminal cases, and seek convictions. They rarely engage in prevention, intervention, or community strategies to reduce crime and increase the health of the community.

In a Community Prosecution model, however, prosecutors step outside of the traditional role to engage as problem-solvers in the community. Prosecutors work directly in neighborhoods, develop relationships with local groups, align enforcement priorities with residents' public safety concerns, and seek solutions to prevent crime. Community Prosecution programs have been universally recognized as successful crime-reduction initiatives.¹³

Following a methodology provided by the Center for Court Innovation (CCI), the SAO steering committee began its work by collecting a variety of both crime data and demographic data in the 32209 ZIP code. The consensus of the committee's research is the violent crime problem in Jacksonville in the 32209 ZIP code is worse than in any other part of the city.

Over the last year, the steering committee has met with the New Town Success Zone’s Vision Keepers, the Local Initiatives Support Corporation (LISC), the Community Foundation, and attended local listening sessions with constituents. The plan is to assign one or two prosecutors to each zone of the Jacksonville Sheriff’s Office. Placement within a zone will allow for a community presence and will allow the SAO to continue to study and learn about the specific issues and problems facing citizens in each zone.

In addition to assignments in JSO zones, prosecutors will be assigned to each of the six Citizen Planning Advisory Committees (CPACs), which maintain open and effective communication between residents, businesses, neighborhoods, community organizations, educational institutions, and local government.

iv. Juvenile Justice Advisory Committee (JJAC)

Established and convened by the SAO in 2017, the JJAC is a committee comprising 23 community members with diverse backgrounds and viewpoints who are passionate about youth and juvenile justice issues. The JJAC is tasked with developing a comprehensive, evidence-based strategy uniquely tailored to the Jacksonville community to increase prevention and intervention efforts and reduce recidivism of diverted youth.

Over the course of the past year, subcommittees and members have met regularly to review and discuss best practices in juvenile justice and diversion programming. Through numerous presentations and in consultation with national experts, the subcommittees are currently in the process of drafting their recommendations. A final report is expected to be released in early 2019.¹⁴

V. Proposed Solutions

The projects and technological advancements outlined above are promising and serve as a reminder of our community’s dedication to solving this problem. However, they are not enough to effectively combat and prevent violence within Jacksonville. A comprehensive review of successful programs in other cities

“ There is not a single solution that is going to fix this problem. It has to be multifaceted, it has to be comprehensive, and it has to be expansive. Law enforcement cannot do it alone. To be successful and enduring, the community must be engaged from our schools to our religious and business communities. ”

-State Attorney
Melissa Nelson

CURRENT INITIATIVES OVERVIEW

The City, JSO, and SAO have made significant inroads in identifying and implementing intelligence-based strategies to impact violent crime. They have invested dollars in innovative technologies and databases to improve collaboration, information gathering and preservation, as well as prosecution.

Additionally, these agencies have looked to expand their focus from traditional roles to prevention and intervention programming through community engagement and smart justice practices.

facing similar challenges underscores the importance of two things: (A) the value of a collaborative, comprehensive strategy and (B) the need for focused administrative oversight. Before discussing specific initiatives that have been successful in reducing violent crime, this memo will examine various strategies and administration of these strategies used in other communities that are combatting increases in violent crimes.

A. Comprehensive Strategy

Cities and governments are executing multiple programs simultaneously to combat crime and looking toward innovation to influence their policies. Whichever comprehensive strategy is crafted, it must be multi-faceted, flexible, and tailored to Jacksonville's community. It should be fully informed by the resources currently available while identifying gaps in services and programming. Two differing types of comprehensive strategies have been used by several cities to reduce youth and gang violence: (i) the Multi-Pronged Approach and (ii) the Public Health Strategy. Both are outlined below.

i. Multi-Pronged Approach

The cities of Los Angeles, Durham, Palm Beach, and Miami have all adopted similarly structured, multi-pronged strategies that seek to impact violence and reduce gang activity at the individual, family, and community levels. These comprehensive plans are designed to target criminality or violence at each stage of its development. Although the specific, enumerated stages vary slightly in each city, a traditional framework includes: prevention, intervention, and enforcement or prosecution.^{15a,b,c} Some cities also include a stage for re-entry. Palm Beach's model includes four components: crime prevention, law enforcement, courts, and corrections as a part of a joint county/city effort.¹⁶

Each of the cities employing this multi-pronged strategy relies upon community-based partnerships and law enforcement tactics specific to the needs of their city. For example, Los Angeles' Gang Reduction and Youth Development (GRYD) employs a four-prong strategy: 1) to increase the community's knowledge and capacity to effectively address gang

“We've got a gang member who's bad, and needs to be arrested and prosecuted. There is likely a child 5-, 6-, 7-, 8-, 9-years-old who has been and is being exposed to that. We're good people in Jacksonville, we understand that we have got to wrap our arms around that child, care for that child, and find a better way forward.”

-Mayor Lenny Curry

Two differing types of comprehensive strategies have been used by several cities to reduce youth and gang violence: (i) the Multi-Pronged Approach and (ii) the Public Health Strategy.

Strategy as a baseline

Multi-faceted vs. Public health model?

involvement and violence; 2) to increase protective factors and reduce gang joining among at-risk youth between the ages of 10 and 15; 3) to increase pro-social connections and other protective factors for gang-involved young adults between the ages of 14 and 25; and 4) to facilitate effective communication and coordinated responses to address gang violence.¹⁷ GRYD contracts with a number of service providers, including Homeboy Industries, which provides employment opportunities and tattoo removal for formerly gang-involved youth.¹⁸

This strategy for crime reduction, although still relatively new, has been proven effective. A four-year comprehensive study of Los Angeles' GRYD found that GRYD zones experienced reductions in gang violence. And some targeted hot spots experienced a significant decrease in gang or gun violence.¹⁹ Other initiatives of this comprehensive strategy, such as prevention, are more difficult to measure due to their recent implementation. A long-term study of the effects of these efforts would be helpful in measuring the success of these strategies over time.

ii. Public Health Strategy

41-73%
average drop
in shootings
and killings²²
experienced by
CureViolence

Other jurisdictions have adopted a public health model to prevent and reduce violence within their communities. According to the CDC, violent behavior, like disease, is transmitted through close contact with others, particularly young adults and teens.²⁰ Based upon the same strategies used by doctors to treat epidemics like AIDS and tuberculosis, a public health approach to violence works by preventing the transmission of violence within the

community by targeting and treating people with highest risk, and changing community norms that led to and enable violent crime.²¹

iii. The Two Approaches

Both the multi-pronged approach and public health strategy have been successful in reducing violence. Both approaches attack the issue of violence at the individual and community level, both emphasize the importance of



Saved citywide due to GRYD gang-related crime prevention



Amount of gang-related violent crimes prevented by GRYD Incident Response



Reduction in participation with gang-involved violent crime



Reduction in participation with gang-involved violent crime

simultaneous intervention and prevention initiatives; both rely upon community engagement to encourage change; and both use existing services or programs to help citizens affected by violence. Either framework, or a combination of the two, could be used to address the current problem of gang violence in Jacksonville.

FUNDING	
Multi-Pronged Approach	Public Health Approach
Funding for the development of a multi-pronged approach to gang reduction may be obtained through several avenues: national grant resources are available through the Office of Juvenile Justice and Delinquency Prevention (OJJDP). ²³ opportunities for state and local funding through the Department of Juvenile Justice and Jacksonville’s Kids Hope Alliance; seeking partnerships within existing community services; as well as seeking support from private donors.	Funding for the implementation of a public health approach to violence reduction like CureViolence can be achieved through grant funding. CureViolence will conduct site visits and assessments for \$7,500. According to CureViolence, several cities have received OJJDP funding to implement recommendations and findings of those assessments.

One public health model, CureViolence, has been adopted by a number of municipalities such as New York, Baltimore, Camden, and Kansas City. CureViolence’s work has been independently audited and the reduction in violent crime in the geographic area where implemented is remarkable. On average, CureViolence zones experience a 41-73% drop in shootings and killings.²² In addition; an analysis of New York CureViolence zones conducted by John Jay College found a significant reduction in gun and violent crime, an increase in trust between citizens and law enforcement, and changed perceptions and attitudes of young men about violent behavior.

B. Oversight and Administration

The administration of a comprehensive violence reduction plan requires exacting oversight. A strategy similar to those described above will have many moving parts. It requires the creation of multiple programs and initiatives, as well as the collaboration of a variety of community services and agencies. Moreover, many of these initiatives may rely upon similarly situated services or staff, such as case managers, violence interrupters, or mentors. A centralized office could ensure resources are allocated accordingly, duplicated efforts are eliminated, and strategies are adjusted quickly and efficiently. Two opportunities for oversight have been identified based on recent violence initiatives: an (1) Office of Violence Prevention; and a (2) City-controlled center, similar to Los Angeles’ GRYD.

i. Office of Violence Prevention

An Office of Violence Prevention (OVP) is a collaborative office founded upon the premises of public health. An OVP works by providing strategic oversight and direction for communities' efforts to reduce violence.²⁴ OVPs bring stakeholders, law enforcement, attorneys, and non-profit organizations together to identify and address violence within their community. Several cities have created OVPs with great success, including Philadelphia, Chicago, Stockton, and Milwaukee. OVPs identify a city's specific areas of concern, tailored for the citizens it serves, and select and administer programs specifically targeted to address the issue. For example, one of the Chicago OVP's primary initiatives is to promote resilience within the community after traumatic events have occurred. As such, the OVP has focused on police crisis intervention training, policy development, and community outreach and education. Some other successful programs utilized by OVPs include Operation Cease Fire and peacekeeping initiatives to specifically address gun violence.

There are a number of different models of OVPs that have been studied and evaluated. A comprehensive review identified 11 effective models with 21 potential programs that Jacksonville may wish to consider.²⁵ OVPs are often located within a city's department of health. Funding may be available through federal or health services grants.

ii. City-Controlled Center

Similar to an OVP, an office managed by the Mayor or the City manages resources, but retains the authority to identify and address service gaps and adjust programs and initiatives when necessary. Funding for the establishment of a City-controlled office may derive from the same grant resources used to establish violence and gang reduction programs.

C. Prevention

The adoption of a multi-pronged or public health model to reduce violence demands emphasis on preventing violence from reoccurring in the future. Prevention strategies seek to address the causes of violence and help



Establishment of an OVP is considered to be a proactive strategy to combat violence. As the eyes and ears of the community, and a community-based office, an OVP can play a fundamental role in not only reducing violence, but preventing it. By identifying youth who are both currently involved in or exposed to violence, an OVP can oversee the provision of services and interventions designed to reduce future involvement in violence.

change the culture of communities in which it breeds. Areas of improvement often focus upon social services, education, and youth activities. Many of these programs already exist within our community and others could be developed, where appropriate. An oversight office, such as the OVP or city center, could work with community members to identify these services and coordinate their administration more effectively.

Although the full gamut of prevention services is beyond the scope of this memorandum, opportunities have been identified to address the specific needs of the Jacksonville community and its youth.

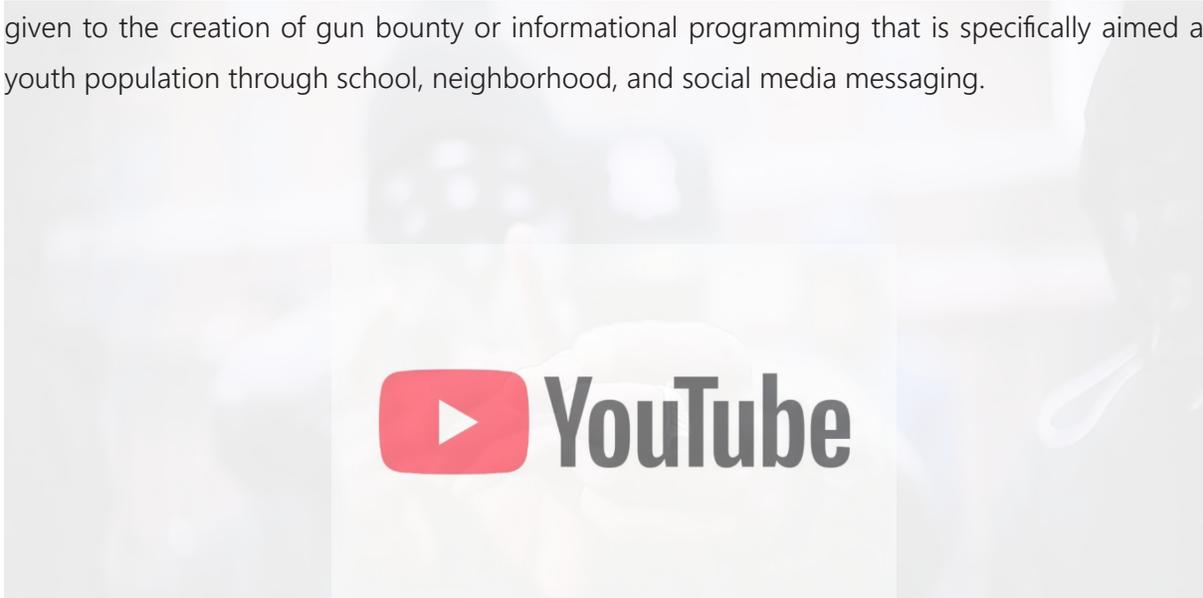
i. Procurement of Firearms

As youth-involved gun crimes increase, the troublesome question remains: where are these young offenders getting guns? These youth have stated they “can get a gun anywhere, and that they “don’t even have to buy a gun... it’s as easy to get a gun as it is a bag of Skittles.”²⁶ Guns are stolen from unlocked cars, bought on the street, traded for drugs and even borrowed from relatives, friends, or fellow gang members.

Proposed solutions include enhancing and expanding JSO’s Communication Strategy related to Firearms in Unlocked Cars/“9 P.M. Routine” into a citywide PSA strategy. This expansion could include PSAs that run during the evening news or sporting events, as well as advertisements on billboards, buses, and benches. Additionally, JSO’s development of a gun bounty program will increase incentives for community cooperation and offer cash rewards for tips about illegal firearms. Thought should be given to the creation of gun bounty or informational programming that is specifically aimed at this youth population through school, neighborhood, and social media messaging.

Centralized operations are key

Office of Violence Prevention vs. City-Controlled Center?



ii. Prevent Children Related to or Associated with Gang Members from Becoming Gang-Involved

Often, gang members' younger siblings and family members are recruited into the gang at an early age. Even if they are not specifically targeted for membership, many of these youth are exposed to the allure of the gang culture and violence as a result of their older siblings' affiliation.

Drill videos often feature young children, some as young as approximately three or four-years-old. These children are exposed to and traumatized by firearms, violent lyrics, and gunfire from early ages. Many of them are also acquainted with the ideas and ramifications of incarceration and homicide. Sadly, these children often grow up immune to the emotional impact of gun violence in our community.

Early identification of these children could be made through law enforcement intelligence gathered about gang members, and affiliates, as well as after the arrest or prosecution of known gang members. Younger siblings should be engaged and offered trauma-based services to prevent the likelihood that they, too, will become gang-involved. Education needs to be emphasized as an attractive alternative to the "easy life" of criminal gang behavior. Collaboration with public schools, case workers, and community leaders could create the foundation for such prevention efforts.

One Jacksonville is a concept designed to prevent gang involvement through the provision of sports and extracurricular activities. This year-round program would be a community-based initiative designed to address issues of juvenile delinquency by utilizing mentors and volunteers who will work with K-12 students to improve academic and social skills, provide positive influences, involve professionals to prepare students for their future, and provide opportunities to participate in sports and recreation. Developed by a JSO gang detective, this initiative contemplates the use of neighborhood parks, community centers, and other designated spaces to help with homework and teach positive socialization, appropriate communication, problem solving, and coping skills.

During the school year, the program will operate as an after-school program when youth are home from school, but unsupervised; and during summer with modified activities and hours of operation. College students will be utilized for their specific disciplines and to build interest in furthering education, and professionals will act as a link to the business community to prepare students for internships and employment opportunities. Elements of the program include

homework assistance, daily reading, discussions, job training skills, finance and investment classes, chess, critical thinking, physical education and sports, computer classes, and coding and robotics classes. Also, during the school year the facilities will be used to address needs of unemployed parents and young adults, such as job training skills, computer classes, cash register operation, ten key typing, résumé writing, and interview skills.

Additionally, this program would assist in providing sports associations for youth who are unable to pay the fees associated with traditional sports teams. Participants will be selected from school tryouts. They will play other teams within the same league, which will consist of regular season games, playoffs, and championships. The hope would be to extend this program to other cities and counties to provide at-risk youth with positive environment options, decreasing the opportunity to become involved in delinquent behaviors, and allowing students to build excitement about high school by preparing them to play high school sports, instilling the possibility of being awarded college scholarships.

Jacksonville is home to some of the finest and most successful youth sports programs in the country, including football, soccer, basketball, baseball, cheerleading, and lacrosse. Creation of a scholarship program with existing, well-established and highly reputable sports programs in the city will provide engagement, education, scholarship, and mentorship opportunities for our youth.



iii. Explore Collaboration with Trauma Hospitals

Because violence is a complex public health issue, many hospitals are investigating and incorporating strategies to interrupt and prevent cycles of violence within medical communities. As with prosecution, hospitals are not traditionally involved in the realm of violence prevention efforts. But they are the places where victims seek medical treatment and families gather for support.

One example of a successful strategy is the Violence Intervention Program out of Maryland, an intensive hospital-based intervention where victims of violent injury are identified and approached by case workers while they are in the hospital, and asked to join the program and receive services such as assessment, counseling, and social support. Although the initial contact is made during their hospital stay, case workers continue to work with them after discharge to create an individualized action plan to reduce risk factors of repeated violence. The results are promising; in a longitudinal study comparing individuals who were randomized to the program and those who were not, participants had an 83% decrease in repeat hospitalization. Program participants also exhibited a 67% decrease in victimization from violent crime and a 75% reduction in criminal activity.²⁷

Additionally, improved collaboration between medical, social, and law enforcement agencies would continue to build upon existing intelligence about where the violence is occurring, the victims of the violence, and social and emotional risk factors.

iv. Development of a Strong Mentorship Program

Mentoring at-risk youth has exhibited a positive impact on reducing recidivism and increasing pro-social behavior. It is important, however, that mentors spend sufficient time with their mentees and are credible messengers—people who have first-hand knowledge of the neighborhoods and struggles that these youth experience. For at-risk, already criminally-involved youth, the opportunity to receive guidance



from someone within their community who has overcome the same obstacles he has faced is invaluable. Judges and attorneys from the community agree that they would be willing to assign mentors as a condition of a criminal sentence. But there are several roadblocks to meaningful mentoring relationships—including a dearth of male mentors, as well as legislatively imposed restrictions on qualifications.

Although there are already several mentorship programs that exist within Jacksonville, many prohibit at-risk or adjudicated youth from participating in them. Moreover, Florida statutes and the Department of Juvenile Justice’s policies on background screening prohibit or make it extremely difficult for people with previous criminal convictions to become mentors or volunteer with youth. These individuals are perhaps the ones that could have the largest impact on at-risk youth, but are required to jump through substantial procedural hoops in order to gain an exemption and be authorized to have contact with youth. To repair the situation, it has been proposed that (A) the legislation and policies governing the employment of mentors be modified to allow people with eligible felony convictions to mentor and (B) an intensive mentorship program be established that is available for at-risk and criminally-involved youth.

Such a mentorship program could be created using community resources and organizations already in existence. To ensure that mentors are able to dedicate sufficient time to their mentees, financial remuneration or incentives could be a powerful recruitment tool. Training to ensure appropriate guidance is given to the youth would be necessary. Participation in the program could come from community referrals of at-risk youth and be assigned as a part of diversion or probation conditions.

Such a mentorship program could be created using community resources and organizations already in existence.

v. Practical Academic Cultural Education (PACE) Center for Girls...for Boys

PACE Center for Girls is a nationally recognized non-profit organization in Florida that provides non-residential services to at-risk girls ages 12 to 17. PACE programming focuses on prevention,

intervention, and diversion of at-risk, justice-involved girls through the integration of education, career resources, and social services.²⁸

PACE's results are promising. In 2016, PACE assisted 2,224 girls, 26% of which had a prior arrest. Within one year of leaving PACE, 91% of participants had no involvement with the criminal justice system. PACE reportedly saves ~\$40,000 per year for each girl that remains out of the juvenile justice system through its program.²⁹ PACE was founded specifically for at-risk girls. There is a marked absence of—and a great need for—similar programming for boys in our community. If successful, a PACE program for boys would not only reduce violent crime, but generate an enormous cost savings for taxpayers by reducing juvenile incarcerations, which are overwhelmingly male.

In 2017, there were 1,921 juvenile arrests in Jacksonville; approximately 1,600 of those arrests were of boys. Additionally, the evidence is overwhelming that males are almost exclusively responsible for gang-related crime.³⁰

PACE Center for Girls is a 501(c)(3) affiliated with the State of Florida's Department of Juvenile Justice. PACE is funded through grants from the United States Department of Justice, Florida's Department of Juvenile Justice, the City of Jacksonville, as well as private donations.

Currently, there is no similar program in the Fourth Circuit to serve boys; a PACE-type program adapted for juvenile males would fill a significant service gap in the Jacksonville community.**

***In 2017, there were
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*Don't reinvent.
Replicate what
works.*

91%

of female PACE participants had no involvement with the criminal justice system within one year of leaving.

Review existing and successful prevention efforts. Cultivate new initiatives based on identified gaps in the community.

D. Intervention

Across the country a number of different strategies have been developed to interrupt gang violence. In addition to the CureViolence intervention outlined above, which relies on violence interrupters and credible messengers to communicate with gang members to interrupt retaliatory violence, additional potential interventions are outlined below. Many of these initiatives overlap in idea or design, and may be used in conjunction with one another if deemed appropriate. These interventions and programs should be contemplated as only one prong of a more comprehensive strategy, taking into consideration current projects in the pipeline, past successes and failures, and available resources.

i. Social Media Intervention Strategy

Social media has become integral to lives of youth. Social media has also become a large part of case development for law enforcement monitoring, investigation, and prosecution—particularly for juvenile crimes. In addition to more traditional intervention strategies discussed above, innovative cities are experimenting with online intervention in youth crime through social media.

These social media strategies are new, and effectiveness of reducing violence is still being determined. However, one study of trained E-Responders in New York claims that 97% of their interactions resulted in positive outcomes, such as de-escalated conflicts. In addition to preventing online disputes from escalating to real-life altercations, online interventions are believed to help build empathy, perspective, and other life-skills amongst targeted youth.

As evidenced by the videos produced by Jacksonville's gangs, the online communication of youth criminal activity and gun violence is pervasive within our community.³² Employing a social media-based intervention strategy similar to New York's may be one

In addition to the CureViolence intervention that relies on violence interrupters and credible messengers to communicate with gang members to interrupt retaliatory violence, additional potential interventions are outlined below.

In New York, "E-Responders" and investigators are surveilling known gang members' social media accounts to collect intelligence and calm online disputes before they turn before into real-life violence. The E-Responders initiative was created by the Citizens Crime Commission of New York City with NYC Cure Violence and researchers at NYU.³¹ Responders were trained to prevent the escalation of violence and promote pro-social interactions online.

technique to increase intelligence, reduce the incident of online conflict, and potentially create a culture shift. Such an intervention could be coupled with a greater social media or communications strategy about the City's prioritization of targeting gun and gang violence in addition to more traditional enforcement methods.

Similar to the New York program, a social media intervention strategy could be developed with community partners and managed out of the central control center or OVP. Funding sources for the training of E-Responders and the development of the program would need to be identified.

1. Explore and Develop a Counter-Messaging Strategy

In order to quell violence, the mindsets of our city's youth who are susceptible to gang involvement must be shifted to focus on spreading awareness about the hardship and harrowing reality of gang life, and inspire personal action in the fight to end gang violence.

ii. Employ and Deploy a Cadre of Violence Interrupters and Credible Messengers

As the 2011 documentary *The Interrupters* shows, the individuals delivering the message about curbing violence are as important as the message itself. Recruiting and training those individuals who have firsthand knowledge about neighborhoods, relationships, and gangs are critical to interrupting and stopping violence. These credible messengers are integral to the success of the CureViolence initiative. They have personally experienced—and perhaps grew up in—the same areas of poverty, high crime, and violence. These messengers know how to speak the language of these youth and can relate to them in meaningful and lasting ways. Although several individuals in our community are currently operating in these spaces, we need more. Additionally, these messengers should be fully immersed in and compensated for this work, because they must be available to respond 24 hours a day.

E. Suppression through Enforcement and Prosecution

In addition to prevention services and targeted interventions, Jacksonville's public safety requires a strong strategy of choreographed enforcement and prosecution. Because of the complexities involved in identifying, arresting, and prosecuting gun and gang crimes, increased communication amongst agencies and an emphasis on intelligence gathering is integral to any comprehensive strategy. This plan should include discussions of strategic partnerships between existing units within JSO, SAO, and across other agencies, as well as incorporating innovations in technology.

i. Ensure Aggressive Prosecution of Gun Crimes

Aggressive prosecution of gang-related gun crimes is critical. Currently, the SAO and JSO are working on a coordinated effort to identify and arrest gang and group-involved youth for illegal possession of firearms. The agencies are committed to continuously deploying significant resources to identify and arrest individuals appearing in drill videos who are in illegal possession of firearms.

ii. Organized Campaign to Counter Anti-Snitch Culture/Operation Cooperation

Operation Cooperation is a SAO-led, multi-agency initiative that encourages non-violent offenders to cooperate with law enforcement in return for substantially reduced criminal sanctions. The goal of the initiative is to identify individuals who may possess information critical to investigating and prosecuting violent crime and motivate them to share this information with local, state, and federal law enforcement agencies.

One major obstacle to solving crime is the pervasiveness of “anti-snitch culture.” In gang and group-related crimes, being labeled as a “snitch” can be deadly. Gangs go to extreme measures to not only silence their members, but others who chose to cooperate with law enforcement. As it currently stands, the gang sub-culture ingrains in members of the greater community the idea that cooperation with law enforcement is not tolerated. The SAO is currently developing a strategy to proactively procure gun crime intelligence from the criminal defendants whom the office prosecutes.

In 2018, the SAO and JSO instituted a program called Operation Cooperation. Its aim is to counter “anti-snitch culture” by rewarding witnesses who cooperate with law enforcement and prosecutors. To effectively change this perception, the community must see that cooperating with law enforcement provides tangible rewards and safety even after testimony is complete.

Cooperating with law enforcement can be a life altering experience for a witness. Witnesses may need relocation services or additional support; funding is needed for monetary rewards,

Intervention
Follow and address violence in the communities in which it breeds. Deploy credible messengers to interrupt violence and invest in long-term solutions.

relocation services, and additional services to convince witnesses to testify against violent offenders and gangs. The pressure within certain areas of our community to not cooperate with law enforcement is intense. Our message about the benefits of cooperation must be of greater intensity in order to have a lasting effect.

iii. Enhance Gang Unit Resources

In order to effectively monitor gangs and gang activity, law enforcement needs a strong Gang Unit. Nationally, similar units that employ more than 100 officers have 55 personnel assigned specifically to gangs.³³ Gangs are always changing how they recruit and commit crimes, including using social media to communicate. For example, it is incredibly important for law enforcement to capture social media posts in real time, because it is common for gang members to post comments about upcoming intended violence or targets and delete them immediately. This time-sensitive intelligence gathering requires more manpower to monitor, document, and pursue leads from social media.

JSO currently fields a six-person gang unit to track overall gang activity in Jacksonville. However, that manpower is frequently supplemented with tactical support from the SWAT Unit and investigative support from both the Homicide and Aggravated Battery Units. Additionally, JSO has assigned an Assistant Chief to head their Group Violence Initiative in partnership with John Jay College and the National Network for Safe Communities. The Assistant Chief is supported by a Lieutenant, two Sergeants, and 16 investigators to specifically investigate gang and group-related violent incidents in Jacksonville. The investigators assigned to this initiative have a group-diversified background with specialties that include Homicide, Aggravated Battery, Narcotics, Gun Crime, and Vice Detectives. This combination allows the unit to investigate any group or gang-related activity, from street level drug dealing to murders.

iv. Enhance Communication and Intelligence Sharing

Communication and intelligence sharing could be enhanced across the spectrum, including efforts between JSO's Auto Burglary and Gang Units; between the School Board Police and the JSO Gang Unit; and between the SAO and JSO Gang Unit.

1. Interagency Database for Long-Term Intelligence Development

Intelligence development and sharing is critically important to the success of any violence reduction strategy. Currently, much of our data on gang and group development resides

with the law enforcement officers and assistant state attorneys that are most intimately involved in the cases. They personally know the histories of the groups, neighborhoods, and specific individuals who are targets of or who are cooperating with law enforcement efforts. Yet, this important information is lost when a detective is moved to another division, leaves law enforcement, or an ASA leaves the office.

The Brooklyn District Attorney's Office has spent significant resources on developing comprehensive technology that captures this information, organizes it, and helps to create strategies for combatting and anticipating violent crime. Similar technology would be invaluable to the detectives, crime and data analysts, and prosecutors who work with these populations.

2. Placing an Assistant State Attorney within the JSO Gang Unit & Violent Crime Impact Team

The recently announced expansion of the SAO Targeted Prosecution Unit will allow for greater daily communication between the State Attorney's Office and the Jacksonville Sheriff's Office.

v. Gang Injunctions

Gang injunctions have been used successfully in Los Angeles, California to disrupt gang activity and affiliation since the 1990s.³⁴ Gang injunctions are civil restraining orders against a gang that prohibit members from engaging in nuisance behaviors believed to be gang-related, such as wearing a gang's colors. Law enforcement and prosecutors decide which members to enforce the injunction against, providing them with an opportunity to strategically target and prosecute individuals for violations of the injunction that require a lower standard of proof than criminal proceedings.³⁵

Gang injunctions can only be sought when there is clear and convincing evidence an individual is a member of a street gang, engaged in an eligible nuisance activity within a designated area, and there is substantial reason to conclude that the injunction is likely to stop the behavior.³⁶



Gang injunctions have been used successfully in Los Angeles to disrupt gang activity and affiliation since the 1990s.

Provisions of a gang injunction must be narrowly tailored, but standard provisions prohibit the association with other identified gang members, enforce curfew requirements, place prohibitions on the consumption of drugs or alcohol, and restrictions on the possession of firearms or other weapons.³⁷ A person violating a provision of a gang injunction may be prosecuted for contempt and sentenced to 60 days or more in jail.³⁸ Probation, victim restitutions, and referral to federal immigration authorities are additional remedies that may be pursued.³⁹

Under the leadership of the Mayor and General Counsel's Office, Jacksonville may consider using gang injunctions as a part of their strategy to reduce violent crime. Because Jacksonville's gangs are geographically based, the use of injunctions may provide law enforcement the opportunity to target these areas for nuisance crime and prevent escalation into more serious offenses. However, the development of this strategy would require coordination across law enforcement and the courts.

vi. Prohibition of Identified Gang Members' Possession of Firearms

Newly enacted state legislation presents an opportunity for law enforcement to identify and prosecute selected gang-affiliated individuals carrying firearms in Jacksonville. This statute is similar to those governing domestic violence injunctions.

The Jacksonville Sheriff's Office and the State Attorney's Office are currently evaluating the use of Risk Protection Orders for this purpose. The Risk Protection Order Act was created by 790.401, Florida Statutes, during the 2018 Florida legislative session.

While many gang members have prior felony or juvenile adjudications that prohibit firearm possession, many younger or new members do not. This injunction process would provide law enforcement the opportunity to arrest and prosecute all gang members in violation of the injunction, which may require a lower standard of evidence or a less intensive factual investigation.

F. Corrections and Courts

Management of gang members after arrest and within the justice system is an issue of national discussion. Using the judicial and correctional systems as tools to address root causes of the criminal behavior and change behavior is a concept that has taken root in some jurisdictions.

Two potential concepts are outlined below: (1) the development of a Young Adult Court and (2) the creation of a Youth Boot Camp.

i. Young Adult Court (YAC)

Treatment or problem-solving courts have been recognized as an effective strategy to reduce recidivism amongst special populations. Treatment courts addressing substance abuse, prostitution, and truancy proved effective at reducing recidivism. Some have recently begun Young Adult or Gang Courts across the nation. Six young adult courts have been established, each with unique strengths and weaknesses. However, two models are worth mentioning here: (1) Gang Courts I TX and (2) the San Francisco model.

An addendum to this memorandum more fully sets forth the concept of a Young Adult Court and how implementation in Jacksonville would be most effective. A YAC allows for a spectrum of creative sentencing options. State Attorney Nelson, Chief Judge Mahon, and Sheriff Williams have all committed their support to this endeavor, which would require significant resources. These resources could be obtained through a federal grant, private donors, or other state and local opportunities.

ii. Youth Boot Camp

Youth boot camps have been used as a means of corrections for decades. Designs and efficacy of programs vary dramatically, but traditionally, are divided into three types: (1) military/drill style; (2) rehabilitative style; and (3) educational/vocational models.⁴⁰ The use of youth boot camps is controversial and studies have found mixed results about their efficacy.⁴¹

In Florida, a Miami-Dade Correctional Bootcamp has significant public support and attention after being included in a 2017 HBO Documentary featuring Dwayne “The Rock” Johnson, entitled *Between a Rock and a Hard Place*.⁴² The boot camp is accredited by the American Correctional Association and relies upon a paramilitary setting that integrates educational, vocational, and rehabilitative services into a “Shock Incarceration Setting.”⁴³ Participants include convicted offenders ages 14 to 22 who have been adjudicated as adults.

Suppression and Enforcement
Comprehensive technology and intelligence, as well as aggressive, targeted prosecution of the most violent offenders, are integral to combatting violent crime.

A boot camp in Jacksonville for young males convicted of certain crimes is one program that may be considered by the City. Because there are mixed reviews about the general efficacy of such programs, additional research into more specific models is necessary. Research about funding is also required.⁴⁴

Courts and Corrections

Research shows that alternatives to the traditional justice system can be an effective way to intensively engage with and redirect violent offenders.

G. Opportunities for the Private and Business Communities

Jacksonville is on the verge of an incredible transformation. With the exciting and ongoing redevelopment of the downtown area, as well as the announcement of the relocation of several major companies to the Jacksonville community, we are poised to experience incredible growth. This transformation cannot reach its full potential, however, unless citizens and businesses in our community feel safe and are included in the discussion of violence reducing strategies. Guidance and assistance from stakeholders and business owners is critical to identifying, developing, and effectively executing comprehensive violence reduction. In addition, the business community can help support success of this strategy through advocacy and funding.

i. Advocacy

There are two areas in need of strong community support and advocacy: (1) support for a Young Adult Court; and (2) lifting restrictions placed on potential mentors and volunteers with previous felony convictions.

There are two areas in need of strong community support and advocacy: (1) support for a Young Adult Court; and (2) lifting restrictions placed on potential mentors and volunteers with previous felony convictions.

1. Support for a Young Adult Court

First, support from community leaders and business owners is necessary to the creation and success of a Young Adult Court in Jacksonville. These courts are new and may not receive immediate support from citizens. As demonstrated by the success of our other diversion programs, problem solving courts are proven to be effective at reducing crime and can pose significant savings to taxpayers.

2. Lift Restrictions Placed Potential Members and Volunteers with Previous Criminal Conviction Records

Florida severely limits the employment of mentors or volunteers who have a criminal conviction. Although §985.644(1)(b) and §984.01(2)(a) Florida statues do not require screening for volunteers who assist on an "intermittent basis"

Community Engagement

Partnerships with the business community, including professional sports teams, are essential to identifying and funding programs that make our community stronger and safer.

for fewer than 10 hours per month, an impactful mentorship program will certainly need to consist of more than 2.4 hours of interaction per week. All DJJ employees—including volunteers and mentors—are required to pass Level 2 screening standards, established in section 435.04, as a condition of pre-employment. These restrictions bar people who are arguably most suited to mentor at-risk youth from doing so.

Section 435.07 and DJJ policy 1800PC do, however, allow for exemptions from employment disqualification. As laid out in §435.07(1)(a), people with eligible felony convictions for which more than three years have passed; misdemeanors of completed adjudication; or findings of delinquency, who have demonstrated “clear and convincing evidence of rehabilitation” may apply to

serve at the agency’s discretion. However, the additional specifications and requirements are extremely prohibitive, requiring DJJ agency head approval and additional documentation, and discretion is rarely exercised.

Reducing the statutory barriers to permit people with felony convictions to mentor would allow Jacksonville to create a strong and effective mentorship program for at-risk youth and criminally adjudicated youth.

ii. Funding Opportunities for Professional Sports Partnerships

In order to initiate a truly comprehensive and dynamic strategy to reduce violence, any of the initiatives or programs previously discussed could benefit from private funding.

At-risk youth may greatly benefit from advocacy and programs established by Jacksonville’s professional sporting community. Our city enjoys the presence of the National Football League’s Jacksonville Jaguars, as well as the Jumbo Shrimp minor league baseball team, the Giants basketball team, and the Armada Soccer FC team. At-risk youth are some of the most enthusiastic sports fans and talented athletes in our community, and research shows that youth learn important leadership and lifeskills through participation in team sports.

Professional and semi-professional athletes and teams frequently work with at-risk youth. The Jaguars have been especially generous with their resources by demonstrating a commitment to the development of a number of youth programs, including a \$500,000 scholarship fund with The University of North Florida for inner city high school students, an anti-tobacco campaign, and the charitable donation of more than \$400,000 in tickets.⁴⁵

Additionally, athletes and coaches are collaborating to use their influence in policy-making and community-wide criminal justice efforts. In Los Angeles, NFL coach Pete Carroll opened non-profit organization "A Better L.A." in 2010 to combat gang violence. A Better L.A. funds many community-based programs seeking to prevent violence and intervene in potential future violence.⁴⁶ In Chicago five sports teams, including the Chicago Bears, have formed the Chicago Sports Alliance, a group working closely with academics in Chicago to target youth and gang-related violence.⁴⁷ Armed with empirical evidence provided by the Urban Labs, the teams working together have agreed to provide one-time grants to two evidence-based programs: (1) a high intensity mentoring and trauma therapy program for youth; and (2) Chicago Police analyst training to be embedded into the city's most violent areas to collect data and develop city-specific crime reduction strategies. In addition, the alliance is providing grant funding to the University of Chicago's Urban Labs to measure and assess the success of these programs and the teams' investments.⁴⁸

Members of criminal gangs often show little concern for their own well-being. Simply put, many do not care whether they live or die young. As a result, they place little value on human life, often treating it as a commodity to be traded amongst criminal gangs. Continuing the tradition between the cross-section of professional sports and community advocacy, Jacksonville's sports community may consider spearheading select violent crime reduction initiatives—similar to the Chicago Bears exchange of game tickets for firearms—or directly engaging in and funding programs directed at curbing the reduction of violent crime.

This Comprehensive Gang Reduction Strategy was prepared by the City of Jacksonville, the Jacksonville Sheriff's Office, and the State Attorney's Office to facilitate community-wide discussion regarding gang and gun violence reduction for greater Jacksonville, Florida. The items and suggestions contained within are derived from a number of resources, including city government officials, law enforcement, prosecutors, empirical and legal research, and studies of strategies and programs employed in other cities that have faced similar issues with gang and gun violence.

End Notes

¹ Examples of drill videos created by local gangs can be found at: <https://m.youtube.com/watch?v=dyhtgRzg70k>; <https://m.youtube.com/watch?v=-JkRCxKIDNc>; <https://m.youtube.com/watch?v=QjZGBMx8EzI>; https://m.youtube.com/watch?v=uwd4b_plPrI.

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⁶ §790.174 Florida statute requires the safe storage of firearms. Any person who fails to store or leave a loaded firearm in the require manor...[a]nd or a result a minor gains access to the firearm" commits a misdemeanor of the second degree.

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⁸ Information provided by the Jacksonville Sheriff's Office.

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¹¹ For additional statistics, see <https://www.shotspotter.com/results/>

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¹⁹ This study was conducted in 2015. It is important to note that statistically, although there was a decline in the area, zones that did not employ the GRYP also saw a reduction in crime. The study provides a more comprehensive evaluation of each of the four areas of focus of GRYP and in 2017, more up-to-date evaluations of each area were conducted. Some areas and programs appear to be more effective than others. The reports can be found here: <http://www.juvenilejusticeresearch.com/taxonomy/term/3>.

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²⁷ <http://www.hpoe.org/Reports-HPOE/2015/2015-violence-prevention.pdf>.

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³⁴Ridgeway, et al., Effect of Gang Injunctions on Crime: A Study of Los Angeles from 1988 – 2011, Working Paper 2018-3.0, University of Pennsylvania Department of Criminology, <https://mail.google.com/mail/u/0/#inbox/1659b01b0005a18e?projector=1&messagePartId=0.5>. An ongoing study of the efficacy of the use of gang injunctions in Los Angeles from 1993 to 2013 found a 5% decrease in short-term crime and a reduction of 18% in the long-term. Since their creation, the Los Angeles County Attorney has successfully sought 46 gang injunctions, effectively covering 22% of the county's area. Other California cities, including San Francisco, Long Beach, and Oakland, have also used gang injunctions as a strategy to reduce gang crime.

³⁵Queally, James. Los Angeles barred from enforcing nearly all gang injunctions, federal judge rules, Los Angeles Times (Mar. 18, 2018), <http://www.latimes.com/local/lanow/la-me-ln-gang-injunction-court-order-20180315-story.html>. Gang injunctions are controversial. A federal court recently ruled that the manner in which Los Angeles courts issued gang injunctions prior to January, 2018, without providing defendants an opportunity to challenge the restraining orders in court, violated defendants' due process rights. However, the ruling did not prohibit the use of gang injunctions more generally and with proper procedural safeguards in place, they may continue to be used by law enforcement.

³⁶Basic Requirements, p. 8 – 9.

³⁷Id., at 12.

³⁸Id., at 15.

³⁹Id., at 20-21.

⁴⁰CrimeSolutions.gov, Practice Profile: Juvenile Boot Camps, <https://www.crimesolutions.gov/PracticeDetails.aspx?ID=6>

⁴¹A 2008 meta-analysis of data from 32 studies found that there was not a statistically significant reduction in recidivism of boot camp participants compared to non-boot camp participants. Another study has found an increase in recidivism by boot camp participants. Id.

⁴²Hanks, Douglas, Miami's young criminals face Boot Camp – plus HBO cameras and the Rock, the Miami Herald (March 26, 2017), <https://www.miamiherald.com/news/local/community/miami-dade/article140905753.html>

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*Re-entry, while a very important component to public safety, is not discussed in this memorandum.

**It is important to note that there are a number of successful programs providing services to both boys and girls in Northeast Florida. The PACE model highlighted in this paper is just one example of a program at the scale and funding level needed in the greater Jacksonville community for similarly aged males. PACE is named because of its evidence-based and data-supported success as an intervention for high risk, justice-involved girls. Because approximately 80% of the juveniles arrested in 2017 were boys, it is important that we identify and implement similar programming specifically cultivated for this overwhelmingly male population.

Content Attributions:

The City of Jacksonville, the Jacksonville Sheriff's Office, the Kids Hope Alliance, and the Fourth Circuit State Attorney's Office

Special Thanks to:

Columbia Law School Intern Jennifer Sharpe

Assistant State Attorney London Kite

Assistant State Attorney Laura Lambert

Assistant State Attorney Matt O'Keefe

JSO Strategic Planning Executive Marlo Zarka

JSO Detective Greg Howard

JSO Director of Investigation and Homeland Security Ronald Lendvay

SAO Employees Linzee Ott and Shea Blair

Lieutenant Colonel Paul W. Neudigate

Cincinnati Police Department



Assistant Chief Neudigate is a 29-year veteran of the Cincinnati Police Department (CPD) which is comprised of 1,050 sworn officers and serves a residential population of 300,000. The tristate region of Ohio, Kentucky, and Indiana which borders Cincinnati encompasses 2.2 million inhabitants with many of these individuals visiting or working in the City of Cincinnati.

Assistant Chief Neudigate currently serves as the Patrol Bureau Commander where he oversees 800 sworn personnel plus professional staff assigned to six patrol districts and various special operations functions, to include Canine, Civil Disturbance, Crime Analysis, Gang, SWAT and Traffic units. During a previous assignment as the commander of the Special Investigations Section, he partnered with agents from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to spearhead a new gun violence reduction initiative for the CPD, which evolved into a regional Crime Gun Intelligence (CGI) concept. The addition of CGI as part of the citywide violence reduction initiative, the Cincinnati Initiative to Reduce Violence (CIRV), has resulted in a 26% reduction in total shooting victimization since its implementation in 2016.

Assistant Chief Neudigate holds a Bachelor's degree in Justice Administration from the University of Louisville and a Master's in Criminal Justice from the University of Cincinnati. He is a graduate of the following executive leadership schools: Police Executive Research Forum's Senior Management Institute for Police (SMIP), the Southern Police Institute (SPI) Administrative Officers' Course, the Certified Law Enforcement Executive program (CLEE), the Police Executive Leadership College (PELC), the FBI's National Executive Institute (NEI), and the Major Cities Chiefs Association (MCCA) Police Executive Leadership Institute (PELI). He also serves on the ATF's National Crime Gun Intelligence Governing Board, the MCCA's Forensic Science Committee, and the IACP's Private Sector Liaison Committee. He has earned numerous commendations during his career, to include the Cincinnati Police Department's Medal of Valor.

Paul W. Neudigate
Assistant Police Chief
Cincinnati, Ohio, Police Department
Crime Reduction Hearing
April 08, 2020

Good afternoon, I appreciate this opportunity to speak before the panel regarding proven solutions in reducing gun violence. We know many large urban cities are impacted by recurring gun violence and Cincinnati is no exception. Unfortunately, we have a tremendous amount of gun violence for a City our size.

In 2015, we had almost 500 individuals shot in a city with a population of just over 300,000. As a result, we had to have a paradigm shift in how we were addressing shooting victimization. Knowing there is a strong “no snitching” culture in our City, we realized we had to do a better job of using evidence-based technology to help us overcome the gaps in community cooperation. Through the use of technology, a change in strategy, and a strengthening of our relationships with our Federal partners, specifically the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and U.S. Attorney’s Office (USAO) of the Southern District of Ohio, the Cincinnati Police Department (CPD) was able to reduce shootings by almost a third (30%) by 2018.

In three years, CPD was able to reduce the number of people shot in the City of Cincinnati from 479 in 2015 to 333 in 2018; *169 fewer victims of gun violence*. I attribute this substantial reduction over time to the following six initiatives that changed our response to shooting violence from one solely comprised of Group Violence Interruption to a layered strategy based upon the principles of Crime Gun Intelligence:

1. National Integrated Ballistic Information Network (NIBIN)
2. eTrace
3. Gunshot Detection Systems
4. Priority Offenders
5. Enhanced Federal Prosecution
6. Relationships

The use of these strategies depending on the circumstances, in effect “choosing the right tool in the toolbox” for the situation, has allowed us to be laser-focused in our efforts to reduce shooting violence. I will now briefly discuss each of these strategies and some of the best practices of each needed to ensure success.

National Integrated Ballistic Information Network (NIBIN)

NIBIN is a ballistic imaging network managed and operated by the ATF where distinct characteristics of a fired cartridge, to include breech face and ejector marks as well as firing pin impressions, are compared against shell casings and firearms recovered at crime scenes as well as guns recovered from suspects. These correlations produce investigative leads that allow us to identify those involved in gun crimes, especially our repeat trigger pullers involved in shooting violence. In 2015, while experiencing a large

spike in shooting violence, the ATF approached the Department and extolled the virtue of how NIBIN could help us link guns and suspects to crimes. We began a pilot program and during this period, we had an extremely high-profile incident where on four separate occasions over a week, a suspect shot into one of our local office towers in the heart of downtown Cincinnati. No one was injured but you can imagine the panic this created in our vibrant business community.

While we worked all the traditional investigative angles, we submitted the ballistic evidence (shell casings) to the ATF via a neighboring NIBIN site. Several weeks later, we caught a running gun battle on video several miles away. We were able to identify the primary suspect and take him into custody and recover a firearm. That handgun was test fired and casings entered NIBIN where they ultimately matched shell casings from our Queen City Tower shootings. This suspect, who had no known ties to the crime and would never have emerged as a suspect, admitted to the offenses, was prosecuted federally, and sentenced to eight years incarceration. *Without NIBIN, we would not have solved this crime.*

Shortly after the murders of the five Dallas officers in 2016, we had suspects drive by and fire shots into one of our police districts. Because of Dallas, officers were already under great pressure, this only heightened their sense of concern. We recovered numerous .45 caliber casings from the scene which were immediately entered into NIBIN and within hours linked this shooting to a previous incident with three identified suspects. Less than 72 hours from the time of the shooting, we arrested these three individuals on new gun and drug charges – there were no other shots fired at any of our facilities.

These are two examples of many, where NIBIN has helped us link gun crimes, identify shooters, and bring forth charges. ***Let me emphatically state, when operationalized properly – NIBIN is the cornerstone of any successful Crime Gun Intelligence initiative and will reduce gun violence.***

However, to see the benefits, agencies must ensure they are prioritizing the four Critical Steps of NIBIN:

- **Comprehensive Collection** – all ballistic evidence must be entered, not just shootings and homicides.
- **Timely Turnaround** – immediate entry into NIBIN with the goal of getting investigative leads into the hands of detectives within 48-72 hours.
- **Investigative Follow-up** – must be immediate and accountable; CPD has integrated the NIBIN lead into our version of Comp-Stat.
- **Feedback** – critical to provide feedback to the first responding officers, the ones we are asking to canvas for shell casings in the rain, cold, and dark.

eTrace

Also managed by the ATF, is a firearm trace submission system that provides local law enforcement the ability to identify the original purchaser of a firearm. This capability, layered with NIBIN, provides important investigative leads to violent gun crime. Last year,

we had an individual abducted, shot in the head and left for dead. Two days after this crime, officers arrested an individual nearby for being a felon in possession of a handgun. The gun was entered into NIBIN and due to the close proximity of the arrest to the offense, detectives requested an urgent, expedited trace. The trace indicated the firearm had been purchased in a neighboring state by a female three days prior to the attempted homicide. Officers and agents visited the gun store and were able to secure video of this purchase. The female purchaser was seen on video being accompanied by the male felon found in possession of the gun.

The follow-up interview of the female led to a confession for her involvement in a straw purchase and the abduction and shooting. Follow-up search warrants and interviews led to the arrest of three other individuals, including the male who pulled the trigger – the same individual found in possession of the gun. With the expedited trace results, we were able to obtain the video before it reached its retention period and was deleted from the store's server. Without the timely trace return, we would not have had this crucial investigative lead which solved this heinous crime.

Not only is eTrace extremely beneficial for investigating shooting offenses, it also helps identify Federal Firearms Licensees who have an excessive amount of their firearms involved in violent crimes. A review of the data often leads to additional scrutiny of their practices to ensure firearms are not being diverted into the hands of criminals.

CPD traces every firearm that comes into our possession; unfortunately, due to antiquated tracing laws, which give little regard for the critically important place firearms tracing plays in violent crime investigations, the timeframe between trace request and return often robs investigators of leads that could aid in removing a violent offender from the community. I realize this process is mandated by Congress and there are privacy concerns related to the Second Amendment; however, I urge this panel to help find common ground between these concerns and allow ATF to provide us timely trace results to bolster our ability to investigate gun crime.

Gunshot Detection Systems

CPD has employed a Gunshot Detection System (GDS) since 2017 and has found it invaluable in many regards as part of our overall gun violence reduction strategy. GDS employs a set of sensors that identifies and triangulates gunfire and relays information to officers within 45-60 seconds from detection. As a result, we have seen many benefits to this technology; it has made it safer for officers to: respond to shots fired calls as the technology pinpoints the location of the gunfire within 25 meters, ensuring officers are not driving through the "kill zone"; identify repeat locations of gunfire for follow-up intervention; identify and respond to shootings and shots fired incidents where no 911 call was received. Detectives are also using the technology to validate or refute accounts of shooting incidents provided by victims, witnesses, and suspects.

I think one of the many overlooked aspects of GDS is the community engagement aspect; it helps improve police department's standing in the eyes of the community. In Cincinnati, we average a companion call to 911 on only 16% of our GDS activations – that means

84% of the time the police are not notified, not responding, and are unaware of criminal activity in the communities we swore to protect. We know there are many factors that lead to this, not limited to community apathy and fear of reprisal but it also, unfortunately, generates the belief that the police don't care as we are only responding 16% of the time a community is in crisis.

Prior to our first geographic implementation of GDS, we conducted an informal survey and a follow-up one after six months of operation. One of the questions we asked this very challenged community was, "Do you believe CPD prioritizes addressing gun violence in your community?" The initial results were not what we had hoped for; however, when we conducted our follow-up survey, the affirmative responses increased by almost 20%. I believe this large increase is directly attributable to the fact CPD is now responding to 100% of gunfire activity in their neighborhoods. I realize this was a non-academic survey which is why we are partnering with the University of Cincinnati for an official survey with Institutional Review Board approval for current expansions.

Priority Offenders

In Cincinnati, the traditional "gang" structure doesn't exist as these "groups" are fluid in nature crossing geographical boundaries and transposing members. Realizing within these groups, there are truly only a few that engage in/drive actual violent crime; CPD began focusing on this small percentage of individuals versus gangs. In 2007, when our sole strategy was based upon the Group Violence Interruption model, we had over 2,000 identified group or gang members we sought to disrupt; now, we have approximately 50 individuals at any given time that we focus on.

These individuals have been identified through various investigative means as having been involved in homicides, shootings, aggravated robberies, and other violent felonies. We then coordinate with our numerous external partners to bring forth any and all applicable charges. Our results have shown that for Cincinnati, the removal of one Priority Offender can make a greater and longer lasting impact than disrupting a group or gang.

A benefit of having a laser-focused approach on individuals who are the drivers of violent crime has resulted in a significant decline in arrests while also reducing not just violent crime, but also overall Part I crime. Our experience leads us to believe the community no longer feels like they are under siege from their law enforcement agency like they used to when we made substantially more arrests.

Federal Prosecution

Ohio, like many other states, continues to have lax gun laws, especially for repeat violent felons who are arrested time after time illegally possessing firearms. As a result, we have begun presenting more cases to the U.S. Attorney's Office who has been a great partner in helping us reduce shooting violence in the City of Cincinnati. Those federally indicted and convicted face significantly harsher sentences than they would receive at the State level. Data shows a distinct reduction in shooting violence when these repeat career violent felons are removed from the community. I can unequivocally say we would not

have retained the reduction in shooting violence we have without the additional cases our Federal prosecutors have adopted for us.

Relationships

I've talked about the technology that has been an integral part of our shooting reduction strategy (NIBIN, eTrace, Gunshot Detection) but I've only briefly touched on what makes this all work in concert, and that is relationships and collaboration. All of our Federal partners, to include the USAO, Federal Bureau of Investigation, Drug Enforcement Agency, etc., have been invaluable in helping us remove violent felons from the community, but I have to highlight the work of the men and women of the ATF.

The ATF is the Federal agency that has the most co-aligned mission of working with and assisting local law enforcement with addressing shooting violence and gun crime. Without the partnership of the ATF, we would not have begun utilizing NIBIN and eTrace when we did. Without the ATF and NIBIN, the use of GDS would not be as effective as we would lack the ability to link the recovered shell casings to crimes and individuals. I've been a law enforcement officer for 30 years and I know local law enforcement and federal law enforcement are not always aligned but the results CPD has obtained over the last few years would not have been accomplished without our external partners.

To close, the use of technology is allowing us to be laser-focused in our enforcement efforts, in essence fishing with a spear and not a net, which has less harmful impact on our communities. Technology is not perfect, but it does help overcome some of the implicit bias humans have regarding race, gender, and economic status. ***Crime Gun Intelligence is a layered, holistic approach and when implemented properly, and augmented with the right relationships and strategies, is the game changer law enforcement has been looking for.***

Recommendations:

- Expand Bureau of Justice Assistance grant funding for additional Crime Gun Intelligence centers across the country.
- Increase funding for ATF to continue to expand its national network of NIBIN sites as well as continued funding for the NIBIN National Correlation and Training Center.
- Expand grant funding for the acquisition and use of Gunshot Detection Systems.
- Consider making non-Crime Gun Intelligence grant funding dependent on the effective use of NIBIN and adherence to the four principles identified above which are part of the Minimum Required Operating Standards.
- Encourage the Department of Justice to take an even larger role in prosecuting violent career felons to overcome deficiencies in the State court systems.
- If addressing gun violence is a national priority, and as ATF has the most co-aligned mission with local law enforcement and the least amount of sworn agents of any of the major Federal law enforcement agencies, increase the sworn complement of ATF field agents.

Zachary Terwilliger

U.S. Attorney for the Eastern District of Virginia



G. Zachary Terwilliger is the 62nd United States Attorney for the Eastern District of Virginia. As U.S. Attorney, he is the chief federal law enforcement officer in the Eastern District of Virginia. Mr. Terwilliger oversees the investigation and litigation of all criminal and civil cases brought on behalf of the United States in the Eastern District of Virginia. He supervises an office of approximately 160 Assistant U.S. Attorneys and 140 support personnel, who handle a high volume of critical cases in national security, terrorism, organized crime, narcotics, fraud and public corruption, immigration, cybercrime, as well as both affirmative and defensive civil cases where the United States is a party.

Before being appointed to the role of U.S. Attorney on May 25, 2018, Mr. Terwilliger served as Assistant Deputy Attorney General and Chief of Staff in the Office of the Deputy Attorney General at the Department of Justice in Washington, D.C. In that role, Mr. Terwilliger was a member of the Department's senior leadership team and was responsible for overseeing the Department's Criminal Division and management of the cadre of attorneys and support staff at the nucleus of the Justice Department within the office of the Deputy Attorney General.

Mr. Terwilliger served first as a Special Assistant United States Attorney and then Assistant United States Attorney in the Eastern District of Maryland from 2008 to 2017. In this role, his prosecutions focused on organized crime, human trafficking, and fraud. While at the U.S. Attorney's Office, the U.S. Attorney selected Mr. Terwilliger to serve as his sole counsel where Mr. Terwilliger was responsible for assisting the U.S. Attorney in all aspects of management of the office as well as serving as the Office's sole spokesperson. Prior to formally joining the office in 2008, Mr. Terwilliger was both an intern in the United States Attorney's Office as well as a summer law clerk following his first year of law school.

In addition to his service with the Department of Justice, Mr. Terwilliger also served as counsel to Senate Judiciary Chairman Charles Grassley where he focused on issues relating to criminal law, elder justice, human trafficking, and the Bill of Rights.

Mr. Terwilliger began his legal career as a law clerk for the Honorable K. Michael Moore, Chief Judge of the United States District Court for the Southern District of Florida.

Mr. Terwilliger received his B.A. degree from the University of Virginia. He obtained his J.D. from the William & Mary School of Law where he graduated with highest honors and amongst the top ten in his class. At William & Mary, he served as a member of the William & Mary Law Review, Moot Court team, and as the Criminal Law teaching assistant.

Mr. Terwilliger is a twenty-five year resident of the Eastern District of Virginia.



U.S. Department of Justice
United States Attorney's Office
Eastern District of Virginia

G. Zachary Terwilliger
United States Attorney

2100 Jamieson Avenue
Alexandria, VA 22314

(703) 299-3700
(703) 299- 2584 (fax)

April 6, 2020

G. Zachary Terwilliger, United States Attorney
Eastern District of Virginia
Written Testimony for the President's Commission on Law Enforcement Crime Reduction Hearing

The Issue: *Reducing Gun Violence in America*

As the chief federal law enforcement officer in Eastern Virginia, reducing gun crime is one of my highest priorities. At a time when our commitment to public safety will be tested, law enforcement must maintain a constant and vigilant presence in our communities. It is in times like these, when we face an unprecedented public safety challenge that is impacting everyone's lives, that it is especially important to uphold the rule of law as a bulwark against social unrest. The destabilizing effect of gun violence in our communities is more important to combat today than ever before.

The number of firearm deaths in America has risen slowly but steadily over the last twenty years. In November 2019, Attorney General Barr announced Project Guardian, an initiative to reduce gun crime, which is particularly important considering there are approximately 40,000 gun deaths every year. In 2017, on average, there were 105 gun fatalities *every day*—a fact often overlooked in light of mass shootings, which amounted to 117 deaths over that entire year. The impact of gun violence extends well beyond those cases that end in death: any shooting results in serious and sometimes debilitating injury, often requiring life-long medical attention.

The Scope of the Problem:

Criminals' accessibility to firearms and the interstate trafficking of firearms are leading causes of the high rate of gun violence in America. Eighty-five percent of criminal firearm possessors were not the original purchaser. Forty percent of those crime guns are from straw purchasers—individuals who “lie and buy” for others—40% are from friends and family members, and about 10% are stolen. Locally, nearly 40% of the crime guns recovered in our nation's capital were purchased in Virginia, which is why responding to straw purchasing of firearms is particularly important. Equally important is the need to aggressively and proactively take on the small number of offenders who are responsible for most gun violence. Nationally, it is estimated that just 6% of criminals are responsible for over 60% of violent crime.

Eastern District of Virginia Response:

Collaboration and strong partnerships are essential to the effective reduction of gun violence. In Eastern Virginia, we have gotten our strongest results when we have taken a proactive and

collaborative approach to our investigations and prosecutions. The following four areas have contributed to the significant strides we have made in reducing the violent crime rates in our area.

1. Federal/State/Local Collaboration:
 - a. *Project Guardian-DMV* (D.C., Maryland, Virginia) is a multi-agency federal and state illegal firearms initiative comprising Assistant United States Attorneys from the Eastern District of Virginia (EDVA), Western District of Virginia, D.C. U.S. Attorney's Office, and Maryland U.S. Attorney's Office; Supervisory ATF Special Agents from D.C., Maryland, and Virginia; a Lieutenant from the Virginia State Police; and a Maryland State Police Commander. The initiative's purpose is to reduce gun violence by quickly coordinating firearms trafficking, false statement, and violent crime investigations and cases among multiple jurisdictions. The group meets bi-monthly to coordinate efforts, share information, and evaluate legal and investigative approaches to combat new firearms trends and technology, such as the rising number of "ghost guns" (firearms made by an individual, without serial numbers or other identifying markings). Similar collaborative models are underway throughout the rest of our District.
 - b. *Operation High Tide*: This ATF-led operation used a team of informants who made controlled purchases of narcotics and firearms in targeted high-crime neighborhoods in the Hampton Roads region in southeast Virginia. As of December 2019, Operation High Tide has resulted in 20 federal convictions and the seizure of 78 firearms from the hands of criminals, many of them felons with prior violent crime convictions. Data on the region's most active violent offenders was consulted as part of the strategy informing this proactive investigation, which was modeled after its successful 2017 predecessor, *Operation Riptide*. That ATF-led operation resulted in 17 federal convictions and the seizure of a significant number of street guns—totaling 10% of the city of Norfolk's annual seizure of firearms. The Norfolk violent crime rate fell to its lowest level in 32 years following the execution of *Operation Riptide*.
 - c. *Violent Crime Initiative (VCI)*: Our Richmond office created the VCI program in Richmond and Petersburg to target illegal gun "hot spots" generating a disproportionate amount of violent crime. For each location, the USAO leads a working group made up of federal, state, and local law enforcement partners focused on reducing crime in violence-plagued areas. The team conducts proactive investigations, re-opens "cold case" homicide and shooting investigations, pursues preventive enforcement operations, and designates cases for federal or state prosecution with an eye towards maximizing our impact and resources. Relying on real-time, street-level intelligence, the VCI identifies and focuses on taking violent criminals and illegal guns off the street.
2. Prioritizing Straw Purchase Cases

Defendants who straw purchase and resell firearms rarely, if ever, do so with any regard for the consequences of their actions or consideration of who might be hurt by the guns they

knowingly put in the hands of felons and other individuals restricted from owning firearms. These criminals cannot be seen as mere “middle men,” but instead should be viewed as enabling criminals who fuel the fire of downstream violent crime. The impact of their trafficking will continue to reverberate throughout our communities long after they are sentenced. For that reason, prioritizing the investigation and prosecution of straw purchasers has significant deterrent value.

In February, a man our office prosecuted was sentenced for straw purchasing 35 firearms, including guns that were recovered by law enforcement after being used in violent crimes in Maryland and Washington, D.C. The month before, EDVA prosecutors convicted a woman of purchasing 31 firearms for her boyfriend, who was legally prohibited from buying them himself and who later resold them on the street. One of the guns in that case was later used in a drive-by shooting. Choking off the source of supply is critical in stopping the flow of firearms to violent criminals.

3. Proactive Investigations Utilizing State-of-the-Art Technology

At the federal level, we are fortunate to have the ability to launch proactive investigations. This allows us the time to cultivate multi-jurisdictional and multi-agency relationships, develop confidential informants, infiltrate and map large-scale criminal enterprises, and better understand how we can maximize impact in our prosecutions. We use those inherent advantages of federal prosecution to backstop our state partners, take on criminal organizations, and target serial violent offenders, which often ends in significant sentences.

Because the same weapon is frequently used in multiple gun crimes, the National Integrated Ballistic Information Network (NIBIN) is an effective tool in reducing gun violence. NIBIN is a specialized computer network that contains digital images of ballistic evidence recovered from crime scenes. This technology allows law enforcement to determine if ballistic evidence is tied to a particular recovered firearm—or whether the same firearm, even when not recovered by police, was used in multiple shooting events. That kind of ballistic linkage was particularly helpful in a racketeering investigation against a violent gang in the Norfolk Division of EDVA. The recovery of just one firearm led police and FBI agents to link evidence from five murders and six attempted murders committed by a small group of gang members over the course of several weeks. The shooters and their gang superiors were all successfully convicted.

Recommendations:

1. *Prosecution Coordination:* Depending on the defendant and the facts of a particular case, prosecuting it in federal rather than state court or vice versa may lead to a more significant sentence, stronger deterrence, and ultimately a reduction in violent gun crime. For this reason, coordination between state and federal prosecutors, in consultation with federal, state, and local law enforcement, is a significant tool law enforcement has at hand simply by virtue of our federal structure. Regular meetings to facilitate information sharing can maximize accountability for violent offenders. This should be done at the community level for maximum effectiveness.

2. *Targeted Enforcement:* A small number of criminals are responsible for a disproportionate number of gun crimes and violence. Additionally, most gun crimes take place in a relatively small geographic area. Focusing on those individuals responsible for driving most of the crime, together with “hot spot” policing and directed patrols, will reduce violent crime.

Predictive policing models can help agencies more effectively deploy resources to support these initiatives.

3. *Enhanced Crime-Gun Intelligence Coordination:* Law enforcement agencies should collect and quickly process ballistics evidence in all shootings, including random shootings and those in which no one is hit. Running all ballistic evidence through NIBIN will help police departments connect crimes and allow for focused deployment of resources and proactive investigations against a community's most violent offenders.

4. *Certainty of Punishment for Illegal Possession of a Firearm:* Because the consequences of illegally possessing a firearm vary state by state, education campaigns alerting the public of the consequences of illegally carrying firearms, together with relentless prosecution of felon-in-possession cases, will help deter the illegal firearm possession at the root of most violent gun crime.

5. *Reduce the Number of Guns Illegally Entering the Black Market:* Because the shooter in a violent crime usually is not the original purchaser of the weapon, law enforcement agencies should vigorously investigate and prosecute straw purchasers.

Conclusion:

The success in any initiative will depend on the concerted effort of a strong team—one that transcends jurisdictional boundaries, goes beyond a single police department or federal agency, and often crosses state lines. This effort must be focused, constant, and play to the strengths of all the participating stakeholders. As I have seen in Eastern Virginia, well-coordinated efforts can make a difference, and our communities are safer as a result.

Thursday, April 9, 2020

Timothy D. Sini

District Attorney, Suffolk County, NY



Timothy D. Sini was sworn in as the Suffolk County District Attorney on January 1, 2018. As District Attorney, he leads one of the largest prosecutorial agencies in the nation. Under the leadership of District Attorney Sini, the Office's mission is to make the Office a national model, seek justice in each and every case, and continue to make Suffolk County a safe place to live, work and raise a family. District Attorney Sini prioritizes effective team building, data-driven decision making, the innovative use of technology, and collaboration with other agencies to ensure that the Office is best positioned to address all the public safety issues of our time. He has focused the Office on aggressively addressing the drug epidemic, eradicating violent street gangs such as MS-13, combatting the scourge of illegal dumping and other environmental crimes that threaten our environment and public health, ending the horrors of human trafficking, holding public officials accountable for their misdeeds, and ensuring the administration of justice by creating a national model in the area of conviction integrity. On these fronts, under the leadership of District Attorney Sini, the Office has driven crime to historic levels; launched the largest MS-13 takedown in U.S. history resulting in the indictment of 96 MS-13 gang members and associates in Suffolk County and the arrest of more than 200 individuals worldwide generating critical intelligence from more than 200 wiretaps; brought the largest illegal dumping case in New York State history; and was awarded two competitive federal grants to pursue the Office's work in the area of conviction integrity, which included exonerating an individual who spent 33 years in prison for a murder he did not commit. District Attorney Sini has also invested in critical technology to make the Office more effective and efficient, revamping the Office's case management system, creating an electronic discovery platform and developing a sophisticated electronic surveillance initiative capable of employing the most cutting-edge investigative techniques.

Prior to District Attorney Sini's election, he served as the 13th Commissioner of the Suffolk County Police Department, which is the 11th largest police department in the nation. As Police Commissioner, District Attorney Sini restored integrity to the leadership of the Police Department, reduced crime to the lowest level in recorded history, improved community relations, and enhanced the efficiency and effectiveness of the Department through improving processes and investing in technology.

As Police Commissioner, District Attorney Sini brought the fight against the violent street gang MS-13 to the national stage by making it a top priority of the Department. District Attorney Sini testified before the United States Senate and House of Representatives regarding MS-13 and successfully lobbied the Department of Justice for additional resources to combat MS-13 in Suffolk County, including a federal grant that was awarded after President Donald J. Trump and Attorney General Jeff Sessions visited Suffolk County on two separate occasions.

District Attorney Sini serves as a representative on the White House's Office of Drug Control Policy NY/NJ Regional HIDTA Team, where he assists in creating strategies to reduce opioid overdoses in the region. He also serves as the Chairman of the Suffolk County Criminal Justice Coordinating Council and as an adjunct professor at Touro Law School and St. Joseph's College, where he teaches courses on contemporary issues in policing and prosecution.

Prior to his appointment as Police Commissioner, District Attorney Sini served as the Suffolk County Assistant Deputy County Executive for Public Safety. In this role, he spearheaded numerous public safety initiatives, including an innovative drug treatment program targeting Suffolk County inmates and releasees, an evidence-based gang prevention program for schools, and the successful effort to lift the unfunded state mandate to build a third jail in Suffolk County by developing a plan to further invest in alternative to arrest programs.

District Attorney Sini started his career in law enforcement as an Assistant United States Attorney in the Criminal Division of the U.S. Attorney's Office for the Southern District of New York where he served under U.S. Attorney Preet Bharara. He specialized in investigating and prosecuting violent crimes, including homicides, gang related activity and large-scale narcotics cases.

Prior to serving as an Assistant United States Attorney, District Attorney Sini clerked for the Honorable William C. Conner, United States District Judge for the Southern District of New York and the Honorable Chester J. Straub, United States Circuit Judge for the Second Circuit Court of Appeals. He also worked as an attorney in the private sector for two years.

District Attorney Sini is a magna cum laude graduate of both Brooklyn Law School where he earned his Juris Doctor and American University in Washington, D.C. where he received his Bachelor of Arts degree in Political Science and a minor in Justice. He completed the FBI's National Executive Institute for Executive Leadership in law enforcement and Harvard University's John F. Kennedy School of Government, Executive Education Program. District Attorney Sini resides in Babylon Village with his wife, Amanda, and their three children.

On behalf of the Suffolk County District Attorney's Office, I want to thank the President's Commission on Law Enforcement and the Administration of Justice for the invitation to provide this written statement in support of my previous testimony regarding my Office's work combatting MS-13 and law enforcement's shared mission to eradicate this ruthless, violent criminal enterprise. There are many important pieces to a successful strategy, including collecting reliable intelligence, collaboration among law enforcement agencies at all levels, partnerships with the Northern Triangle countries, and much more. But I want to focus this written statement on the area of electronic investigation and surveillance and, in particular, the ever-increasing challenges law enforcement face as technological developments in this area impede law enforcement's lawful efforts to collect reliable, real-time intelligence and evidence relating to criminal enterprises such as MS-13. Our investigations have revealed that criminals, such as MS-13 gang members, deliberately use encrypted applications and other tools to commit crimes and evade the law. In order to overcome these issues, this statement sets forth four recommendations for the Commission's consideration.

As a former federal prosecutor, police commissioner and now District Attorney, I know the value of electronic surveillance, particularly court authorized eavesdropping, otherwise known as wiretaps. As the District Attorney for Suffolk County, I have devoted significant resources into our wiretapping infrastructure and have partnered with the Federal Bureau of Investigations to expand our electronic investigations capabilities. I have also recruited members of my team because of their particular experience in electronic surveillance, invested heavily in training relating to electronic surveillance, and implemented a series of best practices governing how we conduct electronic surveillance.

These efforts positioned my Office to conduct, in collaboration with the Drug Enforcement Administration and other law enforcement agencies, one of the most significant MS-13 takedowns in U.S. history involving wiretaps on approximately 215 phone lines and communication applications over the course of about two years. The amount of intelligence generated off those approximate 215 phones was enormous and led to the arrests of more than 230 MS-13 gang members and close associates worldwide. During the course of the investigation, over 96 MS-13 gang members and their associates were arrested and charged in Suffolk County with a variety of offenses, including murder conspiracy, gang violence, weapons possession, drug trafficking and more. My Office convened a Special Grand Jury which indicted 64 of these defendants in Suffolk County under one indictment. The Special Grand Jury indicted the leadership of nine MS-13 cliques operating on Long Island. Notably, the intelligence generated from the wire led to the foiling of more than 10 murder plots on Long Island and the charging of 45 MS-13 gang members and 19 associates for their respective roles in planning murders, committing acts of violence, and trafficking drugs and weapons. The intelligence generated from the wire also led to the arrest of high-ranking MS-13 leaders and the solving of murders and other serious violent crimes throughout the world, including in the Northern Triangle. Remarkably, the intelligence and strategic arrests from the wire ended the New York Program, which was created by the leadership of MS-13 in El Salvador to develop a greater presence on Long Island, to centralize their money to be sent from New York to the Program leaders in El Salvador, and further the gang's objectives of violence and dominance.

The ability to effectively conduct the type of surveillance used in this case is currently at risk by the use of encryption and other communication tools that impede law enforcement's lawful efforts to obtain evidence of criminal wrongdoing. To assist law enforcement in

overcoming these obstacles, I respectfully recommend that the law enforcement community continue to work collaboratively and with our lawmakers to develop strategies and laws to enable law enforcement to do the following:

- 1) Access real time surveillance of communications, regardless of encryption; mode of communication (VOICE / VIDEO / TEXT / DATA), communication path (CELLULAR \ WIFI \ WIRED BROADBAND) or service provider (to include third party Over-the-Top app hosts);
- 2) Obtain Cloud, network or device-resident historical content, such as text messages, chat sessions, images and video from service providers in unencrypted or readily decodable form;
- 3) Access and forensically acquire locked (password protected) phones that are seized during an investigation; and
- 4) Effectively intercept, collect, store, and analyze “packet data” and invest in electronic surveillance technology that is not surpassed by the latest consumer communications technology.

None of these recommendations would allow law enforcement to obtain any information that law enforcement is not otherwise entitled to pursuant to a court order, whether it be a search warrant or an eavesdropping warrant.

First, communication providers (including traditional “telecommunication service providers” and non-traditional electronic communication service providers such as Apple, Google, Facebook, WhatsApp, Instagram, Signal, Telegram, and the various other application platforms that provide means to communicate via voice, text, or video) should be required to create for law enforcement a secure access portal into their service platform\products. This portal should, pursuant to court order, facilitate unencumbered access to real time or stored communications in an unencrypted (clear) or readily decodable form. Illegal content that is encrypted or inaccessible to law enforcement allows perpetrators to maintain an advantage and

evade detection. For instance, currently there is no mechanism by which law enforcement can intercept, in real time, communications between individuals communicating over certain commercially available communications applications.

Service providers must be required to provide the “key” to law enforcement to access and decrypt these types of communications. Applications and telecommunication service providers offer encryption of communications as privacy and security for their registered users. Many communication platforms consider this feature necessary to maintain its client base. However, this key privacy feature is predictably taken advantage of by criminals. Therefore, these communication providers, like the telecommunication providers governed under CALIA, must be required to provide law enforcement real-time access to the communications with proper legal process.

Second, these companies must be required to store the content that is being transmitted and received for minimum specified time periods (much like the traditional telecommunications service providers store phone records or location information for a particular length of time). This will allow law enforcement to obtain that information with a search warrant after the fact, if it cannot do so in real time. Communication applications that are used today allow individuals to share information with each other instantaneously. Often times, just as quickly as a communication is sent, it is gone, never to be seen again. Law enforcement can currently obtain certain encrypted communications if they recover a phone and can gain access to the phone, but only if the communication was saved to the device. Another potential avenue to seize illegal communications is with a search warrant to the target’s cloud storage, but this can only be done retroactively. If those communications were not saved on a device or backed up to cloud storage

by the user, they are typically not stored by communication providers, as they are currently not required to store these communications.

Third, there should be a requirement that providers such as Apple and Google (iOS and Android based devices) and other device manufacturers create dedicated digital “keys” to unlock operating systems and or bypass the lock screen feature of cellular telephones and table devices. While a passcode that locks the home screen and prevents access to other users is an extremely important personal security feature for the majority of law abiding individuals, a lock that cannot be bypassed with proper legal process allows a criminal to use his or her phone as both a sword and a shield. To prevent this type of un-level playing field, these device manufacturers must provide access to law enforcement to locked devices with a court ordered search warrant.

Lastly, local law enforcement require additional funding to effectively conduct wiretap investigations in this high-technology, high-bandwidth digital environment. This is in part because most people, including criminals, now use smart phones, which create what is referred to as “packet data.” Packet data includes photos, video, multimedia, internet access/surfing information, identification of app usage, and other electronic information that occurs over a wireless mobile device, but not via the traditional voice or SMS messaging capabilities. The amount of packet data that is intercepted and collected pursuant to an eavesdropping warrant is significant. Successful interception, collection, and examination of this data requires sophisticated electronic equipment and software, enormous amounts of logical archive space (network storage devices; high-capacity SD cards; hard disk drives; etc.) and specially trained investigators and technical support staff. Packet data surveillance is one of the most formidable challenges to lawfully authorized electronic surveillance operations. As a result, we often do not discover the full evidentiary value of the packet data intercept until a much later point in time.

Therefore, additional funding is essential to enable local law enforcement to conduct effective electronic surveillance of high capacity smart phones.

Additional funding would also assist law enforcement to invest in leveraging new electronic surveillance technologies to match and keep pace with rapidly evolving consumer telecommunications technology. At present, wireless digital communications technology often surpass law enforcement intercept capabilities. As communications network capacity expands, and the mobile device technology expands with it, it becomes harder and harder to effectively conduct an eavesdropping investigation. A single phone line, delivered over a 5G wireless network, may produce multiple, split “streams” or “paths” of audio that are transmitted to the eavesdropping equipment in random order. Some of those streams may be encoded or encrypted differently from each other; as a result, sometimes we are able to monitor one side of the conversation but not the other; and sometimes we are unable to monitor anything at all. The eavesdropping equipment is not readily capable of collecting the constantly changing split streams. As a result, law enforcement is failing to intercept some, if not all, of the communications; or at best it takes great effort to sort and rejoin the streams together into one intelligible two-way conversation. Again, smart investments in technology for local law enforcement would assist our agencies in keeping pace with the rapid technical advancements in service provider networks and enable the continued use of lawful electronic surveillance, which is an integral tool to combat violent criminal enterprises, such as MS-13.

Commissioner Geraldine Hart

Suffolk County Police



Geraldine Hart was appointed the 14th Commissioner of the Suffolk County Police Department in April 2018. Under Commissioner Hart's leadership, the Department has strengthened its focus on combatting the heroin and opioid epidemic, aggressively identifying and eradicating violent street gangs like MS-13 from our communities and enhancing training for active shooter and terrorist threat scenarios. Commissioner Hart brings with her extensive federal law enforcement experience and has made

collaborating with law enforcement partners locally, regionally and nationally a cornerstone of her administration.

Prior to her appointment, Commissioner Hart served as an FBI Special Agent for over 21 years. Beginning her service with the FBI in 1996, Commissioner Hart was assigned to a health care fraud squad at the New York Field Office, where she conducted fraud investigations in both Nassau and Suffolk counties. In 1999, she transferred to the Luchese Organized Crime Squad. In September 2005 Commissioner Hart was the recipient of the United States Attorney General's Award for Excellence in Law Enforcement. In April 2012, Commissioner Hart was promoted to Supervisory Special Agent of the FBI's Genovese Organized Crime Squad. In February 2014, Commissioner Hart was selected to serve as the Senior Supervisory Agent overseeing the FBI's Long Island Resident Agency. Commissioner Hart's responsibilities included supervising the FBI's Long Island Gang Task, comprised of FBI agents as well as detectives and investigators from ten federal, state and local law enforcement agencies. In addition, Commissioner Hart supervised all FBI violent crime investigations, including violent crimes against children, impacting Long Island. Commissioner Hart also oversaw the operations of the 120 member FBI office comprised of White Collar Crime, Counter Terrorism and Counter Intelligence squads.

Commissioner Hart is a graduate of St. Francis College where she received a Bachelor of Arts degree in history. She earned her law degree from St. John's School of Law.

Geraldine Hart, Commissioner
Suffolk County Police Department
Hearing: Reduction of Crime
Focus Area: Gang Violence – MS13

Gang violence has been one of the most challenging public safety issues for law enforcement. Gangs themselves are not a new phenomenon; they've existed in the past and are a current public safety concern. They are engaged in numerous criminal activities, including drug trafficking, extortion, robberies, burglaries, and assaults.

Yet, for those who come from broken homes and vulnerable communities, gangs hold a certain appeal in contrast to the realities of daily life. Regardless of this, we all agree that gang behavior, in particular, violence represents a serious social problem.

I am Suffolk Police Commissioner Geraldine Hart. Before becoming Police Commissioner in April 2018, I spent 22 years as a Special Agent and Supervisory Special Agent with the Federal Bureau of Investigation. During my time as an agent, I focused on organized crime then later served as the senior law enforcement agent on a multi-agency task force focused on MS-13.

I want to thank the Commission for placing a focus on this important issue and for taking the time to listen to our experience with gang violence, in particular MS-13. Their impact on our communities in Suffolk County, the strategies we implemented to address an increase in violent crime, the challenges that remain and recommendations to address those challenges.

MS-13 Impact on Suffolk County

Suffolk County is located on the eastern portion of Long Island with a western border just 30 miles from New York City. With a population of 1.5 million people and a department of approximately 2,500 sworn officers, the 11th largest in the nation, we are one of the safest counties in the country.

MS-13 gang members have been concentrated in identified hamlets in Suffolk County since the early 2000s.

- From January 2016 to April 2017, Suffolk County experienced a major spike in violent crime. During this period, there were 17 brutal homicides committed at the hands of MS-13. This included the vicious murders of 15 y/o Nisa Mickens and 16 y/o Kayla Cuevas in September 2016 and the ruthless murders of four young men in April 2017.
- The threat posed by MS-13 was not just a local problem but a national one as evidenced by the visits of both Attorney General Sessions and President Trump who came to Suffolk to meet with law enforcement and discuss the scope of the MS-13 problem.

Strategies Implemented

The news of these brutal killings shook our communities, reverberated around the nation and sparked a commitment among the Suffolk County Police Department to strengthen our MS-13 efforts and draft and implement a formal gang eradication strategy to protect the public.

Many of these strategies, developed together with our law enforcement partners and my predecessor former Police Commissioner and now District Attorney Tim Sini were implemented as follows

- Enhanced and targeted police presence and patrols in affected areas
- Increased and collaborative efforts to gather, collect and share intelligence
- Relentless targeting and enforcement of known MS-13 gang members for arrest, prosecution and removal
- In addition to continuing to work with our local prosecution partners we have also increased federal prosecutions of MS-13 gang members and its leadership under the RICO statute
- A strong emphasis on community relations
- And significant investments in gang prevention and intervention strategies, with a particular focus on the Unaccompanied Alien Children (“UAC”) population.

Enforcement Results

The Department’s multi-faceted approach has resulted in significant prolonged reduction in MS-13 gang violence.

Intervention and Prevention Strategies

However, we recognize that targeted enforcement alone will not lead to the eradication of MS-13 from our communities so we’ve implemented the following:

- Through a Federal Grant we have developed youth engagement programs targeted at our 14 – 18 year old (UAC) population.
- We are investing in school and community-based programs to reduce gang recruitment and involvement.
- We’ve partnered with local businesses, community organizations, and clergy members to establish a steering committee with over 30 member groups including impacted School Districts, the International Rescue Committee, various Latino Churches and trade unions.

- Together this committee assessed the needs of our UAC population and developed 3 summer programs focused on career exploration and training for High School students.

UAC Program Remain a Challenge

Suffolk County is the 7th largest recipient of UAC's in the nation. According to the United States Office of Refugee Resettlement, (ORR) Suffolk County has received over 6,899 children and teenagers who were resettled as unaccompanied minors since 2014. In 2019 ORR reported alone Suffolk County received 1,479 UAC's

The majority of these children come from Central American countries like El Salvador, Honduras, and Guatemala. And while the vast majority of these children live law-abiding lives, many of them are susceptible to gang recruitment. They are young, alone, adjusting to a new country, culture and language, and are seeking a sense of belonging. This is compounded by the fact that the sponsors of these children, in some cases, prove not to be suitable guardians.

However, what's important to note is that more than half of these children are placed with sponsors in areas with a significant MS-13 presence throughout the County thereby potentially making them targets for MS-13 recruitment.

Since 2015 at least 14 UAC's have been arrested on Long Island for their participation in MS-13 related homicides. Intelligence indicates that MS-13s leadership in El Salvador is likely exploiting the UAC program by sending juvenile MS-13 members to the United States and targeting other UAC minors for recruitment by exploiting a broken vetting system of sponsors.

Recommendations

1. Improve UACs Sponsors Screening Process

- a. The current vetting and screening system of sponsors is in dire need of improvement. It's vital that the federal government place UACs in our communities after proper screening of sponsors, notification to local authorities followed by measures ensuring proper guardian compliance. Your assistance in enhancing oversight would be crucial.
- b. Recent investigations by the United States Senate Committee on Homeland Security and Governmental Affairs of the process for screening potential UAC sponsors found that the federal agency responsible for placement "failed to conduct sufficient background checks of potential sponsors and other adult members of their households; failed to conduct site visits of the sponsor's homes; and failed to recognize that a group of sponsors was accumulating multiple unrelated children."
- c. In Suffolk County dozens of MS13 gang members were arrested during the seventeen murder investigations which occurred between 2016 and 2017. Most

were found to be foreign nationals, many of whom were placed in the community through the UAC program and some no longer living with their sponsors.

- d. We found that some of them were living in outdoor man-made shelters, garages, and sheds. It was discovered that the sponsors were not properly vetted, and after being placed, there was no mechanism to monitor a UAC's progress in the community.

2. HHS-ORR Partner with Local Law Enforcement

- a. If local law enforcement was involved in the vetting process, we could help determine if potential sponsors and residences were affiliated with any local gangs, information that federal placement agencies generally do not possess.
- b. In 2017 discussions were underway between the Suffolk County Police Department and HHS- ORR to work together to limit the vulnerability of these children by ensuring they are placed with sponsors who are not involved in illegal activity, are not residing with MS-13 members or associates and are not the recipients of multiple UACs in the same residence.
- c. After meeting several times and providing ORR with intelligence on MS-13 members and areas with significant gang activity, ORR discontinued the discussions pending their counsel's review.
- d. I would urge HHS to engage in enhanced collaboration with local law enforcement partners in Suffolk and around the country.

3. Provide Advance Placement Notification

- a. I would also respectfully ask this Commission to consider the benefit of advanced notification of placement of UAC's to local governments. This would allow us to offer access to services and programs that are available in their community.
- b. Community based gang intervention strategies would benefit from knowledge of who the UAC's are so we would be able to tailor programs based on their age, interests, and needs.
- c. There is no doubt that proper placement, monitoring, and community involvement would help contribute to the success of the UAC program and add to the community as a whole.

Gang violence will continue to challenge the law enforcement community. MS-13 is one of many gangs throughout the nation that is a threat to public safety. I believe that improving the UAC Program and strengthening relations between HHS-ORR and local partners will play a significant role in derailing gang violence.

I appreciate this opportunity to share my testimony. I am aware that these issues are acutely nuisance and will require a collaborative effort. We are committed to continuing this dialogue further to protect and serve the residents of Suffolk County. Thank you for your consideration and your service to this important Commission.

Victor Gonzalez

Director of Program Services, City of Houston Mayor's Anti-Gang Initiative



Mr. Victor Gonzalez has 27 years of experience working with high-risk youth, including 23 years spent working directly with youth and adults involved with Houston, Texas, area gangs.

Mr. Gonzalez currently serves as the Director of Program Services for the Mayor's Anti-Gang Office in Houston, Texas. He is in charge of supervising the delivery of service for programs in the Mayor's Anti-Gang Office, assisting with policy recommendations for the city, and training of gang intervention specialists in the office. Mr. Gonzalez also develops gang awareness training materials to educate law enforcement, school personnel, residents, community agencies, and other professionals on how to deal with gangs. He has presented on gangs at the city, state, and national level. Mr. Gonzalez also works as a consultant throughout the city of Houston, the state of Texas, and the United States on gang intervention and prevention strategies dealing with gangs, female gangs, and how to conduct gang outreach. Through the National Gang Center, he works as a presenter and technical assistance provider to gang outreach programs implementing the Comprehensive Gang Model in different parts of the United States.

**Presidential Commission on Law Enforcement and the Administration of Justice
Reducing Gang Violence-Prevention and Intervention Strategies**

April 9, 2020

Written Testimony



**Victor M. González Jr.- Director, Program Services
Mayor's Anti- Gang Office-
Department of Neighborhoods
City of Houston, Texas**

Introduction

As the Director of Program Services and employee in the City of Houston Mayor's Anti-Gang Office (MAGO) since 1999 and over the course of my 33 years in the field, I have had the privilege to serve my community in addressing youth gang violence. As a member of the Association for the Advancement of Mexican Americans (AAMA), I was afforded the opportunity to be part of a substance abuse program that targeted gang-involved youth and adults. At this time, gang activity had become very violent in Houston's East End, with a high rate of drive-by shootings, aggravated assaults and simple assaults. This area was among the top three areas for high gang crime activity in the city of Houston, and this crisis personally motivated me to immerse myself in combating youth gang violence. With this testimony I would like to add more details that I was not able to share during the panel discussion.

My introduction to the Mayor's Anti- Gang Office (MAGO) was through a mini grant that was given to AAMA to conduct gang intervention services. During this time, as the Mayor's Office monitored progress of AAMA Barrios Unidos Youth Program, they were also contemplating expanding the program's services. MAGO sought a federal funding opportunity through the OJJDP Gang Free Schools and Communities grant which promoted the OJJDP Comprehensive Gang Model. It was shortly thereafter that I was approached to become part of a team whose objective was to implement the Gang Violence Reduction Team project through the Mayor's Office. After a few years, I decided to leave the non -profit organization and move to MAGO to attempt to replicate services delivered at AAMA for years. In 1999, when hired by MAGO, I was introduced to the OJJDP Comprehensive Gang Model and at first, was not very convinced of the concept. Through technical assistance from the National Gang Center (NGC), we were able to organize the project and to begin implementation. Without their guidance and expertise, it would have been very difficult to implement the Model with fidelity. The support of NGC was key to guiding our office through the training and implementation phases and long-term sustainment of the project.

Reducing Gang Violence begins with a foundation: OJJDP Comprehensive Gang Model

In 1987, OJJDP began supporting a project to design a comprehensive approach to reduce and prevent youth gang violence. This project resulted in the development of the Spergel Model of Gang Intervention and Suppression, later renamed the OJJDP Comprehensive Gang Model. This Model involves five core strategies for working with gang-involved youth and their families. The five strategies are:

- **Community Mobilization:** Involvement of local citizens, including former gang members and community groups and agencies, and the coordination of programs and staff functions within and across agencies.
- **Opportunities Provision:** The development of a variety of specific education, training, and employment programs targeting gang-involved youth.

- **Social Intervention:** Youth-serving agencies, schools, street outreach workers, grassroots groups, faith-based organizations, law enforcement agencies, and other criminal justice organizations reaching out and acting as links between gang-involved youth and their families, the conventional world, and needed services.
- **Suppression:** Formal and informal social control procedures, including close supervision or monitoring of gang youth by agencies of the criminal justice system and also by community-based agencies, schools, and grassroots groups.
- **Organizational Change and Development:** Development and implementation of policies and procedures that result in the most effective use of available and potential resources to better address the gang problem.

This Model proved to be key to reducing youth gang violence in Houston.

Overview of the Mayor's Anti-Gang Office (MAGO)

The **Mayor's Anti-Gang Office (MAGO)** provides programs and services for at-risk, delinquent and adjudicated youth and their families. Its mission is to assist in the prevention and intervention of gang involvement and juvenile delinquency through direct services, collaboration, education and awareness, and policy development. The office adopted the Comprehensive Gang Model in early 2000's to develop some of the following prevention and intervention initiatives listed in this testimony. Our program receives approximately 700 referrals annually for assistance and our Gang Violence Reduction Team manages up to 500 cases annually. Duration of program enrollment is four months to two years, because each individual is different and has individualized needs. Each staff/team member can manage 50-60 cases yearly.

Current crime statistics for Houston show that there are 300 gangs with 20,000 gang members. The racial makeup of these gangs is approximately 44 percent Hispanic and 49 percent African American. The age range is 15-30 years of age, with the majority of most active members between 16-30 years. Adults make up 97 percent and juveniles are only 3 percent. There is a very small percentage of females, only, 1-2 percent.

The number of juveniles is low due to law enforcement's inability to track them, mainly because investigations have been focused on adults who are being arrested for committing gang crimes. Another key factor is law enforcement is not operating at full capacity. MAGO, schools, youth serving agencies, parks and juvenile criminal justice agencies are able to assist law enforcement by filling the void of tracking how active our juvenile population is in our high gang crime areas.

Our street level gang outreach, specialized juvenile courts, and staff from gang-impacted schools are able to collaborate and share information so well, it is much easier to have a pulse on gang activity and those involved. Our collaborative efforts have prevented many opportunities for violent activity to occur. Many gangs are usually in retaliation mode. Also, it helps us identify youth for outreach services. The goal is to prevent further recruitment of youth and to mediate gang situations to prevent further violence.

MAGO Prevention Approaches

These strategies are conducted by the Gang Violence Reduction Team (GVRT).

Citywide gang awareness training sessions and presentations - GVRT conducts 100- 125 presentations yearly on average. Average yearly attendance is 15,000, including both adult and youth participants.

Professionals and parents receive gang awareness training sessions and youth receive gang awareness information that focuses on risks, potential consequences, and positive alternatives.

Afterschool programs – Athletic programs include Jane Long Middle School MLS Dynamo Soccer Program, Navarro Middle School, Lewis Middle School Flag Football, Attucks Middle School Basketball Program. Some of the most challenging students are approached to participate, these are youth having gang-related issues or who are siblings of known gang members. Participation is also open to the general student body. 20-40 students on average attend any of the programs. Sessions are 6-8 weeks. Food is provided with assistance from the schools.

MAGO- Ladies Choice and Young Men Programs – These programs consist of an in-school group that target youth who are high risk for gang involvement. Topics are gender specific. Sessions are 4-6 weeks. Youth are also recruited for case management services if needed. Collaborate with schools around state testing dates and without interruption of the educational process.

Triple P Parent Program - This evidence-based parenting curriculum is used in schools for youth parents and in the community at some of our community events. Sessions are 4-6 weeks or 1-2 hour increments.

Summer Enrichment Program - For the summer months, Gang Intervention Specialists refer 50 clients to attend an organized and structured program developed by the Gang Violence Reduction Team. Activities include field trips, college tours, sports, fishing, service-learning projects and educational workshops. Session is 8-10 weeks. Food and transportation are provided.

Houston Parks and Recreation Department IMatter Summer Prevention Initiative - During the summer months gang intervention staff conduct scheduled gang awareness and juvenile delinquency prevention presentations to youth ages 8-15 year olds who attend the parks summer program.

Houston Police Department Programs

The Teen and Police Service Academy's (TAPS Academy) - The goal of TAPS is to reduce the social distance between at-risk youth and law enforcement. This goal is being accomplished through learning, interaction and discussion between at-risk youth and the law enforcement personnel that serve their communities. Through this program, TAPS students and law enforcement personnel gain valuable insight about each other and the issues they face on a daily basis. The TAPS course includes specific topic areas associated with Children and Youth Safety (COPS-CPD-2011-3) such as violence, physical and sexual abuse, stalking, domestic trafficking, sexual exploitation, gangs and bullying. The curriculum also encompasses law enforcement related subject areas that are important to youth

Gang Resistance Education And Training (G.R.E.A.T.) Program - G.R.E.A.T. is a prevention program for middle school students implemented by the Houston Police Department. Police officers teach an anti-gang curriculum to students at target HISD middle schools. The goal of G.R.E.A.T. is to prevent youth crime, violence, and gang involvement while developing positive relationships among law enforcement, families and young people to create safer communities.

The Greater Houston Police Activities League (GHPAL) – This is a youth enhancement program that utilizes educational, athletic and recreational activities to create trust and understanding between police officers and youth by bringing them together in a fun and active environment.

HPD Blue Star Program - The Blue Star Certification Program is a joint effort by the Houston Police Department and the Houston Apartment Association. Created for rental properties of all sizes, the program's goal is to help law enforcement officials and the multifamily housing industry work together to effectively reduce criminal activity in rental properties. Property management staff enroll in the program. The first phase is the completion of an eight-hour program taught by attorneys, police, crime prevention professionals and guest speakers.

The Mayor's Anti-Gang Office has partnered for years with each agency to provide gang awareness information as part of their curriculum or host community events. These events include: Peace on the Streets 3 on 3 Basketball Tournament, Cops and Kids Softball game, Sunnyside Senior Citizen Christmas Dance, Gulton Campo Del Sol Summer Program and Halloween Spooktacular Events.

MAGO Gang Intervention Strategies

Gang Violence Reduction Team (GVRT) - Gang Intervention Specialists - For those youth who have made the decision to leave the gang lifestyle or reduce their involvement, intervention counselors provide case management, mediation, intervention counseling, referrals, and mentoring. Assistance is also provided to family members. Clients are referred to the office from schools, service providers, faith-based organizations, health care professionals, parents and self-referrals.

Gang Intervention Specialists also conduct community gang outreach services and attempt to acquire referrals to create relationships with the gang members in high gang crime areas of the city. This staff does not operate as criminal informants and is totally separate from law enforcement and criminal justice approaches. The team functions and operates with public safety in mind for the community, schools, clients and families it serves. This team is the core of our approach to prevent gang recruitment, work with gang members and provide conflict resolution to stop gang violence.

Other Services:

- Alternative activities
- Afterschool programming
- Community outreach
- Educational and skill building student workshops
- Gang incident response
- Summer enrichment programming
- Tattoo removal
- Gang awareness presentations and training

Gang Incident Response - The Gang Violence Reduction Team (GRVT) is responsible for intervening in violent gang situations at schools, apartments, projects, funeral homes, hospitals and parks. The GVRT strives to resolve or reduce violence through mediation and by making contact with those gangs involved in the incident to reduce retaliation.

Gang Violence Reduction Team Meetings - The Intervention Team is at the core of the Comprehensive Gang Model. This team is composed of a multidisciplinary group of professionals from the fields of law enforcement, probation, outreach, education, and social services, who work together to case manage some of the most active gang members in our high gang crime areas of Houston. The team identifies additional prevention, intervention, and suppression activities needed in the target community. Participation on the Intervention Team can increase the effectiveness of each agency's efforts, reduce duplication of services, increase access to needed services, and ensure that gang members are held accountable for their actions. The overall goal is to provide supportive resources and to assist gang members who are willing to accept services. Currently we implement five teams in the city, with an average attendance of 12- 20 members on each team.

Enhanced Gang Supervision Program - In partnership with Harris County Juvenile Probation, the MAGO team assist gang-involved juvenile offenders access case management services which include: tattoo removal, employment, vocational and job readiness resources, substance abuse, mental health and victim's services. The partnership also provides gang intervention counseling, mentorship, advocacy, alternative activities and conflict resolution services. The GVRT conducts home and school visits to get a better understanding of their home situation and school status. The team is to assist with intervening in gang related activity that a gang member faces daily. Texas Juvenile Justice Department refers parolees who are transitioning back into the community. The goals of the program are to reduce recidivism, retaliation and reduce gang related activity.

Recommendations

1. Continue to provide federal and state funding opportunities for gang prevention and intervention to assist local communities.
2. Specifically, provide funding to support OJJDP Comprehensive Gang Model training through the National Gang Center for agencies such as law enforcement, criminal justice, schools and other agencies.
3. Require grantees to develop a comprehensive strategic plan for what the grantee and its partners plan to do to reduce gang violence. This plan should be grounded in research and local data, reflect input from key stakeholders, and include measurable goals and accountability for real outcomes.
4. Support efforts for law enforcement officials, schools, and community organizations to work together to educate young people on strategies for conflict resolution and gang avoidance, as well as promote community safety.
5. Promote the use of gang violence reduction multidisciplinary intervention teams to avoid duplication of agency efforts and to leverage service access among agencies.
6. Improve the effectiveness of agency responses to gang-involved youth through opportunities for cross-site trainings.

Deputy Sheriff Robert Mateo

Polk County, FL



Det. Mateo is currently assigned to the Intelligence Unit with the Polk County Sheriff's Office in Polk County, Florida, where he has served since 1995. Det. Mateo is currently assigned to the FBI's Safe Streets Violent Gang and Violent Crime Task Force, and has served as a Task Force Officer since 2009.

Det. Mateo has provided instruction on the topic of criminal gangs for the Florida Attorney General's Office, St. Petersburg College and Polk State College. Det. Mateo provides regular in-service training to law enforcement throughout the state of Florida and has trained law enforcement officers in 26 states throughout the U.S., the U.S. Virgin Islands and Grand Cayman Island.

Det. Mateo is the President of the Florida Gang Investigators Association and has held a Board position since 2003. Det. Mateo is also the President for the National Alliance of Gang Investigators Association. Det. Mateo is a former Co-Chairman of the Tampa Bay Area Multi-Agency Gang Task Force.

Det. Mateo has provided opinion testimony in court on the identification and methods of operation and on criminal gangs on multiple occasions.

Det. Mateo has been recognized as one of the top gang experts in the nation by the National Gang Crime Research Center in Chicago, Illinois, and has been involved in the investigation of a wide variety of gang crime throughout his career.



National Alliance of Gang Investigators Associations

Robert Mateo

President

**National Alliance of Gang Investigators Associations
(Reduction of Crime)**

Thank you Sheriff Mina, District Attorney Moore and ladies and gentlemen of the Commission. I am honored to present to you on behalf of the National Alliance of Gang Investigators Associations. NAGIA is comprised of 22 member Associations that collectively represent more than 20,000 individual members who work fighting the scourge of criminal gangs.

I have personally been involved in the identification and investigation of criminal gangs and their members in some capacity for the vast majority of my almost 25-year career. However, my experience with gangs started at a much earlier age. Growing up in the Logan Square area of Chicago, I became well versed in how gangs operated and preyed on our youth. This life-lesson prepared me well to identify criminal gang activity and gave me a head start in this line of work providing me with the foundation needed to identify major national gangs known to have operated in Chicago. Currently, I am assigned as an Intelligence Detective, attached to the FBI's Safe Streets Violent Gang and Violent Crime Task Force. I have been involved in the investigative process of criminal gangs from both the local and federal point of view.

I am here today to share with you my thoughts on how we might be able to reduce gang crime and increase prosecutions of gangs and their members who operate in furtherance of their respective gangs. The national landscape of gangs evolves regularly with time. The most recent national gang survey conducted by the National Gang Intelligence Center, which is operated by the Federal Bureau of Investigation, revealed 49% of respondents identified an increase in criminal gang activity in their jurisdictions, with only 8% reporting a decrease. That trend



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remains and did not show signs of decreasing gang membership nor a decline in criminal activity according to the report and provided that “neighborhood-based gangs were reported to be the highest threat, perpetuating violence, drug distribution and opportunistic crimes, such as robbery, in communities throughout the country.” In February of 2020, the National Alliance of Gang Investigators Association and the National Gang Center collaborated with the National Gang Intelligence Center to conduct this year’s survey. However, our current national crisis has dampened that effort, but only temporarily.

In consulting with a variety of gang investigators from around the country, many agree our laws as they pertain to criminal gangs lack vigor and effective language to fight criminal gangs. Federal law addresses criminal gangs with a narrow scope of when enhanced penalties could be applied for crimes committed in furtherance of the gang or its members. Society has changed over decades of the evolution of criminal gangs and how they operate. Our laws have been very slow to respond to those changes. If we are going to reduce gang activity in our country, we need to strengthen our laws to give our state and federal prosecutors the tools they need to prosecute gang members for violent gang crimes.

Further, there is a need to continue building relationships and partnerships among our local, state and federal law enforcement and prosecutors. This seemingly simple step is crucial to successfully fight criminal gangs. Operations conducted during joint-agency investigations, led by federal agencies providing additional funding for equipment, personnel, training, confidential sources and overtime show success in mitigating gang activity where they have been conducted. Operation Triple Beam was a joint effort conducted in south Florida in January of this year targeting persons with warrants for their arrests, and gang members and their associates known to be involved in violent crimes. The U.S. Marshal’s Service, the Miami Gardens Police



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Department and the Miami-Dade County Police Department among others led the operation's efforts. This operation resulted in the arrest of 150 suspects, the seizure of 45 firearms, over 6 kilos of illicit drugs and nearly \$40,000 taken as evidence. These types of operations undoubtedly save lives and keep communities in need of protection from criminal gangs safer. The Organized Crime Drug Enforcement Task Force (OCDEFT) and other federal programs that support joint operations by bringing local resources into larger scale long term investigation remains crucial in the investigation of larger criminal organizations.

The Denver Channel reported in February when Aurora voters did away with the city's red-light camera program, funding for Aurora's gang prevention program was eliminated as well. Now they report a potential tax on marijuana to recover anti-gang programs in light of increased youth violence this year.

Durham, NC Police Chief C.J. Davis reported a 5% increase in shootings from 2018 to 2019. In a report on KUNC.org, Davis reported 12% of those shootings were known to have gang members as either victims or suspects.

The City of Chicago reported overall crime decreased so far in 2020, while at the same time reporting increased shootings and murders from the same time last year, pointing out that gang members are still out on the streets in an article written by Bob Chiarito. There would be no way to correlate the current Covid-19 situation to these statements. Some mention of the coronavirus lock-down playing a role in their statistics. There simply would be no way to know if that is the case as any thought of correlating the two would be pure speculation.

Intelligence databases used to house data regarding identified gang members and associates are essential in gang investigations and prosecutions. Different areas around the country have lost the ability to maintain these databases making it very difficult for gang



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investigators to be effective in their pursuit of these dangerous and violent individuals. Gang databases were meant as a vital tool to keep officers and the public safe, and assist in identifying gang members and associates readily. This would benefit any investigation involving gangs, including crimes that might trigger retaliation. Having critical intelligence on those who might be inclined to carry out retaliation could save lives. Recently, these databases have come under fire due to some inaccurate entries or misidentification of subjects as gang members causing non-gang members to be entered into the database. Proper training could prevent the entry of bad data into these databases, and would ensure consistent practices of identifying who should go into the database across the board. The states that have Gang Investigators Associations are already positioned to provide training to law enforcement in the proper identification and documentation of gang members and associates for entry into gang databases. Funding support for those associations would allow additional training to be provided at a greater scale throughout the United States. This training can be provided to law enforcement, juvenile justice, corrections and prosecution personnel who work together all the time to fight against criminal gangs. Training together could also serve to strengthen relationships across criminal justice disciplines, which will prove invaluable in the future. Law enforcement and corrections personnel would benefit greatly if better lines of communications were in place to exchange information. Training would allow the means to identify the best practices in accomplishing that goal.

The National Alliance of Gang Investigators Association would also like to express their support and endorsement for the Gang Resistance Education and Training (G.R.E.A.T.) program as a successful model and as an effective tool in gang prevention and intervention. This program is typically taught by law enforcement officers in our schools. The Gang Resistance Education



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and Training program began in 1991, in Phoenix, Arizona. It has evolved into the only existing evidence-based youth gang prevention program taught by law enforcement officers in schools and continues to protect children against delinquency and youth violence as well as gang membership in their younger years, allowing our youth to flourish and succeed in their formative years. Again, this is an area where the state's gang investigator associations are well positioned to step in and meet that training need if properly funded and supported.

The National Alliance of Gang Investigators Associations would also suggest continued support of the National Gang Center (NGC) and the Regional Information Sharing Systems (RISS). The resources they provided to our law enforcement partners in the fight against gangs and violent crime is essential to our ongoing efforts to combat the evil gangs represent. The continued and unwavering support from NGC and RISS whenever needed does not go unnoticed by our Member Associations and we look forward to continued partnerships for years to come.