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

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

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

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

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

National Integrated Ballistic Information Network (NIBIN)

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

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

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

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

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

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

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

#### eTrace

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

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

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

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

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

#### Gunshot Detection Systems

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

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

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

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

#### Priority Offenders

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

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

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

#### Federal Prosecution

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

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

### Relationships

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

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

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

### Recommendations:

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



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Written Testimony for the President's Commission on Law Enforcement Crime Reduction Hearing

**The Issue:** *Reducing Gun Violence in America*

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

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

**The Scope of the Problem:**

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

**Eastern District of Virginia Response:**

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

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

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

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

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

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

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

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

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

### **Recommendations:**

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

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

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

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

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

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

#### **Conclusion:**

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