

## Deliberative and Pre-decisional

### Chapter 9. Reduction of Crime

#### Overview

Crime is not simply a violation of the rules of civil society—it harms the safety and security of actual victims. No society can prosper where communities do not have faith that laws and the police who enforce them will keep them safe. Protecting American citizens from crime, therefore, is the paramount duty of law enforcement.

This duty is as difficult as ever. As discussed elsewhere in the report, criminals have adapted technology to commit and conceal their crimes in ever more inventive ways, and collateral social ills that predicate much of the criminal activity often divert police attention and resources from the fundamental task of crimefighting. New kinds of criminal threats involving homeland security, cyberattacks, and gun violence have also emerged.

Even where the nature of the criminal activity has not materially changed, there is still much work to be done. Despite notable decreases in national crime rates over the past three decades, there remain many communities—especially in rural, tribal, and urban jurisdictions—that suffer from disproportionately high levels of violence and victimization. No citizen, no community should be left behind from crime reduction efforts. The rule of law must apply everywhere and to all people for it to properly guarantee citizens peace and liberty. Unfortunately, violent gangs and drug trafficking organizations, empowered and armed by the illicit firearms trade, still terrorize their neighborhoods. Criminals continue to abuse vulnerable populations, including women and children, at unacceptable rates in the form of human trafficking, sex abuse, and domestic violence.

In studying the state of crime reduction efforts, the Commission has proposed several ways for law enforcement to better assess, address, and combat the salient criminal threats of our time. Yet crime itself is a social phenomena of many causes and forms. So while this chapter focuses on law enforcement capabilities, it should be remembered that the most effective program to reduce crime is a holistic concert of government and social programs, which intersect and correlate throughout this report, that address and prevent the root causes of crime.

#### Background

According to the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program, approximately 1.2 million violent crimes were committed in the United States in 2018. Between 2017 and 2018, crime decreased across the board. The rate of violent crimes such as murder, robbery, and aggravated assault declined; rape was the only violent crime that increased (up 2.7 percent).<sup>1</sup> In 2018, the rate of violent crime was at 381 offenses per 100,000 people, a significant decline from 758 offenses per 100,000 people in 1991.<sup>2</sup>

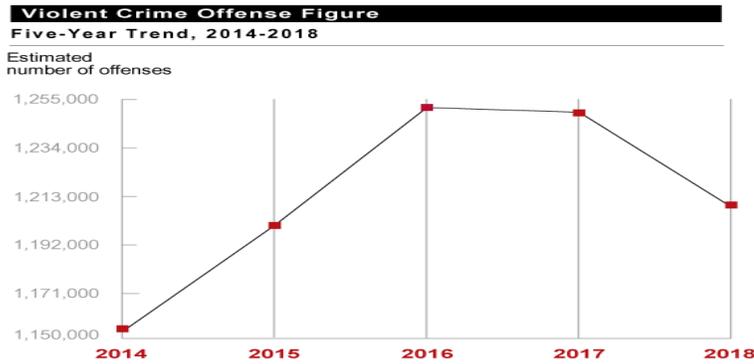
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<sup>1</sup> Federal Bureau of Investigation, "FBI Releases 2018 Crime Statistics," September 30, 2019, <https://www.fbi.gov/news/pressrel/press-releases/fbi-releases-2018-crime-statistics>.

<sup>2</sup> Samuel Stebbins, "Dangerous States: Which States Have the Highest Rates of Violent Crime and Most Murders?," *USA Today*, January 13, 2020, <https://www.usatoday.com/story/money/2020/01/13/most-dangerous-states-in-america-violent-crime-murder-rate/40968963/>.

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Source: Federal Bureau of Investigation, Uniform Crime Reporting Program <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/topic-pages/violent-crime>



The causes of violent crime are many and varied., and while crime reduction strategies should be tailored to the problems facing different communities, certain general principles apply categorically. These principles include developing effective relationships between law enforcement and the communities they serve and encouraging proactive and strategic collaboration among federal, state, local, and tribal law enforcement.

As remarked above, there is a prominent need for crime reduction concentrated in certain American cities that suffer from crime rates several times the national average. [Have someone insert stat RE: Detroit, Baltimore crime rates]. In combatting such crime, Attorney General Barr has fashioned two distinct law enforcement initiatives—Operation Relentless Pursuit and Operation Legend—to target high crime areas in select cities using a tailored model of federal and state collaboration.

“Americans deserve to live in safety,” said Attorney General William P. Barr. “And while nationwide violent crime rates are down, many cities continue to see levels of extraordinary violence. Operation Relentless Pursuit seeks to ensure that no American city is excluded from the peace and security felt by the majority of Americans, while also supporting those who serve and protect in these communities with the resources, training, and equipment they need to stay safe.”<sup>3</sup>

These two examples, highlight a general strategy that Attorney General Barr has successfully implemented multiple times for addressing violent crime: establishing an operation or task force composed of all necessary law enforcement partners, federal, state, local, and tribal, to jointly combat a specific issue with dedicated resources and attention.

Another successful collaborative model to draw upon is Project Safe Neighborhoods (PSN), reinstated by the Department of Justice in 2017. PSN is a nationwide initiative that brings together federal, state, local and tribal law enforcement officials, prosecutors, and community leaders to identify the most pressing violent crime problems in a community and develop comprehensive solutions to address them. PSN is implemented by each US Attorney’s office to address the particular violent crimes in that community.<sup>4</sup>

It is also important for law enforcement to partner with their communities to prevent crime before it occurs. Crime reduction strategies should consider community members’ perception of their local police and promote cooperation between police and community stakeholders. Such efforts are critical for programs to be implemented successfully, and they should be prioritized. Scott Thomson, retired chief from Camden

<sup>3</sup> <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-announces-launch-operation-relentless-pursuit>

<sup>4</sup> <https://www.justice.gov/psn#:~:text=Project%20Safe%20Neighborhoods%20is%20a,comprehensive%20solutions%20to%20address%20them.>

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County, New Jersey, states, “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.”<sup>5</sup>

Successful reentry and juvenile justice programs are two primary means of how law enforcement can partner with their communities to prevent and reduce crime. The recommendations in this chapter draw on targeted deterrence approaches to reduce violent crime, and new and developing methodologies, technologies, and approaches to combat criminal activity, delinquency, and public disorder.

### 9.1 Gangs and Criminal Organizations

Gangs are one of the greatest crime threats to law enforcement today. In the 2019 National Threat Picture provided by the Major Cities Chiefs Association (MCCA), 65 percent of agencies placed criminal gangs and organizations as one of their top five major issues. The central region of the United States ranked gangs as its second greatest concern, and both the eastern and western regions ranked gangs as their third largest concern.<sup>6</sup> In 2019, gang activity increased more than 25 percent.<sup>7</sup> While drug and weapon trafficking have been major components of criminal activity in gangs, an increasing trend is gang involvement in human trafficking. Often, the internet helps gangs further human trafficking efforts for their own gain.<sup>8</sup>

Gangs are increasingly more numerous in number and in their membership. The number of gang members in the United States likely exceeds one million.<sup>9</sup> The FBI states that “approximately 33,000 violent street gangs, motorcycle gangs, and prison gangs are criminally active in the U.S. today.”<sup>10</sup> While some may be sophisticated and well organized, others are best described as cliques that control smaller territories or crews that engage in particular types of concerted criminal activity.

Gangs also vary in type, structure and organization. Prison gangs form and operate mainly in the prison system, but also continue their criminal activity outside of the prison system.<sup>11</sup> Outlaw motorcycle gangs are extremely structured, and their members participate in violent crime and weapons and drug trafficking. Their crimes are facilitated through motorcycle clubs. There are also nationwide gangs structured to operate with a formal hierarchy and set of rules. However, a substantial portion of gang violence results from provincial neighborhood gangs that operate by informal ties of kinship and locality rather than the organizational structure characteristic of national gangs.<sup>12</sup>

Gangs promote and sustain their existence through illegal sources of profit, including robbery, extortion, drug tracking, gun trafficking, prostitution and human trafficking, and other theft and fraud schemes. These groups often exist for territorial dominance over specific neighborhoods, and direct violence against rival groups perceived to threaten their power, influence, or business.

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<sup>5</sup> *President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime* (April 7, 2020) (written statement of J. Scott Thomson, Chief of Police (Ret.), Camden County Police Department, NJ), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.<sup>6</sup> “Measuring the Extent of Gang Problems Estimated Number of Gangs,” National Gang Center, accessed June 27, 2020, <https://www.nationalgangcenter.gov/survey-analysis/measuring-the-extent-of-gang-problems>.

<sup>6</sup> “Measuring the Extent of Gang Problems Estimated Number of Gangs,” National Gang Center, accessed June 27, 2020, <https://www.nationalgangcenter.gov/survey-analysis/measuring-the-extent-of-gang-problems>.

<sup>7</sup> Major Cities Chiefs Association, *2019 National Threat Picture: Top Threat Issues of Major City Law Enforcement Agencies* (Washington, DC: Major Cities Chiefs Association, 2019), [https://majorcitieschiefs.com/pdf/news/2019\\_mcca\\_us\\_national\\_threat\\_picture\\_report.pdf](https://majorcitieschiefs.com/pdf/news/2019_mcca_us_national_threat_picture_report.pdf).

<sup>8</sup> “Gangs and Human Trafficking,” *National Gang Center* (blog), January 31, 2020, <https://www.nationalgangcenter.gov/Blog/47/Gangs-and-Human-Trafficking>.

<sup>9</sup> David C. Pyrooz and Gary Sweeten, “Gang Membership Between Ages 5 and 17 Years in the United States,” Abstract, *Journal of Adolescent Health* 56, no. 4 (2015), <https://doi.org/10.1016/j.jadohealth.2014.11.018>.

<sup>10</sup> “Gangs,” Federal Bureau of Investigation, accessed June 19, 2020, <https://www.fbi.gov/investigate/violent-crime/gangs>.

<sup>11</sup> Drug Enforcement Administration, *2019 National Drug Threat Assessment* (Washington, DC: Drug Enforcement Administration, 2019), 126, [https://www.dea.gov/sites/default/files/2020-01/2019-NDTA-final-01-14-2020\\_Low\\_Web-DIR-007-20\\_2019.pdf](https://www.dea.gov/sites/default/files/2020-01/2019-NDTA-final-01-14-2020_Low_Web-DIR-007-20_2019.pdf).

<sup>12</sup> Drug Enforcement Administration, *2019 National Drug Threat Assessment*.

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According to the National Gang Center, gangs have “become more entrenched over the past 25 years,” but “gang activity is localized in nature and tends to follow a cyclical pattern with upswings followed by downturns.”<sup>13</sup> The cycles largely emanate from the transient nature of conflict and competition with other gangs and criminal organizations. Gangs are mostly found in highly populated areas, as “more than 50 percent of the net increase in gangs and gang members over the past five years was due to overall increases in larger cities.”<sup>14</sup>

The available evidence demonstrates that a disproportionately small group of individuals is responsible for the majority of criminal activity. Preventing and reducing gang violence requires Intervention programs, not just law enforcement operations, to identify prolific criminal actors and use the support of community, law enforcement, and social services to offer a pathway to law-abiding behavior. With this model, criminals are offered social service assistance and notified of the consequences for any additional criminal activity.<sup>15</sup>

Accordingly, as noted above, law enforcement operations to reduce crime should proceed in concert with focused deterrence strategies (the “pulling levers” policing method) that have historically showed a significant decrease in violent crime, including a 44 percent decrease in gun assault offenses in Lowell, Massachusetts; a 42 percent decrease in gun homicides in Stockton, California; a 41 percent decrease in homicides of members of criminal organizations in Cincinnati, Ohio; and a 34 percent decrease in total homicides in Indianapolis, Indiana.<sup>16</sup>

The Tampa Police Department in Florida has used a modified focused deterrence approach and decided to target specific offenders who were the biggest contributors to local crime with greater efficiency and accuracy.<sup>17</sup> As Dr. Briana Fox, an associate professor from the Department of Criminology at the University of South Florida, notes, “after a three-year evaluation, even when controlling for the decline in violent crime since 2016, Tampa still had an additional 23 percent reduction in violent crime and 47 percent reduction in gun violence, compared to the other agencies in the surrounding area.”<sup>18</sup>

Addressing gang violence, therefore, requires a comprehensive deployment of long term criminal investigations, focused deterrence programs, and governmental efforts to address how neighborhood social and physical disorder can serve as precursors to more serious forms of delinquent and criminal behavior, fear of crime, and neighborhood decline.<sup>19</sup> Disorder policing maintains that visual signs of disorder (e.g., litter, graffiti, abandoned property, aggressive panhandling, or prostitution) signal to residents and nonresidents that mechanisms of informal social control within their communities have broken down, initiating a chain of events which leads to elevated levels of crime.<sup>20</sup>

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<sup>13</sup> “Frequently Asked Questions About Gangs,” National Gang Center, accessed June 19, 2020, <https://www.nationalgangcenter.gov/about/FAQ>.

<sup>14</sup> National Gang Center, “Frequently Asked Questions About Gangs.” <sup>15</sup> “Practice Profile: Focused Deterrence Strategies,” CrimeSolutions.gov, accessed June 19, 2020, <https://www.crimesolutions.gov/PracticeDetails.aspx?ID=11>.

<sup>15</sup> “Practice Profile: Focused Deterrence Strategies,” CrimeSolutions.gov, accessed June 19, 2020, <https://www.crimesolutions.gov/PracticeDetails.aspx?ID=11>.

<sup>16</sup> The Bridgespan Group, *Needle-Moving Community Collaboratives Case Study: Boston* (Boston: The Bridgespan Group, 2012), 5, <https://www.bridgespan.org/bridgespan/Images/articles/needle-moving-community-collaboratives/profiles/community-collaboratives-case-study-boston.pdf>.

<sup>17</sup> Bryana Fox, Associate Professor, University of Florida Department of Criminology, in discussion with Reduction of Crime Working Group, virtual meeting, April 23, 2020.

<sup>18</sup> Fox, in discussion with Reduction of Crime, April 23, 2020.

<sup>19</sup> Anthony A. Braga, Brandon C. Welsh, and Cory Schnell, “Can Policing Disorder Reduce Crime? A Systematic Review and Meta-analysis,” *Crime & Delinquency* 52, no. 4 (2015), <https://journals.sagepub.com/doi/10.1177/0022427815576576>.

<sup>20</sup> Joshua C. Hinkle and David Weisburd, “The Irony of Broken Windows Policing: A Micro-Place Study of The Relationship Between Disorder, Focused Police Crackdowns And Fear Of Crime,” *Journal of Criminal Justice* 36, no. 6 (2008), <https://doi.org/10.1016/j.icrimjus.2008.09.010>; and George L. Kelling and James Q. Wilson, “Broken Windows: The police and neighborhood safety,” *The Atlantic*, March 1982, <https://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/>.

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While gangs are a significant driver of crime in many areas, interventions are available to law enforcement to reduce gang activity.

### **9.1.2 Law enforcement agencies should fund crime analysts to identify violent crime trends among individuals and groups.**

Law enforcement should focus on developing, gathering, and leveraging all available data and intelligence across jurisdictions and agencies, including correctional facility intelligence, to identify leaders of gangs or criminal organizations and the principal violent actors within such gangs by working with jail intelligence teams and sharing data between local jurisdictions of low level enforcement. In addition to coordinating information regarding gangs and violent organizations, an important aspect of crime reduction generally, and gang investigations specifically, involves developing and amassing the intelligence necessary for law enforcement to discern the best use of resources to dismantle violent gangs.

Crime analysts can provide accurate data (e.g., affiliations, current charges, or social media) to law enforcement officers whose areas are most likely affected by these individuals or groups. Even after commencement of an investigation, crime analysts can perform the vital role of digesting and assessing investigative data (e.g., wiretaps and other forms of electronic surveillance) to gather evidence against these organizations and organizational leaders. Technology companies should provide access to such information when law enforcement has lawful authority to obtain it, including using court orders. Crime gun intelligence (CGI) tools—such as the Bureau of Alcohol, Tobacco, Firearms and Explosives’s (ATF) National Integrated Ballistics Information Network (NIBIN), firearm tracing, and acoustic gunshot detection technology—are also essential analytical assets for the identification of the most violent criminal organizations and associates.

As an example, the FBI Cleveland Office initiated Operation Hadley’s Hope when they received intelligence from the Metropolitan Richland County drug task force. They used wiretaps, which resulted in the dismantling of three large drug trafficking organizations in October 2017, February 2019, and March 2020. According to Justin Herdman, U.S. attorney for the Northern District of Ohio, “the investigation resulted in the seizure of 51 firearms and the arrest of 145 individuals. And 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.”<sup>21</sup>

### **[CROSS REFERENCE TECHNOLOGY]**

### **9.1.3 Local law enforcement should coordinate joint strategies with other state and federal law enforcement agencies to combat gang violence, to include forming and participating in regionalized gang task forces.**

Integrating multiple investigative approaches is essential to effective anti-gang initiatives. Law enforcement agencies often solely rely on their own personnel to combat gang-related violence and criminal enterprises.<sup>22</sup> As a result, many agencies lack proper personnel and resources to control the accelerated growth of criminal street gangs.<sup>23</sup>

Local law enforcement should coordinate their operations and strategy with other state and federal law enforcement agencies to collect, combine, and share all available resources in the fight against gang violence. In addition to general operational meetings to share information and coordinate strategies, law

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<sup>21</sup> *President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime* (April 7, 2020) (statement of Justin Herdman, U.S. Attorney, Northern District of Ohio), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

<sup>22</sup> John McMahon, Sheriff, San Bernardino County Sheriff’s Office, CA, email communication with Kristie Brackens, Federal Program Manager, Reduction of Crime Working Group, May 29, 2020.

<sup>23</sup> McMahon, email communication with Kristie Brackens, May 29, 2020.

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enforcement should formulate gang task forces, where possible, that include investigators from at least three local agencies within the affected region in addition to representatives from state parole, state police, prosecuting bodies, corrections and probation departments, the FBI, and the Department of Homeland Security (DHS).<sup>24</sup> The task force may increase its resources as well as its drug and gun expertise by partnering with ATF and DEA.<sup>25</sup>

Combining and coordinating resources across law enforcement agencies empowers a gang task force to employ the kind of comprehensive investigation necessary to dismantle criminal organizations. Wiretaps, electronic surveillance, and other sophisticated investigative techniques can gather valuable criminal evidence and intelligence about the leadership of a criminal street gang. A task force is ideal for financing and staffing such measures because it can use resources from several involved agencies.<sup>26</sup> Additionally, the combination of federal and state participation in such investigations allows law enforcement to draw intelligence from a larger base.<sup>27</sup>

Every gang task force should also deploy a corrections-based intelligence strategy. It is common practice for gang members to continue to facilitate criminal activity after incarceration. Bryan Stirling, director of South Carolina Department of Corrections, noted that “in the hands of inmates, cell phones undermine the foundation of the criminal justice system by allowing convicted criminals to further their criminal activities behind bars. Through the use of contraband cell phones, inmates are able to coordinate illegal drug shipments, direct acts of violence, perpetuate gang activity, commit acts of fraud, and plan escapes.<sup>28</sup> Wiretaps used in correctional settings can assist in investigations into these criminal activities.

### **9.1.4 Local law enforcement, in collaboration with federal law enforcement, should implement targeted enforcement and patrols in designated and confined geographical areas to gather, collect, and share intelligence on known gang members for arrest and prosecution.**

While gang task forces conduct covert investigations behind the scenes for periods of months, local law enforcement must still manage gang violence on the streets on a daily basis. Accordingly, using similar methods of identifying sources of violence, it is important for local law enforcement to direct resources to the hotspots that disproportionately contribute to violent crime. Hotspot mapping or risk terrain modeling are used to direct patrol assignments, allocate resources, and supplement initiatives that benefit the mission of violent crime reduction. Such techniques detect trends and patterns in crime displacement and crime diffusion that result from law enforcement crime control efforts.<sup>29</sup> These techniques should be incorporated into broader community-oriented approaches to crime prevention, as community members frequently exhibit positive reactions to such targeted police actions.<sup>30</sup>

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<sup>24</sup> Gang Intelligence Strategy Committee, *Guidelines for Establishing and Operating Gang Intelligence Units and Task Forces* (Washington, DC: Bureau of Justice Assistance, 2008), <https://it.ojp.gov/documents/d/guidelines%20for%20establishing%20Gang%20Intelligence%20units.pdf>.

<sup>25</sup> Gang Intelligence Strategy Committee, *Guidelines for Establishing and Operating Gang*.

<sup>26</sup> John Lausch, U.S. Attorney, Northern District of Illinois, email communication with Kristie Brackens, Federal Program Manager, Reduction of Crime Working Group, May 29, 2020.

<sup>27</sup> Lausch, email communication with Kristie Brackens, May 29, 2020.

<sup>28</sup> *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime* (April 15, 2020) (statement of Bryan Stirling, Director, South Carolina Department of Corrections), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

<sup>29</sup> Kate Bowers et al., “Spatial Displacement and Diffusion of Benefits Among Geographically-Focused Policing Initiatives,” *Campbell Collaboration* 7, no. 1 (2011), <https://campbellcollaboration.org/better-evidence/geographically-focused-policing.html>; and Weisburd et al., “Does Crime Just Move Around the Corner? A Controlled Study of Spatial Displacement and Diffusion of Crime Control Benefits,” *Criminology* 44, no. 3 (2006), <https://doi.org/10.1111/j.1745-9125.2006.00057.x>.

<sup>29</sup> Kate Bowers et al., “Spatial Displacement and Diffusion of Benefits Among Geographically-Focused Policing Initiatives,” *Campbell Collaboration* 7, no. 1 (2011), <https://campbellcollaboration.org/better-evidence/geographically-focused-policing.html>; and Weisburd et al., “Does Crime Just Move Around the Corner? A Controlled Study of Spatial Displacement and Diffusion of Crime Control Benefits,” *Criminology* 44, no. 3 (2006), <https://doi.org/10.1111/j.1745-9125.2006.00057.x>.

<sup>30</sup> Anthony A. Braga, Andrew V. Papachristos, and David M. Hureau, “The Effects of Hot Spots Policing on Crime: An Updated Systematic Review and Meta-Analysis,” *Justice Quarterly* 31, no. 4 (2014), <https://doi.org/10.1080/07418825.2012.673632>; and Anthony Braga et al., “Hot Spots Policing and Crime Reduction,” *Journal of Experimental Criminology* 15 (2019), <https://link.springer.com/article/10.1007/s11292-019-09372-3>.

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David Kennedy, professor at the John Jay College of Criminal Justice and the executive director of National Network for Safe Communities, explains that “there exist extreme concentrations of violence” within the country.<sup>31</sup> He states, “The fact is one of extraordinary geographic and demographic concentration. One-half of the entire country’s homicides are committed in about only about twenty-five cities and towns. The concentrated areas of homicides are overwhelming committed in areas of color.”<sup>32</sup>

Among other methods of identifying the source of gang violence discussed elsewhere in this chapter, Social Network Analysis (SNA) provides an analytical assessment of the connections among individuals and identifies gang structures, drug market networks, and key individuals to investigate. Social networks can explain criminal relationships, behaviors, and patterns that may exist. SNA reveals these links and allows researchers to understand criminal relationships, networks, and influences.<sup>33</sup>

It is critical for local law enforcement to understand the structure of criminal networks to help them predict and disrupt future crimes. Many departments use SNA in conjunction with intelligence and data analysis to identify individuals to target for focused deterrence intervention. The real “concentration of risk, is not by demographic or community or neighborhood, but is of real small groups or networks within those communities.”<sup>34</sup>

### [CROSS REFERENCE BUSINESS AND COMMUNITY DEVELOPMENT CHAPTER]

#### **9.1.6 Federal, state, local, and tribal governments should increase funding for community-oriented crime reduction programs focused on both adult and youth populations.**

The honed enforcement of criminal laws by itself is unlikely to permanently abate the high levels of violence observed in many American communities. Just as criminal behavior generally derives for many reasons outside of the legal system, law enforcement is not the sole means to remedy gang violence. Many “intervention” programs can address crime reduction without punishment, and such programs include hospital-based violence intervention programs, place-centric or community-based crime reduction programs, programs designed to modify a community’s physical and social environment, and prevention and reentry programs.

Interventions that include street outreach address violence risk factors like community-level trauma and cultural or social norms that normalize violence as a way to resolve problems. Such interventions include having trained personnel reach out to community residents who are known to have engaged in or who may be at increased risk for violence, promoting nonviolence norms and nonviolent conflict mediation, and connecting community members to available social supports and services.<sup>35</sup>

Long-term, comprehensive interventions for children with conduct and behavioral problems can reduce violent crime in adulthood. Youth violence, which includes fighting, bullying, gang activity, and dating violence, has been described by the Centers for Disease Control (CDC) as a significant public health

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<sup>31</sup> Stephen Lurie, “There’s No Such Thing as a Dangerous Neighborhood,” Bloomberg City Lab, February 25, 2019, <https://www.bloomberg.com/news/articles/2019-02-25/beyond-broken-windows-what-really-drives-urban-crime>.

<sup>32</sup> Aliza Aufrichtig et al., “Want to Fix Gun Violence in America? Go Local,” *Guardian*, January 9, 2017, <http://www.theguardian.com/us-news/ng-interactive/2017/jan/09/special-report-fixing-gun-violence-in-america>.

<sup>33</sup> Jason Gravel and George E. Tita, “Network Perspectives on Crime,” *Oxford Research Encyclopedia of Criminology and Criminal Justice* (Oxford, UK: Oxford University Press, 2017), <https://oxfordre.com/criminology/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-251>.

<sup>34</sup> Aliza Aufrichtig et al., “Want to Fix Gun Violence.”

<sup>35</sup> National Network of Hospital-based Violence Intervention Programs, *Hospital-based violence intervention: Practices and Policies to End the Cycle of Violence* (Jersey City, NJ: National Network of Hospital-based Violence Intervention Programs, 2019), <https://static1.squarespace.com/static/5d6f61730a2b610001135b79/t/5d83c0d9056f4d4cbdb9acd9/1568915699707/NNHVIP+White+Paper.pdf>.

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problem.<sup>36</sup> Local school districts should incorporate interventions to increase protective factors that can reduce crime for children, youth, and families, such as quality early childhood programs (e.g., early Head Start and Head Start), good school attendance programs (e.g., Check and Connect and Positive Action), after school and youth development programs (e.g., GEAR UP), literacy programs (e.g., READ 180), social-emotional interventions, and mentoring programs.<sup>37</sup> These programs have far-reaching, positive effects. Head Start programs, followed by effective and well-funded K-12 schools, are related to positive outcomes, including reduced adult incarceration.<sup>38</sup>

### [CROSS REFERENCE JUVENILE JUSTICE]

#### 9.2 Illegal Possession, Use, and Trafficking of Firearms

The most significant instrument of violent crime is an illegal firearm. Criminals use illegal guns (those that are unlawfully obtained or possessed) more often to commit crimes.<sup>39</sup> Eighty-five percent of criminal firearm possessors are not the original purchaser.<sup>40</sup>

Criminals arm themselves through firearm traffickers, thefts, illicit retail markets (i.e., lie-and-try), privately-made firearms (i.e., un-serialized firearms often referred to as “ghost guns”), and unlawful private market sales (e.g., gun shows and flea markets). A 2016 study conducted by the Bureau of Justice Statistics found that an estimated 287,400 state and federal prisoners had possessed a firearm during their offense, with more than half (56 percent) having acquired it by purchasing it “on the street” (43 percent), finding it at the crime scene (7 percent), or stealing it (6 percent).<sup>41</sup> Research on gun violence illustrates the importance of focusing on the highest-risk places, people, and weapons.<sup>42</sup>

**PULL QUOTE:** “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.”<sup>43</sup> - G. Zachary Terwilliger, U.S. Attorney for the Eastern District of Virginia

While criminal intelligence often focuses on the individuals driving the violence in a particular community, identifying and evaluating the use of firearms can and should factor into any crime analysis of where to devote law enforcement resources. Crime gun intelligence (CGI) is currently one of the most successful means available for law enforcement in combatting gun crimes, and more specifically within CGI is using the National Integrated Ballistics Information Network (NIBIN). ATF established NIBIN in 1997 with a

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<sup>36</sup> Corinne David-Ferdon et al., *A Comprehensive Technical Package for the Prevention of Youth Violence and Associated Risk Behaviors* (Atlanta, GA: Centers for Disease Control and Prevention, 2016), <https://www.cdc.gov/violenceprevention/pdf/yv-technicalpackage.pdf>

<sup>37</sup> “Applying for the Head Start Program,” Early Childhood Learning and Knowledge Center, accessed June 19, 2020, <https://eclkc.ohs.acf.hhs.gov/how-apply>; “Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP),” U.S. Department of Education, November 21, 2019, <https://www2.ed.gov/programs/gearup/index.html>; and “Read 180 Unlock Whole-Brain Reading Through Blended Learning Intervention,” Houghton Mifflin Harcourt, accessed June 26, 2020, <https://www.hmhco.com/programs/read-180-universal>.

<sup>38</sup> Rucker C. Johnson and C. Kirabo Jackson, “Reducing Inequality Through Dynamic Complementarity: Evidence from Head Start and Public School Spending,” *American Economic Journal: Economic Policy* 11, no. 4 (2019), <https://doi.org/10.1257/pol.20180510>.

<sup>39</sup> Anthony A. Braga et al., “The Illegal Supply of Firearms,” *Crime and Justice* 29 (2002), <https://doi.org/10.1086/652223>; National Research Council, *Understanding and Preventing Violence: Volume 1* (Washington, DC: The National Academies Press, 1993), <https://www.nap.edu/catalog/1861/understanding-and-preventing-violence-volume-1>; and James D. Wright and Peter H. Rossi, *Armed and Considered Dangerous: A Survey of Felons and Their Firearms* (Hawthorne, NY: Aldine de Gruyter Publishing Co., 1994), <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=155885>.

<sup>40</sup> Daniel W. Webster, Jon S. Vernick, and Maria T. Bulzacchelli (2009), “Effects of State-Level Firearm Seller Accountability Policies on Firearm Trafficking,” *Journal of Urban Health* 86, no. 4 (2009): 526, <https://dx.doi.org/10.1007%2Fs11524-009-9351-x>.

<sup>41</sup> Mariel Alper and Lauren Glaze, *Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016* (Washington, DC: Bureau of Justice Statistics, 2019), 1, <https://www.bjs.gov/content/pub/pdf/suficspi16.pdf>.

<sup>42</sup> Lawrence W. Sherman and Dennis P. Rogan, “Effects of gun seizures on gun violence: ‘Hot spots’ patrol in Kansas City,” *Justice Quarterly* 12, no. 4 (1995), <https://doi.org/10.1080/07418829500096241>.

<sup>43</sup> Terwilliger, *President’s Commission on Law*, April 8, 2020.

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mission to provide partner agencies around the country—local, state, and federal law enforcement—with an automated ballistic imaging network. NIBIN is the only national network for compiling ballistic evidence and is used to help solve violent crimes involving firearms comparing ballistics evidence from around the country. NIBIN provides investigators with the ability to determine potential links between crimes that they would not have been able to realize without it. NIBIN data, in conjunction with comprehensive firearms tracing, forms the cornerstone of CGI.<sup>44</sup>

The ATF Forensic Science Laboratory and several other laboratories in the United States and Europe have also recently developed methods to successfully obtain DNA profiles from fired cartridge cases. Forensic DNA analysis compares DNA recovered from biological material deposited on items of evidence to individuals potentially related to the criminal investigation. DNA profiles that are developed from crime scene evidence can be compared to a national database of convicted offenders and other crime scene DNA profiles to generate leads (i.e., Combined DNA Index System, or CODIS). DNA analysis can now be combined with CGI tools to provide investigators more information to solve firearm-related crimes.<sup>45</sup>

A constellation of federal and state laws regulates the possession, use, sale, and transfer of firearms, and otherwise prohibits many criminals from receiving firearms in the first place. It is not enough for law enforcement to simply punish criminals for using firearms in crimes. Law enforcement must proactively investigate and prevent criminals from illegally possessing firearms in the first place.

The recommendations that follow aim to enhance law enforcement’s ability to reduce illegal firearms and crimes committed by them.

### **9.2.1 Federal and local law enforcement agencies should partner to increase investigations and prosecutions of individuals who illegally possess, use, and traffic firearms.**

Gun traffickers, unlicensed dealers, and straw purchasers (i.e., individuals without a criminal record who purchase firearms for drug dealers, violent criminals, or persons who are prohibited by law from receiving firearms) should be investigated and prosecuted to deter the illegal use of firearms. Research indicates that offenders who use firearms in the commission of their crimes are more likely to recidivate than non-firearms offenders.<sup>46</sup> Additionally, when those offenders are rearrested, it is for more serious crimes than offenders who did not use a firearm during their initial offense.<sup>47</sup> Reoffenders who were firearms offenders are most commonly charged with assault (29 percent), followed by drug trafficking (13.5 percent) and public order crimes (12.6 percent).<sup>48</sup>

Thus, it is critical that law enforcement investigates and apprehends individuals who illegally possess, transfer, or traffic firearms in order to preempt the flow of guns to communities engulfed by gun violence.

### **9.2.2 Law enforcement agencies should collect and quickly process ballistics evidence in all shootings and gun recoveries, regardless of whether there is an immediately identifiable offender or victim.**

Comprehensive collection of all available firearms intelligence is the foundation of NIBIN. It maximizes the firearm data available to law enforcement to detect, track, and identify violent crimes and the individuals who commit them. Partner agencies should collect and submit all evidence suitable for entry into NIBIN, regardless of the severity of a crime. Evidence includes cartridge cases recovered from crime scenes and test fires from recovered crime guns. Shooting events tend to escalate, so agency policies should be

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<sup>44</sup> “Fact Sheet - National Integrated Ballistic Information Network,” Bureau of Alcohol, Tobacco, Firearms and Explosives, June 2020, <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-national-integrated-ballistic-information-network>.

<sup>45</sup> Todd W. Bille et al., “An Improved Process for the Collection and DNA Analysis of Fired Cartridge Cases,” *Forensic Science International: Genetics* 46 (2020), <https://doi.org/10.1016/j.fsigen.2020.102238>.

<sup>46</sup> U.S. Sentencing Commission, *Recidivism Among Federal Firearms Offenders* (Washington, DC: U.S. Sentencing Commission, 2019), <https://www.ussc.gov/research/research-reports/recidivism-among-federal-firearms-offenders>.

<sup>47</sup> U.S. Sentencing Commission, *Recidivism Among Federal Firearms*.

<sup>48</sup> U.S. Sentencing Commission, *Recidivism Among Federal Firearms*, 4.

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instituted to recover all suitable ballistic evidence from crime scenes and process it through NIBIN. A Rutgers University study detailed that when three or more shooting events are linked by NIBIN, 50 percent of the time the third shooting occurred within 90 days of the second.<sup>49</sup> Low-priority shooting events routinely link with higher-priority events. Law enforcement should prioritize a victimless shot fired call with the same urgency and attention as a homicide case.<sup>50</sup> Nonfatal shootings constitute the majority of all gun assaults, occurring approximately four times as often as gun homicides.<sup>51</sup>

Timely turnaround is crucial, as violent crime investigations turn cold fast.<sup>52</sup> As a result, timely intelligence and investigative leads gained through NIBIN are critical to solving violent crimes and stopping violent offenders before they can reoffend. Quick turnaround is vital during all phases of NIBIN analysis, including the entry and acquisition into NIBIN, correlation reviews, and the dissemination of NIBIN leads.<sup>53</sup>

### **9.2.3 Congress should provide additional funding to the Department of Justice to increase the number of National Integrated Ballistic Information Network (NIBIN) sites, and the Department of Justice should provide additional grant funding to the Local Law Enforcement Crime Gun Intelligence Centers Integration Initiative.**

The Crime Gun Intelligence Centers (CGICs) model is built on partnerships with local law enforcement, district attorney offices, and U.S. attorney's offices. CGICs use forensic science and data analysis to identify offenders and the sources of crime guns. The forensic technology used by CGICs to focus law enforcement investigations helps state and federal courts prosecute the most violent armed offenders.<sup>54</sup>

There are currently 225 NIBIN sites in the country. In 2018, violent crime in rural areas increased above the national average for the first time in a decade.<sup>55</sup> To effectively navigate this increase in crime, NIBIN should be expanded to fill gaps across the country in urban and rural areas.

CGIC tools, such as gunshot detection, firearms tracing, and NIBIN, have been widely recognized as effective measures to reduce crime. CGICs help law enforcement disrupt criminal gangs. Comprehensive collection of ballistic evidence is critical for NIBIN to be successful, and gunshot detection technology alerts law enforcement to shooting incidents where there may not be a victim or witness. NIBIN can serve as a tool to point law enforcement towards violent gang members. A 2017 Police Foundation brief ranked ballistic imaging as the most useful federal resource in preventing gun violence through the expedited identification and arrest of shooters and gun traffickers.<sup>56</sup> In three years, the Cincinnati Police Department reduced the number of people shot in Cincinnati, Ohio, from 479 in 2015 to 333 in 2018, a 30 percent reduction.<sup>57</sup> Assistant Police Chief Paul Neudigate attributes this substantial reduction to a layered strategy based upon

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<sup>49</sup> Sue Weston, "Ballistics Analysis Project Externship," University of Rutgers, accessed June 22, 2020, <https://mbs.rutgers.edu/articles/ballistics-analysis-project-externship>.

<sup>50</sup> *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime* (April 16, 2020) (written statement of Christopher Amon, Division Chief, Firearms Operations Division, Bureau of Alcohol, Tobacco, Firearms and Explosives), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

<sup>51</sup> Natalie K. Hipple and Lauren A. Magee, "The Difference Between Living and Dying: Victim Characteristics and Motive Among Nonfatal Shooting and Gun Homicides. *Violence and Victims* 32, no. 6 (2017), <https://doi.org/10.1891/0886-6708.vv-d-16-00150>.

<sup>52</sup> Bureau of Alcohol, Tobacco, Firearms and Explosives, "Fact Sheet - National Integrated Ballistic."

<sup>53</sup> Amon, *President's Commission on Law*, April 16, 2020.

<sup>54</sup> National Police Foundation, *5 Things You Need To Know About Crime Gun Intelligence Centers* (Washington, DC: National Police Foundation, 2018), <https://www.policefoundation.org/publication/5-things-you-need-to-know-about-crime-gun-intelligence-centers-2/>.

<sup>55</sup> Shibani Mahtani, "Nothing But You and the Cows and the Sirens' - Crime Tests Sheriffs Who Police Small Towns," *Wall Street Journal*, May 12, 2018, <https://www.wsj.com/articles/nothing-but-you-and-the-cows-and-the-sirens-crime-tests-small-town-sheriffs-1526122800>.

<sup>56</sup> National Police Foundation and Major Cities Chiefs Association, *Reducing Violent Crime in American Cities: An Opportunity to Lead - Full Report* (Washington, DC: National Police Foundation, 2017), 38, <https://www.policefoundation.org/publication/reducing-violent-crime-in-american-cities-an-opportunity-to-lead-full-report/>.

<sup>57</sup> *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime* (April 8, 2020) (written statement of Paul Neudigate, Assistant Chief of Police, Cincinnati Police Department, OH), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

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the principles of CGI: NIBIN, e-Trace, gunshot detection systems, identifying priority offenders, enhanced federal prosecution, and strong relationships.<sup>58</sup>

Additionally, to be the most effective, law enforcement agencies that have purchased or been provided NIBIN technology should share this tool with other state or local partners within their geographical area. These partnerships with both large and small law enforcement agencies leverage NIBIN technology beyond jurisdictional boundaries to combat firearm violence. One of ATF's first regional NIBIN joint initiative programs was established with the Frederick County Sheriff's Office in Maryland to serve all western Maryland law enforcement. All of the NIBIN equipment and the technicians are located at the Frederick County Law Enforcement Center, where they rapidly process the ballistic evidence for law enforcement officers from four western Maryland counties.

The CGIC program has great potential to reduce gun crime.<sup>59</sup> Departments should use NIBIN consistently and adhere to each phase of the CGIC model (i.e., comprehensive evidence collection, timeliness, follow-up, and implementing a feedback loop) to realize its full potential.<sup>60</sup>

### **9.2.4 In addition, Congress should continue to fund the NIBIN National Correlation and Training Center.**

NIBIN involves a multi-step process. The cartridge case must be acquired by law enforcement, uploaded into NIBIN via an acquisition machine, and reviewed via correlation review software. Through additional funding to the ATF's National Correlation and Training Center (NNCTC), local law enforcement partners would no longer be required to purchase their own correlation review equipment. Instead, they could focus on timely acquisitions.

Currently, NNCTC conducts ballistics image correlations and returns investigative leads to more than 500 law enforcement agencies across the nation within 48 to 72 hours. This alleviates an intensive funding and personnel burden thereby increasing efficiency and generating leads for investigators as quickly as possible.<sup>61</sup> This accounts for approximately 35 percent of all ballistic image acquisitions in the United States.<sup>62</sup> Working in tandem with local law enforcement, the NNCTC give sites the ability to concentrate limited resources on other critical aspects of the NIBIN process, thereby increasing their ability to provide critical violent gun crime leads to investigators in a timely fashion.<sup>63</sup>

As of May 2020, the NNCTC has conducted 277,445 correlation reviews, resulting in more than 71,669 leads to partner sites while maintaining a 99.6 percent confirmation rate of the leads disseminated to partner sites.<sup>64</sup> NNCTC helps solve homicides, attempted homicides, robberies, and other shooting incidents.<sup>65</sup> Further funding of the NNCTC will aid both large and small law enforcement organizations to reduce firearm violence in their communities.<sup>66</sup>

### **9.2.6 Congress should enact a federal firearms trafficking statute that strengthens penalties for fraudulent and illegal firearm transfers.**

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<sup>58</sup> Neudigate, *President's Commission on Law*, April 8, 2020.

<sup>59</sup> Christopher Koper, Heather Vovak, and Brett Cowell, *Evaluation of the Milwaukee Police Department's Crime Gun Intelligence Center* (Washington, DC: National Police Foundation, 2019), <https://www.policefoundation.org/new-report-the-evaluation-of-the-milwaukee-police-departments-cgic/>.

<sup>60</sup> National Police Foundation, *"5 Things You Need To Know."*

<sup>61</sup> Bureau of Alcohol, Tobacco, Firearms and Explosives, "Fact Sheet - National Integrated Ballistic"; and Christopher Amon, Division Chief, Firearms Operations Division, Bureau of Alcohol, Tobacco, Firearms and Explosives, email communication with Kristie Brackens, Federal Program Manager, Reduction of Crime Working Group, July 10, 2020.

<sup>62</sup> Amon, email communication with Kristie Brackens, July 10, 2020

<sup>63</sup> National Police Foundation, *"5 Things You Need To Know."*

<sup>64</sup> Amon, email communication with Kristie Brackens, July 10, 2020.

<sup>65</sup> Amon, email communication with Kristie Brackens, July 10, 2020.

<sup>66</sup> Amon, email communication with Kristie Brackens, July 10, 2020.

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The trafficking of firearms to violent criminals, gangs, and drug trafficking organizations—whether into our cities or across the U.S.–Mexico border—presents a grave threat to public safety. Straw purchasers (i.e., individuals without a criminal record who purchase firearms for drug dealers, violent criminals, or persons who are prohibited by law from receiving firearms) are the linchpin of most firearms trafficking operations. Straw purchasers may acquire firearms directly for prohibited persons or purchase them for other middlemen on behalf of violent criminals. Not only do straw purchasers allow prohibited persons to come into possession of firearms, they make it extremely difficult for law enforcement officers to trace firearms to aid law enforcement in the investigation of crimes.<sup>67</sup>

Federal law could deter firearms traffickers by expressly prohibiting and imposing mandatory minimum penalties for straw purchasing and illicit diversion of firearms. Under current law, there is no statute specifically directed at straw purchasing or firearms trafficking. Instead, prosecutors rely primarily on 18 U.S.C. § 922(a)(6), which prohibits making a material false statement, typically on a Firearms Transaction Record (ATF Form 4473) in connection with the purchase of a firearm from an FFL. Prosecutors also rely on 18 U.S.C. § 924(a)(1)(A), which prohibits making a false statement with regard to any information that FFLs are required by law to keep on file, including the identity of the actual purchaser.<sup>68</sup>

It is difficult to prove the intent of a straw purchaser or firearms trafficker to transfer a firearm to other persons; therefore, Congress should authorize the use of Title III electronic surveillance to investigate violations of such a firearm trafficking statute. Additionally, Congress should amend federal law to add straw purchasing and firearms trafficking as predicates for racketeering violations, including Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961-1968 (1970), and Violent Crimes in Aid of Racketeering, 18 U.S.C. § 1959 (2006), and make them specified unlawful activities for money laundering.<sup>69</sup> The effective use of such law enforcement tools could deter straw purchasers and other traffickers by depriving them and their organizations of the proceeds they use to acquire additional weapons or otherwise support their illicit activities.

Another way to stymie firearms traffickers is for Congress to mandate that federal firearm licensees (FFLs) immediately report any firearms theft, burglary, or robbery directly to the Bureau of Alcohol, Tobacco, Firearms and Explosives upon discovery. Current law permits FFLs to wait 48 hours before reporting the crime to ATF, which enables the criminals to gain a tremendous advantage over law enforcement. Reducing the time it takes to report this crime allows ATF to accelerate the deployment of federal resources including sending additional investigators to conduct interviews or surveillances, making timely requests for cell tower data, identifying witnesses, preserving evidence (e.g., video footage), and requesting forensic lab assistance. Additionally, the sooner ATF responds, the quicker the serial numbers of the stolen firearms can be documented and sent to the National Tracing Center (NTC), which then develops investigative leads when any of the stolen firearms are recovered by law enforcement.

### **9.2.7 The Department of Justice should increase the sworn complement of Bureau of Alcohol, Tobacco, Firearms and Explosives Special Agents.**

Given the current focus on firearm-related violence across the United States, ATF shares an important mission with law enforcement to identify and arrest violent firearm offenders. ATF continues to accomplish this mission with a staff of approximately 5,100 employees, including 2,630 special agents and 842 industry operations investigators. Its 2018 budget was nearly \$1.3 billion. Since 1972, this represents an increase of only 1,272 employees.<sup>70</sup>

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<sup>67</sup> Eric M. Epstein, Senior Policy Counsel, Bureau of Alcohol, Tobacco, Firearms and Explosives, email communication with Reduction of Crime Working Group, May 1, 2020.

<sup>68</sup> Epstein, email communication with Reduction of Crime, May 1, 2020.

<sup>69</sup> Epstein, email communication with Reduction of Crime, May 1, 2020.

<sup>70</sup> "Fact Sheet – Staffing and Budget," Bureau of Alcohol, Tobacco, Firearms and Explosives, May 2019, <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-staffing-and-budget>.

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Assistant Chief Neudigate recommends, "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."<sup>71</sup>

### **9.2.9 Congress should provide additional funding and guidance to help state agencies improve the accuracy of reporting of mental health records and protection orders to the National Instant Check System (NICS).**

NICS is critical to keeping firearms out of the hands of those who are legally prohibited from purchasing or possessing them. To function effectively, NICS requires access to complete, accurate, and timely information submitted by relevant agencies in all levels of government nationwide. However, key information on prohibiting factors is missing from NICS, including mental health adjudications. While significant improvements have been made, a background check is only as good as the records in the database, and further improvements are needed.

As detailed by the National Sports Shooting Foundation, states should improve the NICS database by submitting any and all records establishing an individual is a prohibited person (e.g., mental health records showing someone is an "adjudicated mental defective" or involuntarily committed to a mental institute) and official government records showing someone is the subject of a domestic violence protective order, has a substance use disorder, or is subject to another prohibited category.<sup>72</sup> Including these missing records will help ensure more accurate and complete background checks.<sup>73</sup>

#### **[CROSS REFERENCE CRIMINAL JUSTICE INTERSECTION]**

### **9.2.12 The Federal Bureau of Investigation should include nonfatal shootings as a separate category in the National Incident-Based Reporting System.**

In 2021, the FBI will complete the transition from the UCR program to NIBRS. NIBRS provides an extensive view of crime in the United States by compiling comprehensive data on individual crime incidents in the country. An update to the Summary Reporting System, NIBRS offers greater flexibility in the compilation of data compilation and its analysis. NIBRS can identify details about the crime such as where and when a crime occurred, the characteristics of its victims and offenders, and whether it has been cleared.<sup>74</sup>

Currently, murders are the only direct measure of local gun violence captured by UCR. Law enforcement agencies cannot extract nonfatal shooting incidents that meet the recommended definition. Adding nonfatal shootings as a UCR category will allow for a more accurate understanding of local gun violence and will allow agencies to better address community concerns and allocate resources. A person who has been involved in prior nonfatal shootings is at high risk for being involved in future shootings and homicides.<sup>75</sup> The ability to only capture murders does not provide an accurate picture of gun violence in communities. Natalie Hipple, associate professor of criminal justice at Indiana University, notes,

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<sup>71</sup> Neudigate, *President's Commission on Law*, April 8, 2020.

<sup>72</sup> "NSSF Praises States for Record Submission of Disqualifying Mental Health Records to Background Check System," National Shooting Sport Foundation, September 25, 2019, <https://www.nssf.org/nssf-praises-states-for-record-submission-of-disqualifying-mental-health-records-to-background-check-system>.

<sup>73</sup> "NSSF, ATF Jointly Launch Operation Secure Store," National Shooting Sport Foundation, January 23, 2018, <https://www.nssf.org/nssf-atf-jointly-launch-operation-secure-store>.

<sup>74</sup> "National Incident-Based Reporting System (NIBRS)," Federal Bureau of Investigation, accessed July 27, 2020, <https://www.fbi.gov/services/cjis/ucr/nibrs>.

<sup>75</sup> Andrew V. Papachristos, Christopher Wildeman, and Elizabeth Roberto, "Tragic, But Not Random: The Social Contagion of Nonfatal Gunshot Injuries," *Social Science & Medicine* 125 (2015), <https://doi.org/10.1016/j.socscimed.2014.01.056>.

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“Comprehensive nonfatal shooting data can assist law enforcement in understanding the context of local gun violence and serve to better inform policy and practice.”<sup>76</sup>

### 9.3 Drug Trafficking

Criminals are trafficking deadly drugs into and throughout our country that are killing our citizens and wreaking havoc on our communities. Dramatic increases in drug overdoses have occurred as a result of opioids (such as fentanyl), and recently the U.S. has seen a dangerous resurgence in the trafficking of methamphetamine as well, which has particularly affected rural America.

Mexican transnational criminal organizations (TCOs) continue to control lucrative drug trafficking corridors, primarily across the U.S.–Mexico Border, and are responsible for the vast majority of illicit fentanyl, methamphetamine, cocaine, and heroin trafficked in the United States.<sup>77</sup> These TCOs work with transnational gangs, U.S.-based street gangs, and prison gangs to distribute deadly substances across the nation.<sup>78</sup> The gangs engage in and expand their drug operations through violent criminal activity that accompanies drug trafficking and distribution. The DEA notes, “Drug traffickers—including cartels and street gangs—will stop at nothing to turn a profit, often using violence and intimidation to expand their reach.”<sup>79</sup>

The fundamental motivation of drug traffickers remains money, and TCOs will continue to adapt to make profits through drug production, trafficking, and money laundering. According to the DEA, Mexican TCOs remain the greatest criminal drug threat to the United States, and no other organizations are positioned to challenge them.<sup>80</sup> Mexican TCOs have increasingly shifted to producing and trafficking potent synthetic illicit substances: methamphetamine and fentanyl. These synthetic drugs can be produced in clandestine labs with precursor chemicals, which substantially reduces production costs that are associated with plant-based illicit drugs that require land, water, time, and labor to harvest them.

Traffickers of these highly potent substances frequently explore novel ways to hide their products as well as finding new routes into the country. Methamphetamine and fentanyl can be smuggled in modest amounts given their synthetic development and, therefore, can be more easily concealed than naturally derived narcotics, which tend to be bulkier. Synthetic drugs can also be found and bought on the dark web more cheaply by clients using cryptocurrencies and shipped through international mail or in express consignment. As the Office of National Drug Control Policy (ONDCP) found, this “combination of low production cost, the anonymity of the dark web and cryptocurrencies, and drugs with higher potency than their plant-based counterparts creates a favorable risk-reward structure.”<sup>81</sup>

The end result of these prolific drug trafficking crimes are the deaths of thousands of Americans. U.S. drug overdose deaths in 2018 totaled more than 67,000.<sup>82</sup> These deaths were driven by fentanyl, of which fatal overdoses increased 10 percent in 2017. Additionally, between 2012 and 2018, deaths from cocaine overdose tripled and deaths from methamphetamine increased five-fold.<sup>83</sup> Over the past few years, deaths from cocaine and methamphetamine overdoses have risen due to drug trafficking organizations mixing fentanyl in these substances. Methamphetamine overdoses have also risen due to the low cost, high

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<sup>76</sup> Edmund F. McGarrell et al., *Tale of Four Cities: Improving our Understanding of Gun Violence* (n.p., 2019), <https://www.ncjrs.gov/pdffiles1/nij/grants/254127.pdf>.

<sup>77</sup> Drug Enforcement Administration, *2019 National Drug Threat Assessment*.

<sup>78</sup> Drug Enforcement Administration, *2019 National Drug Threat Assessment*.

<sup>79</sup> Office of Public Affairs, “Attorney General William P. Barr Announces Launch of Operation Relentless Pursuit,” U.S. Department of Justice, December 18, 2019, <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-announces-launch-operation-relentless-pursuit>.

<sup>80</sup> Drug Enforcement Administration, *2019 National Drug Threat Assessment*.

<sup>81</sup> Executive Office of the President of the U.S., *National Drug Control Strategy Report by the Office of National Drug Control Policy*, (Washington, DC: Executive Office of the President of the U.S., 2020), 3, <https://www.whitehouse.gov/wp-content/uploads/2020/02/2020-NDCS.pdf>.

<sup>82</sup> Holly Hedegaard, Arialdi M. Miniño, and Margaret Warner, *Drug Overdose Deaths in the United States, 1999–2018* (Washington, DC: National Center for Health Statistics, 2020), <https://www.cdc.gov/nchs/data/databriefs/db356-h.pdf>.

<sup>83</sup> Hedegaard, Miniño, and Warner, *Drug Overdose Deaths*.

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purity, and high potency meth that the cartels are trafficking into the U.S. In addition, TCOs have been producing counterfeit controlled prescription drugs (e.g., oxycodone) as a way to capitalize on opioid addiction. These counterfeit pills are pressed with heroin and fentanyl and are virtually indistinguishable from licit opioid pills.

One useful tool in disrupting illegal enterprises is asset forfeiture, which deprives criminals of the proceeds of their illegal activity. It also helps to deter crime and the seizures can be used to restore property to the victims. The DOJ has made use of criminal and civil asset forfeiture as an effective mechanism to counter sophisticated criminal actors. Since 2002, the DOJ has transferred more than \$8.5 billion in forfeited funds to victims of crime, and notably, forfeited funds are reinvested back into state and local law enforcement through the Equitable Sharing Program to promote and enhance cooperation among federal, state, local, and tribal law enforcement agencies. In the last five years, the DOJ has equitably shared approximately \$1.75 billion with state, local, and tribal law enforcement agencies.<sup>84</sup>

In order to save American lives and protect our communities from more crime, federal, state, and local law enforcement partners need to continue adapting their strategies to aggressively target, disrupt, and dismantle these TCOs.

One current initiative of the Department of Justice addressing drug trafficking is Operation Crystal Shield. This Operation run by the DEA directs enforcement resources to methamphetamine “transportation hubs” — areas where methamphetamine is often trafficked in bulk and then distributed across the country. While the DEA continues to focus on stopping drugs being smuggled across the border, Operation Crystal Shield has ramped up DEA’s enforcement to block their further distribution into America’s neighborhoods.

Operation Crystal Shield’s efforts are being concentrated in eight major methamphetamine transportation hubs identified by the DEA: Atlanta, Dallas, El Paso, Houston, Los Angeles, New Orleans, Phoenix, and St. Louis. Together, these DEA Field Divisions accounted for more than 75 percent of methamphetamine seized in the U.S. in 2019.<sup>85</sup>

“While meth is not a new drug, it has seen a troubling resurgence over the past few years,” said Attorney General William P. Barr. “Manufactured mostly in Mexican labs and smuggled into the United States across the southwest border, meth is a drug that is both cheap and potent, creating a deadly combination. Just as the Trump Administration has acted swiftly to stem the tide of opioid fatalities, it will use every weapon in its arsenal – such as the DEA’s Operation Crystal Shield - to stop dangerous methamphetamine from reaching American neighborhoods and harming American families.”<sup>86</sup>

These dangerous drugs are also linked to other violent crimes. U.S. Attorney Ron Parsons mentioned that the greatest threat to rural America right now is methamphetamine because of its presence in almost every crime law enforcement responds to in his district, like robbery, assault, domestic violence, homicides, etc. Thus, interdicting drugs that are being trafficked will not only reduce drug crimes but also other crimes as well.<sup>87</sup>

The below recommendations offer ways for law enforcement to combat drug trafficking and dismantle drug trafficking networks.

### **9.3.1 Local law enforcement should actively participate in a regional high-intensity drug trafficking area (HIDTA) or task forces led by the Drug Enforcement Administration.**

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<sup>84</sup> Office of the Inspector General, *Audit of the Assets Forfeiture Fund*.

<sup>85</sup> <https://www.justice.gov/opa/pr/dea-announces-launch-operation-crystal-shield>

<sup>86</sup> <https://www.justice.gov/opa/pr/dea-announces-launch-operation-crystal-shield>

<sup>87</sup> *President’s Commission on Law Enforcement and the Administration of Justice*: Hearing on Rural and Tribal Justice – Challenges Law Enforcement Face in Rural Areas (May 19, 2020) (statement of U.S. Attorney Ron Parsons, South Dakota). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>

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DEA's Task Force Program builds on the successful collaboration of DEA with its state and local law enforcement partners. Because it has fewer than 5,000 DEA special agents, DEA could not effectively conduct its mission without the more than 3,000 sworn task force offices (TFOs).<sup>88</sup> As part of the TFO program, DEA funding supports overtime, training, and operational expenses for state and local TFOs. Since 2017, the DEA has increased the number of its TFOs by nearly 400 (20 percent).

The High Intensity Drug Trafficking Area (HIDTA) task force program is managed by the White House Office of National Drug Control Policy and coordinates and assists federal, state, local Tribal law enforcement across all 50 states to reduce regional drug threats and reduce drug trafficking and drug production.

Both of these federal programs offer local and state law enforcement support in confronting drug trafficking crimes.

### **9.3.2 Sheriffs should partner with local and state law enforcement to implement flexible cooperative criminal highway interdiction efforts in contiguous counties that cover major national or state highways designated as drug transportation corridors.**

An interdiction unit is a cost-effective way to use one of a sheriff's key strengths—jurisdiction—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.<sup>89</sup> 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. This can be enhanced by the DOJ offering state law enforcement grants to fund highway criminal interdiction units.

The North Texas Criminal Interdiction Unit (NTXCIU) is a cooperative interdiction effort among sheriffs in eight counties in Northeast Texas. In just over two years of operations, the NTXCIU has arrested more than 130 smugglers; seized tons of illegal narcotics and marijuana, several military-style weapons, and more than \$1.5 million in bulk cash; and recovered approximately 100 stolen vehicles.<sup>90</sup> The NTXCIU's deputy sheriffs have also stopped three cargo loads of undocumented immigrants. More importantly, the NTXCIU has rescued three missing or abducted children in unrelated highway stops.<sup>91</sup>

### **9.3.3 Congress should permanently schedule the entire class of fentanyl and related analogues.**

In response to the proliferation of fentanyl-related analogues coming predominately from China, the DEA scheduled the entire class of fentanyl and related analogues in February 2018 on a temporary emergency basis.<sup>92</sup> On May 1, 2019—due largely to U.S. pressure—China permanently scheduled all fentanyl-related substances.<sup>93</sup> These controls, along with the U.S. temporary emergency scheduling order, successfully slowed the rate at which new fentanyl-related substances appeared on the illicit market. Specifically, there has been a significant decline in law enforcement reports to the National Forensic Laboratory Information System (NFLIS) of fentanyl-related substances. Amanda Liskamm, the director of DOJ's Opioid Enforcement Efforts, stated, "In the 24 months preceding the temporary order (February 2016 through January 2018), there were over 17,500 reports of these substances to NFLIS, excluding those controlled prior to 2016. . . .

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<sup>88</sup> Shawn Miller, Chief, Intergovernmental Affairs, Drug Enforcement Administration, email communication with Kristie Brackens, Federal Program Manager, Reduction of Crime Working Group, July 7, 2020

<sup>89</sup> *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime* (April 7, 2020) (statement of John Skinner, Sheriff, Collin County, TX). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

<sup>90</sup> Skinner, *President's Commission on Law*, April 7, 2020.

<sup>91</sup> Skinner, *President's Commission on Law*, April 7, 2020.

<sup>92</sup> *U.S. House Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security: Hearing on Fentanyl Analogues: Perspective on Classwide Scheduling* (January 28, 2020) (written statement of Amanda Liskamm, Director of Opioid Enforcement Efforts, U.S. Department of Justice), <https://docs.house.gov/meetings/JU/JU08/20200128/110392/HHRG-116-JU08-Wstate-LiskammA-20200128.pdf>.

<sup>93</sup> "Statement on China's Class Scheduling of Fentanyl," White House, April 3, 2019, <https://www.whitehouse.gov/briefings-statements/statement-chinas-class-scheduling-fentanyl/>.

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Since the temporary class control (February 2018 through December 2019), there were fewer than 8,800 reports to NFLIS for substances structurally related to fentanyl, a 50 percent reduction.”<sup>94</sup>

In February 2020, Congress passed legislation that extended DEA’s temporary class scheduling of fentanyl and fentanyl analogues until May 6, 2021.<sup>95</sup> If that scheduling is allowed to lapse, drug traffickers would once again be able to create and traffic new fentanyl analogues with relative impunity. Fentanyl-related analogues should be permanently scheduled to prevent a re-emergence of fentanyl analogues by bad actors exploiting loopholes in U.S. and international law.

### 9.3.4 The federal government should develop a national automatic license plate reader clearinghouse for all data from automatic license plate readers.

Automatic license plate readers (ALPR) technology can serve as force multiplier for police departments.<sup>96</sup> ALPR data (i.e., an aggregate data set consisting of a license plate’s letters and number, location, and date and time of reading) is commonly used to detect stolen vehicles and license plates, and can help ongoing investigations.<sup>97</sup> ALPR data is especially useful in combatting smuggling and drug trafficking crimes.

Sheriff John Skinner notes that a national database for law enforcement ALPR data would bring “(1) uniform standards for the inclusion of data; (2) uniform policies for access to, maintenance of, and use or dissemination of data; (3) appropriate standards for data or cyber security such as CJIS compliance; (4) a single location for law enforcement–quality data, thus reducing the need for deputies to check multiple vendor databases . . . and (5) a platform for officers to communicate about their interdiction operations and investigations.”<sup>98</sup>

A national database would combine the benefits of uniform standards and a platform for sharing intelligence. The uniform standards would provide guidance to states on storage of data, retention, and sharing of information to be used for law enforcement purposes. ALPR data can help ongoing investigations by providing information such as where a vehicle has been, whether it was at a crime scene, and its travel patterns.<sup>99</sup> ALPR data can be used to analyze crime patterns.

### 9.3.5 The U.S. Postal Service and private parcel delivery services should increase their ability to investigate the transportation of illegal drugs.

The most prevalent and commonly used method to transport illegal drugs domestically is the U.S. Postal Service (USPS).<sup>100</sup> The USPS processes more than 470 million pieces of mail each day.<sup>101</sup> Narcotics traffickers view USPS as a safe and reliable method of shipping drugs due to the sheer volume of mail, drug interdiction being a low priority for the USPS, the ability to track their shipments, and the lack of federal prosecution for shipping drugs via the U.S. mail.<sup>102</sup> The USPS is understaffed, technology does not exist to

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<sup>94</sup> Liskamm, *U.S. House Committee on the Judiciary*, January 28, 2020, 3.

<sup>95</sup> Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act, <https://www.congress.gov/bill/116th-congress/senate-bill/3201/text>.

<sup>96</sup> Keith Gierlack et al., *License Plate Readers for Law Enforcement: Opportunities and Obstacles* (Santa Monica, CA: RAND Corporation, 2014), [https://www.rand.org/pubs/research\\_reports/RR467.html](https://www.rand.org/pubs/research_reports/RR467.html)

<sup>97</sup> David J. Roberts and Meghann Casanova, *Automated License Plate Recognition Systems: Policy and Operational Guidance for Law Enforcement* (Washington, DC: International Association of Chiefs of Police, 2012), <https://www.ncirs.gov/pdf/files1/nij/grants/239604.pdf>.

<sup>98</sup> Skinner, *President’s Commission on Law*, April 7, 2020.

<sup>99</sup> Roberts and Casanova, *Automated License Plate Recognition*.

<sup>100</sup> Office of Inspector General, *Use of Postal Service Network to Facilitate Illicit Drug Distribution* (Washington, DC: U.S. Postal Service, 2018), <https://www.oversight.gov/sites/default/files/oig-reports/SAT-AR-18-002.pdf>.

<sup>101</sup> “One Day in the Life of the U.S. Postal Service,” U.S. Postal Service, accessed July 27, 2020, <https://facts.usps.com/one-day/>.

<sup>102</sup> Joe Davidson, “Postal Service Preferred Shipper of Drug Dealers,” *Washington Post*, October 16, 2018, <https://www.washingtonpost.com/politics/2018/10/16/postal-service-preferred-shipper-drug-dealers/>.

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effectively identify illegal drugs, and archaic USPS rules prevent local law enforcement being used as effectively as task force officers as they are in other federal law enforcement agencies.

The U.S. Postal Inspection Service's (USPIS) narcotics program, which investigates attempts to use the mail to traffic drugs, seized over 40,000 pounds of drugs in 2017, reflecting a continued increase in seizures since 2014.<sup>103</sup> In addition to USPS, traffickers use other methods such as human couriers, commercial flights, parcel services, and commercial buses.<sup>104</sup> For example, in December 2019, 11 individuals were indicted by Arizona Attorney General Mark Brnovich; they were accused of shipping illegal drugs and contraband across the country through the United Parcel Service.<sup>105</sup> Postal inspectors and federal agents working in conjunction with private parcel delivery services play a vital role in case-specific drug investigations to track and interdict illegal drugs; a systemic approach should be taken to prevent the uninhibited domestic shipment of these illegal drugs.

### 9.4 Human Trafficking and Child Exploitation

Human trafficking is a crime of global scale that victimizes many vulnerable populations. Worldwide, millions of children and adults are coerced or forced into performing labor or sex work. Women and girls make up the majority of trafficked and exploited victims.<sup>106</sup> In 2016, more than 40 million individuals were living in modern-day slavery.<sup>107</sup> Seen as low risk with high reward, "human trafficking is fueled by a demand for cheap labor, services, and for commercial sex."<sup>108</sup>

According to DHS, most victims fall prey to promises of good jobs but are instead made to work in "legitimate and illegitimate labor industries, including sweatshops, massage parlors, agricultural fields, restaurants, hotels, and domestic service."<sup>109</sup> Congress described the trafficking of human beings as "a contemporary manifestation of slavery" that "involves grave violations of human rights" and is "abhorrent to the principles upon which the United States was founded."<sup>110</sup>

Traffickers keep their victims hidden, isolated, and dependent, which often diminishes any hope of escape or detection. Because of this, human trafficking is significantly underreported in the United States; and so, it is difficult to determine an exact number of victims.<sup>111</sup>

The crime of human trafficking is often connected to other violent crimes like drug and illegal firearms trafficking. Thus, in targeting and apprehending human traffickers, law enforcement is often able to uncover and disrupt other criminal enterprises.

A further horrifying aspect of this crime is how children are being targeted by traffickers. Traffickers use the internet and social media to target and recruit victims. Online grooming is a preparatory phase in

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<sup>103</sup> Office of Inspector General, *Use of Postal Service Network*.

<sup>104</sup> Drug Enforcement Administration, *2019 National Drug Threat Assessment*.

<sup>105</sup> "11 Defendants Arraigned in Drug Trafficking Ring Involving UPS Employees," Arizona Attorney General Mark Brnovich, accessed July 27, 2020, <https://www.azag.gov/press-release/11-defendants-arraigned-drug-trafficking-ring-involving-ups-employees>.

<sup>106</sup> "Report: Majority of Trafficking Victims Are Women and Girls; One-Third Children," *United Nations Sustainable Development* (blog), December 22, 2016, <https://www.un.org/sustainabledevelopment/blog/2016/12/report-majority-of-trafficking-victims-are-women-and-girls-one-third-children/>.

<sup>107</sup> International Labour Organization and Walk Free Foundation, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (Geneva, Switzerland: International Labour Organization, 2017), [http://www.ilo.org/global/publications/books/WCMS\\_575479/lang-en/index.htm](http://www.ilo.org/global/publications/books/WCMS_575479/lang-en/index.htm).

<sup>108</sup> "Human Trafficking," National Human Trafficking Hotline, accessed June 22, 2020, <https://humantraffickinghotline.org/type-trafficking/human-trafficking>.

<sup>109</sup> Blue Campaign, *Human Trafficking 101* (Washington, DC: U.S. Department of Homeland Security, 2016), <https://www.hsdl.org/?abstract&did=820007>.

<sup>110</sup> Trafficking Victims Protection Act of 2000, 22 U.S. Code § 7101 (2006), <https://www.govinfo.gov/content/pkg/PLAW-106publ386/html/PLAW-106publ386.htm>.

<sup>111</sup> National Human Trafficking Resource Center, *Does Human Trafficking Exist In Your Community? Examining Reports and Reviewing Facts* (Washington, DC: Polaris Project, n.d.), [https://humantraffickinghotline.org/sites/default/files/Human%20Trafficking%20in%20Your%20Community\\_0.pdf](https://humantraffickinghotline.org/sites/default/files/Human%20Trafficking%20in%20Your%20Community_0.pdf).

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which offenders seek to build trust and rapport with a child or a third party (such as their guardian or sibling) in order to gain access to that child for the purposes of sexual activity. Sadly, traffickers are also preying upon children in the foster care system. Recent reports have consistently indicated that a large number of victims of child sex trafficking were at one time in the foster care system.<sup>112</sup>

The Trafficking Victims Protection Act, 22 U.S.C. § 7102 (2000), was enacted in 2000 and reauthorized in 2003, 2005, 2008, 2013 and 2018 to prevent human trafficking, protect those who were victims of trafficking, and prosecute those who participated in facilitating human trafficking.<sup>113</sup> Additionally, all 50 states and the District of Columbia have human trafficking statutes.<sup>114</sup> Although they vary by state, all these statutes criminalize trafficking and impose criminal penalties.

### **9.4.1 The Department of Justice should provide training and technical assistance for state, local, and tribal law enforcement related to the sexual exploitation and trafficking of children in order to assist the investigation and prosecution of traffickers and provide services to victims. This training should incorporate information on how traffickers are using technology.**

Technology has become an effective tool for traffickers, as victims can be manipulated on social media and lured into dangerous situations.<sup>115</sup> Training law enforcement on how traffickers are increasingly using technology to ensnare their victims will enable them to leverage their own technological capabilities to aid investigations and enhance prosecutions.

A successful example of such training is the Texas Department of Public Safety's "Interdiction for the Protection of Children" training program. The goal of this program is to augment the ability of law enforcement officers to combat child trafficking by training them to better identify victims of exploitation and factors that represent high-risk threats against children as well as registered sex offender violations. They are also taught to identify technology-facilitated crimes involving children.<sup>116</sup> Texas Governor Gregg Abbot credited the program with training more than 9,000 individuals in Texas and other jurisdictions around the world, which has helped authorities rescue hundreds of children, including 424 by Texas state troopers.<sup>117</sup>

### **9.4.3 The federal government should develop a national database on juvenile human trafficking victims.**

Runaways and missing juveniles are at a higher risk than the general public of becoming victims of human trafficking.<sup>118</sup> Human trafficking victims often run away multiple times, and locations where juveniles with dependency cases are housed are often a source of human trafficking recruitment. Recovered missing juveniles often do not disclose that they are engaged in prostitution or commercial sex acts.

Establishing criteria for inclusion in a national database would alert a law enforcement officer recovering a runaway or missing juvenile of the potential for other crimes; these criteria might include a juvenile who self-identifies as a victim of human trafficking, was reported by parent or guardian as a runaway or identified as a previous or potential victim, or was previously listed in a law enforcement report as a victim. This would increase the opportunity to gather and document evidence of human trafficking that may be useful in future investigations. Using a database that is housed at an organization such as the NCMEC and

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<sup>112</sup> U.S. Department of State, *Trafficking in Persons Report* (Washington, DC: U.S. Department of State, 2019), 4, <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>.

<sup>113</sup> "Summary of the Trafficking Victims Protection Act (TVPA) and Reauthorizations FY 2017," Alliance to End Slavery and Trafficking, January 11, 2017, <https://endslaveryandtrafficking.org/summary-trafficking-victims-protection-act-tvpa-reauthorizations-fy-2017-2/>.

<sup>114</sup> "Human Trafficking State Laws," National Conference of State Legislatures, accessed July 27, 2020, <https://www.ncsl.org/research/civil-and-criminal-justice/human-trafficking-laws.aspx>.

<sup>115</sup> Whiting, "How Traffickers Use Social Media."

<sup>116</sup> "Training Operations (TOD): Interdiction for the Protection of Children (IPC)," Texas Department of Public Safety, accessed June 22, 2020, <https://www.dps.texas.gov/ETR/CAP/IPC.htm>.

<sup>117</sup> "Interdiction for the Protection of Children Program Marks Anniversary," *Bay City Tribune* (Bay City, TX), May 6, 2019, [https://baycitytribune.com/community/article\\_c5a50d36-703c-11e9-9805-a3c985e37931.html](https://baycitytribune.com/community/article_c5a50d36-703c-11e9-9805-a3c985e37931.html).

<sup>118</sup> Jordan Greenbaum and Nia Bodrick, "Global Human Trafficking and Child Victimization," *Pediatrics* 140, no. 6 (2017), <https://pediatrics.aappublications.org/content/140/6/e20173138.long>.

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is accessible to law enforcement could assist local law enforcement across the nation in providing help to victims and gathering evidence of crimes.<sup>119</sup>

### [CROSS REFERENCE TO JUVENILE JUSTICE CHAPTER]

#### 9.5 Domestic Violence and Sexual Assault

In the United States, an average of 20 people experience intimate partner physical violence every minute, which equates to more than 10 million abuse victims annually.<sup>120</sup>

Domestic violence does not happen in a vacuum. Kim Garrett, chief executive officer and founder of Oklahoma City's Family Justice Center, states, "We know that 75 percent of children who witness domestic violence will grow up to repeat the same behavior. If one person in the family chooses to use violence, within four generations, 18 people will continue the cycle."<sup>121</sup> According to the CDC, "at least one in seven children have experienced child abuse and/or neglect in the past year, and this is likely an understatement."<sup>122</sup>

Individuals who experience physical violence often experience sexual violence. Intimate partner violence accounts for 15 percent of all violent crime; of those cases, 19 percent involve the use of a weapon.<sup>123</sup> Perpetrators of violence tend to have a history of domestic and family violence. Domestic violence can also turn deadly. 72 percent of all murder-suicides are perpetrated by intimate partners.<sup>124</sup>

Law enforcement agencies should take a comprehensive look at their policies, procedures, and practices to ensure they hold offenders accountable for these crimes and strengthen safety for survivors of domestic violence.

##### 9.5.1 Local law enforcement agencies should partner with victim service providers to develop or enhance safety protocols related to obtaining or enforcing orders of protection.

The most dangerous time for a victim of intimate partner violence is when they leave their partner. A study conducted by the National Coalition Against Domestic Violence with men who had killed their wives or partners found that the threat to leave or end the relationship often precipitated the murder.<sup>125</sup> Law enforcement should engage with victim service organizations to develop comprehensive safety plans for victims focused on their homes, employers, use of technology, and public spaces. The plan should enable the victim to identify ways to protect themselves and reduce the risk of serious injury.

Orders of protection are a critical aspect of a safety plan and give the victim the option of contacting law enforcement if the perpetrator violates the order.<sup>126</sup> Law enforcement agencies should consider applying for funding from the Office on Violence Against Women under the Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Grant Program (ICJR Program), formerly known as the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program (Arrest

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<sup>119</sup> John Mina, Sheriff, Orange County Sheriff's Office, CA, email communication with Kristie Brackens, Federal Program Manager, Reduction of Crime Working Group, April 23, 2020.

<sup>120</sup> "National Statistics," National Coalition Against Domestic Violence, accessed June 23, 2020, <https://ncadv.org/statistics>.

<sup>121</sup> *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime* (April 14, 2020) (statement of Kimberly Garrett, CEO and Founder, Palomar, Oklahoma City's Family Justice Center), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

<sup>122</sup> "Violence Prevention: Fast Facts," Centers for Disease Control and Prevention, accessed August 4, 2020, <https://www.cdc.gov/violenceprevention/childabuseandneglect/fastfact.html>.

<sup>123</sup> National Coalition Against Domestic Violence, "Statistics."

<sup>124</sup> National Coalition Against Domestic Violence, "Statistics."

<sup>125</sup> "Why Do Victims Stay?," National Coalition Against Domestic Violence, accessed June 23, 2020, <https://ncadv.org/why-do-victims-stay>.

<sup>126</sup> Tami P. Sullivan et al., *Criminal Protective Orders as a Critical Strategy to Reduce Domestic Violence Final Summary Overview* (n.p., 2017), <https://www.ncjrs.gov/pdffiles1/nij/grants/250664.pdf>.

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Program). The ICJR program can help law enforcement improve its response to domestic violence crimes for both victim safety and offender accountability.<sup>127</sup>

### **9.5.2 U.S. Attorney's Offices should use 18 U.S.C. § 922(g)(8) and (9) to increase the prosecution of domestic violence-related firearms cases.**

Intimate partner abusers who are subject to a victim protective order or who have been previously convicted of a misdemeanor crime of domestic violence are prohibited from possessing a firearm. This approach has been piloted with U.S. Attorney's Offices across the country.

A successful example is, the U.S. Attorney's Office in the Western District of Oklahoma that launched Operation 922 in 2018, as a collaboration between the U.S. Attorney's Office, ATF, the U.S. Marshal Services, and local law enforcement to prioritize firearm prosecutions related to domestic violence. To date, 99 cases have been charged, resulting in 85 guilty convictions or pleas, with an average sentence of 81 months.<sup>128</sup>

### **9.5.3 States should establish laws and procedures for safe and accountable firearms transfer pursuant to domestic violence-related convictions or issuance of protective orders.**

When an abuser has access to a gun, a domestic violence victim is five times more likely to be killed.<sup>129</sup> Laws that keep guns out of the hands of abusers save lives; however, without procedures, having federal and state prohibitions does not actually remove the firearm from the abuser. State and local procedures should be implemented for successful firearm dispossession. States that require abusers to provide proof that they actually relinquished their firearms (i.e., relinquishment laws) are linked to a 16 percent reduction in intimate partner gun homicides.<sup>130</sup>

### **9.5.4 The Department of Justice should increase grant funding to provide assistance to forensic labs for personnel, training, and case management software to aid in the investigation and prosecution of criminal cases.**

Strong forensic evidence helps with the successful investigation and prosecution of violent crimes. Forensic science is underused and underfunded. DOJ grants—such as Coverdell, DNA Capacity Enhancement and Backlog Reduction, and Laboratory Efficiency Improvement and Capacity Enhancement grants—should be authorized and appropriated at higher levels.<sup>131</sup> In addition, traditional grants made available to law enforcement (e.g., the JAG program) should be increased and state administrative agencies should make more funding available to support forensic labs.<sup>132</sup> In fiscal year 2016, forensic science services accounted for only 2.1 percent of JAG program spending, which was approximately \$3 million out of the more than \$400 million allocated to support state and local criminal justice systems annually.<sup>133</sup>

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<sup>127</sup> Office on Violence Against Women, *OVW Fiscal Year 2019 Improving Criminal Justice Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Grant Program Solicitation* (Washington, DC: Office on Violence Against Women, 2018), <https://www.justice.gov/ovw/page/file/1124261/download>.

<sup>128</sup> Garrett, *President's Commission on Law*, April 14, 2020.

<sup>129</sup> "Domestic Violence and Firearms," Giffords Law Center to Prevent Gun Violence, accessed July 27, 2020, <https://lawcenter.giffords.org/gun-laws/policy-areas/who-can-have-a-gun/domestic-violence-firearms/>.

<sup>130</sup> April M. Zeoli et al., "Analysis of the Strength of Legal Firearms Restrictions for Perpetrators of Domestic Violence and Their Associations with Intimate Partner Homicide," *American Journal of Epidemiology* 187, no. 11 (2018), <https://doi.org/10.1093/aje/kwy174>.

<sup>131</sup> "FY 2020 Paul Coverdell Forensic Science Improvement Grants Program – Formula," Bureau of Justice Assistance, accessed June 23, 2020, <https://bia.ojp.gov/funding/opportunities/bia-2020-18434>.

<sup>132</sup> *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime* (April 14, 2020) (statement of Matthew Gamette, Director, Forensic Services Laboratory System, Idaho State Police), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

<sup>133</sup> National Criminal Justice Association, *How States Invest Byrne JAG in Forensic Science* (Washington, DC: National Criminal Justice Association, 2016), [https://370377fc-459c-47ec-b9a9-c25f410f7f94.filesusr.com/ugd/cda224\\_d1c24587ad1c42649cbb7339e8b4a878.pdf?index=true](https://370377fc-459c-47ec-b9a9-c25f410f7f94.filesusr.com/ugd/cda224_d1c24587ad1c42649cbb7339e8b4a878.pdf?index=true).