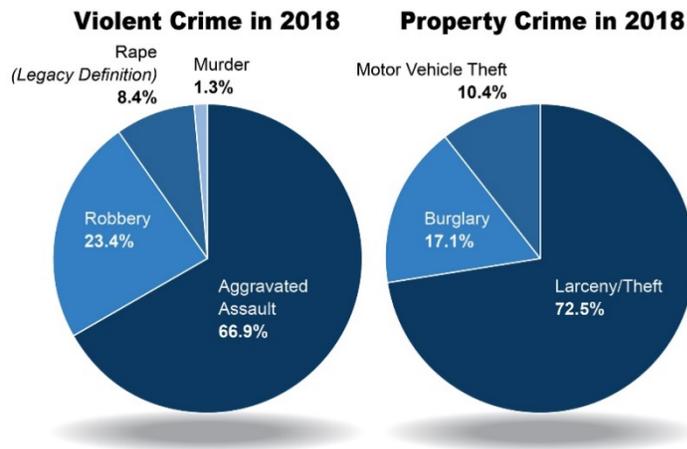


# Chapter 9. Reduction of Crime

## Introduction of the Issue

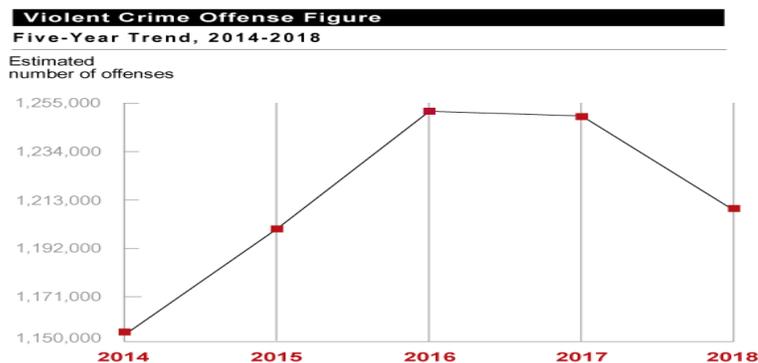
According to the Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) program, approximately 1.2 million violent crimes were committed in the United States in 2018. Between 2017 and 2018, there was a decrease in crime across the board. Although the rate of violent crimes such as murder,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

Image Source: <https://www.fbi.gov/news/stories/2018-crime-statistics-released-093019>



From *Crime in the United States, 2018*.

Data show that nationally, violent crime is decreasing; however, there are communities in cities across the country where children are not riding their bicycles or playing in their front yards. There are communities where residents are not sitting on their front porches or taking evening walks through the neighborhood.



<sup>1</sup> FBI Releases 2018 Crime Statistics.” fbi.gov. Federal Bureau of Investigation, September 30, 2019.

<https://www.fbi.gov/news/pressrel/press-releases/fbi-releases-2018-crime-statistics>

<sup>2</sup> <https://www.usatoday.com/story/money/2020/01/13/most-dangerous-states-in-america-violent-crime-murder-rate/40968963/>

Line Graph Image Source: <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/topic-pages/violent-crime>

These visual indicators of neighborhood safety and stability are replaced by makeshift memorials, yards riddled with shell casings, and funeral processions.

The causes of violent crime are many and varied. Crime affects all types of communities; however, the crime problems in these communities likely look different from one another. Violence involving the illegal use, possession, and transfer of firearms by members of gangs or cliques may drive violence in one community, as the protection and promotion of the illegal drug trade may drive violence in another. While crime reduction strategies should be tailored to the problems facing different communities, certain general principles underlying reduction strategies can be applied across the board. 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 the causes of violent crime are multifaceted, intertwined, and chronic, the solutions must be multi-sectional, interwoven, and sustained. Applicable theories to frame these problems include

- social disorganizational theory<sup>3</sup>
- social ecological model<sup>4</sup>
- social development model<sup>5</sup>

Reducing violent crime requires a comprehensive approach that addresses how law enforcement responds in addition to the social and economic factors that contribute to violence (e.g., poverty, lack of education, family dissolution, unemployment, drug use, and mental illness). These recommendations examine targeted deterrence approaches to reduce violent crime, and new and developing methodologies, technologies, and approaches to combat criminal activity, delinquency, and public disorder. Education, employment, social services, and public health services should be integrated into efforts to reduce crime and ease the burden on law enforcement, courts, and corrections systems.

## 9.1 Gangs and Criminal Organizations

### Background

Gangs are a group of at least three individuals whose sole purpose is to participate in criminal endeavors and to use violent tactics and intimidation to push their criminal agenda.<sup>6</sup> Gangs often use or adopt a group identity, which may be a “common name, slogan, tattoo, style or color of clothing, or hand sign.”<sup>7</sup> The number of gang members in the United States likely exceeds one million.<sup>8</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>9</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.

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<sup>3</sup> <https://www.oxfordbibliographies.com/view/document/obo-9780199756384/obo-9780199756384-0192.xml#obo-9780199756384-0192-bibItem-0002>

<sup>4</sup> <http://www.esourceresearch.org/Default.aspx?TabId=736>

<sup>5</sup> <https://www.ncjrs.gov/pdffiles1/Digitization/124878NCJRS.pdf>  
<https://www.ncjrs.gov/App/publications/abstract.aspx?ID=124878>

<sup>6</sup> [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) pg. 126

<sup>7</sup> [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) pg. 126

<sup>8</sup> Pyrooz, D.C., and G. Sweeten, “Gang Membership between 5 and 17 Years in the United States,” *Journal of Adolescent Health* 56, no. 4 (2015): 414–419.

<sup>9</sup> <https://www.fbi.gov/investigate/violent-crime/gangs>

The structure and organization of a gang is often dependent upon the type. Prison gangs begin in prisons and jails and operate mainly in the prison system, but they also continue their criminal activity outside of the prison system. 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. National-level gangs are also very structured and run their operations in a formal manner. They have a hierarchy and expect their members to abide by their constitution. Neighborhood-based gangs are primarily located in the specific area where gang members reside. While they may use the names of national-level gangs and may even pattern their operations after them, they do not embody the sophistication and level of organization of a national-level gang. Finally, a hybrid gang is made up of several gang members from other gangs. Hybrid gangs are not structured, and the members move around to different hybrid gangs depending on their own need for profit.

Gang members are more violent than similarly situated peers who are not in gangs.<sup>10</sup> Gangs are often designed to protect and promote illegal money-making activities, including robbery, extortion, drug tracking, gun trafficking, prostitution and human trafficking, and other theft and fraud schemes. Sometimes, these groups exist to protect specific neighborhoods, and they commit acts of violence against rival groups who they perceive as breaching their territory. Many gang members continue to commit crimes after being sent

**2019 NATIONAL  
THREAT PICTURE  
21 Priority Threat Issues**

RANK		THREAT ISSUE
2018	2019	
1	1	<b>VIOLENT CRIME WITH FIREARM</b>
8	2	<b>CRIMINAL GANGS AND CREWS<sup>1</sup></b>
2	3	<b>DRUG USER DERIVATIVE CRIME</b>
3	4	<b>DRUG TRAFFICKING AND PROLIFERATION</b>
5	5	<b>HOMICIDES</b>
4	6	<b>OPIOID EPIDEMIC</b>
7	7	<b>VIOLENT CRIME WITHOUT FIREARM</b>
6	8	<b>NON-VIOLENT CRIMINAL VIOLATION</b>
9	9	<b>CRIMINAL ACTS AGAINST LAW ENFORCEMENT</b>
10	10	<b>SEX CRIMES</b>
11	11	FINANCIAL CRIMES
16	12	DOMESTIC TERRORISM
13	13	GUN TRAFFICKING AND PROLIFERATION
12	14	ORGANIZED THEFT
15	15	HUMAN TRAFFICKING
14	16	CYBER CRIMES
17	17	HOMEGROWN VIOLENT EXTREMISM
18	18	ORGANIZED CRIME GROUPS
19	19	FOREIGN TERRORIST ORGANIZATIONS
20	20	PRISON/JAIL GANGS
21	21	HUMAN SMUGGLING

<sup>10</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3151646/>. Pyrooz, D.C., and G. Sweeten, "Gang Membership between 5 and 17 Years in the United States," *Journal of Adolescent Health* 56, no. 4 (2015): 414–419.

to jail. Often, members of all such criminal organizations require other members to commit homicides, shootings, and other violent acts.

Image Source:

[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)

## Current State of the Issue

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>11</sup> The cycles largely emanate from the transient nature of conflict and competition from 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.” Urban areas are known for having a strong gang presence.

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 ranked gangs as their second biggest concern, and both the Eastern and Western regions ranked gangs as their third largest concern. In 2019, gang activity increased more than 25 percent.<sup>12</sup> While drug and weapon trafficking have been major components of criminal activity in gangs, an increasing trend of gangs are involved in human trafficking. Often, the internet helps gangs further human trafficking efforts for their own gain.<sup>13</sup>

Although there is a significant gang issue, interventions are available to law enforcement to reduce gang activity. Many efforts that attempt to reduce violent crime perpetuated by gangs have sought to combat recidivism by using screening and assessment procedures that are adjusted for local populations during the earliest stages of offender contact with the criminal justice system. Such efforts have helped successfully identify an individual’s likelihood to recidivate. They also inform appropriate levels of treatment and intervention that correspond to that risk. The risk-needs-responsivity model (RNR) can also be used to work with gang involved individuals.<sup>14</sup> Along with using the RNR model, other methods help reduce crime, such as the focused deterrence model, hotspot mapping or risk terrain modeling, restorative justice, and real-time crime centers.

## [CROSS REFERENCE SOCIAL PROBLEMS and JUVENILE JUSTICE]

### **9.1.1 Law enforcement should conduct operational meetings at the federal, state, local, and tribal levels to identify the most violent criminal organizations in their communities to develop joint strategies to disrupt**

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<sup>11</sup> <https://www.nationalgangcenter.gov/about/FAQ>

<sup>12</sup> [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)  
[file:///C:/Users/jdebrah/Downloads/MCCA%20Nt%20Threat%20Picture%202019%20\(002\)%20\(1\).pdf](file:///C:/Users/jdebrah/Downloads/MCCA%20Nt%20Threat%20Picture%202019%20(002)%20(1).pdf)

<sup>13</sup> <https://www.nationalgangcenter.gov/Blog/47/Gangs-and-Human-Trafficking>

<sup>14</sup> Andrews, D. A., & Bonta, J. (2010). Rehabilitating criminal justice policy and practice. *Psychology, Public Policy, and Law*, 16(1), 39–55. <https://doi.org/10.1037/a0018362>; Andrews, D. A., Bonta, J., & Hoge, R. D. (1990). Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behavior*, 17(1), 19–52.

<https://journals.sagepub.com/doi/pdf.org/10.1177/009385489001700100440093854890017001004>;  
Ehrhard-Dietzel, S., Barton, M. S., & Hickey, D. A. (2017). Implementation and outcomes of an innovative front end juvenile justice reform initiative. *Child and Adolescent Social Work Journal*, 34(3), 223-234.; Mulvey, E., & Iselin, A. (2008). Improving Professional Judgments of Risk and Amenability in Juvenile Justice. *The Future of Children*, 18(2), 35-57. Retrieved March 26, 2020, from [www.jstor.org/stable/20179978](http://www.jstor.org/stable/20179978)  
[www.jstor.org/stable/20179978](http://www.jstor.org/stable/20179978)

**those organizations and eliminate their illegal activities.**

Law enforcement should focus their limited resources on conducting complex investigations into those individuals and groups of individuals that commit most of the violence in their communities. Local law enforcement agencies must effectively use intelligence to combat criminal gangs.<sup>15</sup> Increasing collaboration with jail intelligence teams will help law enforcement identify leaders of gangs or criminal organizations.

Zachary Terwilliger, the U.S. Attorney for the Eastern District of Virginia also emphasizes the need for law enforcement to collaborate in order to reduce crime. Coordinating efforts between state and federal prosecutors, while working with federal, state, and local law enforcement, is an effective tool in the fight against crime. This should be carried out at the community level to produce the desired results. Depending on the circumstances of each case, “prosecuting it in federal rather than state court or vice versa may lead to a more significant sentence, stronger deterrence, and ultimately a reduction in violent gun crime.”<sup>16</sup>

Timothy D. Sini, the District Attorney of Suffolk County, New York noted how collaborating with the Drug Enforcement Administration and other law enforcement professionals allowed his team to take down the MS-13 gang. In 2012, pursuant to Executive Order 13581, the U.S. Department of Treasury designated MS-13 a Transnational Criminal Organization (TCO).<sup>17</sup> This involved wiretapping “approximately 215 phone lines and communication applications over the course of about two years. The amount of intelligence generated off those approximate 215 phones was enormous and led to the arrests of more than 230 MS-13 gang members and close associates worldwide.” As a result of this take down, they were able to intercept 10 planned murders on Long Island, capture high-ranking leaders in the gang, and end the MS-13 New York Program.<sup>18</sup>

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

The analysts could provide more accurate data (i.e., affiliations, current charges, or social media) to law enforcement officers whose areas are most likely affected by these individuals or groups. These investigations should endeavor to remove the leaders of these criminal organizations. Often, specific gangs or gang members, commonly referred to as shot callers or shooters, are primarily responsible for a large share of gang violence. Law enforcement should employ technologies (e.g., wiretaps and other forms of electronic surveillance) to gather evidence against these organizations and organizational leaders. Technology companies must provide access to such information when law enforcement has lawful authority to obtain it, including using court orders.

The FBI Cleveland Office initiated Operation Hadley’s Hope when they received intelligence from the Metropolitan Richland County (METRICH) drug task force. They used several wiretaps, which resulted in the dismantling of three large drug trafficking organizations in October 2017, February 2019, and March 2020. As

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<sup>15</sup> [https://www.unodc.org/documents/organized-crime/Law-Enforcement/Criminal\\_Intelligence\\_for\\_Analysts.pdf](https://www.unodc.org/documents/organized-crime/Law-Enforcement/Criminal_Intelligence_for_Analysts.pdf)

<sup>16</sup> President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime (April 8, 2020) (statement of Zachary Terwilliger, US Attorney for Eastern District of Virginia). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings> <https://www.justice.gov/ag/page/file/1272416/download> pg 3

<sup>17</sup> <https://www.policechiefmagazine.org/the-perfect-storm-gangs-and-transnational-crime/>

<sup>18</sup> President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime (April 9, 2020) (statement of Timothy Sini, District Attorney, Suffolk County, NY). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings> Hearing Testimony: Timothy D. Sini, the District Attorney of Suffolk County, NY <https://www.justice.gov/ag/page/file/1272416/download>

Justin Herdman, the U.S. Attorney for the Northern District of Ohio, states, “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>19</sup>

**PULL QUOTE:** “The amount of intelligence generated off those approximate 215 phones was enormous and led to the arrests of more than 230 MS-13 gang members and close associates worldwide.”<sup>20</sup> - Timothy D. Sini, the District Attorney of Suffolk County, NY

### [CROSS REFERENCE TECHNOLOGY]

#### **9.1.3 Local law enforcement should create and/or participate in regionalized gang task forces made up of agencies from their region, state, and the federal government.**

Law enforcement agencies often solely rely on their own personnel to combat ever-growing violence and criminal enterprises as they relate to gang activity. As a result, many agencies lack proper personnel and resources to control the accelerated growth of criminal street gangs. The ideal task force should include investigators from at least three local agencies within the affected region in addition to probation, state parole, state police, prosecuting bodies, the FBI, and the Department of Homeland Security (DHS). The task force may also partner with the Federal Bureau of Alcohol, Tobacco and Firearms (ATF) and the Drug Enforcement Administration (DEA), due to firearms related crimes and drug related crimes as they pertain to organized gangs.

A properly deployed gang task force will produce an exponential increase in communication, intelligence-based investigation, and successful prosecutions for gang allegations throughout a region, rather than such information and resources being contained to smaller jurisdictions. Gangs are both transitional and tend to transplant their membership within cities surrounding the territory of origination. To dismantle the criminal organization, law enforcement should use wiretaps and other court-authorized investigative techniques to gather valuable criminal evidence and intelligence as to the leadership of a criminal street gang. A task force is ideal for financing and staffing wiretap investigations because it can use resources from several involved agencies.

Additionally, the combination of federal and state participation in such wiretap investigations allows law enforcement to draw intelligence from a larger base and pool enforcement resources from more agencies. It also provides a collaborative working group for law enforcement to exploit wiretaps and other investigative techniques authorized by both federal and state courts. Federal law enforcement agencies should adopt state investigations—including those involving court-authorized state wiretaps—to exploit that evidence and work further up the criminal organization’s leadership ranks, including towards organizational leaders located out of state. Finally, every gang task force should deploy a corrections-based intelligence. It is common practice for gang members to continue to facilitate criminal activity after incarceration; wiretaps used in correctional settings can assist in local and federal law enforcement investigations. Gang members are becoming more sophisticated in using fraud and identity theft to generate funding. Funds received from these types of crimes are used to purchase drugs and firearms to be sold to other criminal entities and underprivileged youth within communities.

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<sup>19</sup> President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime (April 7, 2020) (statement of Justin Herdman, US Attorney for Northern District of Ohio). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings> (Herdman Hearing) National and Local Perspectives Panel-April 7th

<sup>20</sup> President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime (April 9, 2020) (statement of Timothy Sini, District Attorney, Suffolk County, NY). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings> <https://www.justice.gov/ag/page/file/1272416/download>

Many law enforcement agencies have noticed an increase in collaboration efforts between prison inmates and street-level gang members. In past years, prison inmates had to use human message couriers or the mail system to relay orders or messages to street-level membership. However, due to increases in the number of cellular telephones in the jail and prison system, investigators are relying more on technology and intelligence-based investigative methodology to intercept valuable information.

#### **9.1.4 Local law enforcement should implement place-based and community-driven crime reduction strategies and should engage in continuous efforts to enhance relationships between the police and the communities they serve.**

These efforts should foster community members' perception of their local police and promote cooperation between local 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 County, NJ 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>21</sup> People who do not trust the police or who feel alienated from them are less likely to cooperate with the police, provide information to them, or serve as witnesses in criminal proceedings.<sup>22</sup> Communities with higher rates of legal cynicism (i.e., an overall distrust in the law and its agents, most notably the police) have higher rates of violence.<sup>23</sup>

In 2016, Camden County, New Jersey, had more than 175 open air drug markets. In the past, the Camden County, New Jersey, police department focused their efforts on arresting the offenders, which caused more harm than good and did not fulfill their objective. Like many departments, Camden County used a traditional model of policing that was more reactive in nature. Under the traditional model of policing officers respond to calls for service and following up on previously committed crimes, there was little focus on engaging the community. After shifting to a community policing culture where they had walking beats and bicycle patrols, the department prevented drug-related crimes, and drug selling was replaced with "pickup games of street ball, foot races, and pushup competitions between the neighborhood cop and the kids. The community [became] safer through less incarceration. Police must use a holistic approach to reducing crime."<sup>24</sup> By communicating and getting to know the members of the community, they were more effective in their policing efforts. The transition from focusing on "hot spots" to focusing on engaging with the people in the community made a significant impact. As Chief Thomson notes, by "[fishing] with a spear and not a net . . . murders have been reduced by 67 percent, shootings by 66 percent, and total violent crime by 42 percent" since 2012.

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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 Scott Thomson, Retired Chief, Camden County, NJ). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings> <https://www.justice.gov/ag/page/file/1272416/download> pg 28

<sup>22</sup> Brookman, F., E.R. Maguire, and M. Maguire, "What Factors Influence Whether Homicide Cases are Solved? Insights from Qualitative Research with Detectives in Great Britain and the United States," *Homicide Studies* 23, no. 2 (2019): 145–174; Tyler, T.R., *Why People Obey the Law*; Tyler, T.R. and Y.J. Huo, *Trust in the Law: Encouraging Public Cooperation with the Police and Courts*, (New York: Russell Sage Foundation, 2002); Sunshine, J. and T.R. Tyler, "The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing," *Law & Society Review* 37, no. 3 (2003): 513–548.

<sup>23</sup> Corsaro, N., J. Frank, and M. Ozer. "Perceptions of Police Practice, Cynicism of Police Performance, and Persistent Neighborhood Violence: An Intersecting Relationship." *Journal of Criminal Justice* 43.1 (2015): 1-11. Kirk, D.S., and A.V. Papachristos, "Cultural Mechanisms and the Persistence of Neighborhood Violence," *American Journal of Sociology* 116, no. 4 (2011): 1190–1233.

<sup>24</sup> President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime (April 7, 2020) (statement of Scott Thomson, Retired Chief, Camden County, NJ). Chief Scott Thomson hearing <https://www.justice.gov/ag/page/file/1272416/download> pg 28 April 7, 2020

Similarly, Chief Steve Anderson of the Metropolitan Nashville Police Department experienced similar results where they piloted their “40<sup>th</sup> and Clifton Initiative” (40<sup>th</sup> Avenue North and Clifton Avenue in Nashville, Tennessee).<sup>25</sup> The initiative focused on enhancing community engagement through collective efficacy through “breaking bread.” The team brought coffee and donuts to areas of the community where residents frequently spent time together. This gave the officers the opportunity to get to know the residents, and the residents got to know the officers.

When these officers discovered that an elderly resident did not have the means to purchase a bed and instead slept on the floor, the officers partnered with another community outreach program to provide him with a bed and linens. The team noticed the positive benefits of providing these types of resources to the community, so they continued to assist residents by providing clothing for children and aid for groceries, gas, and furniture. As a result, residents began cooperating and reporting criminal activity with specific details to help capture the offenders, and the overall rate of crime decreased by 40 percent; specifically, violent crime also decreased by 40 percent.

## {CROSS REFERENCE BUSINESS AND COMMUNITY DEVELOPMENT CHAPTER}

### 9.1.5 Law enforcement should use programs that emphasize focused deterrence.

Such programs may be enhanced using hotspot mapping or risk terrain modeling and validated RNR assessments to direct patrol assignments, resource allocation, and supplemental initiatives that benefit the mission of violent crime reduction. The focused deterrence model maintains that a disproportionately small group of individuals is responsible for the majority of criminal activity. Focused deterrence intervention programs emphasize the accurate identification of 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>26</sup>

In addition to the focused deterrence method, using geographic information systems is another effective method for reducing crime. With this method, law enforcement analyzes temporal and spatial trends in crime. Hotspot mapping and risk terrain modeling identify geographic regions that experience significant clustering of criminal activity for targeted resource allocation.<sup>27</sup> Such techniques denote trends and patterns on crime displacement and crime diffusion that result from law enforcement crime control efforts.<sup>28</sup> Using hotspot mapping and risk terrain modelling for resource allocation and deployment yields small-to-moderate reductions across crime categories and citizen calls for service.<sup>29</sup> Importantly, such targeted resource

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<sup>25</sup> President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime (April 7, 2020) (statement of Steve Anderson, Chief, Nashville, TN). Chief Steve Anderson hearing <https://www.justice.gov/ag/page/file/1272416/download> pg 23

<sup>26</sup> <https://www.crimesolutions.gov/PracticeDetails.aspx?ID=11>

<sup>27</sup> Braga, A. A., Papachristos, A. V., & Hureau, D. M. (2014). The effects of hot spots policing on crime: An updated systematic review and meta-analysis. *Justice quarterly*, 31(4), 633-663.; Kennedy, L., Caplan, J., & Piza, E. (2011). Risk Clusters, Hotspots, and Spatial Intelligence: Risk Terrain Modeling as an Algorithm for Police Resource Allocation Strategies. *Journal of Quantitative Criminology*, 27(3),

<sup>28</sup> Perry, W., McInnis, B., Price, C., Smith, S., & Hollywood, J. (2013). Using Predictions to Support Police Operations. In *Predictive Policing: The Role of Crime Forecasting in Law Enforcement Operations* (pp. 57-80). RAND Corporation. Retrieved April 3, 2020, from [www.jstor.org/stable/10.7249/j.ctt4cgdcz.11](http://www.jstor.org/stable/10.7249/j.ctt4cgdcz.11)

<sup>29</sup> Braga, A. A. (2005). Hot spots policing and crime prevention: A systematic review of randomized controlled trials. *Journal of experimental criminology*, 1(3), 317-342.; Braga, A. A., Papachristos, A. V., & Hureau, D. M. (2014). The effects of hot spots policing on crime: An updated systematic review and meta-analysis. *Justice quarterly*, 31(4), 633-663.; Sherman, L. W., & Weisburd, D. (1995). General deterrent effects of police patrol in crime “hot spots”: A randomized, controlled trial. *Justice quarterly*, 12(4), 625-648.

allocation often contributes to crime diffusion rather than crime displacement.<sup>30</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>31</sup>

#### [BEGIN TEXT BOX]

#### **Reduction of Violent Crime in Gangs and Criminal Organizations**

Evaluations of focused deterrence strategies (the “pulling levers” policing method) showed a significant decrease in violent crime:<sup>32</sup>

- 44 percent decrease in gun assault offenses in Lowell, Massachusetts
- 42 percent decrease in gun homicides in Stockton, California
- 41 percent decrease in homicides of members within criminal organizations in Cincinnati, Ohio
- 34 percent decrease in total homicides in Indianapolis, Indiana

#### [END TEXT BOX]

The Tampa, Florida, police department 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. Then, they developed a strategy based on the Los Angeles Strategic Extraction and Restoration (LASER) program, which uses a numerical system to score those most likely to commit violent crimes based on certain factors. 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>33</sup>

#### **9.1.6 Law enforcement should use programs that emphasize disorder policing.**

Disorder policing addresses neighborhood social and physical disorder which serve as a precursor to more serious forms of delinquent and criminal behavior, fear of crime, and neighborhood decline.<sup>34</sup> Disorder policing maintains that visual signs of disorder (e.g., litter, graffiti, abandoned property, aggressive panhandling, or prostitution) signal to residents and non-residents 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>35</sup>

Rather than drawing upon a single set of tactics, disorder policing adopts a multitude of diverse strategies ranging from community-oriented and problem-oriented policing methods to aggressive order-maintenance

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<sup>30</sup> Braga, A. A. (2005). Hot spots policing and crime prevention: A systematic review of randomized controlled trials. *Journal of experimental criminology*, 1(3), 317-342.

<sup>31</sup> Braga, A. A., Papachristos, A. V., & Hureau, D. M. (2014). The effects of hot spots policing on crime: An updated systematic review and meta-analysis. *Justice quarterly*, 31(4), 633-663.; Braga, A. A., Turchan, B. S., Papachristos, A. V., & Hureau, D. M. (2019). Hot spots policing and crime reduction: an update of an ongoing systematic review and meta-analysis. *Journal of experimental criminology*, 15(3), 289-311.

<sup>32</sup> <https://www.bridgespan.org/bridgespan/Images/articles/needle-moving-community-collaboratives/profiles/community-collaboratives-case-study-boston.pdf> pg. 5

<sup>33</sup> Dr. Briana Fox (University of Florida Department of Criminology) in discussion with Reduction of Crime Working Group, April 23, 2020.

<sup>34</sup> Braga, A. A., Welsh, B. C., & Schnell, C. (2015). Can policing disorder reduce crime? A systematic review and meta-analysis. *Journal of Research in Crime and Delinquency*, 52(4), 567-588.

<sup>35</sup> Hinkle, J. C., & Weisburd, D. (2008). 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(6), 503-512.; Wilson, J. Q., & Kelling, G. L. (1982). Broken windows. *Atlantic Monthly*, 211,29-38.

and zero-tolerance policing strategies.<sup>36</sup> Such strategies may address social disorder through citations and arrests involving disorderly behavior and misdemeanors commonly ignored in standard policing practices (e.g., loitering).<sup>37</sup> Furthermore, such strategies may use code enforcement measures to combat signs of physical disorder (e.g., dilapidated buildings or abandoned cars).<sup>38</sup> Despite strategic variation, the common element among disorder policing approaches is the emphasis on disrupting social and physical disorder to prevent and reduce crime.<sup>39</sup> Due to the substantial flexibility of this approach, there is no set standard for implementing disorder policing and the application of this method can vary within and across police departments.

Disorder policing strategies have been demonstrated as an effective crime control mechanism, consistently yielding significant reductions in violent, property, drug, and disorder outcome measures when used in conjunction with community-oriented policing efforts.<sup>40</sup> Disorder policing strategies supplement key tactical innovations employed in contemporary forms of community-oriented policing, problem-oriented policing, third-party policing, and hotspot policing.

### **9.1.7 Federal, state, local, and tribal governments should increase funding for jurisdictions to implement evidence-based community-oriented crime reduction programs focused on adult populations.**

These 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; prevention and reentry programs, such as those implemented under Project Safe Neighborhoods (PSN) and other comprehensive anti-violence initiatives, including parolee and offender call-in meetings; and street outreach and intervention programs (e.g., Cure Violence or Ceasefire). With funding from the Bureau of Justice Assistance, in 2018 the Grady Memorial Hospital launched Program to Interrupt Violence Through Outreach and Treatment (PIVOT) in partnership with the Atlanta Metropolitan Police Department, its version of the hospital-based intervention program. PIVOT focuses on preventing repeat gunshot victimization and

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<sup>36</sup> Hinkle, J. C., & Weisburd, D. (2008). 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(6), 503-512.; Weisburd, D., & Eck, J. E. (2004). What can police do to reduce crime, disorder, and fear? *Annals of the American Academy of Political and Social Science*, 593,42-65.

<sup>37</sup> Kelling, G. L., & Sousa, W. H. (2001). *Do police matter? An analysis of the impact of New York City's police reforms* (Civic Report No. 22). New York: Manhattan Institute for Policy Research. [https://media4.manhattan-institute.org/pdf/cr\\_22.pdf](https://media4.manhattan-institute.org/pdf/cr_22.pdf);; Worrall, J. L. (2002). *Does "broken windows" law enforcement reduce serious crime* (CICG Research Brief). Sacramento: California Institute for County Government.

<sup>38</sup> Kelling, G. L., & Sousa, W. H. (2001). *Do police matter? An analysis of the impact of New York City's police reforms* (Civic Report No. 22). New York: Manhattan Institute for Policy Research.; Skogan, W. (1990). *Disorder and decline: Crime and the spiral of decay in American neighborhoods*. New York: The Free Press.; Worrall, J. L. (2002). *Does "broken windows" law enforcement reduce serious crime* (CICG Research Brief). Sacramento: California Institute for County Government.

<sup>39</sup> Hinkle, J. C., & Weisburd, D. (2008). 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(6), 503-512.; Kelling, G. L., & Sousa, W. H. (2001). *Do police matter? An analysis of the impact of New York City's police reforms* (Civic Report No. 22). New York: Manhattan Institute for Policy Research.; Skogan, W. (1990). *Disorder and decline: Crime and the spiral of decay in American neighborhoods*. New York: The Free Press.; Worrall, J. L. (2002). *Does "broken windows" law enforcement reduce serious crime* (CICG Research Brief). Sacramento: California Institute for County Government.

<sup>40</sup> Braga, A. A., Welsh, B. C., & Schnell, C. (2015). Can Policing Disorder Reduce Crime? A Systematic Review and Meta-analysis. *Journal of Research in Crime and Delinquency*, 52(4), 567-588. <https://doi.org/10.1177/0022427815576576>;

Braga, A. A., Welsh, B. C., & Schnell, C. (2019). Disorder policing to reduce crime: A systematic review. *Campbell Systematic Reviews*, 15(3), e1050.

retaliatory violence through providing social services with intensive follow-up, community policing, and data sharing. There are 29 active sites across the country.<sup>41</sup>

### **National Network of Hospital Based Violence Intervention Programs**



Source: <http://archive.nnhvip.org/>

Interventions that include street outreach address violence risk factors like community-level trauma and cultural or society norms that normalize violence as a way to resolve problems. Such interventions include having trained personnel reach out to community residents that are known to have engaged in or who may be at increased risk for violence, promoting non-violence norms and non-violent conflict mediation, and connecting community members to available social supports and services. The effectiveness of programs depends upon the expertise of staff, the availability of community resources, and the model used.

#### **9.1.8 Federal, state, local, and tribal governments should increase funding for jurisdictions to implement community-oriented crime reduction programs focused on youth populations.**

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 problem.<sup>42</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

<sup>41</sup> <https://wamu.org/story/19/01/23/a-decades-old-approach-to-prevent-gunshot-wounds-is-catching-on-in-hospitals-around-the-u-s/> <https://wamu.org/story/19/01/23/a-decades-old-approach-to-prevent-gunshot-wounds-is-catching-on-in-hospitals-around-the-u-s/>

<sup>42</sup> David-Ferdon, C., Vivolo-Kantor, A. M., Dahlberg, L. L., Marshall, K. J., Rainford, N. & Hall, J. E. (2016). A Comprehensive Technical Package for the Prevention of Youth Violence and Associated Risk Behaviors. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. <https://www.cdc.gov/violenceprevention/pdf/yv-technicalpackage.pdf> ;; Dodgel, K., Bierman, K., Coie, J., Greenberg, M., Lochman, J., McMahon, R., Pinderhighes, E. (2015). Impact of early intervention on psychopathology, crime, and well-being at age 25. *American Journal of Psychiatry*, 172(1), 59-70.

school and youth development programs (e.g., GEAR UP), literacy programs (e.g., READ 180), social-emotional interventions, and mentoring programs.<sup>43</sup>

Effingham County Schools Students, Grades 6–8 (N=2,049)  
Georgia CRCT Student Growth Percentiles, 2013–2014

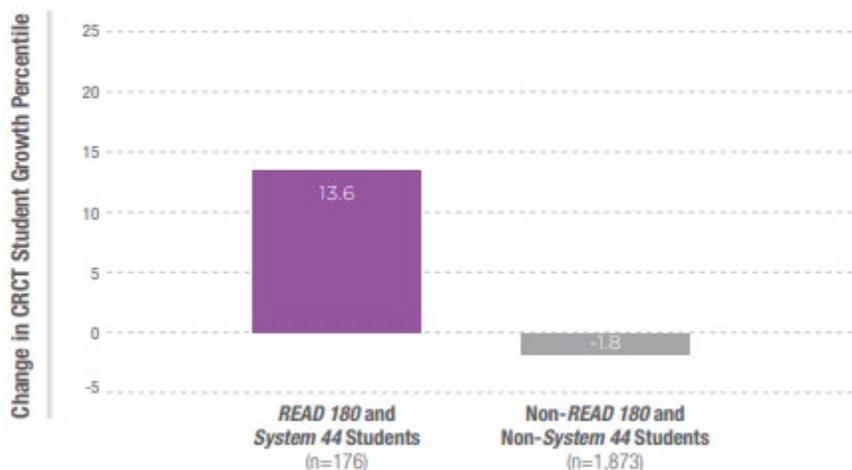


Image Source: [Evidence and Efficacy - Read 180 Program](#)

These programs have a far-reaching, positive effects. **PULL QUOTE:** Head start programs, followed by effective and well-funded K-12 schools, are related to positive outcomes, including reduced adult incarceration.<sup>44</sup> - Rucker C. Johnson and C. Kirabo Jackson, *Reducing Inequality through Dynamic Complementarity: Evidence from Head Start and Public-School Spending*

Gang Resistance Education and Training (G.R.E.A.T.) is a curriculum-based program for middle-school children aimed at reducing gang membership and activity. While evaluations of the program have found little to no effect on delinquency and gang membership shortly after completing the curriculum, longitudinal studies performed 1–5 years later found significant reductions in youth gang membership and victimization and improved attitudes toward police. However, reductions in violent offenses were not found in the one-year longitudinal study.<sup>45</sup>

[CROSS REFERENCE JUVENILE JUSTICE]

**9.1.9 Local law enforcement should implement targeted enforcement and patrols in designated and**

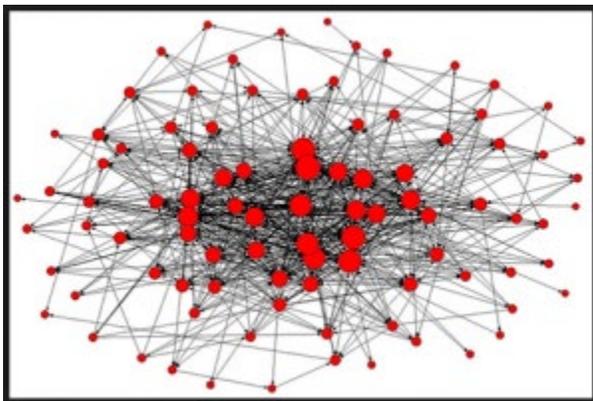
<sup>43</sup> <https://eclkc.ohs.acf.hhs.gov/how-apply>;  
<https://app.checkandconnect.org/>;<https://www2.ed.gov/programs/gearup/index.html>;  
<https://www.hmhco.com/programs/read-180-universal>; Rampey, B., Keiper, S., Mohadjer, L., Krenzke, T., Li, J., Thornton, N., & Hogan, J. (2016). Highlights from the U.S. PIAAC Survey of Incarcerated Adults: Their Skills, Work Experience, Education, and Training: Program for the International Assessment of Adult Competencies: 2014 (NCES 2016-040). U.S. Department of Education. Washington, DC: National Center for Education Statistics. Retrieved [04/07/2020] from <https://nces.ed.gov/pubs2016/2016040.pdf>

<sup>44</sup> Johnson, R. & Jackson, C. (2019). Reducing inequality through dynamic complementarity: Evidence from head start and public school spending. *American Economic Journal: Economic Policy* 2019, 11(4), 310-349.

<sup>45</sup> <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=249>

**confined geographical areas in conjunction with federal law enforcement agencies to increase collaborative efforts to gather, collect, and share intelligence of known gang members for arrest and prosecution.**

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>46</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>47</sup> According to Dr. Kennedy, the most at risk population is young, black men. During the three year period from 2014 to 2016, black men accounted for 58 percent of all male homicide victims and 44 percent of all victims.<sup>48</sup> 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. As illustrated below, SNA reveals these links and allows researchers to understand criminal relationships, networks, and influences.<sup>49</sup>



It is critical for local law enforcement to understand the structure of the criminal network to predict 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>50</sup>

Several departments across the country have successfully used SNA to disrupt gangs. In New Haven, Connecticut, Project Longevity was implemented and resulted in a 73 percent decline in monthly shootings related to gangs following the institution of call-ins.<sup>51</sup> Similar effects were noticed in cities such as New

<sup>46</sup> <https://www.citylab.com/perspective/2019/02/broken-windows-theory-policing-urban-violence-crime-data/583030/>

<sup>47</sup> <https://www.theguardian.com/us-news/ng-interactive/2017/jan/09/special-report-fixing-gun-violence-in-america>

<sup>48</sup> [https://www.ojdp.gov/ojstatbb/ezashr/asp/vic\\_selection.asp](https://www.ojdp.gov/ojstatbb/ezashr/asp/vic_selection.asp)

<sup>49</sup> Gravel J, & Tita, GE. (2017). Network perspectives on crime. In Oxford Research Encyclopedia of Criminology, ed. S Messner, H Pontel. Oxford: Oxford Univ. Press

<sup>50</sup> <https://www.theguardian.com/us-news/ng-interactive/2017/jan/09/special-report-fixing-gun-violence-in-america>

<sup>51</sup> <https://cops.usdoj.gov/RIC/Publications/cops-w0859-pub.pdf>  
[https://www.nationalpublicsafetypartnership.org/clearinghouse/Content/ResourceDocuments/COPS\\_SNA\\_Community\\_Policing.pdf](https://www.nationalpublicsafetypartnership.org/clearinghouse/Content/ResourceDocuments/COPS_SNA_Community_Policing.pdf). Pg. 12

Orleans and Cincinnati. Chicago's Violence Reduction Strategy noticed a 23 percent decrease in total shootings and a 32 percent decrease in shootings among gangs following call-ins compared to gangs that did not attend call-ins.<sup>52</sup>

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

### Background

In 1968 the U.S. Congress passed the Gun Control Act (GCA) in response to rising violent crime rates and the political assassinations of President John F. Kennedy, Dr. Martin Luther King Jr., and Senator Robert F. Kennedy. The GCA expanded interstate commerce controls over common firearms, like pistols, revolvers, shotguns and rifles. Further, it required those "engaged in the business" of manufacturing or dealing in firearms to be licensed by ATF (i.e., Federal Firearms Licensees, or FFLs). The GCA also required licensed manufacturers to mark firearms with serial numbers, and that all FFLs must keep records of the transfer of firearms.<sup>53</sup>

The GCA prohibits certain categories of persons from possessing and receiving firearms.<sup>54</sup> To help enforce those prohibitions and keep guns out of the hands of people who cannot legally possess them, Congress passed the Brady Handgun Violence Prevention Act (Brady Act) in 1993. The Brady Act created the National Instant Criminal Background Check System (NICS), which is run by the FBI and requires FFLs to submit a potential buyer's information to NICS before transferring a firearm. NICS searches available records and attempts to determine if the buyer is someone who is prohibited from receiving firearms.<sup>55</sup>

#### [BEGIN TEXT BOX]

#### Criteria that prohibits individuals from possessing and receiving firearms:<sup>56</sup>

- a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year
- a fugitive from justice
- an unlawful user of or addicted to any controlled substance
- a person who has been adjudicated as a mental defective or has been committed to any mental institution
- an illegal alien
- a person who has been dishonorably discharged from the Armed Forces

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<sup>52</sup> <https://onlinelibrary.wiley.com/doi/full/10.1002/cl2.1051>; <https://lawcenter.giffords.org/wp-content/uploads/2019/05/Giffords-Law-Center-A-Case-Study-in-Hope.pdf>; <https://lawcenter.giffords.org/wp-content/uploads/2020/01/Giffords-Law-Center-In-Pursuit-of-Peace.pdf>

<sup>53</sup> President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime (April 8, 2020) (statement of Thomas Chittum, Assistant Director of US Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Washington, DC). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>

(ATF) on April 8, 2020, before the Reduction of Crime Hearing, President's Commission on Law Enforcement and the Administration of Justice.

<sup>54</sup> <https://www.atf.gov/firearms/identify-prohibited-persons> <https://www.atf.gov/firearms/identify-prohibited-persons>

<sup>55</sup> Ibid. written testimony of Assistant Director Chittum on April 8, 2020.

<sup>56</sup> <https://www.atf.gov/firearms/identify-prohibited-persons> <https://www.atf.gov/firearms/identify-prohibited-persons>

- a person who has renounced their United States citizenship
- a person who is subject to a court order restraining
- a person who has been convicted of a misdemeanor crime of domestic violence

**[END TEXT BOX]**

While the majority of firearms will never fall into criminal hands, the accessibility of firearms and the interstate trafficking of firearms contribute to the high rate of gun violence. Eighty-five percent of criminal firearm possessors are not the original purchaser. Evidence suggests that illegal guns (those that are unlawfully obtained or possessed) are used more often in crimes than legal guns.<sup>57</sup>

Thomas Chittum, Assistant Director of the ATF, notes, “Criminals arm themselves through the following methods; firearm traffickers, thefts, retail market (e.g., lie-and-try), privately made firearms, and private market sales (e.g., gun shows and flea markets).”<sup>58</sup> Research on gun violence illustrates the importance of focusing on the highest-risk places, people, and weapons.<sup>59</sup> Equally important is the need to aggressively and proactively take on the small number of offenders who are responsible for most gun violence. Nationally, just 6 percent of criminals are likely responsible for more than 60 percent of violent crime.<sup>60</sup>

Firearms have and will continue to be used in crimes. In 2011, 467,321 persons were victims of a crime committed with a firearm.<sup>61</sup> In the same year, data collected by the FBI detailed that firearms were used in 68 percent of murders, 41 percent of robbery offenses, and 21 percent of aggravated assaults nationwide.<sup>62</sup>

### Current State of the Issue

**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>63</sup> – G. Zachary Terwilliger, Honorable U.S. Attorney for the Eastern District of Virginia

When adjusted for population size, the rate of gun deaths in 2017 increased slightly to 12 deaths for every 100,000 people, up from 11.8 per 100,000 in 2016.<sup>64</sup> This was the third consecutive year that the rate of firearm deaths increased in the United States, after remaining relatively steady throughout the 2000s and the first part of the decade.

In 1999, ATF established the National Integrated Ballistic Information Network (NIBIN) to provide local, state, and federal law enforcement partner agencies with an automated ballistic imaging network. NIBIN is the only national network that captures and compares ballistic evidence to help solve and prevent violent crimes involving firearms. This is vital to any violent crime reduction strategy because it provides investigators with the ability to compare their ballistics evidence against evidence from other violent crimes on a local, regional,

<sup>57</sup> Braga, A.A., P.J. Cook, D.M. Kennedy, and M.H. Moore, “The Illegal Supply of Firearms,” in M. Tonry, ed., *Crime and Justice: A Review of Research*, Volume 29, (Chicago: University of Chicago Press, 2002); Reiss, A.J., and J.A. Roth, *Understanding and preventing violence*, Volume 1, (Washington, D.C.: National Academies Press, 1993); Wright, J.D., and P. Rossi, *Armed and Considered Dangerous: A Survey of Felons and Their Firearms*, Expanded Edition, (Hawthorne, NY: Aldine de Gruyter, 1994).

<sup>58</sup> See written testimony of Assistant Director Chittum on April 8, 2020.

<sup>59</sup> Sherman, L.W., and D.P. Rogan, “Effects of Gun Seizures on Gun Violence: Hot Spots Patrol in Kansas City,” *Justice Quarterly* 12, no. 4 (1995): 673-694.

<sup>60</sup> *Ibid.* Written testimony of G. Zachary Terwilliger, Honorable U.S. Attorney for the Eastern District of Virginia on April 8, 2020, before the Reduction of Crime Hearing, President’s Commission on Law Enforcement and the Administration of Justice.

<sup>61</sup> U.S. Department of Justice, Bureau of Justice Statistics, “*Nonfatal Firearm Violence, 1993-2011, special tabulation from the Bureau of Justice Statistics’ National Crime Victimization Survey*”, provided to NIJ January 2013.

<sup>62</sup> U.S Department of Justice, Federal Bureau of Investigation, “*Crime in the United States, 2011.*”

<https://archives.fbi.gov/archives/news/pressrel/press-releases/fbi-releases-2011-crime-statistics>

<sup>63</sup> *Ibid* G. See written testimony of G. Zachary Terwilliger, Honorable U.S. Attorney for the Eastern District of Virginia on April 8, 2020.

<sup>64</sup> *Ibid.*

and national level, which generates investigative links that would rarely be revealed without the technology. NIBIN data, in conjunction with comprehensive firearms tracing, form the cornerstones of crime gun intelligence (CGI).<sup>65</sup>

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, CODIS). Even though biological material is transferred to ammunition during the act of loading a firearm, DNA analysis was rarely performed on fired cartridge cases due to the historical lack of success. Research performed at the ATF Forensic Science Laboratory and several other laboratories in the United States and Europe have recently developed methods to successfully obtain DNA profiles from fired cartridge cases. DNA analysis can now be combined with the CGI tools to provide investigators more information to solve firearm-related crimes.<sup>66</sup>

Collaboration, innovation, and strong partnerships are essential to the effective reduction of gun violence. In three years, the Cincinnati, Ohio, police department reduced the number of people shot in Cincinnati from 479 in 2015 to 333 in 2018.<sup>67</sup> Assistant Police Chief Paul Neudigate attribute this substantial reduction to a layered strategy based upon the principles of CGI: NIBIN, e-Trace, gunshot detection systems, identifying priority offenders, enhanced federal prosecution, and relationships.<sup>68</sup>

### **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 must be prosecuted to deter the illegal use of such weapons. Voluntary gun buyback programs are ineffective at reducing violence because they typically attract weapons that are not used in crime.<sup>69</sup> A small number of criminals are responsible for a disproportionate number of gun crimes and violence. Additionally, most gun crimes take place in a relatively small geographic area. Focusing on individuals who are responsible for driving most of the crime, together with hotspot policing and directed patrols, will reduce violent crime.<sup>70</sup> A study of the proactive patrol unit in the Houston, Texas, police department found that increasing the number of illegal gun possession arrests reduced gun violence.<sup>71</sup> To successfully prosecute prolific shooters in her jurisdiction, Florida State Attorney Melissa Nelson created a targeted prosecution division, which focuses on the drivers of violent crime. This division is staffed with experienced and talented prosecutors who are integrated with law enforcement partners.<sup>72</sup>

Firearms offenders recidivate at a higher rate than non-firearms offenders, and a greater percentage of

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<sup>65</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, “Fact Sheet - National Integrated Ballistic Information Network,” <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-national-integrated-ballistic-information-network>

<sup>66</sup> Bille, et al. “An improved process for the collection and DNA analysis of fired cartridge cases.” *Forensic Science International: Genetics*, Vol. 46, May 2020.

<sup>67</sup> President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime (April 8, 2020), Written testimony of Paul Neudigate (, Assistant Chief),, Cincinnati, Ohio Police Department, on April 8, 2020, before the Reduction of Crime Hearing,. <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>, President’s Commission on Law Enforcement and the Administration of Justice.

<sup>68</sup> *Ibid.*

<sup>69</sup> Kuhn, E.M., C.L. Nie, M.E. O’Brien, et al., “Missing the Target: A Comparison of Buyback and Fatality Related Guns,” *Injury Prevention* 8, (2002): 143–146; Romero, M.P., G.J. Wintemute, and J.S. Vernick, “Characteristics of a Gun Exchange Program, and an Assessment of Potential Benefits, *Injury Prevention* 4” (1998): 206–210.

<sup>70</sup> *Idid.* G. See written testimony of G. Zachary Terwilliger, Honorable U.S. Attorney for the Eastern District of Virginia on April 8, 2020.

<sup>71</sup> Wells, W., Y. Zhang, and J. Zhao, “The Effects of Gun Possession Arrests Made by a Proactive Police Patrol Unit,” *Policing: An International Journal of Police Strategies and Management* 35, no. 2 (2012): 253–271.

<sup>72</sup> Summary testimony of Melissa Nelson, State Attorney, Florida’s 4th Judicial Circuit on April 8, 2020, before the Reduction of Crime Hearing, President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime (April 8, 2020) (statement of Melissa Nelson, State Attorney, , Florida’s 4th Judicial Circuit). . <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

firearms offenders were rearrested for serious crimes than non-firearms offenders.<sup>73</sup> Of the firearms offenders who recidivated, assault was the most serious new charge (29.0 percent), followed by drug trafficking (13.5 percent) and public order crimes (12.6 percent).<sup>74</sup> The successful prosecution of individuals who unlawfully supply firearms is critical to stopping the flow of firearms to criminals who commit violent acts.<sup>75</sup> Prosecutors in the U.S. Attorney's Office for the Eastern District of Virginia convicted a female who purchased 31 firearms for her boyfriend who was legally prohibited from buying them himself and who later resold them on the street. One of the guns in that case was later used in a drive-by shooting.

Project Safe Neighborhoods (PSN) is a national initiative that creates partnerships among federal, state, local, and tribal law enforcement officials and prosecutors and community leaders to develop community-based, comprehensive, and targeted solutions to violent crime in communities. PSN are coordinated by U.S. attorney's offices. A national-level study examined 82 PSN cities and 170 non-PSN cities and the level of services in the cities. Hierarchical general linear models controlled for other factors that may affect violent crime levels across the sample cities. PSN cities that received more services experienced statistically significant declines in violent crime compared to non-treatment cities.<sup>76</sup>

### **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. Agencies should also receive training on best practices for collecting ballistics evidence.**

Comprehensive collection is the foundation of NIBIN. Partner agencies must 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 instituted to recover all suitable ballistic evidence from crime scenes and process it through NIBIN. 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>77</sup>

Timely turnaround is crucial, as violent crime investigations turn cold fast. As a result, timely intelligence gained through NIBIN is 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>78</sup>

The use of NIBIN technology and academic research has revealed that there is a sense of urgency related to identifying, disrupting, and prosecuting violent criminals in a timely manner. A Rutgers University study detailed that when three or more shooting events are linked by NIBIN, 50 percent of the time the third

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<sup>73</sup> United States Sentencing Commission, (June 2019) "Recidivism Among Federal Firearm Offenders, Report Summary". <https://www.ussc.gov/research/research-reports/recidivism-among-federal-firearms-offenders>  
<https://www.ussc.gov/research/research-reports/recidivism-among-federal-firearms-offenders>

<sup>74</sup> United States Sentencing Commission, (June 2019) "Recidivism Among Federal Firearm Offenders, Report Summary".  
<https://www.ussc.gov/research/research-reports/recidivism-among-federal-firearms-offenders>

<sup>75</sup> Ibid G. See written testimony of G. Zachary Terwilliger, Honorable U.S. Attorney for the Eastern District of Virginia on April 7, 2020.

<sup>76</sup> McGarrell, E. F., Corsaro, N., Hipple, N. K., & Bynum, T. S. (2010). Project Safe Neighborhoods and violent crime trends in US cities: Assessing violent crime impact. *Journal of Quantitative Criminology*, 26(2), 165–190. <https://doi.org/10.1007/s10940-010-9091-9>

<sup>77</sup> President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime (April 16, 2020) (statement Written testimony of Christopher Amon, Division Chief, Firearms Operations Division, U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)) <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings> ) on April 16, 2020, before the Full Commission on Law Enforcement and the Administration of Justice.

<sup>78</sup> Ibid.

shooting occurred within ninety days of the second.<sup>79</sup>

ATF Laboratory Services has developed a process to preserve and recover DNA profiles from fired cartridge cases. This technique was developed to work with the NIBIN program and not hinder the quick entry of cartridge cases into NIBIN for investigative leads. The in-lab extraction procedure can be easily implemented into any laboratory's current workflow. ATF's DNA section implemented innovative methods that have successfully yielded results from 27 percent of the individual fired cartridge cases and 70 percent collectively from individual investigations. Currently, the recovery process must be done at the laboratory prior to entering the fired cartridge cases into NIBIN.<sup>80</sup>

DNA profiles recovered from fired cartridge cases and entered into CODIS can provide links to other crime scenes or to specific individuals in the database. In San Francisco, DNA recovered from 18 fired cartridge cases led to the identification and arrest of two murder suspects whom NIBIN connected to additional shootings. Extracting DNA in every case is not feasible; however, when the only evidence are fired cartridge cases, the investment in a high-quality process secures an indisputable way to identify a suspect in CGI. ATF has also developed a collection device that helps to preserve the DNA during transport and allows a NIBIN technician to triage the fired cartridge case while minimizing the chance for DNA contamination.<sup>81</sup> Law enforcement should receive training on effectively gathering evidence from shell casings and firearms, including DNA and fingerprints, to ensure that key evidence is acquired.

### **9.2.3 The Department of Justice should increase grant funding to include hiring additional personnel to support the acquisition and use of crime gun intelligence tools.**

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 disrupt the shooting cycle by using 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>82</sup>

CGIC tools, such as gunshot detection and NIBIN, have been widely recognized to reduce crime. CGIC 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 tool to point law enforcement towards violent gang members. A 2017 Police Foundation brief ranked ballistic imaging as the most useful federal resource.<sup>83</sup>

The Local Law Enforcement CGIC Integration Initiative, administered by the Bureau of Justice Assistance (BJA) through the Byrne Jag program in partnership with ATF, is a competitive grant program that provides funding to state and local governments experiencing high increases in gun crime. This funding enables these jurisdictions to integrate and partner with their local ATF CGICs to use intelligence, technology (e.g., gunshot

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<sup>79</sup>University of Rutgers. "Ballistics Analysis Project in Partnership with the New Jersey State Police,"

<https://mbs.rutgers.edu/articles/ballistics-analysis-project-externship> <https://mbs.rutgers.edu/articles/ballistics-analysis-project-externship>

<sup>80</sup> Bille, et al. "An improved process for the collection and DNA analysis of fired cartridge cases." *Forensic Science International: Genetics*, Vol. 46, May 2020.

<sup>81</sup> Ibid.

<sup>82</sup> [https://www.policefoundation.org/publication/5-things-you-need-to-know-about-crime-gun-intelligence-centers-2/?gclid=CjwKCAjwk6P2BRAIEiwAfVJ0rKoR\\_3QYX2SdneBNRIINblfe\\_j00nSZHhkIKr8k7gcGfSNICjko1bRoCZnsQAvD\\_BwE](https://www.policefoundation.org/publication/5-things-you-need-to-know-about-crime-gun-intelligence-centers-2/?gclid=CjwKCAjwk6P2BRAIEiwAfVJ0rKoR_3QYX2SdneBNRIINblfe_j00nSZHhkIKr8k7gcGfSNICjko1bRoCZnsQAvD_BwE)

<sup>83</sup> National Police Foundation, Police Foundation & Major Cities Chiefs Association. (2017), *Reducing Violent Crime In America An Opportunity to Lead*, " <https://www.policefoundation.org/publication/reducing-violent-crime-in-american-cities-an-opportunity-to-lead-full-report/>

detection), and community engagement to swiftly identify firearms used unlawfully and their sources and effectively prosecute perpetrators engaged in violent crime.<sup>84</sup> State and local grants support CGI, and best



Image Source: <https://crimegunintelcenters.org/cgic-concept/>

practices created by the National Crime Gun Intelligence Governing Board should be adhered to obtain grant funding for CGI programs (e.g., gunshot detection, CGIC grants and TIPS).<sup>85</sup>

The CGIC program has great potential to reduce gun crime.<sup>86</sup> In 2019, the National Police Foundation and George Mason University determined that the CGIC program in the Milwaukee, Wisconsin, police department (MPD) had high strategic value in targeting the city’s gun violence prevention efforts. Ballistics evidence generated through NIBIN testing helps the MPD focus on repeat shooters and networks of active offenders who account for about half of fatal and non-fatal shootings in Milwaukee.<sup>87</sup> Departments must use NIBIN consistently and adhere to each phase of the CGIC model (comprehensive evidence collection, timeliness, follow-up, and implementing a feedback loop) to realize its full potential.<sup>88</sup>

**9.2.4 Congress should provide additional funding to the Department of Justice to increase the number of National Integrated Ballistic Information Network (NIBIN) sites. In addition, Congress should continue to fund the NIBIN National Correlation and Training Center.**

As mentioned, NIBIN is the only automated ballistic imaging network in the United States, and it is mostly found in major cities. There are currently 225 NIBIN sites in the country. In 2018, violent crime in rural areas

<sup>84</sup> U.S. Department of Justice, Bureau of Justice Assistance (BJA), “Crime Gun Intelligence Centers. Connecting the Dots,”

<https://crimegunintelcenters.org/bja/>

<sup>85</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), (July 2018) “U.S. Minimum Required Operating Standards Audit For National Integrated Ballistic Information Network Site” <https://www.atf.gov/file/133581/download>

<sup>86</sup> Christopher Koper, Heather Vovak, and Brett Cowell, Police Foundation and the George Washington University, (October - 2019) “The Evaluation of the Milwaukee Police Department’s CGIC,” <https://www.policefoundation.org/new-report-the-evaluation-of-the-milwaukee-police-departments-cgic/>

<sup>87</sup> [https://www.policefoundation.org/wp-content/uploads/2019/10/MPD-CGIC-Evaluation-2019\\_Final-Report.pdf](https://www.policefoundation.org/wp-content/uploads/2019/10/MPD-CGIC-Evaluation-2019_Final-Report.pdf)

<sup>88</sup> Police Executive Research Forum, (2017), “The Crime Gun Intelligence Model. Case Studies of the Denver, Milwaukee, Chicago Approaches to Investigating Gun Crime,” <https://www.policeforum.org/assets/crimegunintelligencecenter.pdf>

increased above the national average for the first time in a decade.<sup>89</sup> NIBIN should be expanded across the country.

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 correlation review equipment. Instead, they can focus on timely acquisitions.

Currently, NNCTC conducts ballistics image correlations and returns investigative leads to more than 500 law enforcement agencies across the nation. This accounts for approximately 35 percent of all ballistic image acquisitions in the United States. Working in tandem with NIBIN, 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>90</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>91</sup> Since opening the training center in April 2016, 982 personnel from various state and local agencies have received specialized NIBIN training.<sup>92</sup> NNCTC leads help solve homicides, attempted homicides, robberies, and other shooting incidents.<sup>93</sup>

Current fiscal year appropriation will allow the NNCTC to increase its capacity to 165 highly trained correlation review specialists up from 125 and train an additional 400 federal, state, and local personnel on NIBIN processes and equipment. Further funding of the NNCTC will aid both large and small law enforcement organizations to reduce firearm violence in their communities.<sup>94</sup>

#### **9.2.5 Law enforcement agencies that have purchased or been provided National Integrated Ballistic Information Network technology should share this tool with additional state or local partners in a geographic area.**

Criminals conduct firearm-related crimes across jurisdictional boundaries and areas. NIBIN technology helps identify criminals who intentionally attempt to conceal their identities by residing in one jurisdiction and committing firearm-related crimes in another. Law enforcement works best when it is collaborative. Through partnerships with both large and small law enforcement agencies, ATF has established regional joint initiatives to combat firearm violence.

In 2018, Special Agent in Charge Robert Cekada established one of ATF's first regional NIBIN joint initiative programs with the Frederick County Sheriff's Office in Frederick County, Maryland. This NIBIN site serves all of law enforcement in Western Maryland. All of the equipment and the technicians trained on the NIBIN program are located at the Frederick County Law Enforcement Center, where they rapidly process the ballistic evidence for law enforcement officers from these four counties. Technicians then quickly provide those same officers with potential leads. Through the ATF NIBIN consortium program, smaller law enforcement agencies that may not have had the ability to timely enter ballistic information into the NIBIN system can now do so.<sup>95</sup>

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<sup>89</sup> <https://www.wsj.com/articles/nothing-but-you-and-the-cows-and-the-sirens-crime-tests-small-town-sheriffs-1526122800>

<sup>90</sup> *Police Executive Research Forum, (2017), "The Crime Gun Intelligence Model. Case Studies of the Denver, Milwaukee, Chicago Approaches to Investigating Gun Crime,"* <https://www.policeforum.org/assets/crimegunintelligencecenter.pdf>

<sup>91</sup> Ibid Follow up to written testimony provide by Chris Amon, Special Agent ATF

<sup>92</sup> Ibid Follow up to written testimony provided by Chris Amon, Special Agent ATF

<sup>93</sup> *Ibid.*

<sup>94</sup> *Ibid.*

<sup>95</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, SAC Robert Cekada and Sheriff Chuck Jenkins, (November 13, 2018), "New Ballistic Forensic Resource Established in Frederick County Sheriff's Office, ATF Partner in Fighting Violent Crime with Technology," <https://www.atf.gov/news/pr/new-ballistic-forensic-resource-established-frederick-county>

Frederick County Sheriff Chuck Jenkins states, “It’s an evidence processing resource that will provide fast and accurate results in linking shooting incidents not only locally but regionally or across the country. This NIBIN network, located at the Law Enforcement Center, will not only support law enforcement agencies in Frederick County, but will support law enforcement throughout western Maryland.”<sup>96</sup> In addition, he notes, “NIBIN is a crucial resource for law enforcement, one that grows more effective every day as more and more law enforcement agencies gain access to it.”<sup>97</sup>

### **9.2.6 Congress should enact a federal firearms trafficking statute.**

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>98</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>99</sup>

A comprehensive firearms trafficking statute could enhance law enforcement efforts by providing them with the necessary tools to properly investigate firearms trafficking networks and organizations. Among other provisions, it could punish persons who attempt or conspire with others to engage in illicit firearms trafficking and provide enhanced penalties for persons who organize, manage, lead, or supervise five or more straw purchasers or firearms traffickers (i.e., gun kingpins).

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 and Violent Crimes in Aid of Racketeering, and make them specified unlawful activities for money laundering.<sup>100</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.

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

ATF is a law enforcement organization committed to safeguarding lives. ATF’s mission is to protect the public from crimes involving firearms, explosives, arson, and the diversion of tobacco products; to regulate lawful commerce in firearms and explosives; and to provide support to law enforcement, public safety, and industry

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<sup>96</sup> *Ibid.*

<sup>97</sup> *Ibid.*

<sup>98</sup> Written statement provided by Senior Policy Counsel, Eric M. Epstein. U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on May 1, 2020.

<sup>99</sup> *Ibid.*

<sup>100</sup> *Ibid.*

partners. In 1972, when ATF was established as an agency, it had 3,829 employees, including 1,622 special agents and 826 industry operations investigators. Its budget was less than \$74 million.<sup>101</sup>

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 \$1.3 billion. Since 1972, this represents an increase of only 1,272 employees.<sup>102</sup>

Assistant Chief Neudigate of the Cincinnati Police Department highlights the important work ATF contributes to his department.

Last year, we had an individual abducted, shot in the head and left for dead. Two days after this crime, officers arrested an individual nearby for being a felon in possession of a handgun. The gun was entered into NIBIN and due to the close proximity of the arrest to the offense, detectives requested an urgent, expedited trace [through ATF]. The trace indicated the firearm had been purchased in a neighboring state by a female three days prior to the attempted homicide. Officers and agents visited the gun store and were able to secure video of this purchase. The female purchaser was seen on video being accompanied by the male felon found in possession of the gun. The follow-up interview of the female led to a confession for her involvement in a straw purchase and the abduction and shooting. Follow-up search warrants and interviews led to the arrest of three other individuals, including the male who pulled the trigger—the same individual found in possession of the gun. With the expedited trace results, we were able to obtain the video before it reached its retention period and was deleted from the store's server. Without the timely trace return, we would not have had this crucial investigative lead which solved this heinous crime.<sup>103</sup>

Assistant Chief Neudigate recommends that, “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, the sworn complement of ATF field agents [should be

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<sup>101</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, (May 2019), “*Fact Sheet-Staffing and Budget.*” <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-staffing-and-budget>

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid*PaulSee written testimony of Paul Neudigate, Assistant Chief, Cincinnati Ohio Police Department, on April 7, 2020.

increased].”<sup>104</sup>

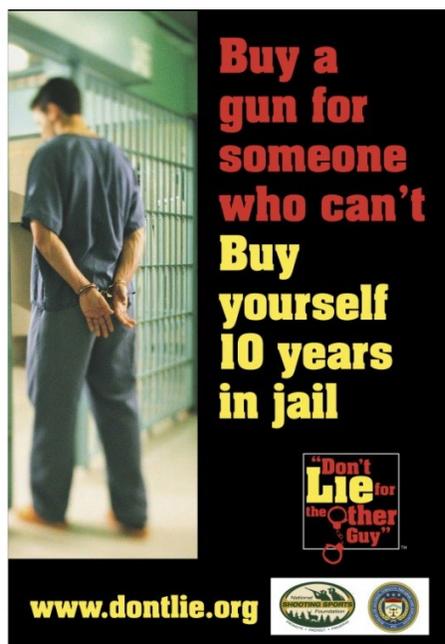


Image Source: <https://www.atf.gov/resource-center/docs/dontlie-postcard-enpdf/download>

### **9.2.8 The Bureau of Alcohol, Tobacco, Firearms and Explosives should partner with local law enforcement and external partners to launch a public education campaign to publicize firearms trafficking prosecutions.**

In 2016, an estimated 287,400 state and federal prisoners had possessed a firearm during their offense.<sup>105</sup> Among these, more than half (56 percent) had either stolen it (6 percent), found it at the scene of a crime (7 percent), or obtained it off the street or from the underground market (43 percent).<sup>106</sup> Therefore, the public and prisoners who have been released from prison should be made aware of firearms trafficking prosecutions. The publicizing of these and other facts through a public education campaign should serve as a deterrence.

This public education campaign can build upon previous campaigns such as “Don’t Lie for the Other Guy.” The goal of the “Don’t Lie for the Other Guy” program is to reduce firearm straw purchases at the retail level and to educate would-be straw purchasers of the penalties of knowingly participating in an illegal firearm purchase. The denial of guns to prohibited persons is critical to preventing violent crime and protecting the nation.<sup>107</sup> Additionally, campaigns centered on operations (e.g., Project Guardian) will help deter crime.

Attorney General Barr states, “Gun crime remains a pervasive problem in too many communities across America. Today, the Department of Justice is redoubling its commitment to tackling this issue through the launch of Project Guardian.”<sup>108</sup> He continues, “Building on the success of past programs like Trigger-lock, Project Guardian will strengthen our efforts to reduce gun violence by allowing the federal government and

<sup>104</sup> *Ibid.*

<sup>105</sup> <https://www.bjs.gov/content/pub/pdf/suficspi16.pdf> <https://www.bjs.gov/content/pub/pdf/suficspi16.pdf>

<sup>106</sup> U.S. Department of Justice, Bureau of Justice Statistics (January 2019). Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates 2016. <https://www.bjs.gov/content/pub/pdf/suficspi16.pdf>

<sup>107</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Don’t Lie for the Other Guy <https://www.atf.gov/firearms/dont-lie-other-guy>

<sup>108</sup> <https://www.justice.gov/usao-edla/project-guardian>  
<https://www.justice.gov/usao-edla/project-guardian>

our state and local partners to better target offenders who use guns in crimes and those who try to buy guns illegally.”<sup>109</sup> Project Guardian’s implementation is based on five principles: coordinated prosecution, enforced background checks, improved information sharing, coordinated response to mental health denials, and coordinated CGI.<sup>110</sup>

### **9.2.9 Congress should provide funding to the Department of Justice to be used for grant funding that helps establish regional crime centers.**

These regional crime centers should use an array of technology such as automated license plate readers (ALPRs), cameras, voice technology for inmate cell phone calls, mobile labs, acoustic gunshot detection, and NIBIN. Most individual law enforcement agencies are currently set up as individual agencies and do not share information from department to department. Instead of putting money into only one agency or area, regional centers use money more efficiently, and smaller agencies are then better equipped to fight violent crime.

Law enforcement agencies have used crime centers and technology to great effect. The Chicago Police Department (CPD) use a regional approach within the city and supplies each crime center with an array of technology. The centers are active in twenty of the twenty-two precincts within Chicago. The centers allow precinct commanders to strategically allocate their resources. In 2018, a CPD regional crime center was alerted to a shooting by their gunshot detection system. CPD officers responded to an area and found two gunshot victims, one who was deceased. CPD recovered casings from five firearms at the scene. Security video recovered from a residence displayed a suspect wearing a light colored hoodie, dark jacket, and pants who was limping on the sidewalk holding a rifle. That individual fired several shots in the direction of the area where police later found the two victims. A short time later, an individual who was wearing clothing that matched the description of the shooter entered a Chicago fire station and reported that he had been shot in the thigh.<sup>111</sup> Gunshot detection system detected and alerted CPD to approximately 20 shots being fired at the location. CPD recovered those shell casings and entered them into NIBIN. NIBIN analysis determined that the rifle casings recovered from that location matched the rifle casings that were recovered from the rifle of the shooter captured on the security video from the homicide scene, indicating the same rifle was used at both locations. Shot Spotter and NIBIN helped law enforcement identify the individual carrying and shooting the rifle in the security video footage and responsible for the murder.<sup>112</sup>

In Alabama, the average size of the law enforcement agency is 10 officers or fewer, and these smaller departments do not have access to the type of technology that enables them to fight crime. The East Metro Area Crime Center (EMACC) in Oxford, Alabama, uses and shares advanced technology with its 28 regional partners throughout north-central Alabama, including pole cameras, camera trailers, ALPR, crime-tracing software, phone and computer forensics, and facial recognition software. The center uses a large video wall to monitor cameras which are placed throughout the region on poles and camera trailers. On-site gunshot detection and shell casing analysis help to further reduce gun crimes in the region. Child crimes are also investigated through the cybercrimes unit.<sup>113</sup>

**PULL QUOTE:** “Bringing these smaller agencies together has resulted in dramatic decreases in violent crime across the region.”<sup>114</sup> - Chief Bill Partridge

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<sup>109</sup>U.S. Department of Justice, Office of the Attorney General, About Project Guardian <https://www.justice.gov/ag/about-project-guardian>

<sup>110</sup> *Ibid.*

<sup>111</sup> Written submission from Celinez Nunez, Special Agent in Charge of the ATF Chicago Field Division (2016-2019), U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

<sup>112</sup> *Ibid.*

<sup>113</sup> President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime (April 16, 2020) (statement Bill Partridge, Chief, Oxford, AL). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>

Refer to Chief Bill Partridge verbal testimony April 16th and written testimony submission.

<sup>114</sup> *Ibid.*

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

The Brady Act requires FFLs to use the NICS to determine whether a prospective firearm transfer would violate state or federal laws. NICS is critical to help keep firearms out of the hands of those who are legally prohibited from purchasing or possessing them. To function effectively, NICS must have access to complete, accurate, and timely information submitted by relevant agencies in all levels of government nationwide.

After the April 2007 mass shooting at Virginia Tech, it became apparent that few mental health records had been made available to the FBI for background checks. The Virginia Tech shooter was able to purchase firearms from an FFL because information about his prohibiting mental health history was not available to the NICS, and the system was therefore unable to deny the transfer of the firearms used in the shootings. The NICS Improvement Act Amendment (NIAA) addressed the gap in information available to NICS about such prohibiting mental health adjudications and commitments and other prohibiting backgrounds.<sup>115</sup> Further improvements to NICS occurred with the passage of the Fix NICS Act of 2018 (e.g., military reporting requirements).<sup>116</sup>

While significant improvements have been made to the Brady Act, a background check is only as good as the records in the database, and further improvements are needed. The firearms industry and the National Sports Shooting Foundation (NSSF) supports these improvements to the NICS system.<sup>117</sup>

As detailed by the NSSF, states must 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>118</sup> Including these missing records will help ensure more accurate and complete background checks.<sup>119</sup>

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<sup>115</sup> U.S. Department of Justice, Bureau of Justice Statistics. *The NICS Improvement Amendments Act of 2007* <https://www.bjs.gov/index.cfm?ty=tp&tid=49> <https://www.bjs.gov/index.cfm?ty=tp&tid=49>

<sup>116</sup> National Shooting Sport Foundation, "Fix-NICS," <http://fixnics.org/factinfo.cfm> <http://fixnics.org/factinfo.cfm>

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

<sup>119</sup> *Ibid.*

Expanded direct funding and guidance will help state agencies further improve the accuracy of reporting to the NICS in relation to prohibiting records and will help ensure firearms do not fall into the hands of prohibited persons.



**Image Source:** <https://www.atf.gov/resource-center/diary-ffl-theftloss>

### **9.2.11 Congress should mandate that federal firearm licensees immediately report any firearm burglary or robbery upon discovery directly to the Bureau of Alcohol, Tobacco, Firearms and Explosives, instead of the current timetable of 48 hours.**

Each year, thousands of firearms are stolen from FFLs.<sup>120</sup> After an FFL discovers the theft or loss of any firearms from its inventory, it is required by law to report to ATF the theft or loss within 48 hours of discovery. The National Tracing Center (NTC) receives these reports from FFLs. NTC can develop investigative leads when any of these firearms are recovered and traced by law enforcement.<sup>121</sup>

In December 2017, two individuals burglarized Big Bucks Gun and Pawn in Texas and stole 13 firearms. An accomplice acknowledged selling 11 of the firearms; the other two firearms were recovered shortly following the burglary after they were abandoned near a dumpster. All three individuals were convicted in federal court, yet there are still guns on the street because of what occurred.<sup>122</sup>

The enforcement of the GCA is ATF's primary mission and the organization immediately assigns significant resources to any notification of an FFL burglary or robbery. ATF prides itself in "Being No Better Partner" to their law enforcement teammates. In February 2019, five individuals burglarized Smokin' Aces Armory in Ohio and stole 30 firearms. Within 24 hours, one of the guns was used to shoot an officer who was responding to a call at a local bar.<sup>123</sup>

The timetable to report FFL burglaries or robberies should be changed for ATF to provide immediate federal

<sup>120</sup> <https://www.atf.gov/resource-center/diary-ffl-theftloss>

<sup>121</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, "Diary of FFL Theft/Loss," <https://www.atf.gov/resource-center/diary-ffl-theftloss>

<sup>122</sup> Press release from the U.S. Attorney's Office for the Southern District of Texas, "Houston Men Sentenced for Stealing Firearms from FFL," <https://www.justice.gov/usao-sdtx/pr/houston-men-sentenced-stealing-firearms-ffl>

<sup>123</sup> <https://www.atf.gov/news/pr/atf-firearms-industry-offer-reward-plain-city-gun-store-burglary>

resources to these critical cases. These resources may include additional investigators to conduct interviews or surveillances, timely requests for cell tower data download covering the crime scene, identification of witnesses and evidence (e.g., video footage), and forensic lab assistance. As soon as ATF responds, the serial numbers of the stolen firearms can be documented, and the NTC can be alerted to look out for a firearm recovery trace.

### **9.2.12 The Bureau of Alcohol, Tobacco, Firearms and Explosives should partner with local law enforcement to launch public campaigns to educate private gun owners and federal firearms licensees.**

Firearm theft is a serious threat to public safety. Between 2012 and 2017, ATF documented the theft of 40,926 firearms from FFLs. These thefts often involve smash-and-grab burglaries. Federal law does not require FFLs to implement any particular security measures.<sup>124</sup> FFLs are required to report stolen firearms, but laws requiring private owners to report vary by state. As such, thefts of guns from private gun owners are often underreported to law enforcement. The FBI estimates that 1.8 million guns were stolen from private owners between 2012 and 2017.<sup>125</sup> Five of the six Alabama law enforcement officers killed in the line of duty in 2019 were killed with guns that had been stolen from private owners.<sup>126</sup> The education campaign would inform people how to protect themselves against firearm theft and how to keep personal records so they can accurately describe stolen firearms to police.

No FFL wants to see firearms that are stolen from their business end up in the hands of violent criminals. To help combat the problem, the NSSF and ATF created Operation Secure Store® (OSS), a comprehensive joint initiative to help FFLs make well-informed security-related decisions to deter and prevent firearm thefts. Local ATF field offices would work with FFLs to implement security standards, such as an active alarm system that is appropriate for the FFLs size and space, an active video camera system, secured display cases and secured firearms throughout the store, and storing all firearms inventory in a secondary secured location within the business after hours (e.g., a gun vault). The initiative has educational programming and a matching rewards program that doubles the money offered for information leading to convictions.<sup>127</sup> While these measures have helped, approximately 6,000 firearms were still stolen from FFLs in burglaries and robberies in 2018.<sup>128</sup>

Criminals target businesses that sell firearms, and thieves often spend a considerable amount of time evaluating these businesses to determine and capitalize on their vulnerabilities. An FFL burglary occurred in Denver, Colorado, where the suspects drove a stolen SUV through the front entrance of the FFL. The thieves stole 57 firearms and fled through a fire exit to a waiting vehicle. ATF special agents began to receive NIBIN hit confirmations linked to firearms stolen during these burglaries, and they were able to track who had the firearm and when. This eventually led to the arrest and conviction of the burglars.

The Miami-Dade, Florida, police department, in partnership with local law enforcement agencies and ATF, launched a campaign focusing on underscoring the importance of firearms safety as it pertains to firearm thefts.<sup>129</sup> Some of the topics to be included in this campaign include urging lawful firearm owners to store their firearms securely and not in a vehicle or other conveyance, and recommending that lawful firearm owners store firearms in a firearm safe whenever possible. Additionally, the department will provide tips to lawful firearm owners on how to keep accurate firearm ownership records that could help law enforcement recover firearms.<sup>130</sup>

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<sup>124</sup> Ibid See written testimony of Thomas Chittum, ATF Assistant Director, on April 7, 2020.

<sup>125</sup> <https://www.americanprogress.org/about/mission/>

<sup>126</sup> Written testimony by Thomas Chittum- Assistant Director at ATF. April 8, 2020 Hearing

<sup>127</sup> National Shooting Sports Foundation, “Real Solutions - Operation Secure Store,” <https://www.nssfrealolutions.org/initiative/operation-secure/>

<sup>128</sup> National Shooting Sport Foundation, “Fast Facts-Operation Secure Store,” <https://www3.nssf.org/share/factsheets/PDF/OperationSecureStore.pdf>

<sup>129</sup> Written submission from Alfredo Ramirez III, Director Miami-Dade Police Department on May 4, 2020.

<sup>130</sup> Ibid.

Many agencies are concerned with the threat to their communities if a firearm is stolen and are making efforts to combat this head on. As Alfredo Ramirez III, the Director of the Miami-Dade Police Department states, “as part of our mission to keep our community safe, reducing gun violence remains a top priority of the Miami-Dade Police Department. Keeping firearms out of the hands of criminals, looking to commit gun violence, is a key factor in this endeavor. As always, we believe that working in partnership with stakeholders such as other local law enforcement agencies, the ATF and most importantly our communities is key to accomplishing these goals. As such, we remind lawful firearm owners to secure their weapons safely, and keep detailed, accurate records of their firearms to aid us in recovering firearms if they are stolen.”<sup>131</sup>

### **9.2.13 Law enforcement should establish real time crime centers where promising technology-based investigative tools are used to enhance response capacity.**

Real time crime centers (RTCCs) provide law enforcement agencies with the ability to capitalize on a wide and expanding range of technologies for efficient and effective policing. The technologies available allow law enforcement agencies and officers to respond to crime events more efficiently, more deliberately, with improved operational intelligence, and with a proactive emphasis on officer, citizen, and community safety.<sup>132</sup> Further, advanced technologies assist criminal investigations and provide analysts and investigators the ability to make informed decisions in a timely manner. Technologies and strategies employed in RTCCs include crime incident reporting, warrant analysis, vehicle records, open-source media reporting, social media, real-time video camera access, aerial surveillance, gun-shot detection, and communications. RTCCs can also be scaled up to include more data sources and expanded to provide investigators with predictive analytics.<sup>133</sup>

The Houston, Texas, police department employs analysts in its RTCC who monitor social media during major incidents in progress, such as robberies and shootings. When an incident is reported, analysts immediately begin searching for information on social media to provide responding officers with relevant information before they arrive at the scene. Satellite imaging and mapping technology enable a real-time picture of police resources throughout the city.<sup>134</sup>

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

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

The UCR program is a nationwide cooperative statistical effort of more than 18,000 city, county, tribal, and state law enforcement agencies that voluntarily report crimes that are brought to their attention. The vast majority of local law enforcement agencies participate in the UCR by sending monthly statistics on certain crimes, including murder and non-negligent manslaughter, rape, robbery, aggravated assault, burglary, motor vehicle theft, larceny-theft, and arson.

The Uniform Federal Crime Reporting Act of 1988 mandated federal law enforcement agencies to provide crime data to the FBI. Crime data is submitted either through a state UCR Program or directly to the FBI’s UCR Program to generate reliable information for use in law enforcement administration, operation, and management.

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<sup>131</sup> *Ibid.*

<sup>132</sup> U.S. Department of Justice, Bureau of Justice Assistance, Contribution Charlotte Mecklenburg Police Department, <https://it.ojp.gov/AT/Documents/MissionofaRTCC.pdfResource/128>

<sup>133</sup> <https://dl.acm.org/doi/pdf/10.1145/2912160.2912205>). (Ghosh, Chun, Shafiq, & Adam, 2016).

<sup>134</sup> Police Executive Research Forum. 2014. Future Trends in Policing. Washington, D.C.: Office of Community Oriented Policing Services.

[https://www.policeforum.org/assets/docs/Free\\_Online\\_Documents/Leadership/future%20trends%20in%20policing%202014.pdf](https://www.policeforum.org/assets/docs/Free_Online_Documents/Leadership/future%20trends%20in%20policing%202014.pdf) pg. 41Community Oriented Policing Services.

In 2021, the FBI will complete the transition to NIBRS. NIBRS provides a more comprehensive view of crime in the United States and offers greater flexibility in data compilation and analysis. When used to its full potential, NIBRS can identify with precision when and where a crime occurred, details about the crime, and the characteristics of its victims and offenders.

Currently, murders are the only direct measure of local gun violence. Law enforcement agencies cannot extract non-fatal shooting incidents meeting the recommended definition. As such, they are unable to get a holistic count of criminal shooting victims and the accompanying data to inform policy and practice.<sup>135</sup> Prior non-fatal shootings is a significant risk factor for being involved in future shootings and homicides.<sup>136</sup> Adding non-fatal shootings will allow for a more accurate understanding of local gun violence problem and will allow agencies to better address community concerns and allocate resources. In early 2018, Norman, Oklahoma, experienced a string of robberies. Based on NIBRS data, the Norman Police Department detected a set of common elements—such as items stolen, times of offenses, and location types targeted—to find a probable link between at least three of the robberies and narrow the list of suspects.<sup>137</sup> Natalie Hipple notes, “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>138</sup>

### 9.3 Drug Trafficking

#### Background

Drug trafficking is an inherently violent activity. Drug traffickers are usually armed with guns to protect their illegal drug product and cash and to enforce their illegal operations.<sup>139</sup> Drugs and gangs often go hand-in-hand. Gangs operate throughout the United States to gain power, increase their profits, and expand the areas in which they conduct drug-trafficking operations. Although gangs are involved in different criminal acts including “murder, robbery, extortion, sex and weapons trafficking, and burglary, street-level drug trafficking remains one of their most profitable endeavors.”<sup>140</sup> The pervasive criminal acts conducted by gangs are a consistent issue for many communities.<sup>141</sup> A 2017 National Gang Intelligence Center report indicates that “neighbor based gangs (NBGs) and local street gangs presented the greatest threat in their communities, in large part due to the gun violence caused by turf wars fought for lucrative drug-trafficking territories, while national-level gangs proved the second most significant threat.”<sup>142</sup>

Due to the monetary gains that gangs receive by participating in street-level drug sales, gangs continue to capitalize upon selling drugs. Street-level drug sales are listed as one of the top crimes committed by gangs,

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<sup>135</sup> Natalie Hipple, Associate Professor, Indiana University, written recommendation sent via email communication to President’s Commission on Law Enforcement and the Administration of Justice May 1, 2020, to RCWG.

<sup>136</sup> Papachristos AV, Wildeman C, Roberto E. Tragic, but not random: the social contagion of nonfatal gunshot injuries. *Soc Sci Med.* 2015;125:139-150. doi:10.1016/j.socscimed.2014.01.056

<sup>137</sup> President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime (April 7, 2020) (statement Amy Blascher, Chief, Federal Bureau of Investigations, <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings> Refer to Amy Blascher verbal and written testimony on April 7, 2020.

<sup>138</sup> Natalie Hipple, Associate Professor, Indiana University, email communication to President’s Commission on Law Enforcement and the Administration of Justice May 1, 2020 <https://www.ncjrs.gov/pdffiles1/nij/grants/254127.pdf>

<sup>139</sup> <https://www.justice.gov/usao-sd/pr/pierre-man-sentenced-meth-and-firearm-charges>

<sup>140</sup> [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) pg. 125

<sup>141</sup> [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) pg. 125

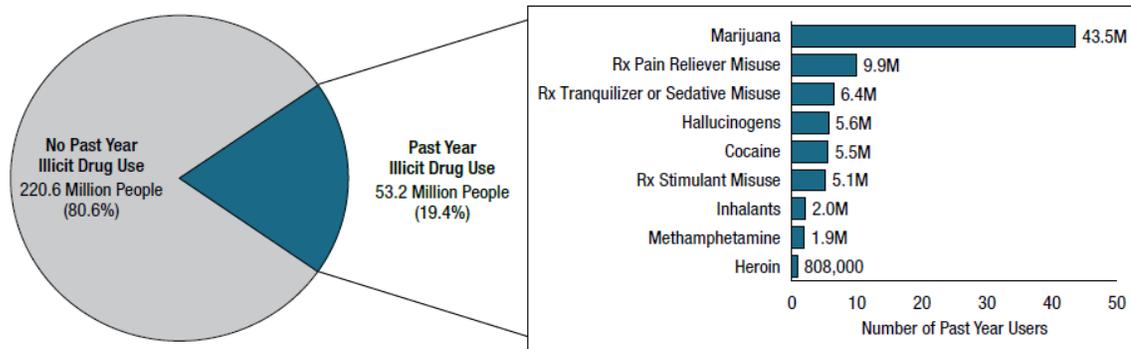
<sup>142</sup> *ibid*

primarily because drugs are in high demand. Drug trafficking initiates violence as a control tactic, which increases as various gangs compete with each other to gain control of the most profitable territories.

### Current State of the Issue

The fundamental motivation of drug traffickers remains unchanged. They continue to attempt to secure greater profits by expanding their customer base through the introduction of novel substances that create new user experiences, reducing production overhead, and mitigating risks to their supply chains by continually finding new methods of concealment and routes into the United States. Drug trafficking organizations can avoid the costly process of harvesting illicit crops and producing plant-based drugs by the much cheaper and faster process of chemical synthesis. Potent synthetic drugs are smuggled across borders in small quantities that can be more easily concealed than bulkier plant-based drugs. They are also purchased cheaply on the dark web using cryptocurrencies that provide anonymity and shipped through international mail or as express consignment shipments. The 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 for drug traffickers.<sup>143</sup> In total, law enforcement had a little over 10 million cases that resulted in arrests in 2018, and arrests for drug-related crimes spiked in 2018. There were approximately 1.6 million drug offenses.<sup>144</sup> The number of drug arrests has steadily increased since 2015; representing the number one reason for arrest in the past ten years.<sup>145</sup>

**Figure 10. Past Year Illicit Drug Use among People Aged 12 or Older: 2018**



Rx = prescription.

Note: The estimated numbers of past year users of different illicit drugs are not mutually exclusive because people could have used more than one type of illicit drug in the past year.

Image Source: <https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHNationalFindingsReport2018/NSDUHNationalFindingsReport2018.pdf>

[CREATE FIGURE arrest table found on the FBI website: <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/topic-pages/persons-arrested>]

### 9.3.1 Congress should provide additional funding to support joint agency investigations related to dismantling drug trafficking organizations.

Funding for the DEA is necessary to support the Organized Crime Drug Enforcement Task Force (OCDETF) operations. It is also necessary for the Office National Drug Control Policy (ONDCP) to support the expansion

<sup>143</sup> <https://www.whitehouse.gov/wp-content/uploads/2020/02/2020-NDCS.pdf>);

<sup>144</sup> <https://www.statista.com/statistics/191261/number-of-arrests-for-all-offenses-in-the-us-since-1990/>; <https://www.pewresearch.org/fact-tank/2020/01/22/four-in-ten-u-s-drug-arrests-in-2018-were-for-marijuana-offenses-mostly-possession/>; [https://www.drugwarfacts.org/chapter/crime\\_arrests](https://www.drugwarfacts.org/chapter/crime_arrests)

<sup>145</sup> <https://www.nytimes.com/2019/11/05/upshot/is-the-war-on-drugs-over-arrest-statistics-say-no.html>  
<https://www.nytimes.com/2019/11/05/upshot/is-the-war-on-drugs-over-arrest-statistics-say-no.html>

of high-intensity drug trafficking area (HIDTA) activities; other federal, regional, or local task forces supported through grant funds from the Office of Justice Programs and the Office of Community Oriented Policing Services; and the adoption of state wiretaps by providing additional funding for equipment, personnel, training, confidential sources, and overtime to enhance federal and state prosecution of drug trafficking organizations. From December 1, 2019, through May 31, 2020, the North Carolina State Bureau Investigation's state wiretaps resulted in the seizure of 62.5 kilos of cocaine, 32 pounds of heroin, 55 pounds of methamphetamine, 3 pounds of fentanyl, 100 pounds of marijuana, 24 guns, and \$4.97 million in currency.<sup>146</sup>

Operation Hadley's Hope from the Northern District of Ohio is a multi-year investigation that included the use of multiple federal wiretaps and resulted in three large, coordinated takedowns of the drug trafficking organizations in October 2017, February 2019, and March 2020. The investigation has resulted in the seizure of 51 firearms and the arrest of 145 individuals. Most importantly, violent crime was reduced by 19-percent in 2018 following the first takedown and a further six percent decrease in 2019 following the second takedown.

In 1982, the OCDEF program was instituted to combat illegal drug operations and other drug-trade related offenses.<sup>147</sup> OCDEF funds were used to support the Wichita, Kansas, police department's special investigations bureau, which engaged in a joint investigation with the FBI and other federal agencies into a local criminal street gang known as the Jr. Boys. This investigation took place from April 2019 and concluded in March 2020. The investigation involved a wire on numerous individuals within the criminal street gang. Wichita, Kansas, police department detectives spent countless hours monitoring the wire and assisting with surveillance, executing search warrants, conducting car stops, and conducting follow-up investigation. Numerous search warrants were executed, with narcotics, weapons, and currency seized as a result. More than 30 pounds of methamphetamine, 1 pound of heroin, and smaller amounts of cocaine and marijuana were seized.

### **9.3.2 Local law enforcement should actively participate and contribute personnel or resources to a regional high-intensity drug trafficking area task force.**

Congress instituted the HIDTA program along with the Anti-Drug Abuse Act of 1988. The National HIDTA program's mission is to disrupt the market for illegal drugs in the United States. To do so, the program assists federal, state, tribal, and local law enforcement entities that participate in the HIDTA program by dismantling and disrupting drug trafficking organizations, with particular emphasis on drug trafficking regions that have harmful effects on other parts of the United States. As such, the national HIDTA model is separated into regions. Law enforcement agencies from within each affected region can participate by hosting an area narcotics task force or by providing a representative to collaborate with other agencies hosting a task force in support of the HIDTA mission. Law enforcement agencies receive funding through the program if they are in a high-risk location known for drug trafficking. ONDCP facilitates the HIDTA program, and it is made up of 28 HDTAs, "which include approximately 18 percent of all counties in the United States and 66 percent of the U.S. population."<sup>148</sup>

The Los Angeles HIDTA geographical area covers four counties: Los Angeles, Orange, Riverside, and San Bernardino, or more than 32,340 square miles with a population of about 17.8 million. The Los Angeles HIDTA facilitates cooperation and joint efforts among more than 83 federal, state, and local law enforcement agencies and has more than 582 personnel. This region has been designated as one of the nation's major narcotic gateways for cocaine, heroin, marijuana, methamphetamine, fentanyl, MDMA (ecstasy), and PCP. In

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<sup>146</sup> Robert Schurmeier/Schrumeuier, Director of North Carolina State Bureau of Investigations email with Reductino of Crime Working Group Federal Program Manager, Kristie Brackens, May 28, 2020.RCWG

<sup>147</sup> <https://www.dea.gov/organized-crime-drug-enforcement-task-force-ocdef>

<sup>148</sup> <https://www.dea.gov/hidta>

2019, the Los Angeles HIDTA seized nearly \$27 million in currency, which was 1.7 times the amount of federal funds appropriated for the program.<sup>149</sup> Since 2010, Los Angeles HIDTA has seized more than \$651.3 million in currency and more than \$41 million in other assets from traffickers. The combined value of the illegal drugs seized, currency, and other assets taken from traffickers equates to a return on investment of \$124.48 for every Los Angeles HIDTA dollar budgeted in 2019, excluding funding for treatment and prevention.<sup>150</sup>

Among the many benefits of participating in a regional HIDTA task force is the deconfliction system supported by many of the HIDTA regions. The LA-HIDTA deconfliction system performed 75,384 event deconfliction actions, which alerts agencies when their tactical operations are occurring in the same general location and timeframe as operations by other agencies. Approximately 164 law enforcement agencies participate in the LA-HIDTA event deconfliction system. As a result, LA-HIDTA compiled 251,274 pieces of case information, observing for connections between cases that would be of interest to investigators.

### **9.3.3 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-efficient way to use one of a sheriff's key strengths—jurisdiction—over miles of state and federal highways and roads—to fight the smuggling of illegal narcotics, weapons, bulk cash, and victims of human trafficking by organized crime in a location they must use: highways and roads.<sup>151</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.

North Texas Criminal Interdiction Unit (NTXCIU) is a cooperative interdiction effort between 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 around 100 stolen vehicles. 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.

### **9.3.4 The federal government should partner with the wireless industry to develop low cost, innovative interdiction technologies to help law enforcement gain lawful access to encrypted phones and to assist in removing the threat of contraband cell phones. In addition, Congress should implement regulations and laws that require Internet Service Providers and companies providing commercial VPN services to retain certain records and set record retention periods.**

The Stored Communications Act (SCA) of 1986 requires data to be stored up to 180 days upon request by the government. Providers must also disclose private information in emergency cases where individuals or groups may be in danger. In addition, “court order is required for access to digital information. An administrative subpoena may be issued to gain access to specific data such as usernames, addresses, telephone numbers, and call transcripts.”<sup>152</sup>

Recently, the FBI investigated a gang task force case where it was revealed that the primary suspect of a homicide case used FaceTime to orchestrate the crime. Because Apple uses end-to-end encryption, it allows criminals to coordinate their crimes through this avenue. If law enforcement is given lawful access, they can then intercept the plans of criminals and gain evidence to prosecute those who break the law. Additionally,

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<sup>149</sup> Los Angeles Region High Intensity Drug Trafficking Areas, “*Program Effectiveness Report, 2019.*”

<sup>150</sup> Los Angeles Region High Intensity Drug Trafficking Areas “*Strategy Report, 2020.*” 1-3, and 5.

<sup>151</sup> Email communication with working group members Sheriff John McMahon, Sheriff, San Bernardino County Sheriff's Office and Deputy Chief Trevis Newport, Deputy Chief, San Bernardino County Sheriff's Office from the San Bernardino County, CA email communication with the Reduction of Crime Working Group, May Sheriff's Department on High Intensity Drug Trafficking Data on 5/8, /2020.

<sup>152</sup> <https://www.finjanmobile.com/how-data-retention-legislation-impacts-vpn-providers-for-the-better/>

“In 2018, Facebook submitted nearly 12 million cyber tips related to child exploitation and child sex trafficking, specifically associated with Facebook Messenger.”<sup>153</sup>

## [CROSS-REFERENCE TECHNOLOGY AND HOMELAND SECURITY]

### 9.3.5 The federal government should develop a national automatic license plate reader (ALPR) clearinghouse for all ALPR data.

Many police departments across the country are experiencing budget cuts and a reduction in force. ALPR technology can serve as force multiplier for police departments.<sup>154</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), commonly used to detect stolen vehicles and license plates, can help ongoing investigations. Sheriff John Skinner notes, “Uniform standards for the inclusion of data, uniform policies for access to, maintenance of, and use or dissemination of data, standards for data or cyber security, such as CJIS compliance, a single location for high-quality data (thus, reducing the need to check multiple vendor databases), and a platform for officers to communicate about their interdiction operations and investigations.”<sup>155</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 travel patterns. ALPR data can be used to analyze crime patterns. Officers can cross reference ALPR data with information in Amber alerts for missing or abducted children or other missing-person alerts.

A 2014 study by RAND found that ALPR systems can be beneficial in providing assistance in any type of investigation as long as the necessary data are available to support the system.<sup>156</sup> Operation Intercept Fugitive Task Force led by US Marshals in Charleston, South Carolina, located and arrested an undocumented foreign fugitive wanted in Mexicali, Baja California, Mexico from murder and grand theft auto in September 2018.<sup>157</sup> ALPR evidence aided in the conviction of a double murder suspect in Jefferson Parish, Louisiana, by placing the suspect at the scene in January 2018.<sup>158</sup> In May 2017, an ALPR hit by the Annapolis, Maryland, police department resulted in the location of the stolen car of an Uber driver who had been murdered in Charlotte, North Carolina, a day earlier; the vehicle was stopped and two individuals were subsequently charged with murder.<sup>159</sup> These are just a few cases that illustrate the effectiveness of ALPR technology in

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<sup>153</sup> *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime* (April 15, 2020) (statement of Darrin Jones, Executive Assistant Director for Science and Technology, Federal Bureau of Investigations). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings> <https://www.justice.gov/file/1275671/download> Hearing Testimony Darrin Jones: Technology Issues Encountered by Law Enforcement Panel, April 15, 2020

<sup>154</sup> Gierlack, Keith, Shara Williams, Tom LaTourrette, James M. Anderson, Lauren A. Mayer, and Johanna Zmud, *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) Also available in print form.

<sup>155</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> <https://www.justice.gov/ag/page/file/1267791/download> pg 12

<sup>156</sup> Gierlack, Keith, Shara Williams, Tom LaTourrette, James M. Anderson, Lauren A. Mayer, and Johanna Zmud, *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). Also available in print form.

<sup>157</sup> <https://abcnews4.com/news/local/mexican-fugitive-wanted-for-murder-arrested-by-us-marshals-in-north-charleston>

<sup>158</sup> [https://www.nola.com/news/crime\\_police/article\\_9bdc3dce-19e7-5ac0-a43e-9ba19c398e41.html](https://www.nola.com/news/crime_police/article_9bdc3dce-19e7-5ac0-a43e-9ba19c398e41.html)

<sup>159</sup> <https://www.wcnc.com/article/news/crime/man-accused-of-murdering-charlotte-uber-driver-pleads-not-guilty/275-575500143>

reducing crime and aiding in investigations.

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

#### **9.3.6 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>160</sup> The USPS processes more than 470 million pieces of mail each day. Narcotics traffickers view USPS as a safe and reliable method of shipping drugs due to the sheer volume of mail, the lack of drug interdiction being a priority for the USPS, the ability to track their shipments, and the lack of federal prosecution for shipping drugs via the U.S. mail. Drug traffickers use federal government resources and employees to perpetrate their crimes. The USPS is understaffed, technology does not exist to effectively identify illegal drugs, and archaic USPS rules prevent the use of local law enforcement to be used as effectively as they are as task force officers in other federal law enforcement agencies. Postal inspectors play a vital role in case specific drug investigations to track and interdict illegal drugs; however, a systemic approach should be taken to prevent the uninhibited domestic shipment of illegal drugs.

#### **9.3.7 The federal government should partner with the wireless industry to resolve the issue of encrypted apps and cell phones.**

Congress passed the Communications Assistance for Law Enforcement Act (CALEA) in 1994. The act required telecommunications companies to provide a method for and assist law enforcement in conducting wire intercepts of telecommunications. It was recognized that wire intercepts are vital to complex criminal investigations and law enforcement needed the cooperation of the private telecommunication companies to receive the information.<sup>161</sup> As technology has advanced, encrypted apps and cell phones make the interception of communications or the retrieval of encrypted information impossible. Increasingly, criminal enterprises use these encrypted technologies to thwart law enforcement from intercepting communications or conceal evidence. This is a complex issue involving the question of privacy rights; however, as technology advances, the issue should be resolved.

#### **9.3.8 Law enforcement should use asset forfeiture to the fullest extent possible to investigate, identify, seize, and forfeit the assets of criminals and their organizations while ensuring that due process rights of all property owners are protected.**

Use of asset forfeiture disrupts and dismantles illegal enterprises, deprives criminals of the proceeds of illegal activity, deters crime, and restores property to victims. The effective use of both criminal and civil asset forfeiture is an essential component of the DOJ's efforts to combat the most sophisticated criminal actors and organizations, including terrorist financiers, cyber criminals, fraudsters, human traffickers, and transnational drug cartels.

In fiscal year 2019, the DOJ obtained \$2.2 billion in criminal proceeds and criminally tainted assets due to forfeiture proceedings. Since 2002, the DOJ has transferred more than \$8.5 billion in forfeited funds to victims of crime, including more than \$800 million to victims of fraud schemes facilitated by money transfer companies such as Western Union.<sup>162</sup>

Forfeiture also allows law enforcement to seize guns and ammunition involved in criminal activity or in possession of a felon. In 2019, the DOJ obtained 29,050 firearms and ammunition. In addition, 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

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<sup>160</sup> <https://www.oversight.gov/sites/default/files/oig-reports/SAT-AR-18-002.pdf>

<sup>162</sup> <https://ncea.acl.gov/NCEA-Blog/Jan-16-2020.aspx>

<sup>162</sup> <https://ncea.acl.gov/NCEA-Blog/Jan-16-2020.aspx>

years, the DOJ has equitably shared approximately \$1.75 billion with state, local, and tribal law enforcement agencies.<sup>163</sup>

The importance of asset forfeiture is clearly illustrated in the Bernie Madoff case. For decades, Bernard L. Madoff used his position as Chairman of Bernard L. Madoff Investment Securities LLC (BLMIS), the investment advisory business he founded in 1960, to steal billions from his clients. In 2009, Madoff pleaded guilty to 11 federal felonies, admitting that he had turned his wealth management business into the world's largest Ponzi scheme, benefitting himself, his family, and select members of his inner circle. In connection with the department's prosecution of Bernie Madoff's historic fraud, the government was able to forfeit more than \$4 billion from Madoff and others<sup>164</sup>. As part of DOJ's efforts to return forfeited funds to Madoff's victims, many of whom were elderly and lost significant funds from retirement portfolios, the Madoff Victim Fund (MVF) received over 65,000 petitions from victims in 136 countries. In an ongoing series of distributions, more than \$2.7 billion in forfeited funds have been distributed to over 32,000 victims, covering 73.65 percent of their losses.<sup>165</sup>

## 9.4 Human Trafficking and Child Exploitation

### Background

One of the biggest global human rights challenges today is human trafficking. Seen as low risk with high reward, "human trafficking is fueled by a demand for cheap labor, services, and for commercial sex."<sup>166</sup> Worldwide, millions of children and adults are coerced or forced into sex work, labor, or domestic servitude. Women and girls make up the majority of the trafficked and exploited victims.<sup>167</sup> In 2016, more than 40 million individuals were living in modern-day slavery.<sup>168</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>169</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>170</sup> The Trafficking Victims Protection Act (TVPA) was implemented in 2000 to help prevent instances of human trafficking, protect those who were victims of trafficking, and prosecute those who participated in facilitating human trafficking.<sup>171</sup> All 50 states and the District of Columbia have human trafficking statutes.<sup>172</sup> Although the laws vary by state, the statutes criminalize trafficking and impose criminal penalties.

Human trafficking is a crime that is not always easily discovered. These victims may be scared or reluctant to seek help and may be afraid of facing consequences, including harm to their own families. Sometimes, those

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<sup>163</sup> <https://oig.justice.gov/reports/2019/a20014.pdf#page=1>

<sup>164</sup> <http://www.madoffvictimfund.com/>

<sup>165</sup> *ibid.*

<sup>166</sup> <https://humantraffickinghotline.org/type-trafficking/human-trafficking>

<sup>167</sup> <https://www.un.org/sustainabledevelopment/blog/2016/12/report-majority-of-trafficking-victims-are-women-and-girls-one-third-children/>

<sup>168</sup> [https://www.ilo.org/global/publications/books/WCMS\\_575479/lang-en/index.htm](https://www.ilo.org/global/publications/books/WCMS_575479/lang-en/index.htm)

<sup>169</sup> <https://www.hsdl.org/?abstract&did=820007>

<sup>170</sup> <https://www.govinfo.gov/content/pkg/PLAW-106publ386/html/PLAW-106publ386.htm>

<sup>171</sup> <https://endslaveryandtrafficking.org/summary-trafficking-victims-protection-act-tvpa-reauthorizations-fy-2017-2/>; <https://endslaveryandtrafficking.org/summary-trafficking-victims-protection-act-tvpa-reauthorizations-fy-2017-2/>

<sup>172</sup> [www.traffickingmap.org](http://www.traffickingmap.org) [www.traffickingmap.org](http://www.traffickingmap.org)

who are trafficked may not have their identification documents and this may cause them to feel “stuck” in their current situation.<sup>173</sup>

## Current State of the Issue

Human trafficking is significantly underreported in the United States; therefore, it is difficult to determine an exact number of victims.<sup>174</sup> Children are especially vulnerable in these situations. Approximately 17,000 of the 300,000 children forced into the global sex trafficking industry annually are from the United States.<sup>175</sup> These youth are often targeted through social media by traffickers who often pose as friends and pretend to be in their age group to gain their trust and invite them into unsafe territory where they are eventually captured.<sup>176</sup> Often, victims and families are afraid to seek help because they have received threats from traffickers or fear immigration-status consequences.<sup>177</sup> According to a State Department report, “In the United States, traffickers prey 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>178</sup>

**9.4.1 The Department of Justice should provide training and technical assistance for state, local, territorial, and tribal law enforcement related to sexual exploitation and trafficking of children to assist in the investigation and prosecution of traffickers and provide services to victims. This training should incorporate information on dark web technologies.**

Technology has become an effective tool for traffickers, as victims can be manipulated on social media and lured into dangerous situations.<sup>179</sup> Training should offer resources on networks that operate in organized crime and human trafficking, online recruitment, and strategies to arrest buyers and traffickers. Training law enforcement on the use of technology in human trafficking will enable them to use technology to combat trafficking, “aiding investigations, enhancing prosecutions, raising awareness, providing services to victims, and shedding new light on the make-up and operation of trafficking networks.”<sup>180</sup>

In 2017, nearly 8 percent of active federal online sex trafficking cases prosecuted in the United States involved advertisements for sex on Facebook.<sup>181</sup> For example, Texas Department of Public Safety developed “Interdiction for the Protection of Children” training program 10 years ago that enhances the ability of law enforcement officers to identify victims of exploitation, missing children, technology-facilitated crimes

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<sup>173</sup> <https://www.erasechildtrafficking.org/child-trafficking/child-trafficking-victims/>

<https://www.erasechildtrafficking.org/child-trafficking/child-trafficking-victims/>

<sup>174</sup>

[https://humantraffickinghotline.org/sites/default/files/Human%20Trafficking%20in%20Your%20Community\\_O.pdf](https://humantraffickinghotline.org/sites/default/files/Human%20Trafficking%20in%20Your%20Community_O.pdf)

<sup>175</sup> <https://www.erasechildtrafficking.org/child-trafficking/child-trafficking-victims/>

<sup>176</sup> <https://venturebeat.com/2015/11/15/how-traffickers-use-social-media-to-lure-vulnerable-teenagers-into-sex-work/>

<sup>177</sup> [https://www.researchgate.net/publication/329565900\\_Human\\_Trafficking\\_The\\_Hidden\\_Crime\\_of\\_Sexual\\_Assault](https://www.researchgate.net/publication/329565900_Human_Trafficking_The_Hidden_Crime_of_Sexual_Assault)

<sup>178</sup> <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

<sup>179</sup> <https://venturebeat.com/2015/11/15/how-traffickers-use-social-media-to-lure-vulnerable-teenagers-into-sex-work/>

<sup>180</sup> <https://icat.network/sites/default/files/publications/documents/Human%20trafficking%20and%20technology%20trends%20challenges%20and%20opportunities%20WEB....pdf>

<sup>181</sup> 12 Feehs, K.E., Richmond, J.C. (2018, April). 2017 Federal Human Trafficking Report. The Human Trafficking Institute. Retrieved from: <https://www.traffickingmatters.com/wp-content/uploads/2018/05/2017-Federal-Human-Trafficking-Report-WEB-Low-Res.pdf> <https://www.traffickingmatters.com/wp-content/uploads/2018/05/2017-Federal-Human-Trafficking-Report-WEB-Low-Res.pdf>

against children, high-risk threats against children, and registered sex offender violations.<sup>182</sup> Texas Governor Gregg Abbot credited the program with training more than 9,000 individuals in Texas, across the nation, and around the globe and leading to the rescue of hundreds of children, including 424 children who have been rescued by DPS troopers.<sup>183</sup>

Data from the National Human Trafficking outline indicated that, from January 2015 through December 2017, records 845 potential victims recruited on internet platforms.

**[BEGIN - CREATE GRAPHIC]**

This includes

250 potential victims recruited on Facebook

120 recruited on a dating site

78 recruited on Instagram

489 recruited on another type of Internet platform such as Craigslist, chat rooms, or a website that could not be identified during the hotline call.

Source: <https://polarisproject.org/wp-content/uploads/2018/08/A-Roadmap-for-Systems-and-Industries-to-Prevent-and-Disrupt-Human-Trafficking-Social-Media.pdf>

**[END - CREATE GRAPHIC]**

In 2018, the Justice Department led efforts to shut down Backpage.com.<sup>184</sup> Prior to being shut down, Backpage hosted ads that resulted in at least 73 percent of all online child sex trafficking reports made to the National Center for Missing and Exploited Children (NCMEC) and 44 percent of all online sex trafficking cases reported to the National Human Trafficking Hotline. The Senate conducted an investigation in 2017 and determined that Backpage.com (a classified website) facilitated sex trafficking by altering advertisements to escape the scrutiny of law enforcement by removing any indication that the advertised individual was under the legal age.<sup>185</sup>

Training should be conducted in collaboration with survivors to ensure it is focused on details of human trafficking and its complexities. Bella Hounakey, a human trafficking survivor and member of the U.S. Advisory Council on Human Trafficking, notes that instead of being rescued, she and the 20 girls being trafficked were arrested and subsequently placed in “child friendly” holding cells for questioning. She and the other victims spoke very little English and had been taught not to trust law enforcement. The law enforcement operation left many of the girls traumatized. Ms. Hounakey describes her experience as “very adversarial; we were treated as criminals as oppose to victims. There were no social workers present; no interpreters; [and an] overall lack of resources.”<sup>186</sup>

**9.4.2 States should pass safe harbor laws to end the criminalization of sex trafficking survivors.**

These laws designate sexually exploited children victims of abuse and provide immunity from being

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<sup>182</sup> <https://www.dps.texas.gov/ETR/CAP/IPC.htm>

<sup>183</sup> [https://baycitytribune.com/community/article\\_c5a50d36-703c-11e9-9805-a3c985e37931.html](https://baycitytribune.com/community/article_c5a50d36-703c-11e9-9805-a3c985e37931.html)

<sup>184</sup> <https://www.justice.gov/opa/pr/justice-department-leads-effort-seize-backpagecom-internet-s-leading-forum-prostitution-ads>

<sup>185</sup> <https://www.hsgac.senate.gov/imo/media/doc/Backpage%20Report%202017.01.10%20FINAL.pdf>

<sup>186</sup> President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime (April 20, 2020) (statement of Bella Houkey). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings> Refer to Bella Hounkey...verbal and written testimony April 20, 2019 <https://www.justice.gov/ag/page/file/1272816/download>

prosecuted for prostitution.<sup>187</sup> Safe harbor laws also allow the child to recover by providing support services, protection, housing, and education or employment readiness programming. These laws are primarily designed to steer young victims of commercial sexual exploitation and sex trafficking away from juvenile justice system involvement by prohibiting their arrest and prosecution as criminals. Instead, these youth should be directed toward systems, agencies, and services that are equipped to provide supportive services. While some states have passed safe harbor laws, other states refer juvenile sex trafficking victims to specialized services.<sup>188</sup>

Cyntoia Brown-Long was tried as an adult and sentenced and convicted of first-degree murder and aggravated robbery in 2006 without the possibility of parole until 2055 at 16 years old. In August 2019 after serving 15 years for what her lawyers argued was self-defense, Tennessee Governor Bill Hassam commuted her sentence for killing 43 year old Johnny Allen, who allegedly hired her for sex.<sup>189</sup>

#### **9.4.3 Congress should update the Communications Assistance for Law Enforcement Act of 1994 to require that internet service providers provide investigative assistance to law enforcement.**

The purpose of CALEA is to maintain law enforcement’s ability to carry out electronic surveillance effectively and in a way that maximizes their productivity, “despite the deployment of new digital technologies and wireless services by the telecommunications industry. CALEA requires telecommunications carriers to modify their equipment, facilities, and services to ensure that they are able to comply with authorized electronic surveillance.”<sup>190</sup>

Law enforcement officials uniformly believe that electronic surveillance is a vital investigative tool and that the CALEA features are extremely beneficial. However, law enforcement agencies are hindered in their ability to conduct the desired number of wiretaps by the cost-prohibitive delivery path offered by some carriers as well as the intercept fees charged by carriers and the costs to set up and maintain a wire room. While a carrier may be considered CALEA-compliant, it is of no use to law enforcement if the agency cannot afford the delivery path to receive the intercepted data or simply cannot afford the intercept fees. In addition, state and local law enforcement agencies often do not have the necessary resources to conduct effective electronic surveillance.<sup>191</sup>

#### **9.4.4 Local law enforcement should adopt a victim-centered approach to human trafficking by embedding victim advocates within their investigative units.**

This approach places the recovery and service delivery to victims on an equal or more important level than a prosecution. Victim advocates should be embedded with an investigative squad (i.e., a group who works with investigators of acute cases of suspected human trafficking) so that victims may successfully enter services.

The recovery and restoration of the victims over the long term enhances the ability for a successful prosecution, as the victim is more trusting of law enforcement and the victim makes for a better witness. With the combination of successful victim restoration and a successful prosecution, the chances of re-victimization or re-offending is greatly reduced. Funding or grants may be provided for victim advocates to be embedded with law enforcement, and funding for training that is specifically designed for a victim-centered approach to human trafficking investigations may also be beneficial.

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

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<sup>187</sup> <https://www.ncjrs.gov/pdffiles1/ojdp/grants/253244.pdf>

<sup>188</sup> Ibid.

<sup>189</sup> <https://www.npr.org/2019/08/07/749025458/cyntoia-brown-released-after-15-years-in-prison-for-murder>

<sup>190</sup> <https://fas.org/sgp/crs/intel/RL30677.pdf> pg. 2

<sup>191</sup> <https://oig.justice.gov/reports/FBI/a0613/final.pdf>

Runaways and missing juveniles are at a higher risk than the general public to become victims of human trafficking.<sup>192</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 they are engaged in prostitution or commercial sex acts.

Established criteria would alert a law enforcement officer recovering a runaway or missing juvenile of the potential for other crimes, such as a juvenile who self-identifies as a victim of human trafficking, a parent or guardian reports them as a runaway or identifies them as a previous or potential victim, or being 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 and the option of offering services specific to human trafficking. Using a database housed at an organization such as the NCMEC that is accessible to law enforcement would assist local law enforcement across the nation in providing help to victims and gathering evidence of crimes.<sup>193</sup>

#### **[CROSS REFERENCE TO JUVENILE JUSTICE CHAPTER]**

#### **9.4.6 Law enforcement agencies should partner with other local, state, and federal agencies to form a collaborative task force that identifies and dismantles criminal sex organizations directly related to human trafficking.**

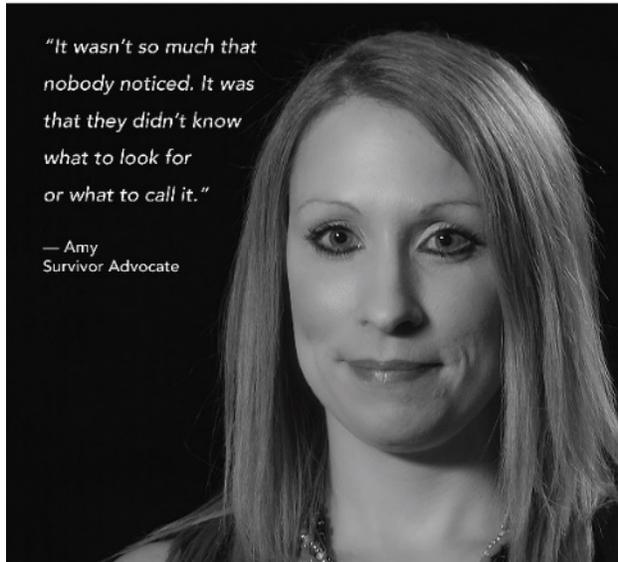
Many illegal organizations that prey on victims of human trafficking span across many cities, counties, states and countries. The creation of a task force made up of stakeholders from local agencies (i.e., police departments, sheriff's departments, and prosecuting bodies) that partner with state and federal entities has been successful in combating this issue. By integrating partnerships from several levels of law enforcement, human trafficking cases can be traced to their origins leading to the prosecution of those responsible for controlling the criminal elements of these organizations. The task force model results in increased communication and sharing of investigative resources that increase the likelihood of successful prosecution of these cases at the state or federal level.

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<sup>192</sup> <https://pediatrics.aappublications.org/content/140/6/e20173138>

<sup>193</sup> Ibid. Bella Hounakey April 20, 2020 Testimony

## Know the Faces of Human Trafficking



There is no one profile of a trafficked person; human trafficking can happen to anyone. So whether you are making a traffic stop, responding to a domestic violence call, or helping a homeless youth, remember to look for indicators of human trafficking and know whom in your department and your community to call for appropriate services.

For more information, visit the human trafficking section of the Office for Victims of Crime website at [www.ovc.gov/trafficking](http://www.ovc.gov/trafficking) or call the National Human Trafficking Resource Center at 888-373-7888.



Image Source: <https://ovc.ncjrs.gov/humantrafficking/publicawareness.html>

As a result of these partnerships, one California law enforcement agency human trafficking task force has maintained a 100 percent criminal court filing and conviction rate of submitted felony cases and a 97 percent filing and conviction rate of alleged misdemeanor cases.<sup>194</sup> According to a press release from the Polaris Project, “On July 30, 2019, Polaris Project announced that human trafficking cases reported to the U.S. National Human Trafficking Hotline jumped by 25 percent in 2018 from 2017. In total, 10,949 cases of human trafficking were reported in 2018—the highest amount in a single year since Polaris began operating the National Hotline in 2007. Of those, 7,859 were sex trafficking cases and 1,249 labor were trafficking cases. In total, the National Hotline has handled 51,919 cases of human trafficking in the United States to date.”<sup>195</sup> The investigations identified 23,078 victims and 5,859 suspects.<sup>196</sup>

### **9.4.7 The Department of Justice should increase funding available through the Office of Justice Programs to support human trafficking task forces and non-governmental victim service providers in a multi-disciplinary**

<sup>194</sup> Newport, Trevis, Deputy Chief at San Bernardino County Sheriff’s Office, email communication with Reduction of Crime working group Federal Program Manager, Kristie Brackens, May 27, 2020.

<sup>195</sup> <https://polarisproject.org/press-releases/u-s-national-human-trafficking-hotline-cases-soar-by-25-percent-in-2018/>

<sup>196</sup> <https://polarisproject.org/press-releases/u-s-national-human-trafficking-hotline-cases-soar-by-25-percent-in-2018/>

## approach to identify human trafficking crimes, assist victims, and prosecute human trafficking cases.

Attorney General William P. Barr said that Human traffickers remain a dire threat to human rights across the globe, and their actions pose a serious danger to public safety right here in our own country.<sup>197</sup> Since 2000, the federal government and all fifty states have passed laws that criminalize the trafficking of persons for labor and commercial sex.<sup>198</sup> Relatively few human trafficking cases have been identified, investigated, and prosecuted by local criminal justice authorities.<sup>199</sup> Police and investigation tend to focus on sex trafficking of minors, which are perceived to be the most serious problem facing U.S. communities. However, reluctance to differentiate between vice and sex trafficking minimizes the problem of human trafficking and makes labor trafficking seem largely nonexistent. Among cases examined, 55 percent met the definition for forced labor (non-sex trafficking) offenses, with 43 percent involving sex trafficking charges and an additional 33 percent of the cases involving children as victims.<sup>200</sup> Investigating and making strong prosecutorial cases often involves combatting cultural and language barriers. These cases require a great deal of manpower and are usually only successful with intervention and stoppage of the traffickers' money operations.

California has been particularly successful with several local multi-disciplinary approaches. In 2015, the Office of the Alameda County District Attorney created a statewide research-based think tank, Human Exploitation and Trafficking (H.E.A.T.)<sup>201</sup> Institute, which was designed to end human trafficking in California. As a result, Alameda County now has a protocol where prosecutors work with human trafficking task forces, meet with and provide training for community groups, and create training protocols for law enforcement. They distribute posters to businesses, hospitals, and transit providers that urge people to call telephone hotlines if they suspect human trafficking activity. The posters also inform victims that there are laws protecting them from exploitation. In 2019, the California District Attorneys Association assembled a wide range of programs designed to enhance all aspects of fighting human trafficking in California, from detecting trafficking activity online, to wiretaps, to reducing demand.<sup>202</sup> San Diego adopted the "Four Ps" model of the U.S. Department of Justice for effective combat:<sup>203</sup>

- **Prevention:** promoting awareness and education in schools and in the community
- **Protection:** protecting victims by aggressively working to identify them before further victimization occurs and working with victim service providers to help restore their lives
- **Prosecution:** holding criminals accountable requires specialized prosecution, with an emphasis on a victim-centered approach
- **Partnerships:** combating human trafficking using the expertise, resources, and efforts of many people and organizations

## 9.5 Domestic Violence and Sexual Assault

### Background

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>204</sup> Domestic violence and intimate partner

<sup>197</sup> <https://www.justice.gov/opa/pr/department-justice-awards-more-100-million-combat-human-trafficking-and-assist-victims>

<sup>198</sup> <http://www.ncjrs.gov/App/publications/abstract.aspx?ID=270831>

<sup>199</sup> Ibid.

<sup>200</sup> <https://www.ncjrs.gov/pdffiles1/nij/grants/223972.pdf>

<sup>201</sup> [https://www.alcoda.org/newsroom/files/HEAT\\_Institute\\_Proposal\\_post.pdf](https://www.alcoda.org/newsroom/files/HEAT_Institute_Proposal_post.pdf)

<sup>202</sup> <https://ndaa.org/wp-content/uploads/Human-Trafficking-White-Paper-Jan-2020.pdf>

<sup>203</sup> <https://cops.usdoj.gov/RIC/Publications/cops-p369-pub.pdf>

<sup>204</sup> <https://ncadv.org/statistics>

violence are often used interchangeably. Domestic violence implies that violence is occurring in a heterosexual relationship within a marriage or cohabitation situation. Congress passed the Violence Against Women Act (VAWA) in 1994 in an effort to stop domestic violence. Physical violence and sexual violence against any person has always been a crime, and VAWA strengthened existing legislations to prioritize crimes against women.

The VAWA also redefined the definition of domestic violence. Domestic violence refers to a pattern of behavior that involves the use or attempted use of physical, sexual, verbal, emotional, economic, or technological abuse; or any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim.<sup>205</sup> As the definition expanded, so did the nation's understanding of the types of violence that may occur in a relationship. Domestic violence does not only involve a male abuser and female victim, so "intimate partner violence" became more widely used. This acknowledges that abuse can occur in any type of personal intimate relationship, regardless of sexual orientation, marital status, or gender.<sup>206</sup>



Source: <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/fastfact.html>

Although sexual assault can occur outside of personal intimate relationships, it is more likely to occur when the victim and perpetrator are known to each other.<sup>207</sup>

#### [CROSS-REFERENCE VICTIM SERVICES]

#### Current State of the Issue

Domestic violence does not happen in a vacuum. Kim Garrett, CEO 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>208</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>209</sup> Perpetrators of violence tend to have a history of domestic and family violence.

<sup>205</sup> <https://www.congress.gov/bill/116th-congress/house-bill/1585/text>

<sup>206</sup> <https://inpublicsafety.com/2015/10/domestic-violence-and-intimate-partner-violence-whats-the-difference/>

<sup>207</sup> <https://www.nsvrc.org/statistics>

<sup>208</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 of Oklahoma City's Family Justice Center). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings> Testimony on April 14<sup>th</sup>

<sup>209</sup> <https://ncadv.org/statistics>

The largest mass shooting to occur in the state of Texas happened in November 2017 at the First Baptist Church in Sutherland, Texas, where 26 parishioners were murdered and 20 more were injured.<sup>210</sup> The gunman arrived at the church looking for his mother-in-law, whom he had previously sent threatening messages following an alleged domestic violence incident. The gunman later committed suicide; 72 percent of all murder suicides are perpetrated by intimate partners.<sup>211</sup>

Family members or friends of the abused partner, neighbors, individuals who intervened, law enforcement responders, or bystanders account for 20 percent of the victims in intimate partner homicides.<sup>212</sup> In addition, the presence of a firearm increases the likelihood of femicide by 400 percent.<sup>213</sup> Ninety-six percent of murder-suicide victims are female.<sup>214</sup>

These recommendations focus on how to better protect victims and enhance law enforcement's prosecutorial response, which should increase the successful investigation and prosecution of offenders and decrease the likelihood of homicides.

#### **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 the relationship or end the relationship precipitated the murder.<sup>215</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 the plan. In every state and the District of Columbia, victims of intimate partner violence can request an order of protection to shield themselves should the perpetrator attempt to abuse them. The order of protection gives the victim the option of contacting law enforcement if the perpetrator violates the order. 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 Program). The ICJR focuses on victim safety and offender accountability.

#### **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. In 2018, a U.S. attorney's office in Oklahoma launched Operation 922, a collaboration between the U.S. attorney's office, ATF, United State 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>216</sup>

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<sup>210</sup> <https://abcnews.go.com/US/domestic-violence-plays-role-mass-shootings-receives-attention/story?id=59418186>

<sup>211</sup> <https://ncadv.org/statistics>

<sup>212</sup> <https://ncadv.org/statistics>

<sup>213</sup> <https://ncadv.org/statistics>

<sup>214</sup> <https://momsdemandaction.org/new-report-on-murder-suicides-96-percent-of-victims-were-female-nearly-all-of-these-women-were-killed-with-guns/>

<sup>215</sup> <https://ncadv.org/why-do-victims-stay>

<sup>216</sup> Ibid. KimberlyKim Garette testimony on April 14, 202014th

**9.5.3 The federal government should increase funding to the Office of Justice Programs and Office on Violence Against Women for local and regional agencies to develop focused deterrence models to address intimate partner violence.**

Reports of intimate partner violence often involves a high volume of calls and repeated calls to the same location. This type of crime consumes large amounts of time and resources for law enforcement, and the crime often results in injuries or death. The most tragic result of intimate partner violence is homicide. The focused deterrence model identifies and intervenes in patterns of abuse as early as possible, countering an often lengthy criminal justice system response which leads abusers to believe they will not be held accountable. To do this, law enforcement and prosecutors identify the most serious abusers and “pull levers” available to them, by actionable offenses, such as revoking probation or prosecuting other offenses. Simultaneously, this strategy requires both the offender and the victim to be referred to available community resources.<sup>217</sup> Abusers are put on notice that intimate partner violence is not tolerated by the community, that counseling and assistance for change are available, and that criminal justice action will be taken.<sup>218</sup>

**9.5.4 The Department of Justice should develop a fatality review board that reviews the circumstances of officers killed in the line of duty with a focus on domestic-related crimes in the previous five years nationwide.**

The domestic violence fatality review board models takes a critical look at domestic violence homicides to improve the response to individuals, law enforcement, the community, and other government agencies to domestic violence. The review board helps prevent future domestic violence deaths by identifying where gaps in service occurred that might have led to different outcomes, in addition to system improvements.<sup>219</sup> The application of this model of review deaths of law enforcement officers responding to domestic calls would assist in the creation of model policy and training development that would be provided to federal, state, and local law enforcement agencies.

[SOURCE: <https://injepijournal.biomedcentral.com/articles/10.1186/s40621-019-0182-2>]

Map of US Domestic Violence Fatality Review Team Activity

Preliminary data from the National Law Enforcement Memorial Fund show that 128 federal, state, and local law enforcement officers were killed in the line of duty. Of those, firearm-related fatalities accounted for 49 deaths. Out of the 49 firearm-related fatalities, 8 officers were killed while responding to a domestic incident.<sup>220</sup> According to Dr. Neil Websdale, “Fatality reviews can reveal trends and may lead to changes to the system that could prevent future deaths. They may also enhance prevention and intervention programs aimed at reducing the death toll from acts of domestic violence.”<sup>221</sup>

**9.5.5 Law enforcement agencies should use the Lethality Assessment Program at the time of each intimate partner violence call for service.**

The Lethality Assessment Program (LAP) is collaboration between law enforcement and social service practitioners to provide advocacy, safety planning, and referral for services over the telephone during police

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<sup>217</sup> Braga AA, Weisburd D & Turchan B, 2018. “Focused deterrence and crime control: An updated systemic review and meta-analysis of the empirical evidence.” *Criminology and Public Policy*, 17(1): 205-250

<sup>218</sup> Sechrist SM & Wil JD, 2018. “Assessing the impact of a focused deterrence strategy to combat intimate partner domestic violence.” *Violence Against Women*, 24(3): 243-265

<sup>219</sup> [https://nleomf.org/wp-content/uploads/2020/01/2019\\_EOY\\_Fatality\\_Report\\_v8\\_final\\_revised.pdf](https://nleomf.org/wp-content/uploads/2020/01/2019_EOY_Fatality_Report_v8_final_revised.pdf)

<sup>220</sup> [https://nleomf.org/wp-content/uploads/2020/01/2019\\_EOY\\_Fatality\\_Report\\_v8\\_final\\_revised.pdf](https://nleomf.org/wp-content/uploads/2020/01/2019_EOY_Fatality_Report_v8_final_revised.pdf)

<sup>221</sup> <https://www.ncjrs.gov/pdffiles1/jr000250g.pdf> pg. 27

response to domestic and dating violence incidents for women at high risk of homicide. A 2015 Oklahoma lethality assessment study concluded that the majority of participants (61.6 percent) recruited during the intervention phase of the study talked to the hotline advocates. Further, propensity score–matched analyses indicate that women who received the intervention reported using significantly more protective strategies and were victimized by significantly less physical violence than women in the comparison group.<sup>222</sup> This study demonstrates that the LAP is a promising evidence-informed intervention that has the potential to increase victim safety and foster decisions of self-care.

#### **9.5.6 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. 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 must be implemented for successful firearm dispossession. States that require abusers 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>223</sup> The Domestic Violence Unit of the sheriff's office of Montgomery County, Maryland, does more than serve protection orders. When the final order is issued, deputies ask specific questions relating to firearm possession and access, and they provide written instructions for the respondent on how to arrange surrender of firearms and ammunition for the duration of the order.<sup>224</sup> While state and local jurisdictions have varying abilities, all state and local governments should establish procedures.

#### **9.5.7 The Department of Justice should increase grant funding to provide assistance to forensic labs for personnel, training, and case management software.**

Strong forensic evidence helps with the successful investigation and prosecution of violent crimes. Forensic science is underused and underfunded. Department of Justice grants such as Coverdell and DNA Capacity Enhancement and Backlog Reduction and Laboratory Efficiency Improvement and Capacity Enhancement grants should be authorized and appropriated at higher levels.<sup>225</sup> In addition, traditional grants made available to law enforcement, such as the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) Program should be increased and state administrative agencies should make more funding available to support forensic labs.<sup>226</sup> In FY 2016, forensic science services account for only 2.1 percent of Byrne JAG spending; which is approximately \$3 million out of the over \$400 million allocated to support state and local criminal justice systems annually.<sup>227</sup>

The Department of Justice and local law enforcement should partner to develop training on the services labs provide. Law enforcement officers in many instances are not collecting evidence that is needed by forensic

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<sup>222</sup> Jill Theresa Messing, Jacquelyn Campbell, Daniel W. Webster, Sheryll Brown, Beverly Patchell, and Janet Sullivan Wilson, "The Oklahoma Lethality Assessment Study: A Quasi-Experimental Evaluation of the Lethality Assessment Program," *Social Service Review* 89, no. 3 (September 2015): 499-530

<sup>223</sup> April M. Zeoli, et al., "Analysis of the Strength of Legal Firearms Restrictions for Perpetrators of Domestic Violence and Their Association with Intimate Partner Homicide," *American Journal of Epidemiology* 187, no. 11 (2018)

<sup>224</sup> Andrew Klein, OVW report, *Enforcing Domestic Violence Firearms Provisions: A Report of Promising Practices*, September 2006.) [http://209.198.129.131/images/NCPOFFC\\_EnforcingDVFirearmProhibitions\\_9-2006.pdf](http://209.198.129.131/images/NCPOFFC_EnforcingDVFirearmProhibitions_9-2006.pdf)

<sup>225</sup> <https://bja.ojp.gov/funding/opportunities/bja-2020-18434>

<sup>226</sup> President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime (April 14, 2020) (statement of Matthew Gamette, Idaho State Police Forensic Services and Chair of Consortium of Forensic Service Organizations). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings> Gamette testimony April 14

<sup>227</sup> [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)

examiners to perform analysis. “Courts do not have the opportunity to consider all evidence that may have been available during an investigation, according to Dr. Mathew Gamette, Director of Idaho State Police Forensic Laboratories and Chair of the Consortium of Forensic Science Organizations.”<sup>228</sup>

#### **9.5.8 The Department of Justice should partner with states to eliminate DNA backlog with a prioritization of rape kits through the development of a sexual assault kit tracking systems in each state.**

According to Dr. Paul Speaker and Project Foresight, the published data demonstrates that for every 1 percent reduction in turnaround time at the lab, there is a 1.29 percent increase in cases submitted to the lab and a 3.9 percent increase in the number of items submitted to the lab.<sup>229</sup>



Source: <https://www.rainn.org/statistics/victims-sexual-violence>

Backlog of DNA evidence poses significant challenges to the successful apprehension and prosecution of sex offenders. The DOJ has invested over \$1 billion in the last 15 years to reduce DNA backlogs at state and local crime lab; however, in past six years the number of untested DNA kits has grown by 85 percent.<sup>230</sup> The Government Accountability Office further reports that the number of samples submitted for testing nationwide increased from about 242,000 in 2011 to 308,000 in 2017, and the number of tested samples increased from about 217,000 to 279,000; therefore, the backlog increased from 91,000 samples awaiting testing in 2011 to 169,000 in 2017.<sup>231</sup> The backlog continues to grow annually.<sup>232</sup> The development of a sexual assault kit tracking system in each state would allow states to get a better track of the total number of kits and the location and status of each kit. It is not uncommon for kits to go years without testing, and victims are left wondering about the status of their case. Natasha Alexendo, Founder of Natasha’s Project, stated, “I assumed my rape kit had been processed, and I assumed that because I could not remember the details of the individual that raped me—his face—I blamed myself for the closing of my case. I thought that it was my fault.”<sup>233</sup> The system must include a mechanism to notify survivors of their kit location and testing status.

#### **9.5.9 The Department of Justice should partner with states to create minimum standards for DNA kit collection, testing, and retention to eliminate state-to-state variations.**

State laws for DNA kit collection, testing, and retention vary. Natasha Alexendo was raped in 1993, and her kit wasn’t tested until 2003. The statewide systems would assist the development of lab infrastructure to

<sup>228</sup> President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime (April 14, 2020) (statement of Matthew Gamette, Idaho State Police Forensic Services and Chair of Consortium of Forensic Service Organizations). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>

<sup>229</sup> <https://www.justice.gov/ncfs/page/file/958466/download>

<sup>230</sup> <https://www.gao.gov/assets/700/697768.pdf>

<sup>231</sup> <https://www.gao.gov/assets/700/697768.pdf>

<sup>232</sup> <https://www.gao.gov/assets/700/697768.pdf>

<sup>233</sup> President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime (April 22, 2020) (written statement of Natasha Alexenko, (Founder of Natasha’s Project). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>

process all kits, test all probative evidence per kit, and enter all eligible samples into the Combined DNA Index System (CODIS), which is completed in public laboratories. CODIS compares the DNA record submission to those DNA records already in the database. Ms. Alexendo's attacker was apprehended in 2007 after a match was generated in CODIS. It took 14 years for her to receive justice. Local law enforcement should use CODIS and follow up and resolve CODIS hits.

## Methodology

### Field Visits

- Not Applicable

### Hearings

- This can be done centrally, no action needed from FPM/WG per chapter.

### Literature search

- Annotated Bibliography provided by James Fort, OJP contract librarian
- Google Scholar and Google document performed by federal program manager

### SME briefings

- April 10, 2020: Chris Amon, Chief Firearms Division/ATF – Crime Gun Intelligence Centers/NIBIN
- April 16, 2020: Rick Meyers, Former Executive Director Major City Chiefs – Violence in major cities/what works
- April 17, 2020: Dr. Briana Fox, Criminologist, University of South Florida – Trends in violent crime/social network analysis
- April 22, 2020: Natalie Hipple, Criminologist University of Indiana – Nonfatal shootings
- April 22, 2020: Markel Hutchinson, Reverend, One Cop One Precinct – Faith-based partnerships
- April 24, 2020: David Kennedy, Criminologist, - Group violence and reduction strategies as well as intimate partner violence and hospital violence intervention programs.

### Data

- Analysis of UCR data from the Federal Bureau of Investigation’s annual compilations of crime statistics, Crime in the United States, from 2014 – 2018 (<https://ucr.fbi.gov/crime-in-the-u.s>)

### Business meetings (conference calls)

RCWG Weekly Call	March 13, 2020
RCWG Weekly Call	March 20, 2020
RCWG Subgroup Weekly Call – Effective Solutions	March 25, 2020
RCWG Subgroup Weekly Call – Collaboration	March 25, 2020
RCWG Subgroup Weekly Call – Picture of Crime	March 26, 2020
RCWG Weekly Call – Report out by subgroups	March 27, 2020
RCWG Subgroup Weekly Call – Effective Solutions	April 1, 2020
RCWG Subgroup Weekly Call – Collaboration	April 1, 2020
RCWG Subgroup Weekly Call – Picture of Crime	April 2, 2020
RCWG Weekly Call – Report out by subgroups	April 3, 2020
RCWG Subgroup Weekly Call – Effective Solutions	April 8, 2020
RCWG Weekly Call – Report out by all subgroups	April 10, 2020

RCWG Subgroup Weekly Call – Picture of Crime	April 16, 2020
RCWG Weekly Call – Report out by all subgroups	April 17, 2020

## References