

## **HEARING FOUR (Days 1-3)**

### **REDUCTION OF CRIME**

**April 7 – April 9, 2020**

#### **Summary**

##### **Call to Order and Welcome**

Mr. Phil Keith, Chair, welcomed the attendees to the fourth hearing of the President's Commission on Law Enforcement and the Administration of Justice. On behalf of Attorney General Barr and his leadership team, Chair Keith expressed appreciation for everyone's ability to attend the hearing. Chair Keith greeted and thanked everyone for attending and supporting the teleconference.

##### **Opening Statements by Commissioners**

Chair Keith opened by explaining that the three days of hearings, April 7 through April 9, would focus on violent crime, including local perspectives on violent crime as well as how guns and gangs contribute to violent crime and local, state and federal violent crime reduction strategies. The first day's Local Perspectives of Violent Crime panel witnesses included Chief Amy Blasher, 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 (Captain David Corman, Sergeant Jason Picanzo, and Sergeant Travis Martin also joined Chief Anderson with impromptu testimonies); and Chief Scott Thomson (ret), Camden County Police Department.

Note: Prior to the hearing, panelist biographies and written testimonies were delivered to the Commissioners for their consideration and review.

**Panel One-Violent Crime Overview: National and Local Perspective, April 7, 2020**

**First Panelist: *Amy Blasher, Unit Chief of the Crime Statistics Management Unit, Uniform Crime Recording Program (UCR), FBI***

*Highlights:*

**“Despite the overall decrease in violent crime, reports have indicated small proportional increases in rape and aggravated assault since 2017.”**

*Amy Blasher*

- The FBI's Uniform Crime Reporting (UCR) program collects statistics on crime from law enforcement agencies across the nation on a voluntary basis and calculates estimates of both violent and property crime.
- Factors that contribute to crime levels include: population density; youth concentration; economic conditions; cultural, educational and recreational factors; family conditions; climate; effective strength of law enforcement agencies, and citizens' attitude towards crime and reporting to law enforcement.
- A five-year comparison of violent crime offense percentages and overall trends of violent crime was comprised of the individual offenses of murder, non-negligent manslaughter, rape, and robbery and aggravated assault.
- During the past five years, the relative frequency of each of these offenses has been comparatively stable. Since 2017, and despite the overall decrease in violent crime, reports have indicated small proportional increases in rape and aggravated assault.

*Recommendations:*

- The nation's law enforcement agencies should fully support a transition from UCR to the National Incident-based Reporting System (NIBRS) by January 1, 2021.
- 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.

**Second Panelist: *Justin Herdman, U.S. Attorney for the Northern District of Ohio***

*Highlights:*

- Community partnerships should be a key component of crime reduction efforts. These are some examples:
  - Northern Ohio District Project Safe Neighborhoods addresses the prevention of violent crime by focusing on partnerships with local leaders and community organizations.
  - Cleveland leveraged local partnerships through community collaborative efforts that bring together law-enforcement, use counselors, healthcare professionals, and academics and community organizations in a group known as Stand Together Against Neighborhood
  - Crime Every Day (STANCE). STANCE addresses youth re-entry issues with summer and afterschool programs that are coordinated with the Office of the Mayor.

**“These operations reduced violent crime by 30% overall and homicides were down nearly 90% when compared to the same time periods in 2018. Youngstown finished 2019 near a 40-year low in homicide numbers.”**

*Justin Herdman*

- Target law enforcement operations around firearms in specific geographic areas.

- Attorney General Barr announced Operation Relentless Pursuit (ORP), a Department of Justice (DOJ) driven, US attorney-led initiative to significantly reduce violent crime in seven cities (Albuquerque, Baltimore, Cleveland, Detroit, Kansas City, Memphis and Milwaukee) where the statistical trends have been resistant to traditional law-enforcement methods.

- ORP surges federal agents, analysts, and equipment from the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Drug Enforcement Administration, the Federal Bureau of Investigation and the United States Marshal Services into the seven ORP cities to

combat violent crime, gangs, and drug trafficking.

- DOJ has committed funds and resources to state and local law enforcement partners to guarantee that ORP has a lasting presence.
- DOJ is funding task force operations and has committed to hiring as many as 400 police officers in the designated cities.

*Recommendations:*

- Create constructive and comprehensive community partnerships that convene at the federal level and are focused on violent crime prevention and youth development.
- Focus on the prioritization of federal firearms prosecutions, especially using under-enforced statutes, including an enforcement of domestic abuse-related firearm prosecutions that have been historically overlooked, but are finally being recognized.
- Facilitate prosecutions that will be able to mitigate violent crime in communities; prioritize straw purchasers via Project Guardian. Project Guardian is a program that works to apprehend guns from prohibited violent criminals.
- Intensely focus on law enforcement operations in a designated and confined geographical area and target the most violent offenders and offenses.

**Third Panelist: Sheriff Jim Skinner, Collin County, Texas**

*Highlights:*

- Texas sheriffs have countywide jurisdiction over large stretches of highways that murderers, car thieves, drug smugglers, human traffickers, transnational organized crime syndicates and Mexican cartels use daily to smuggle illegal narcotics, weapons, bulk cash and undocumented immigrants into other regions of the United States.
- In the fall of 2017, using criminal highway interdiction, Sheriff Skinner and seven north Texas sheriffs agreed to work together to stem the flow of drugs and human trafficking.

**“We’ve arrested over 130 smugglers. We’ve captured several capital murderers. We recovered over 100 stolen motor vehicles. We’ve seized tons of illegal narcotics and marijuana.”**

*Sheriff Jim Skinner*

○ This novel approach to interdictions created a force multiplier and a much bigger net to catch criminals traveling highways and roads.

*Recommendations:*

● Sheriffs in contiguous counties should set up flexible, cooperative criminal highway interdiction efforts that cover major national or state highways that are designated as drug transportation corridors.

● Encourage and incentivize criminal highway interdiction units with strong partnerships with other state and local interdiction units, as well as federal law enforcement agencies, to freely share information, intelligence, and hotlists.

● Establish a federally mandated, one-stop shop national database for all law enforcement: Automatic License Plate Reader (ALPR) data.

- It should have uniform data entry and security standards; policies for access to, maintenance of, and use or dissemination of data; and provide a discussion platform for officers to discuss interdiction operations and investigations.

**Fourth Panelist: Chief Steve Anderson, Nashville Metropolitan Police Department (Chief Anderson invited Captain David Corman, Sergeant Jason Picanzo, and Sergeant Travis Martin to also testify)**

*Highlights:*

*Chief Steve Anderson:*

- Nashville Police created a Neighborhood Engagement Team that was formulated with the assistance of the DOJ's Public Safety Partnership (PSP) that was comprised of a specially selected group of officers assigned to target specific areas with persistent high-crime activity.

*Captain David Corman:*

- The Team used non-traditional crime fighting methods that were focused on creating a sustainable and long-term community engagement program to build residents' trust in law enforcement with the ultimate goal of re-establishing the public's ability to police themselves. The methods included these techniques:
  - Weekly coffee and donut meet-ups for residents were held in the alley of the target neighborhood. It is located at 40 Avenue North and Clifton Avenue in northwest, downtown Nashville. Quickly, attendance went from zero to 20 plus people, and increased residents' trust of officers.
  - Residents began revealing social issues or personal needs, which officers responded to using Fraternal Order of Police funds to buy food, pay utilities, and bedding.
  - The development of trust and bonds built with residents and law enforcement paid off when it came to solving crimes. Residents now tell their trusted Team officer what happens when crimes occur in the neighborhood, including what or whom to look for and where to find evidence, when crimes occur.
  - The program created collective efficacy among the seven-man police team in the community, neighbors, and non-profits.



*Sergeant Jason Picanzo*

- The neighborhood has changed significantly. In 2019, there was a 40 percent reduction in overall crime in an area that is known to have sustained violent crime.

**“Residents are having cookouts in their yard. They’re having—they had Christmas and the grandkids over—something they haven’t done in decades. So, it really feels good that we are able to help them get their community back. I was surprised at how well it worked.”**

*Sergeant Travis Martin*

*Sergeant Travis Martin*

- A second community engagement team was established because the first team was a success.
- The 40 percent reduction in violent crime took place in a neighborhood that is known as the “alley.” The “alley” is a 1/4 mile long. Strangers entering the “alley” would do so at great risk.

*Recommendations:*

- Conventional staffing models aren’t appropriate for high crime neighborhoods and community engagement teams, while resource intensive, can be very impactful in building community trust and reducing crime.

**Fifth Panelist: Retired Chief Scott Thomson, Camden County Police Department**

*Highlights:*

- The 2013 Camden City Police Department was abolished and a brand-new organization was created.
- There is a focus on a culture change within the reformed Camden Police Department. A full and sustained effort was launched to recapture the hearts and minds of the Camden community, which had a justifiable high level of mistrust with law enforcement.

**“We saw our solve rate in murder go from a dismal 16% up to 61% within a 24-month period. We would often have murders where everybody knew who did it, but we could never prove it because people just wouldn’t talk to us. But once people within the neighborhood got to know the officers by name, and the people....and the officer got to know the people...the return on that investment was exponential.”**

*Chief Scott Thomson*

- Community policing is based upon meaningful human contact that is sustained over time to establish trust. Officers are on the ground and in neighborhoods in order to engage with the people. Officers talk to the people by trying to understand how the quality of law enforcement actions affect them.

*Recommendations:*

- Create meaningful, trust building, and collaborative policing that is predicated upon human contact.
- Use technology to broaden the scope of coverage that better informs tactics and strategies to help police mitigate crime.
- Create partnerships that are focused on reducing violent crime. Project Safe Neighborhoods participation makes collaboration possible including training and technical assistance received from the FBI, DEA and ATF.
- Leverage technology, including cloud-based CAD RMS system, Shot Spotter, and ADL with automatic vehicle locator and geofencing capabilities, in order to manufacture hours within an officer’s daily schedule. This helps them to engage with the people.

**Question-and-Answer Period**

- Q:** How does ORP reinforce Project Guardian and support prosecutions?
- A:** As for the role that ATF plays in Relentless Pursuit, investigations are predicated on leads that are run out from NIBIN or from an eTrace that launched us into broader firearms traffic or network. Project Guardian recognizes the importance of those initial leads by centralizing this plank as one of its important objectives. Relentless Pursuit puts ATF agents on the streets in the seven respective cities, along with making a huge number of task force officers available, not just local police officers.
- Q:** How do the various entities involved in these operations work?
- A:** In the Cleveland example, there is adult parole, State Highway Patrol and the local state liquor violations investigative unit that contribute significantly in identifying hotspots. They work from the shooting level or the firearms level up to identifying gangs and other organizations who are associated with those firearms and those violent acts that are linked to those firearms. It is this resource surge that interrupts the shooting cycle.
- Q:** What are your thoughts on license plate readers (LPR) and taking it nationwide?
- A:** The US needs a common database system with all data gathered by LPRs used by law enforcement, which includes 30 or more LPR companies.
- Q:** How can private companies and privacy be dealt with in terms of LPR data?
- A:** There needs to be one database run by a federal entity. It can be modeled on the one operated by the Drug Enforcement Administration (DEA) that has a very effective system by which they operate a very strict system on the LPR readers.
- Q:** Can you expound on the importance of local law enforcement relationships?
- A:** Police cannot solve many crimes without help from the community, such as a neighborhood witness. For fear of retribution, people need to have confidence in the police. Community trust is a necessary and worthwhile investment that leads to solved crimes.
- Q:** How important is getting the faith-based community involved in our efforts to win the credibility of the community?
- A:** Religious leaders and faith leaders are important to us because they can be leaned on during high profile, crisis, or violent incidents.
- Q:** Can you articulate the ultimate goal of ORP?
- A:** It exists to surge federal resources and to provide additional support to state and local partners to help supplement their efforts to lower the persistently high and stubborn violent crime rates in the seven US cities.

**Additional Remarks:**

On behalf of the Attorney General Barr and the President, Phil Keith thanked the panel for their testimony. He also thanked the Commissioners and the FBI partner for their continued work in making their teleconference network available. Chair Keith reminded everyone about the dial-in procedures and the additional hearings that would take place on April 8 from 2pm to 3pm Eastern Time. Thomas Chittum, Melissa Nelson, Paul Neudigate, and Zachary Terwilliger are the featured panelists.

**Panel Two-Guns, April 8, 2020**

- Mr. Phil Keith, Chair discussed that the focus continues to be on the reduction of crime. Commissioners were encouraged to take notes for questions during the panelists' presentations. It was announced that the panelists would be Thomas Chittum, Assistant Director of Field Operations for the Bureau of Alcohol, Tobacco, Firearms, and Explosives; Melissa Nelson, State Attorney, Florida's 4th Judicial Circuit; Paul Neudigate, Assistant Chief, Cincinnati Police Department; and Zachery Terwilliger, U.S. Attorney for the Eastern District of Virginia.

**"The vast majority of firearms in America are in the hands of law-abiding adults."**

*Tom Chittum*

***First Panelist: Tom Chittum, Assistant Director of Field Operations for the Bureau of Firearms, Tobacco, Alcohol, and Explosives***

*Highlights:*

- Federal firearms licensees (FFLs) are required to mark their firearms' serial numbers and keep records of their transactions.
- The Gun Control Act (GCA) prohibits certain categories of persons like convicted felons, domestic abusers, and illegal drug users, from possessing firearms.
- To help enforce these prohibitions, Congress passed the Brady Act in 1993 that created the National Instant Criminal Background Check System (NICS), requiring FFLs to submit potential firearms purchasers' information to NICS before transferring firearms.
- Congress expressly passed 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.
- While the GCA requires FFLs to keep records of sales, it does not impose these same requirements on an unlicensed person, who can privately sell a firearm but are under no obligation to record the sale or conduct a background check.
- An unlicensed person can privately make a firearm and is under no obligation to place a serial number on it, nor register it. And this is lawful, as long as the person's activities are not to such an extent they'd be considered "engaged in the business." The vast majority of firearms in America are in the hands of responsible, law-abiding adults. Only a small fraction of firearms are used by a relatively few number of people to commit violent crimes, who can obtain these firearms in a variety of ways.
- Those involved in the illegal market of firearms trafficking are not arrested for federal crimes but for underlying crimes, such as making false statements, or willfully dealing in firearms without a license.
- Between 2012 and 2017, ATF documented the theft of over 40,000 firearms from FFLs. In this same period, over 1.8 million firearms were estimated to be stolen from individual gun owners, dwarfing the number stolen from FFLs.
- FFLs are a critical partner in promoting public safety because, among other things, they keep firearms out of the hands of prohibited persons by running background checks and keeping accurate records.
- In 2018, these background checks denied about 100,000 transactions. However, in a little over 4,000 of these cases, firearms transfers were made before NICS completed its check.

- Criminals can avoid the tedious regulations by using straw purchasers to buy firearms. A straw purchaser is a person with a clean background who is used to purchase guns.
- ATF has seen headline-making criminal use of privately made firearms. In the mass shooting of November 2017 of Northern California; last year, an AR-15-type rifle was used in the murder of a California Highway patrol officer. In November, a sixteen-year-old high school student from Santa Clarita, California, used a firearm to kill two high school students and himself.

*Recommendations:*

- Train officers in basic firearm investigation: which includes training to interrogate armed criminals about the source of their firearms.
- Pursue investigations of the illegal sources of the crime guns; work diligently to solve deaths.
- Embrace the principles of crime gun intelligence, including comprehensively tracing and submitting to NIBIN all firearms, including privately made firearms.
- Aggressively prosecute criminals who use firearms; also prosecute the traffickers, the unlicensed dealers and straw purchasers that arm them.
- Engage in outreach to private gun owners on how to prevent theft.
- Engage in media outreach to publicize and deter firearms trafficking offenses.
- Establish and maintain relationships with FFLs and encourage the adoption of security best practices.
- Establish a strong working relationship with the ATF.

**Second Panelist: *Melissa Nelson, State Attorney, Florida's 4th Judicial Circuit***

*Highlights*

- There have been 44 murders in Jacksonville, and more than 100 shootings where a bullet has struck a body. Since COVID-19, shootings and homicides have escalated.
- In 2019, the Jacksonville Sheriff's Office implemented the ShotSpotter gunfire detection technology. Prosecutors can now hear these shootings (The recording of actual gun fire was played for the hearing).
- The high level of violence is directly attributable to a very small population of prolific shooters. There has been a decision to pay attention to this population of violent and dangerous offenders.
- A targeted prosecution unit was created with a staff of experienced and talented prosecutors. They were integrated with law-enforcement partners. This unit is designed to focus on the drivers of violent crime.

**“Separate from enforcement and prosecution, but equally as important, we've also invested much in building partnerships with our community to advance prevention and intervention efforts to reduce crime.”**

*State Attorney Melissa Nelson*

- NIBIN is being used in a very different way than how it was used in the past. Instead of waiting months for a lab to advise on a potential match between a casing and a gun, the technology is now being used as a powerful lead generator to help determine where a crime gun travelled.

- The local Crime Gun Intelligence Center (CGIC) has become a hub of intelligence, technology, and communication.

- The weekly CGIC meetings include local and federal law-enforcement partners, and state and federal prosecutors. The benefit of the integration with law enforcement ensures that prosecutors are recognizing early and relevant intelligence (regarding shootings and shooters) that previously would have gone unlinked.



- A thorough audit was conducted of prosecutions of offenders who were prohibited from having firearms. Several innovations came from this audit. They include a checklist and a risk-assessment tool that are both designed to ensure that no stone is left unturned in every single gun case that is handled.
- A visor card was created to assist law enforcement in making the very best case they can from the moment one is on the street. Novel prosecutions were initiated against prohibited carriers and shooters who brazenly show off semiautomatic and automatic rifles extended, and drum magazines on social media platforms.

*Recommendations:*

- Facilitate partnerships that are vital to the success of any crime reduction strategy.
- Convene stakeholders to assess collaborative violence reduction strategies, and then put pen to paper in the form of a strategic plan.
- Analyze internal organizational structures, and strategically deploy prosecutorial resources to embed with law enforcement partners.
- Use audits of prosecutions to understand how gun cases are being handled, and then mitigate against any identified issues.
- Assess business operations to determine efficiencies that will allow law enforcement partners to actually stay in service.
- Create a tool for prosecuting gun possessions that includes crime gun possessions or prohibited persons that includes criteria and enhancements for identifying high-risk offenders.
- Seek grant funding to implement a CGIC and use NIBN to its maximum impact.
- Recognize that enforcement is not the sole solution to reducing violent crime.

**Third Panelist: *Paul Neudigate, Assistant Chief, Cincinnati Police Department***

*Highlights:*

- Many large urban cities are impacted by recurring gun violence, and Cincinnati is no exception.
- In 2015 there were almost 500 individuals shot in a city with a population of just 300,000.
- There is a strong no-snitching culture in Cincinnati. There was a decision to do a better job of using evidence-based technology to help overcome gaps in community cooperation.

**“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.”**

*Paul Neudigate*

- In three years, the Cincinnati Police Department was able to reduce the number of people shot in Cincinnati from 479 in 2015, to 333 shooting victims in 2018. This highlights that there were 169 fewer victims of gun violence.
- This substantial reduction is attributed to a layered strategy based upon the principles of crime gun intelligence - the use of NIBIN, eTrace, Gunshot Detection, a focus on priority offenders, enhanced federal prosecution, and strong relationships, specifically with the ATF and the US Attorney's Office of the Southern District of Ohio.
- In 2016, shortly after the murders of five Dallas police officers, suspects drove by one of the Cincinnati Police Department district offices and fired shots at it.

- Numerous 45 casings from the scene were recovered and immediately entered into NIBIN, which linked the shooters to a previous shooting incident with three identified suspects. Within 72 hours the shooters were arrested.
- When operationalized properly, NIBIN is the cornerstone of any successful crime gun intelligence initiative, and it will reduce gun violence.
- eTrace is managed by the ATF. It is a firearm trace submission system that provides local law enforcement the identity of the original purchaser of a firearm. This capability, when layered with NIBIN, provides important investigative leads.
- Last year, an individual was abducted, shot in the head, and left for dead. Two days after this crime took place, officers arrested an individual nearby for being a felon in possession of a handgun. The ballistic information was entered into NIBIN, and because of the close proximity of the arrest to the offence, an urgent trace was expedited.
  - eTrace indicated that the firearm had been purchased in a neighboring state by a female just three days prior. Officers and agents went to the gun store and were able to secure video of the purchase. The female purchaser was seen on that video being accompanied by the male felon that we found in possession of the gun.
  - A follow up interview with that female led to a confession for her involvement in not just the straw purchase, but also the abduction and the shooting. In follow up, three other individuals, including the male who pulled the trigger, were arrested.
  - With the expedited trace results, it was possible to obtain the video before it reached its retention period and was deleted.
- eTrace is not only beneficial in following up on these criminal acts, but it also facilitates the identification of those federal firearms licensees who have an excessive amount of their firearms involved in violent crimes.

*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; continue funding for the NIBIN National Correlation and Training Center.
- Expand grant funding for the acquisition and use of gunshot detection.
- Urge the Department of Justice to take an even larger role in prosecuting violent career felons, to overcome deficiencies in the State court system.
- Increase the sworn complement of ATF field agents to help address gun violence as a national priority.

**Fourth Panelist: Zachary Terwilliger, U.S. Attorney for the Eastern District of Virginia**

*Highlights:*

- Project Guardian is very similar to the predecessor, Project Trigger Lock, and Project Exile, which was a program that was used in the Eastern District of Virginia back in the late '90s, and early 2000s, in Richmond, Virginia, where it cut the homicide rate in half.

**“We’re going to go after the people who are committing a disproportionate amount of crime and violent crime, and we’re going to fish with the proverbial spear, not the net.”**

*Zachary Terwilliger*

- The goal is to go after the people who are committing a disproportionate amount of crime and specifically violent crime, and to fish with the proverbial spear, not the net.

There is a major focus on using NIBIN and eTrace to go back to the last true purchaser and find and prosecute the individuals purchasing and helping fueling the gun violence problem.

*Recommendations:*

- Choke off the pipeline of firearms that are going out to the street. What's most important is to not lose sight of enforcing the firearms laws that are on the books.

**Question-and-Answer Period**

**Q:** ShotSpotter is a game changing technology being used, not only in Florida but in other places throughout our nation. Please describe the technology and the local experience with it.

**A:** ShotSpotter is audio technology that is strategically placed in cities where there's significant gunfire. In Jacksonville, it's placed in a five-square-mile radius and it detects gunfire. It can distinguish gunfire from a car backfiring. And for those of us in law enforcement in Jacksonville and for the prosecutors who are dealing with these crimes in our office, we have the technology on our phones. So, we get an alert when shots are fired, and we can, in real-time, listen, not only to the shots fired, but to the patrol officer on the street. It gives the patrol officer an area within just square inches of where the shots were fired. Before we used ShotSpotter, law enforcement didn't even know about those shootings. Now, they know about them. The technology of ShotSpotter used in combination with the collection of cartridge casings, and then the input of those casings into NIBIN, obviously grows the database and gives us linkages to shootings.

**Q:** There's been some press about some DAs, pretty much in some of the larger cities that have a different view about crime and punishment than other more traditional district attorneys and States attorneys have had. What might we be able to say about that issue?

**A:** That is absolutely something that this commission needs to look at. There are some newly elected district attorneys who came in as “progressive reformers” who were backed by individuals with a very, very different approach than your traditional law and order prosecutions. Where we've had a situation where a local prosecutor does not want to go forward with a case, we've been able to work with the law enforcement agency, assuming we have a federal predicate to move forward.

**Additional Remarks:**

On behalf of the Attorney General Barr, Phil Keith thanked the panel for their testimony, as well as the Commissioners, and the FBI partner for their continued work to make their teleconference network available. Chair Keith reminded everyone that the last call of the week would focus on violent criminal gangs and occur on Thursday, April 9, starting at 11am and conclude at 12pm Eastern Time. Commissioner Geraldine Hart, Timothy Sini, and Robert Mateo, and Victor Gonzalez are the scheduled panelists. The President's Commission was adjourned at 3pm.

**Panel Three - Gangs, April 9, 2020**

Mr. Phil Keith, Chair, discussed that the focus is on Gangs. The four panelists were Commissioner Geraldine Hart, Suffolk County (NY) Police Department; Timothy Sini, Suffolk County (NY) District Attorney; Victor Gonzalez, Director of Program Services, City of Houston Mayor's Anti-Gang Initiative; and Robert Mateo representing the National Alliance of Gang Investigators Association as well as the Florida Gang Investigations Association.

**First Panelist: *Commissioner Director Geraldine Hart, Suffolk County (NY) Police Department***

*Highlights:*

**“The threat posed by MS-13 was not just a local problem but an a national one as evidenced by the visits of then Attorney General Sessions and President Trump who came to Suffolk to meet with law enforcement and discuss the scope of MS-13’s problems.”**

*Commissioner Geraldine Hart*

- Suffolk County is located on the eastern portion of Long Island, with the western border 30 miles from New York City.
- With a population of 1.5 million and a department of approximately 2500 sworn members, the 11th largest in the nation, Suffolk County is one of the safest counties in the country.
- From January 2016 to April 2017, Suffolk County experienced a significant spike in violent crime, including 17 brutal homicides committed at the hands of MS-13 gang members.
- This included the vicious murders of 15-year-old Nisa Mickens and 16-year-old Kayla Cuevas in September of 2016 as well as the ruthless murder of four young men in April 2017.
- The news of these brutal killings shook communities. It reverberated around the nation and sparked a commitment among the Suffolk County Police Department to strengthen its MS-13 eradication efforts. They drafted and implemented a formal gang eradication strategy to facilitate public safety.
- This strategy included: enhanced and targeted police presence and patrols in affected areas; increase in collaborative efforts to gather, collect, and share intelligence; relentless targeting and enforcement of known MS-13 gang members for arrest, prosecution, and removal.
- A strong emphasis was placed on community relations and significant investments were made in gang prevention and intervention strategies with a particular focus on Unaccompanied Alien Children (UAC).
  - A federal grant funded the development of youth engagement programs that target 14 to 18-year-old UAC populations.
- The investment in school and community-based programs reduced gang recruitment and involvement.
  - The partnering with local businesses, community organizations and clergy members was established.
  - Committees were created with more than 30 members, including impacted school districts, the International Rescue Committee, and various Latino churches and trade unions.



*Recommendations:*

- Provide advanced notification of placement of UACs to local governments, allowing local governments to offer access to services and programs that are available in the community, and to tailor those programs based on age, interest and need.
- Place UACs in communities after proper screening of sponsors and notification to local authorities.
- Implement measures that ensure proper guardian compliance.
- Encourage local law enforcement to be involved in the vetting process to determine if potential sponsors and residences are affiliated with any local gangs.

**Second Panelist: *District Attorney, Timothy Sini, Suffolk County New York***

**“There should be a requirement that providers such as Apple, Google, android phones, and other phone companies create “keys” to unlock or bypass the lock screen feature of cellular telephones.”**

*District Attorney Timothy Sini*

*Highlights:*

- These are essential pieces to a successful strategy:
  - Collecting reliable intelligence.
  - Collaborating among law enforcement agencies at all levels.
  - Partnering with the northern triangle counties.
- There is an increasing problem of the use of encrypted applications and other tools that impede law enforcement's lawful efforts to collect reliable real-time intelligence and evidence relating to criminal enterprises, such as MS-13.
- The Suffolk County office is one of the nation's leaders in the numbers of wiretaps completed, and devoted an enormous amount of resources into wiretapping infrastructure.
- The Suffolk County Police Department and Commissioner Hart's office collaborated with the Drug Enforcement Administration and other law enforcement for one of the largest MS-13 takedowns in U.S. history involving wiretaps.
  - Approximately 215 phone lines and communication applications, over the course of two years, were wire tapped.
  - The amount of intelligence generated from those wiretaps led to the arrest of more than 330 MS-13 gang members and close associates worldwide.
  - A special grand jury indicted 96 of these defenders in Suffolk County for a variety of offenses, including murder, conspiracy, gang violence, weapons possession, drug trafficking, and more.
  - The intelligence and strategic arrest from the wire taps that were conducted throughout the world terminated the New York program. It was created by the leadership of MS-13 in El Salvador to develop a more significant presence on Long Island, to further its objective of violence and dominance.

*Recommendations:*

- Continue to effectively conduct long term eavesdropping investigations in eradicating criminal enterprises, such as MS-13.
- Create a task force or working group to establish a focus on developing strategies and better laws to enable law enforcement to do the following four things:

- Access real-time surveillance of communications regardless of encryption or provider.
- Obtain historical content, such as text messages from providers.
- Access locked phones that are seized during an investigation.
- Effectively store and analyze packet data.
- Require traditional telecommunications service providers and non-traditional electronic communication service providers - such as Apple, Google, Facebook, WhatsApp, Instagram and the various other application platforms that provide means to communicate via voice, text or video - to create a backdoor into their services for law enforcement and provide the “key to law enforcement” to decrypt the communications.
- Require these companies to store the content that is being transmitted, at least for set periods of time, much like the traditional telecommunication providers provide phone records for particular times.
- Require providers such as Apple and Google android phones and other phone companies to create “keys” to unlock or bypass the lock screen features of cellular telephones.
- Make funding available to law enforcement agencies to effectively conduct wiretap investigations.

**Third Panelist: *Victor Gonzalez, Director of Program Services in the Houston Mayor's Anti-gang initiative.***

*Highlights:*

- Houston did not have gang intervention or prevention programs
  - There have been multiple drive-by shootings and a multitude of homicides.
- The Mayor's Anti-Gang Office, through the use of sub grants, provided funding over the years to specific agencies in the community to conduct gang prevention work.
- The Mayor's Anti-Gang office developed a 10-member team called the Gang Violence Reduction team.

**“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.”**

*Victor Gonzalez*

- It created prevention and intervention strategies.
- The Gang Violence Reduction team conducts after-school programs, educational workshops in schools, and alternative activities.
- The Houston Police Department has done an excellent job bringing back programs, such as the Police Athletic League (PAL) program and held cops and kids basketball tournaments and softball games.
- Drug treatment in-patient facilities and outpatient facilities are considerable assets to counter drug abuse.

*Recommendations:*

- Provide funding to the National Gang Center to develop and push training and education on what works and allow cities to share experiences with each other.
- Ensure there is funding for training so that officials can provide education to meet specific needs and service of the communities.
- Facilitate assistance for those who re-enter the society after release.

**Fourth Panelist: Robert Mateo, Deputy Sheriff, Polk County Florida Sheriff's Office, President of the Florida Gang Investigator's Association, and the President of the National Alliance of Gang Investigators Association**

*Highlights:*

- Sheriff Robert Mateo grew up in the Logan Square area of Chicago surrounded by a variety of street gangs; and became familiar with gang methods and operations as a kid.
  - He has worked at the Polk County Sheriff's Office and has been working gangs in some capacity since 1998.
- He is also assigned to the FBI's Safe Streets Violent Gang and Violent Crime Task Force. Currently there are more than 160 Safe Streets groups around the country, as well as a variety of other federal task forces that work collaboratively with local and state agencies.
- One of the benefits to this cooperation is the increased collection of intelligence and furtherance of a variety of investigations. When the expertise of local law enforcement officers that have worked in these communities is harnessed, it provides for an increase in identification of violent gang members and their associates.
- Regional Information Sharing Systems (RISS) is vital to successful investigative efforts, enforcement, prosecution, intervention and prevention of criminal gangs.
- The National Alliance of Gang Investigators Association is currently working closely with National Gang Intelligence Center (NGIC) and the National Gang Center (NGC) to increase response rate to the current National Gang Survey.
- In the last national report, 49 percent of responding agencies identified hybrid or neighborhood-based gangs as their biggest problem and 50 percent of agencies responding to the last report advised that they have integrated social media into their investigations. Gangs engage in a variety of criminal activity to further their mission and do not recognize boundaries or jurisdictions.

**“I am a realist. I understand that we are always going to have gangs and gang members. Free will is a very strong force within us. And people are going to continue to join gangs. It is a choice that they are making.”**

*Sheriff Robert Mateo*

*Recommendations:*

- Encourage all law enforcement agencies to complete the survey in order to get an accurate assessment of what is going on around the nation with regard to criminal gangs.
- Provide funding to state associations to provide additional training for law enforcement on gang investigations and to bolster relationships between law enforcement and jail and prison staff.
- Achieve better and consistent training across the country to alleviate a lot of the poor entries or bad data that is being entered into gang database systems.
- Provide supplemental funding for NGIC, NGC, and RISS.

**Question-and-Answer Period**

**Q:** Who is responsible for vetting these UAC programs in determining the culpability of the individuals that were supposedly housing them and taking care of them in the vetting process?

**A:** The Office of Refugee Resettlement has that responsibility, and they fall under the Department of Health and Human Services (HHS). The border patrol agent makes the preliminary determination if the juvenile is unaccompanied, and requests the name and address of the U.S. sponsor, and then Customs and Border Patrol releases the unaccompanied minor to Immigration and Customs Enforcement to transport them to the Department of Health and Human Services Office of Refugee Resettlement (HHS ORR) within 72 hours. The unaccompanied minor remains in an approved facility until HHS ORR transfers them to an approved sponsor.

**Q:** Where would you say that the process has failed?

**A:** The collaboration between the Office of Refugee Resettlement and local law enforcement agencies could be much stronger.

**Q:** Are we combating other gangs besides MS-13 such as Bloods, Crips, and Folk Nation?

**A:** The Suffolk County Gang Revocation Strategy developed a response to all violent activity but primarily MS-13.

**Q:** What do you mean by including law enforcement in the sponsor vetting process for UACs?

**A:** When it's determined that there is a sponsor in a law enforcement agency's (LEA) area of responsibility, the request would be that before that child is placed that the LEA have some sort of interaction with ORR. Ideally, it would be in person where to ensure that there are no other individuals living with the sponsor's residence who may be a threat to the child. After the placement decision is made ORR should notify the LEA. ORR should also do more follow-up than just a phone call within 30 days. And then, when the child is no longer living with the sponsor, the LEA should be notified as well.

**Closing Comments:**

Chair Keith thanked the Commissioners, the witnesses, and the other attendees for their time and support. The Commission meeting was adjourned.