



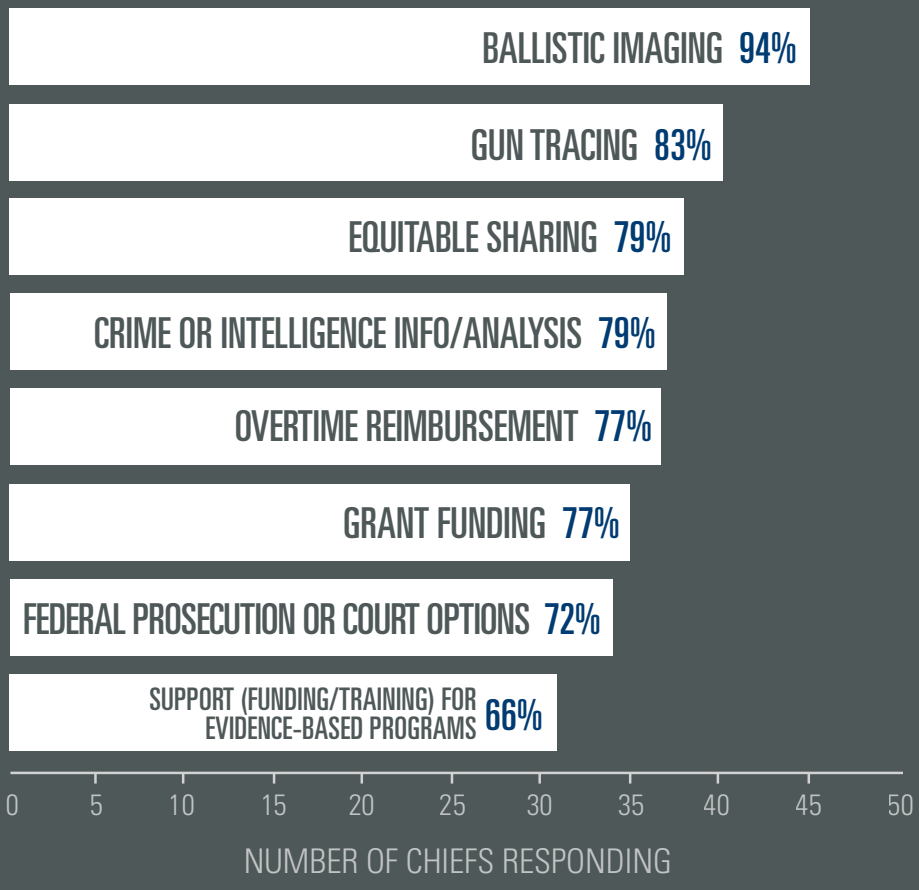
# FULL REPORT

## REDUCING VIOLENT CRIME IN AMERICAN CITIES: AN OPPORTUNITY TO LEAD

Evidence-Based Recommendations for Strengthening Federal-Local Partnerships while Enhancing Local Control of Violent Crime Strategies



MOST USEFUL FEDERAL RESOURCES ACCORDING TO CHIEFS OF POLICE



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Dear Administration Leaders,

While national crime rates remain historically low, major cities and counties are experiencing a disturbing trend of violent crime increases. In contrast to national crime trends over the last two years, many places have seen startling crime spikes – particularly in homicides and non-fatal shootings.

Over the course of several months in 2016, the Major Cities Chiefs Association and The Police Foundation jointly examined federal law enforcement's role in addressing violent crime in major cities. This examination is not intended to provide commentary on or evaluation of any President, Administration, or Congress, but rather to look forward to opportunities for the new Administration to lead the nation in reducing the alarming recent trend of increasing homicides and shootings in many major U.S. cities and counties.

During our examination, we reviewed violent crime data in major cities; the role that access to firearms plays in violent crime trends; federal resources and accountability (or lack thereof); and federal tools, strategies and leadership. We surveyed, interviewed and met with dozens of major city and county law enforcement leaders as well as current and former federal executives and appointed leaders. Our examination culminates in this report, which outlines more than 25 recommendations for federal policymakers in the White House and Congress to consider.

Local law enforcement executives spoke with clarity about many key issues that provide opportunities for the new Administration to make a defining impact on reducing localized violent crime. These issues include providing federal mechanisms that allow for problem-oriented and jointly-led partnerships to address violent crime, as opposed to disparate federal efforts implemented concurrently with different objectives, strategies and outcomes in mind.

Local law enforcement executives spoke unmistakably about the importance of federal tools and processes, such as the National Integrated Ballistic Information Network (NIBIN) and e-Trace - two essential technologies provided by the ATF to local law enforcement - and reducing the restrictions that prevent ATF from providing these tools to state and local law enforcement in the most effective manner. The executives highlighted the importance of an engaged U.S. Attorney and having access to federal prosecution and courts, but recognized the need to avoid a return to mass incarceration policies of the past.

Last, the law enforcement executives engaged in this project agreed that it is essential, in order to address gun violence at the national level, to put in place a federal firearms trafficking and straw purchasing law – neither of which exist today – and comprehensive and universal background checks, which most Americans support.

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A number of these issues, including access to firearms, comprehensive background checks, improved enforcement tools and approaches, and prioritization of federal gun law enforcement, were directly or indirectly addressed in President Obama's Executive Orders, issued in January of 2016.

To effectively reverse the trends we are seeing today, it is imperative that the new Administration and new Congress provide effective and reasoned leadership on this issue and avoid partisan positions that have allowed gun violence to continue to take innocent lives. Chicago's and other major cities' breath-taking number of lives lost to gun violence in 2016, and the alarming increase in law enforcement officers shot and killed, especially ambush attacks, highlight the urgent need for incoming federal leaders to set partisan views aside and address this problem head-on.

We appreciate your interest in this important issue, and look forward to working with the new Administration and Congress on the findings and views expressed in this report, and to making all of America safer than it is today.

Sincerely,



Chief James Bueermann (Ret.)  
President  
Police Foundation



Chief Thomas Manger  
President  
Major Cities Chiefs Association

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We want to offer our immense gratitude to Darrel Stephens of the Major Cities Chiefs Association for his partnership and efforts in obtaining participation in our violent crime survey and the Executive Session held in Washington, D.C. We want to also thank the many law enforcement executives that took time from their busy schedules to respond to the survey and to attend the Executive Session, providing us with opinions and insights invaluable to these recommendations.

We are appreciative of the current and former federal executives and United States Attorneys that provided interviews and participated in a group discussion so that we could better understand the ways in which federal resources are currently used to combat gun violence at the local level.

We are indebted to our research advisors, Christopher Koper (George Mason University), Daniel Webster (Johns Hopkins University), Philip Cook (Duke University), Thomas Abt (Harvard University), and former OMB official Michael Crowley, for their guidance in survey creation, data visualization, and organizational content for the Executive Session. We also recognize and express our deep appreciation to our executive advisors of this project, including 21st Century Policing Task Force Co-Chair and former Assistant Attorney General Laurie Robinson, former FBI Deputy Director Mark Giuliano, former ATF Director and United States Attorney B. Todd Jones, former New Jersey Attorney General and 9/11 Commission staff member John Farmer, and former United States Attorney Timothy Heaphy. As advisors and bipartisan representatives, these individuals may not agree with all of our conclusions and findings, but their guidance remains invaluable. A number of subject-matter experts were also consulted for this project and provided important insights and analysis, including Patricia Thackston, Cameron Ippolito and others. We are also grateful for the insights, composition, and editing assistance of Susan Weinstein.

Finally, we offer a special thank you to our project team – Jen Zeunik, Julie Grieco, Sarah Solano, and Ben Gorban– for their hard work and dedication and all Police Foundation staff that supported the Executive Session and the development of this report. This project was designed, proposed and overseen by Jim Burch, the Police Foundation’s Vice President for Strategic Initiatives. Mr. Burch provided guidance and support throughout the project.

# EXECUTIVE SUMMARY

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On the national level, crime remains historically low. However, this national aggregate paints a deceiving picture of crime in many major cities. Individual cities experienced grim spikes in violent crime from 2014 to 2015 and through 2016 as well. As such, defining violent crime levels based solely on the national aggregates and distributing federal resources accordingly does not address local realities. The national statistics do not depict the suffering endured by families and individuals living in communities plagued by violence, nor do they depict the frustration felt by local law enforcement leaders who often are seen as responsible officials in their communities.

Unfortunately for these leaders and the communities they serve, the federal support actually received to help combat violent crime is often calculated based on national statistics and the perspective of decision-makers in Washington, D.C. At the federal level, law enforcement agencies are tasked with a variety of missions and often cannot or do not prioritize localized violent crime over enforcing other laws and addressing other priorities. The mixture of varied prioritization, flat or reduced funding, traditional approaches, and limited authorities stifles an effective federal response despite the best intentions, hard work, and bravery of federal special agents, investigators, professional staff, and their agencies.

**Chapter 1** of this report provides a contextual overview and supporting data on the spike in localized violent crime in major cities, a review of the major drivers of crime, and an assertion that federal support is critical. Because collection and aggregation of crime data is disparate in police departments across the country, the extent of the increase in violent crime is difficult to specify. However, one important indicator is that the 2015 Uniform Crime Reporting (UCR) data<sup>1</sup> show an increase in all violent crime types from 2014 to 2015. In addition, a survey of major city police chiefs ranked gang violence (87.8%), drug-related disputes (79.6%), and access to illegal firearms (71.4%) as the top drivers of violent crime. The chapter asserts that despite the generally low levels of crime throughout the nation, the federal government must continue to prioritize violent crime and public safety concerns and focus its attention on local public safety crises, as a number of jurisdictions across the country live in a constant state of fear. What is required from federal agencies, is leadership in propelling an agenda in which violent crime is both a budgetary and policy priority and in addressing problems with evidence-based solutions.

**Chapter 2** reviews broad federal law enforcement priorities, roles, resources, and accountability in the context of the nation's fight against violent crime. A Police Foundation study found that while local law enforcement receives federal resources, many of these resources are allocated according to factors other than what is affecting local communities. For example, the Federal Bureau of Investigation (FBI) characterizes violent crime as its eighth priority, well behind its number one priority of fighting terrorism. Moreover, no federal agency prioritizes violent crime as its most important issue. Accordingly, the new Administration and Congress must make violent crime, and the federal government's interest in violent crime, a top priority and be willing to dedicate the resources needed to assist in places where public safety is jeopardized.

Major city chiefs interviewed stressed the need for better partnerships in combatting violent crime. Federal policy leaders must work with local law enforcement to improve federal support to fight violent crime. Using the latest crime data, federal, state, and local partnerships, based on shared decision-making and co-production of public safety, is critical.

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<sup>1</sup> Federal Bureau of Investigation. (2016). *2015 Crime in the United States* [Data file]. Retrieved from <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015/home>.



**Chapter 3** provides a detailed examination of the tools that federal law enforcement agencies provide to support those on the state and local levels to address violent crime. The data presented provides an overview of federal initiatives, tools, and roles that have shown evidence of sustainable success in reducing violent crime. Major city police chiefs provided information on federal law enforcement agencies, programs, and tools that have assisted them and stated that the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) show the most interest in prioritizing violent crime. They also found federal support through the National Integrated Ballistic Information Network (NIBIN) and the National Tracing Center (NTC) to be the most useful tools.

**Chapter 4** reviews the importance of U.S. Attorneys in fighting violent crime. It provides information indicating that police chiefs consider the support of U.S. Attorneys to be critical in fighting localized violent crime. Acting as the chief federal law enforcement officer in each judicial district, U.S. Attorneys must act as chief conveners to lead strategic collaborations that build strong federal cases that will impact localized violent crime. This chapter also stresses that the fight against violent crime and criminal justice reform are not mutually exclusive.

**Chapter 5** provides a detailed review of the impact of firearms availability on violent crime in the U.S. Law enforcement executives expressed their concerns that the most significant threat to the Second Amendment is the misuse of firearms and the ability of criminals to access them. Gun trafficking, illegal gun markets, theft, and illegal diversion are important issues that have not been addressed sufficiently. Legislation and federal tools available to regulate illegal gun markets and keep guns out of the hands of those looking to cause harm are inadequate. Background checks, for example, should be retooled and strengthened, and laws that restrict the effectiveness of federal law enforcement in enforcing them should be eliminated.

This report is not intended as a criticism of any previous Presidential Administration, its leaders or appointees, or of the hardworking, professional men and women in federal law enforcement agencies, many of whom began their careers as state or local law enforcement officers. Instead, this report looks toward the new Administration, which has an opportunity to leverage the lessons of the past and lead a legacy of change for the future. In doing so, it will have the opportunity to set forth a new strategy to keep national crime rates at historically low levels while reducing disparate impacts in our major cities and elsewhere.

The recommendations in this report create an overarching, new strategy to understand and address violence in today's cities. They include prioritization and non-traditional approaches, openness and sharing of data, expansion of available technologies, and calls for immediate Congressional and Executive Branch action. The recommendations presented in this report echo similar concerns expressed by the U.S. Conference of Mayors where New Orleans Mayor Mitch Landrieu presented information regarding a forthcoming report, entitled *Securing America*,<sup>2</sup> to the Major Cities Chiefs Association (MCCA) at its October 2016 meeting. The MCCA members expressed substantial concurrence with the forthcoming report.

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<sup>2</sup> Forthcoming U.S. Conference of Mayor's report, presented by New Orleans Mayor Mitch Landrieu to the MCCA Chiefs at their October 2016 meeting in San Diego, California.

# INTRODUCTION

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Across America, even with the recent increase from 2014-2015,<sup>3</sup> violent crime remains historically low. However, the national aggregate paints a deceiving picture of crime in many major cities. Individual cities experienced spikes in violent crime from 2014 to 2015, and through 2016 as well. As such, defining violent crime levels based solely on the national aggregates and distributing federal resources accordingly does not address local realities.

National violent crime statistics do not reflect the realities endured by those living in communities plagued by violence, nor the frustration of local law enforcement leaders who are seen as responsible officials in their communities. This frustration is compounded by the sharp increase in ambush attacks against law enforcement, resulting in increased officer fatalities. Unfortunately, the federal support received by local governments is often based on national statistics and the national perspective of decision-makers in Washington, D.C. At the federal level, law enforcement agencies are tasked with a variety of missions and often cannot or do not prioritize localized violent crime over other priorities. The mixture of varied prioritization, flat or reduced funding, traditional approaches, and limited authorities stifles an effective federal response despite the best intentions, hard work and bravery of federal special agents, investigators, professional staff and their agencies.

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Unfortunately, for local law enforcement leaders and the communities they serve, the federal support they receive is often based on national statistics and the national perspective of decision-makers in Washington, D.C.

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The year 2015 saw substantial, one-year increases in homicides in several major cities, where law enforcement leaders called for responsive and effective federal assistance. Support often came in the way of grant funding, training, surges in federal law enforcement agents, and technology provision. The U.S. Department of Justice (DOJ) also developed its “Smart on Crime” Initiative, which directs U.S. Attorneys’ Offices to work closely with state and local law enforcement. However, these programs may not be influencing crime as anticipated. In an August 2015 interview, Milwaukee Chief of Police Ed Flynn called on federal prosecutors to be more engaged in

the city’s evidence-based violence reduction strategy, but the U.S. Attorney in his jurisdiction responded by saying that support and cooperation was predicated on “being selective with cases and choosing those with a ‘clear federal interest at stake.’”<sup>4</sup> This divergence of opinion underscores the need to ensure that federal resources are responsive to local conditions and measure federal performance in addressing violent crime in meaningful and relevant ways to local communities and those who serve and protect them.

Measuring violent crime in this country has proven to be a challenge. The Federal Bureau of Investigation (FBI) compiles the Uniform Crime Report (UCR) using data submitted from local law enforcement agencies across the nation. Not all states require agencies to report data and not all citizens report all crimes to the police, creating speculation that crime statistics may be underreported in the UCR. Additionally, UCR data lack homogeneity within crime categories. This, coupled with the lack of uniformity in reported events, can create biases when comparing UCR crime statistics over time and/or across cities. Another measurement

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<sup>3</sup> FBI, *2015 Crime in the United States*.

<sup>4</sup> Luthern, A. (2015, August 27). Chief Flynn says police need more help from federal prosecutors. *Milwaukee-Wisconsin Journal Sentinel*. Retrieved from <http://archive.jsonline.com/news/crime/chief-flynn-police-need-more-help-from-federal-prosecutors-b99565573z1-323158541.html>

of crime in this country is through the National Crime Victimization Survey (NCVS), administered by the Bureau of Justice Statistics (BJS). This survey of approximately 90,000 households nationwide collects information on nonfatal personal crimes and household property crimes. The UCR and the NCVS assess crime and victimization differently, which often leads to different perspectives on crime in America. For example, the recently-released NCVS shows that violent crime (not including homicide) decreased from 2014 to 2015,<sup>5</sup> while the UCR data depicts violent crime (including homicide) increasing for the same time period, a difference likely not explainable by the inclusion of homicide alone.<sup>6</sup> However, those at the highest risk for the most serious crimes may be least likely to participate in the NCVS. While data collection of individual police departments has shown that violent crimes have been rising in certain cities, it is important to understand the limitation in the current methods of measuring and understanding crime as it is occurring. This is offered as context to the figures provided herein and to encourage continued federal efforts to improve data collection systems and approaches. DOJ's efforts to modernize the National Incident-Based Reporting System (NIBRS) are essential in the effort to reduce and effectively respond to crime.

The numbers presented in this report come from various sources. First, the cities and metropolitan areas examined here are member agencies of the Major Cities Chiefs Association (MCCA).<sup>7</sup> Homicides and assaults of these agencies were examined from 2000-2015 using the FBI's UCR program. MCCA collects additional data from member agencies on non-fatal shootings, which are not separately identified in the UCR. These types of incidents can provide a clear view of the type and level of violence that are not captured by homicide counts alone. This is particularly important given the advancement of trauma care in the U.S. Finally, also examined in this report are MCCA's agencies' midyear violent crime reports, comparing homicide, rape, robbery, aggravated assault, and non-fatal shootings at the 2016 midyear point to the 2015 midyear, as well as comparisons of third quarter data in 2015 and 2016.

In this report, the Police Foundation, in conjunction with MCCA, recommends steps to substantially change the way in which the new Administration focuses on, and addresses, violent crime. (A summary of the recommendations in the report is attached as Appendix A.) Forming the basis of the recommendations is input from local law enforcement executives, aligned with a review of agency documentation and research literature on effective violence reduction approaches and an analysis of federal agency programs, budgets, priorities, authorities, and performance.

The report is not intended as a criticism of any Presidential Administration, its leaders or appointees, or of the hardworking, professional men and women in federal law enforcement agencies, many of whom began their careers as state or local law enforcement officers. Instead, this report looks toward the new Administration, which has an opportunity to learn from the past and lead a legacy of change for the future. In doing so, it will have the opportunity to set forth a new strategy that will keep national crime rates at historically low levels while reducing disparate impacts in our major cities and elsewhere.

The recommendations presented in this report echo similar concerns expressed by the U.S. Conference of Mayors, where New Orleans Mayor Mitch Landrieu presented information regarding their forthcoming report, entitled *Securing America*,<sup>8</sup> to the MCCA at its October 2016 meeting. The MCCA members expressed substantial concurrence with this report.

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5 Truman, J., & Morgan, R. (2016). *Criminal Victimization, 2015*. Washington, D.C. Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/cv15.pdf>.

6 For an in-depth assessment of UCR and NCVS data, see Lauritsen, J. L., Rezey, M. L., & Heimer, K. (2016). When Choice of Data Matters: Analyses of US Crime Trends, 1973–2012. *Journal of Quantitative Criminology*, 1–21.

7 Major Cities Chiefs Association. (2016). [Map of Major Cities Chiefs Member Cities]. Retrieved from <https://www.majorcitieschiefs.com/members.php>.

8 Forthcoming U.S. Conference of Mayor's report.

The recommendations in this report create an overarching, new strategy to understand and address violence in today's cities. They include prioritization and non-traditional approaches, openness and sharing of data, expansion of available technologies, and calls for immediate Congressional and Executive Branch action.

## CHAPTER 1 Violent Crime in Major Cities

While there is debate about whether a national crime wave is sweeping the country, certain communities are experiencing a rise in crime. The national murder rate increased in 2015, and the rise of localized, violent crime in many major cities is a reality that requires urgent and appropriate attention. Many people across the nation, particularly those living in major cities, live in fear of violence in their own neighborhoods, as levels of violence, including homicide and non-negligent manslaughter, simple and aggravated assault, robbery, rape and sexual assault, and non-fatal shootings in some jurisdictions (especially in specific areas within those cities) have reached alarmingly high numbers. The focus of this report and its recommendations is on the recent and troubling increase in violent crime committed with firearms, most especially homicide and non-fatal shootings that some have termed “near-homicides.”

The 2015 UCR data<sup>9</sup> show an increase in all types of violent crime from 2014 to 2015. While caution should be taken when making year-to-year comparisons, any increase in violent crime is important to note. Overall, violent crime has increased 3.9%; homicide and non-negligent homicide increased 10.8%; and robbery rose 1.4%. The relatively minor percentage increases in these crime categories nonetheless produce significant costs. According to the Centers for Disease Control and Prevention (CDC), every day in the U.S., 4,270 people are treated in emergency departments for injuries from assaults, and incidents of violence against youth cost the nation more than \$17 billion over the course of the victims' lifetimes.<sup>10</sup> This cost includes medical care and work loss; additional costs are incurred by the criminal justice system for each incident of violence. In 1997, two noted economists estimated that the annual cost of gun violence in America was \$100 billion, approximately \$1 million per gunshot injury.<sup>11</sup>

A subset of major cities (with populations between 500,000 and 999,999) experienced the highest increase in homicide and non-negligent manslaughter from 2014 to 2015 – a 20% upsurge, while the largest cities (with populations of 1,000,000 and larger) experienced a 10% increase in homicide.<sup>12</sup> In 2016, using a 56-city sample of major U.S. cities, one criminologist found that the difference between homicide rates from 2014 to 2015 was significant.<sup>13</sup> Additionally, he found that the ten cities with the largest absolute homicide increases produced two-thirds of the major city homicide increase in 2015 and that the average homicide increase in these top ten cities was 33.3%. Lastly, the 2015 percentage increase in Cleveland, Washington D.C., Milwaukee, and Baltimore was greater than any increase since 1985.

9 FBI, *2015 Crime in the United States*.

10 Simon, T. (2016, September). *Health Burden of Violence in United States*. Presented at the Violence and Violence Prevention Congressional Briefing, Washington, D.C.

11 Cook, P. J., & Ludwig, J. (2000). *Gun violence: The real costs*. Oxford University Press.

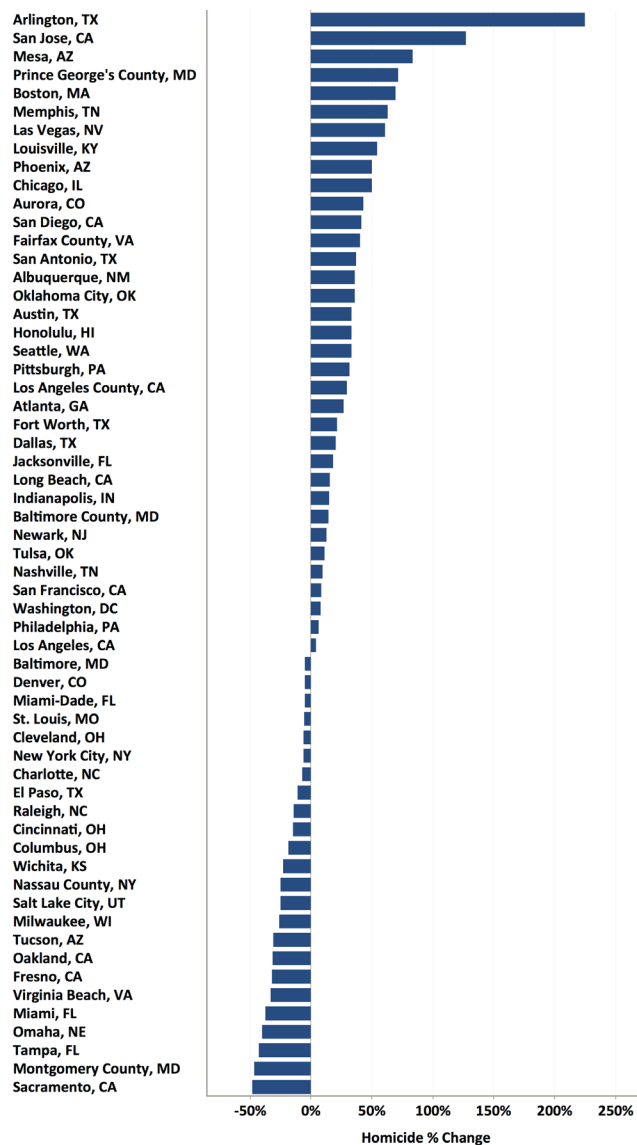
12 FBI, *2015 Crime in the United States*.

13 Rosenfeld, R. (2016). *Documenting and Explaining the 2015 Homicide Rise: Research Directions*. Washington, D.C. National Institute of Justice. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/249895.pdf>.

In the summer of 2016, MCCA published a midyear comparison of violent crimes between 2016 and 2015, and for the 61 responding agencies in the U.S., all violent crimes other than rape, had seen an increase.<sup>14</sup> More than half of the agencies reported an increase in homicides and aggravated assaults in the midyear report. An examination of the 2016 third quarter data shows aggregate increases in all types of violent crime, with more than half of reporting agencies reporting increases in homicide and aggravated assaults. Figure 1, below, provides the percentage change in homicide counts from the 2015 midyear point to the 2016 midyear. Excluding Orlando, which saw over a 700% increase due to the Pulse Nightclub homicides, the average percent change in homicide counts was 15%.

An examination of the data shows that while crime remains low nationally, larger cities are experiencing a disproportionate impact and facing significant public safety concerns.

**Figure 1: Midyear 2015–2016 homicide percentage change in 60 major cities and counties (excluding Orlando)<sup>15</sup>**



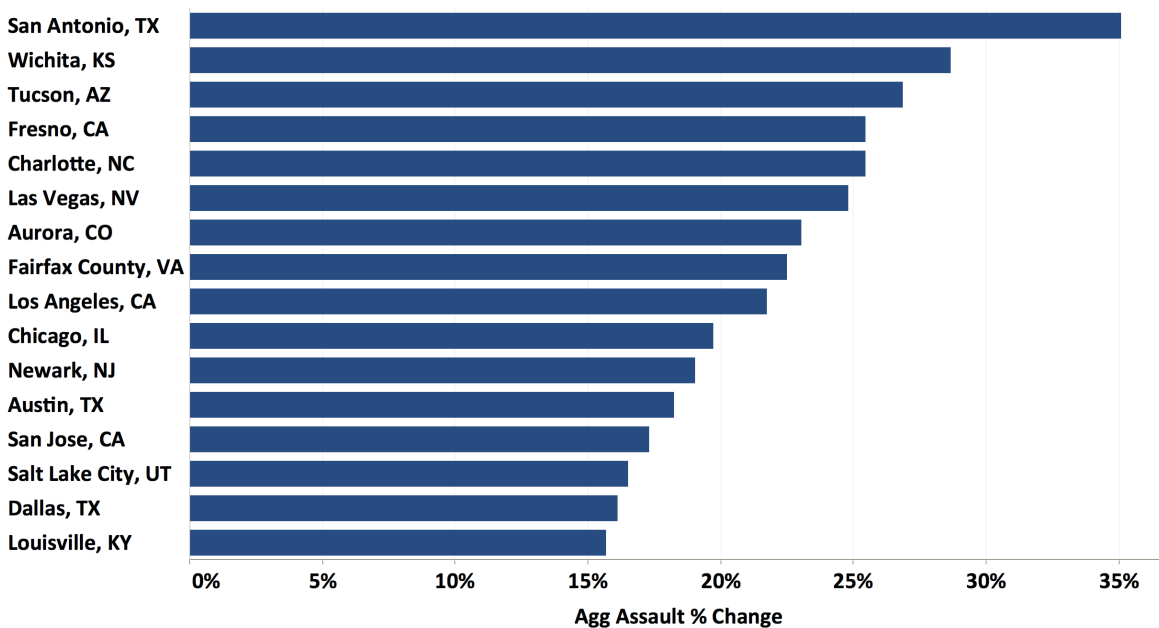
14 Major Cities Chiefs Association. (2016). *Violent Crime Survey- Totals, Midyear Comparison between 2016 and 2015*[Data file]. Retrieved from [https://www.majorcitieschiefs.com/pdf/news/mcca\\_violent\\_crime\\_data\\_midyear\\_20162015.pdf](https://www.majorcitieschiefs.com/pdf/news/mcca_violent_crime_data_midyear_20162015.pdf).

15 *Ibid.*

Citizens are not the only population affected by increases in gun violence. The National Law Enforcement Officers Memorial Fund (NLEOMF)<sup>16</sup> reported that the overall number of police fatalities increased from 2015 to 2016. While overall deaths increased by 10%, officers killed in firearm-related incidents rose by 56%, which included 21 deaths in ambush-style shootings – the highest total in more than two decades.

Homicide alone, however, does not accurately portray violent crimes occurring in these cities. Fatal shootings and non-fatal shootings are closely related and need to be viewed collectively. Additionally, aggravated assault, an unlawful attack by one person upon another for the purpose of inflicting severe bodily injury, is also important to assess. The same midyear data from MCCA referenced above shows that other cities also have experienced large increases in aggravated assault. It should be noted, however, that depending on how agencies record crime, these numbers may not always include non-fatal shootings. Figure 2 delineates the agencies that have seen a midyear increase in aggravated assaults of 15% or greater.

**Figure 2: 2015-2016 Midyear aggravated assault percentage change<sup>17</sup>**



## Understanding the Impact of Shooting Incidents

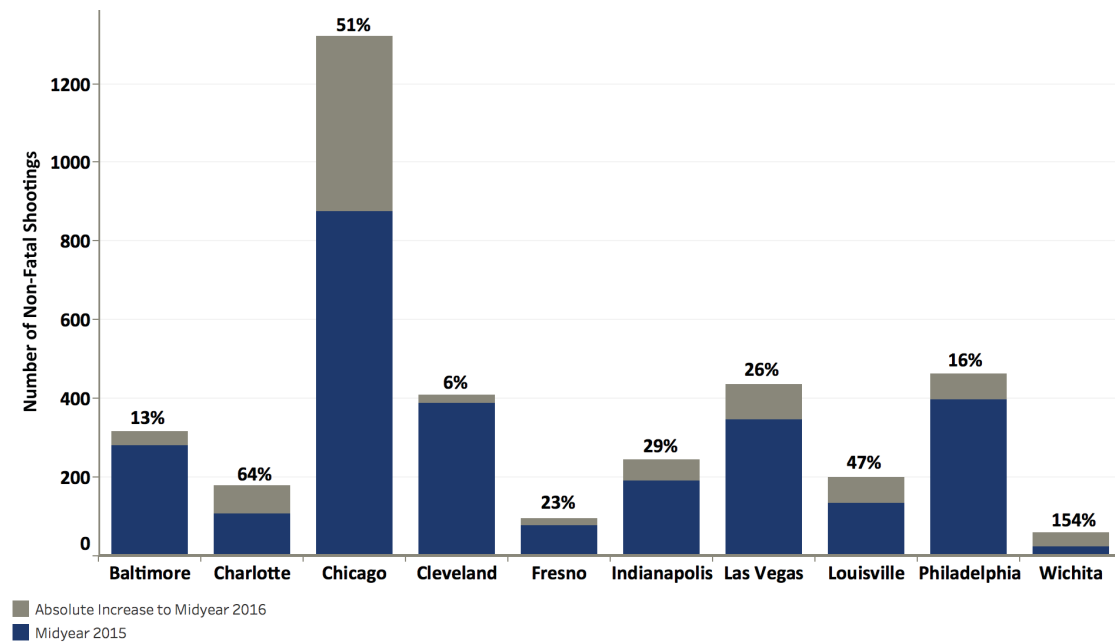
The percentages above highlight that certain cities have experienced a significant increase in violent crime. In addition to homicides and aggravated assaults, a key issue in measuring violent crime is understanding shooting incidents. MCCA agencies experienced an overall increase in non-fatal shootings through midyear 2016 with almost 500 more shootings than at the same time of last year’s midyear report (and this is only for a small portion of agencies reporting non-fatal shootings). These increases also are reflected in the third quarter data from MCCA. The importance of understanding these shootings and their impacts cannot be understated. Figure 3 provides the ten cities with the largest absolute increases in non-fatal shootings from the 2015-2016 midyear reports.<sup>18</sup>

<sup>16</sup> National Law Enforcement Officers Memorial Fund. (2016). *About Us*. Retrieved from <http://www.nleomf.org/about/>.

<sup>17</sup> *Ibid.*

<sup>18</sup> Note: some agencies only reported non-fatal shootings for the 2015 or 2016 midyear, which makes it difficult to be precise in describing the total number of shooting increases and individual agency increases.

Figure 3: 2015-2016 Midyear non-fatal shootings: Top ten cities<sup>19</sup>



Thirty-nine police departments experienced an overall increase in non-fatal shootings through midyear 2016, with almost 350 more shootings than at the same time of last year's midyear report.

## Drivers of Violent Crime

The underlying causes of violent crime are multi-systemic. Law enforcement alone cannot prevent gun violence. The roots of violent crime must be addressed in all systems of government. Systemic poverty, faulty educational systems, discriminatory housing policies, and an overburdened mental health care system are only a few of the issues that are generating violent crime swells. There are a multitude of failures throughout the criminal justice and other systems that continue to drive violent crime. The underlying causes of criminal behavior range as widely as the psychology, physiology, and sociology of individual members of society. Poverty, lack of education, inaccessibility of housing, unemployment, lack of services for the mentally ill, and many other 'broken' pieces and systems contribute to violent crime. Some of these causes, at least to a degree, fall within the scope of law enforcement; yet most require a more holistic governmental approach. It is also important to consider that gun offenders and victims of gun crimes often are intertwined socially, with a new study reporting that social contagion may account for large amounts of gunshot violence episodes.<sup>20</sup> However, while important to mention, it is beyond the scope of this document to examine the systemic issues behind violent crime. These systemic causes must be addressed differently than the crimes that often are driven by a small number of high-risk offenders.<sup>21</sup> Research has confirmed that violence is

<sup>19</sup> MCCA Survey.

<sup>20</sup> Green, B., Horel, T., & Papachristos, A. V. (2017). Modeling Contagion Through Social Networks to Explain and Predict Gunshot Violence in Chicago, 2006 to 2014. *JAMA Internal Medicine*. <https://doi.org/10.1001/jamainternmed.2016.8245>

<sup>21</sup> Moffitt, T. E. (1993). Adolescence-limited and life-course-persistent antisocial behavior: a developmental taxonomy. *Psychological Review*; *Psychological Review*, 100(4), 674.

concentrated in high-risk areas<sup>22</sup> and among high-risk offenders and social networks<sup>23</sup> which must inform enforcement responses in a highly specific, focused way in order to be effective.

A report documenting the 2015 homicide increase examines three possible explanations for the rise in violent crime: expanding urban drug markets; reductions in incarceration; and increasing scrutiny of police since the shooting of an unarmed teenager in Ferguson, Missouri, dubbed the “Ferguson effect on crime.”<sup>24</sup>

In a survey of major city police department chiefs,<sup>25</sup> respondents were asked to select factors contributing to gun violence in their jurisdictions. Almost 50 major city chiefs named the top three factors as gang violence (87.8%), drug-related disputes (79.6%), and access to illegal firearms (71.4%). Additionally, the chiefs ranked access to firearms by criminals as a top challenge to preventing and reducing gun violence. The challenges that law enforcement officials say are created by the ease of access creates a need for substantial changes related to firearm access.

Departmental statistics in Chicago show that 85% of gun murders in 2015 were gang-related.<sup>26</sup> In both the Executive Session and throughout various interviews, chiefs noted that gangs and drug disputes are contributing factors to violent crime. Executive Session participants generally noted that the social structure of even loose-knit and non-traditional gangs lends itself to the cyclical nature of violence in many places, often instigated by a sign of disrespect in person, through social media, or via word of mouth. In terms of drug disputes, while Executive Session participants hesitated to suggest that the heroin and opioid epidemics were driving violent crime, they acknowledged that the disruption of drug markets or competition for drug market opportunities, in addition to common robberies, factor into violent crime.

Executive Session participants felt strongly that access to firearms by criminals is an important factor to consider. Major city chiefs commonly refer to gangs as the fuel to violent crime fires in their jurisdictions. Social media usage by gang members leads to petty issues, taunting, and antagonizing of rival gangs. While some of these gangs are highly organized, particularly in prisons, many of them have loose member affiliations and are therefore difficult to track. According to a study examining sources of guns used in crimes in Chicago, gang members generally use guns that are over ten years old, as they go through multiple transactions before reaching the gang member purchaser. Direct, documented sales of guns by licensed dealers to gang members account for less than two percent of these crime guns.<sup>27</sup>

## The Federal Government’s Role in Addressing Violent Crime

Crime has lowered steadily nationwide over the last two decades, and as a result, other national concerns (e.g., terrorism) have replaced crime and public safety as priorities. With national interests focused elsewhere, localized, violent crime has increased as a result of chronic conditions that can lead to violence. The new Administration and Congress must assist in the efforts to reduce fear among its citizens.

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22 Sherman, L. W., Gartin, P. R., & Buerger, M. E. (1989). HOT SPOTS OF PREDATORY CRIME: ROUTINE ACTIVITIES AND THE CRIMINOLOGY OF PLACE\*. *Criminology*, 27(1), 27–56; see also Weisburd, D. (2008). Place-based policing. *Ideas in American Policing*, 9, 1–16.

23 Papachristos, A. V., Hureau, D. M., & Braga, A. A. (2013). The corner and the crew: the influence of geography and social networks on gang violence. *American Sociological Review*, 0003122413486800.

24 Rosenfeld, R. (2016). *Documenting and Explaining the 2015 Homicide Rise: Research Directions*. Washington, D.C. National Institute of Justice, Department of Justice.

25 See Appendix B for the Police Foundation Survey of the Major City Chiefs Association.

26 Beckett, L. & Glawe, J. (2016, September 4). Gun violence, unsolved murders put Chicago on course to set grim record. Chicago. *The Guardian*. Retrieved from <https://www.theguardian.com/us-news/2016/sep/04/chicago-gun-violence-unsolved-murders-deadly-year>.

27 Cook, P. J., Harris, R. J., Ludwig, J., & Pollack, H.A. (2014). Some Sources of Crime Guns in Chicago: Dirty Dealers, Straw Purchasers, and Traffickers. *The Journal of Criminal Law & Criminology*, 104(4), 717-759. doi: 0091-4169/15/10404-0717.



It is the collective opinion of major city chiefs that the federal government must help local law enforcement in addressing violent crime surges. It is essential that tools available to federal agencies be available to help local departments combat their distinctive crime problems and be provided in a timely manner to local agencies experiencing crime surges. What is required from federal agencies, then, is leadership in pushing forward an agenda in which violent crime is both a budgetary and policy priority and in addressing problems with evidence-based solutions.

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The federal government must re-prioritize violent crime and public safety as primary concerns, focusing attention on local, public safety crises.

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The Final Report of the *President's Task Force on 21st Century Policing* (the Task Force Report),<sup>28</sup> recommended comprehensive criminal justice reform at the national level. The recommendations provided in the Task Force Report would require partnerships between and among local, state, and federal agencies in implementing such change. Prioritizing violent crime does not entail abandoning other aspects of criminal justice reform. Rather, using evidence-based strategies to address violent crime in an intelligent and focused manner can lead to reducing spikes in violent crime while potentially minimizing arrests and prosecutions.

## A New Way Forward

The FBI's UCR data reported over 1,500 more homicides in 2015 than 2014,<sup>29</sup> and that upward trend looks to be continuing into 2016. The counts of gun violence incidents in the U.S. at this time are significant. For every one American killed by an act of terror in the United States or abroad in 2014, more than 1,049 died due to gun violence.<sup>30</sup> The status quo techniques for addressing violent crime problems are inadequate. Gun violence in major cities has become an issue requiring the implementation of major changes in the ways in which crime is understood, measured, and confronted. A new strategic approach to gathering knowledge and developing solutions to prevent violent crime is needed, and a considerable feature of this approach is to require modification in how federal agencies address gun violence.

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Federal agencies must lead with an agenda that prioritizes violent crime from both a budgetary and policy standpoint and in addressing problems with evidence-based solutions.

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28 President's Task Force on 21st Century Policing. (2015). *Final Report of the President's Task Force on 21st Century Policing*. Washington, D.C. Office of Community Oriented Policing Services. Retrieved from [http://www.cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf).

29 FBI, Crime - *Local Level One Year of Data*.

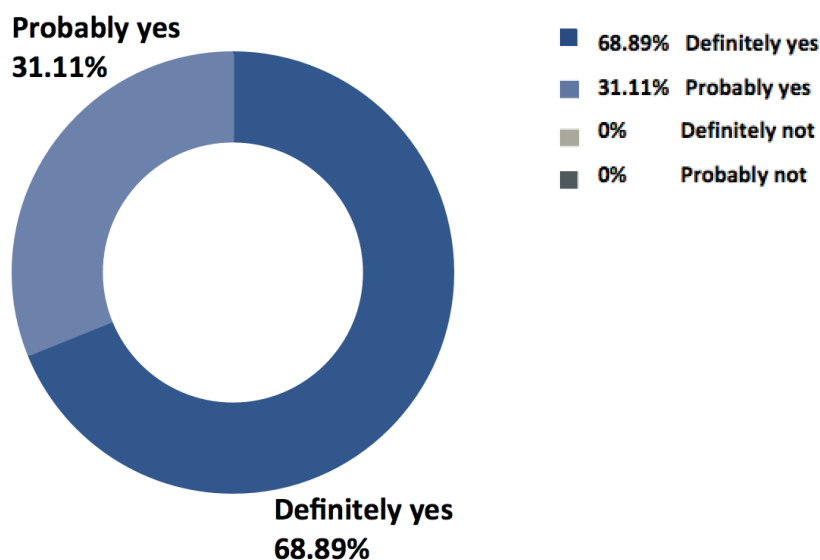
30 Bower, E. "American deaths in terrorism vs. gun violence in one graph". *CNN*. Retrieved from <http://www.cnn.com/2016/10/03/us/terrorism-gun-violence/index.html?sr=fbCNN100316terrorism-gun-violence1015PMStoryLink&linkId=29489993>.

## CHAPTER 2 Federal Law Enforcement Priorities, Roles, Resources, and Accountability

### A Federal Interest

Localized violent crime problems and spikes cannot be viewed as isolated problems or through the lens of national statistics alone. The federal government should help to address such crime.

**Figure 4: Survey of major city chiefs: Do you believe that it is appropriate for the federal government to be involved in addressing violent crime in local communities?<sup>31</sup>**



While the primary responsibility for preventing and reducing violent crime should be borne by state and local entities, the federal interest in assisting such efforts is clear. Bipartisan support from local government leaders for ongoing federal responsibility to assist police in addressing violent crime in local jurisdictions continues to grow. As stated in Chapter 1, there are a number of root causes of crime, and in many instances (*e.g.*, in the case of the mentally ill who commit crimes), state and local police bear the burden of confronting these issues.

Major city chiefs were asked to rank, in order of importance, the roles played by the federal government in reducing localized violent crime. The following is their response, in order of priority:

1. Providing additional or supplemental enforcement resources to address local violent crime problems.
2. Providing more advanced technologies, tactics, and analysis to address local violent crime problems.
3. Conducting enforcement operations focused on local crime problems.
4. Providing enhanced investigative strategies.
5. Conducting enforcement operations focused on interstate crime problems.

<sup>31</sup> All respondents answered affirmatively to this question. See Appendix B for the Police Foundation Survey of the Major Cities Chiefs Association.

This prioritization, echoed in the Executive Session demonstrates the desire for local law enforcement to forge problem-oriented partnerships with federal agencies. In these partnerships, local and federal agencies share decision-making for prioritization of investigative targets and problems to be confronted and prevented. Additionally, the major city chiefs expressed the need for their investigators to be allowed to bring cases directly to the U.S. Attorneys for federal prosecution and sentencing, where necessary, a practice that is thought to have diminished considerably in recent years.

## Origins of Federal Involvement in Violent Crime

The federal government's involvement in crime arose haltingly and incrementally, creating uneven and inefficient assistance to the local law enforcement agencies that need assistance. However, the ever-changing crime priorities of federal agencies often do not mirror the priorities of local communities.

### Federal Government Contributions to Violence Reduction Efforts

The Omnibus Crime Control and Safe Streets Act of 1968 (the 1968 Act) established the Law Enforcement Assistance Administration (LEAA) (LEAA eventually became the Office of Justice Programs (OJP)), which provided federal grant funding for research focusing on social aspects of crime and to develop alternatives to incarceration for young offenders. In addition, laws including the Violent Crime Control and Law Enforcement Act of 1994<sup>32</sup> and programs such as Project Safe Neighborhoods (PSN) and the Violence Reduction Network (VRN) demonstrate the continuing assistance that the federal government has provided to local law enforcement efforts. However, the nature of the assistance has shifted depending on the federal government's priorities, and federal spending has decreased considerably since the passage of the 1968 Act. Federal funding often fills important gaps in local budgets, addresses emergent, local needs, and provides local agencies with the ability to develop and implement pilot projects for improvement that is often not possible with local funding.

### Project Safe Neighborhood

One such program is PSN, a national initiative to reduce gun violence in urban communities. With PSN, a task force comprised of local, state, and federal criminal justice agencies, community organizations, and local service providers creates an individualized strategy to address gun violence and prosecute offenders.<sup>33</sup>

In assessing the impact of PSN on violent crime, one study found that the cities that implemented a program under PSN did not do so uniformly, and therefore, were not consistent in their effect on violent crime. Nonetheless, as compared to cities that did not implement any program, the implementing cities experienced a statistically significant decline in violent crime, and cities with higher implementation scores were significantly more likely to experience decreases in violent crime. However, since its inception in 2001, the funding for this program has declined considerably since the program initially was established.<sup>33</sup>

### Focused Deterrence

Focused deterrence or "pulling levers" strategies rely on the core principles of deterrence methods, such as increasing the risk of punishment for the involvement in criminal behavior. This strategy convenes an interagency working group to identify problem offenders, groups, and behavior pattern. The strategy both sends a message to offenders to stop their behaviors and offers social services to assist them. A review of

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32 O'Bryant, J. (2003). *Crime Control: The Federal Response*. Washington, D.C. Congressional Research Service. Retrieved from <http://www.au.af.mil/au/awc/awcgate/crs/ib10095.pdf>.

33 Bureau of Justice Assistance. (2016). Project Safe Neighborhoods. Retrieved from [https://www.bja.gov/ProgramDetails.aspx?Program\\_Id=74](https://www.bja.gov/ProgramDetails.aspx?Program_Id=74).

ten pulling levers programs found that they significantly reduce crime.<sup>34</sup> DOJ has supported the replication of the “pulling levers” approach through a host of federal funding programs and initiatives.

## Project Exile

Another federal program that assisted local law enforcement efforts in Richmond, Virginia was Project Exile, which shifted the prosecution of illegal gun possession offenses to federal court from state court. Project Exile relied on deterring would-be offenders from carrying and using firearms through strong sentence enhancements and substantial publicity about the penalties. The program targeted felons carrying firearms by prosecuting them in federal courts, where they were subject to harsher sentences, had no option of bail, and were denied early release. An initial study<sup>35</sup> found that the reduction in Richmond’s gun homicide rates surrounding the implementation of Project Exile was not unusual and the decrease likely would have occurred without the program. Following this however, another study used a different statistical method to analyze the homicide trends in Richmond before, during, and after Project Exile’s implementation, and saw a statistically significant decline in firearms homicides compared to other large U.S. cities,<sup>36</sup> leaving the ultimate question of effectiveness without a definitive answer. (A list of additional programs and strategies used by law enforcement to address gun violence is attached as Appendix D.)

## Smart Policing Initiative

Federal grants have provided tremendous support to local law enforcement agencies. In the survey of MCCA, respondents emphasized the usefulness of federal grants, given current financial constraints and personnel layoffs in local budgets. The Bureau of Justice Assistance (BJA) has offered multiple grant programs that target violent crime using evidence-based practices. One such program is the Smart Policing Initiative (SPI)<sup>37</sup> which identifies effective crime reduction tactics, practices, and strategies while focusing on the following five key components: performance measurement and research partnerships; outreach and collaboration; managing organizational change; strategic targeting; and making better use of intelligence and other data and information systems.<sup>38</sup> Over 30 law enforcement agencies varying in size and type of crime problems receive SPI funding.

SPI seeks to replicate or identify new evidence-based solutions and practices and requires selected agencies to enlist a research partner, collect and analyze data, and incorporate meaningful performance measures to assess effectiveness. BJA provides an online repository of scholarly research on gun violence reduction strategies including focused deterrence, hot spot policing, and efforts to interrupt the illegal gun supply.<sup>39</sup> Collaboration and partnerships within each SPI community are emphasized, noting that partnerships with other public service entities are vital to the successful implementation of effective policing strategies.

## Sentencing Under Federal Versus State Prosecutions

The advantages of federal prosecution for gun violence were outlined in a report for the National Institute of Justice (NIJ).<sup>40</sup> These advantages include immunity, preventive detention, electronic surveillance, and

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34 Braga, A. A., & Weisburd, D. L. (2012). The effects of “pulling levers” focused deterrence strategies on crime. *Campbell Systematic Reviews*, 6, 1–90.

35 Raphael, S., & Ludwig, J. (2003). Prison sentence enhancements: The case of Project Exile. In J. Ludwig & P. J. Cook (Eds.), *Evaluating gun policy: Effects on crime and violence* (pp. 251–286).

36 Rosenfeld, R., Fornango, R., & Baumer, E. (2005). Did Ceasefire, Compstat, and Exile Reduce Homicide? *Criminology & Public Policy*, 4(3), 419–449.

37 Bureau of Justice Assistance. (2016). *Smart Policing. Data. Analysis. Solutions: Background*. Retrieved from <http://www.smartpolicinginitiative.com>.

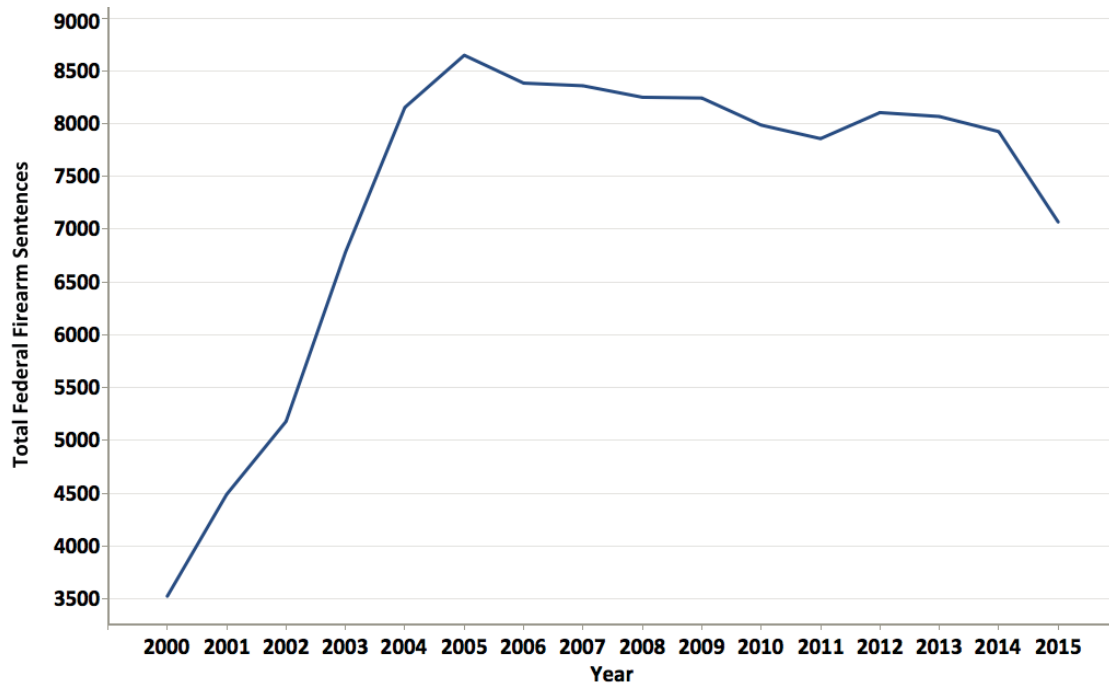
38 *Ibid.*

39 *Ibid.*

40 Russell-Einhorn, M. L. (2003). *Fighting Urban Crime: The Evolution of Federal-Local Collaboration*. Washington, D.C. US Department of Justice, Office of Justice Programs, National Institute of Justice.

witness protection. Figure 5 presents federal firearm sentencing trends from 2000-2015, showing a substantial drop from 2014 to 2015, although the overall number of federal sentences for gun-related crimes remains above the number provided for the years 2000-2003. Thus, it is unclear to what extent the volume of prosecutions alone is more important to crime reduction than the quality of the prosecution in terms of targeting those most involved in committing violence and the extent to which those in the community committing violence are aware of the likelihood and potential (certainty) of federal prosecution. For example, successful initiatives that included an increase in sentencing also strongly focused on spreading a deterrent message to criminally involved individuals that illegal possession or use of a firearm would result in severe sanctions.<sup>41</sup>

**Figure 5: U.S. federal firearm sentencing trends, 2000-2015<sup>42</sup>**



### Federal Priorities

Over the 15 years since 9/11, the priorities of the federal agencies and their resource decisions have shifted. DOJ’s Strategic Plan for 2014-2018<sup>43</sup> reads

*“First and foremost, we will protect Americans from terrorism and other threats to national security, both at home and abroad. Second, we will protect Americans from the violent crimes that have ravaged too many communities, devastated too many families, and stolen too many promising futures...”*

Table 1 lists DOJ’s top goals.

41 McGarrell, E. F., Hipple, N. K., Corsaro, N., Bynum, T. S., Perez, H., Zimmermann, C. A., & Garmo, M. (2009). Project Safe Neighborhoods: A National Program to Reduce Gun Crime: Final Project Report. US Department of Justice, Office of Justice Programs, National Institute of Justice; McGarrell, E. F., Chermak, S., Wilson, J. M., & Corsaro, N. (2006). Reducing homicide through a “lever pulling” strategy. *Justice Quarterly*, 23(2), 214–231.

42 United States Sentencing Commission. (2000-2015). Federal Firearm Prosecutions by District [Data file]. Retrieved from <http://www.ussc.gov/research/data-reports/geography/federal-sentencing-statistics>.

43 Office of the Attorney General. (2013). United States Department of Justice, Fiscal Years 2014-2018 Strategic Plan. Washington, D.C. U.S. Department of Justice. Retrieved from <https://www.justice.gov/sites/default/files/jmd/legacy/2014/02/28/doj-fy-2014-2018-strategic-plan.pdf>.

**Table 1: U.S. Department of Justice goals and lead agencies for reporting performance data<sup>44</sup>**

STRATEGIC GOALS	STRATEGIC OBJECTIVES	LEAD OFFICE
Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law	Prevent, disrupt, and defeat terrorist operations before they occur	FBI
	Prosecute those involved in terrorist acts	National Security Division, DOJ
	Investigate and prosecute espionage activity against the United States	FBI
	Combat cyber-based threats and attacks	Criminal Division, DOJ
Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law	Combat the threat, incidence, and prevalence of violent crime	ATF
	Prevent and intervene in crimes against vulnerable populations	Office of Justice Programs, DOJ
	Combat the threat, trafficking, and use of illegal drugs and the diversion of licit drugs	DEA
	Investigate and prosecute corruption, economic crimes, and transnational organized crime	U.S. Attorneys and FBI
	Promote and protect American civil rights	Civil Rights Division, DOJ
	Protect the federal fisc and defend the interests of the United States	Civil Division, DOJ
Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels	Promote and strengthen relationships and strategies for the administration of justice	Office of Justice Programs, DOJ
	Protect judges, witnesses, and other participants in federal proceedings	Marshals Service
	Provide safe, secure, humane, and cost effective confinement and transportation of federal detainees and inmates	Bureau of Prisons, DOJ
	Apprehend fugitives to ensure their appearance for federal judicial proceedings or confinement	Marshals Service
	Reform and strengthen America's criminal justice system	U.S. Attorneys
	Prevent and respond to genocide and mass atrocities	Criminal Division, DOJ
	Adjudicate all immigration cases	Executive Office of Immigration Review, DOJ
	Strengthen the government-to-government relationship between tribes and the United States	Office of Tribal Justice, DOJ

44 Modified from Performance.Gov. (2016). *About*. Retrieved from <https://www.performance.gov/about>.

DOJ has prioritized preventing terrorism – a mission shared with other executive branch agencies – as its number one concern, although it should be noted that federal correctional institutions, functions, and services operated by the Bureau of Prisons, part of the DOJ, comprised approximately 30 percent of its 2015 budget.<sup>45</sup>

Agency-level priorities are driven by the federal laws and regulations, including Congressional mandates, that provide the legal authorities for these agencies to operate. Agency executives must find ways to implement and oversee the legal/enforcement tools they are given to meet the goals and priorities of the DOJ. Of all the agencies, the FBI has the broadest authority,<sup>46</sup> allowing it to investigate nearly any violation of federal law, although the tools used to conclude these investigations are dictated by federal statutes.

Our nation’s most powerful federal law enforcement agency, the FBI, modified its focus after 9/11 and now lists violent crime as its eighth priority among its top ten.<sup>47</sup> The Drug Enforcement Administration’s (DEA) priority is narcotics trafficking and diversion; the United States Marshals Service’s (USMS) mission is linked exclusively to tracking and apprehending fugitives from justice and investigating sex offenders; the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has a mission that, while including at least two commodity regulation roles generally unrelated to violent crime, is focused on regulating the firearms industry generally, although the ATF’s primary enforcement focus has been to address violent crimes that involve the misuse of firearms. These agencies do their best to provide, and often succeed in providing, valuable assistance to state and local law enforcement, particularly in the major cities and counties. However, addressing violent crime is not always a top priority in these agencies.

## Federal Law Enforcement Budgets and Staffing

Federal budgets and staffing within the justice domain are also spread among the various priorities, and the budgeting process often includes requirements from the Administration or Congressional appropriators that serve to “carve out” roles or responsibilities that can interfere or take away from the stated priorities.

Overall, publicly available budget information for federal agencies reveals that in the years since 9/11, salaries and expenses budgets for the DEA, ATF, and USMS have only grown modestly, in most years not covering inflation, while Immigration and Customs Enforcement (ICE) resources have grown considerably. The FBI divides its activities between defense and non-defense categories, roughly corresponding to counterterrorism and counterintelligence compared to other criminal investigations and assistance. While the FBI’s total salaries and expenses budget has shown dramatic growth since 9/11, the funding for “traditional” criminal enforcement has either decreased or remained flat in the ensuing years.<sup>48</sup>

Moreover, from 2011 through 2015, FBI staffing decreased from one to seven percent. However, the number of FBI agents assigned to national security work increased by 35 percent.<sup>49</sup> The ATF’s budget most directly targets investigative activity focused on violent and gun crime more often than those of the other agencies.<sup>50</sup>

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45 Department of Justice. (2014). *The Budget for Fiscal Year 2015*. Retrieved from <https://www.whitehouse.gov/sites/default/files/omb/budget/fy2015/assets/justice.pdf>.

46 Offices of the United States Attorneys. (2011). 9-4.129-18 U.S.C. 1-2712: *Crimes*. Retrieved from <https://www.justice.gov/usam/usam-9-4000-statutes-assigned-citation#9-4.129>.

47 Federal Bureau of Investigation. (2016). *Mission and Priorities*. Retrieved from <https://www.fbi.gov/about/mission>.

48 Office of Management and Budget. (2016). Public Budget Database. [Data File]. Retrieved from <https://www.whitehouse.gov/sites/default/files/omb/budget/fy2017/assets/budauth.xls>. Note that FY 2017 data is proposed in the President’s Budget and not enacted.

49 U.S. Department of Justice. (2016). *Summary of Selected Employment Categories*. Retrieved from <https://www.justice.gov/jmd/file/821876/download>; and comparable data for prior years retrieved from agency budget documents at <https://www.justice.gov/about/budget-and-performance>.

50 U.S. Department of Justice. (2016). *Congressional Budget Submission (FY 2017 and prior)*. [Multiple documents]. Retrieved from <https://www.justice.gov/about/budget-and-performance>; also U.S. Department of Homeland Security, DHS Budget. (FY 2017 and prior). [Multiple documents]. Retrieved from <https://www.dhs.gov/dhs-budget>.

In OMB's public budget database, the counterterrorism and counterintelligence portion of the FBI's budget is coded as defense-related, while the non-defense portion comprises more traditional criminal investigative and related activity. The non-defense salaries and expenses funding for the FBI, DEA, ATF, ICE, and USMS grew from \$10 billion in 2005 to almost \$13.7 billion in 2015 – rising to almost \$14 billion in the President's FY 2017 Budget.<sup>51</sup> Overall, the increase between enacted levels for FY 2005 to FY 2016 is 35% percent in nominal terms. However, inflation was approximately 23% between FY 2005 and FY 2016.<sup>52</sup> Therefore, in real terms, the increase in funding was about nine percent, or less than one percent per year.

**Table 2: Federal law enforcement agency salaries and expenses funding by fiscal year (excluding defense)**

Agency	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>FBI</b>	4031	3469	2983	4367	3123	3206	3282	3291	3011	3349	3377	3411	3412
<b>DEA</b>	1704	1700	1773	1902	2065	2084	2053	2042	1929	2043	2054	2091	2097
<b>ATF</b>	882	935	988	988	1078	1152	1113	1152	1072	1179	1198	1240	1306
<b>ICE</b>	2812	3405	3895	4676	4997	5425	5418	5635	5151	5322	5819	5777	5858
<b>USMS</b>	754	793	819	892	962	1154	1126	1173	1150	1186	1195	1231	1275
<b>Total</b>	10183	10302	10458	12825	12225	13021	12992	13293	12313	13079	13643	13750	13948

\* Source: OMB, Public Budget Database

The increases were not evenly distributed among each of the agencies, as Table 2 illustrates. Instead, FBI salaries and expenses funding for non-defense-related work decreased before eventually leveling off, while DEA, ATF, and USMS saw very slow budget growth, and ICE funding more than doubled. It also should be noted that while most of the agencies avoided deep cuts in their budgets, in many cases these agencies reportedly saw increases in workload and responsibilities, as a result of executive and/or legislative branch actions. Essentially, in these situations, a “flat” budget is in some ways as difficult as a reduction.

Understandably, federal budgets since 2011 have focused on detecting and preventing terrorism. This policy change, however, coupled with increasing Congressional pressure to decrease federal spending, has resulted in less money to fight violent crime for the federal law enforcement agencies. These agencies have had to deal with multiple rescissions and zero funding increases. In some cases, Congressional instruction to perform the activities for which funds have been requested, implement costly legislative changes they have imposed and increase hiring, all within the prior year's funding levels.<sup>53</sup>

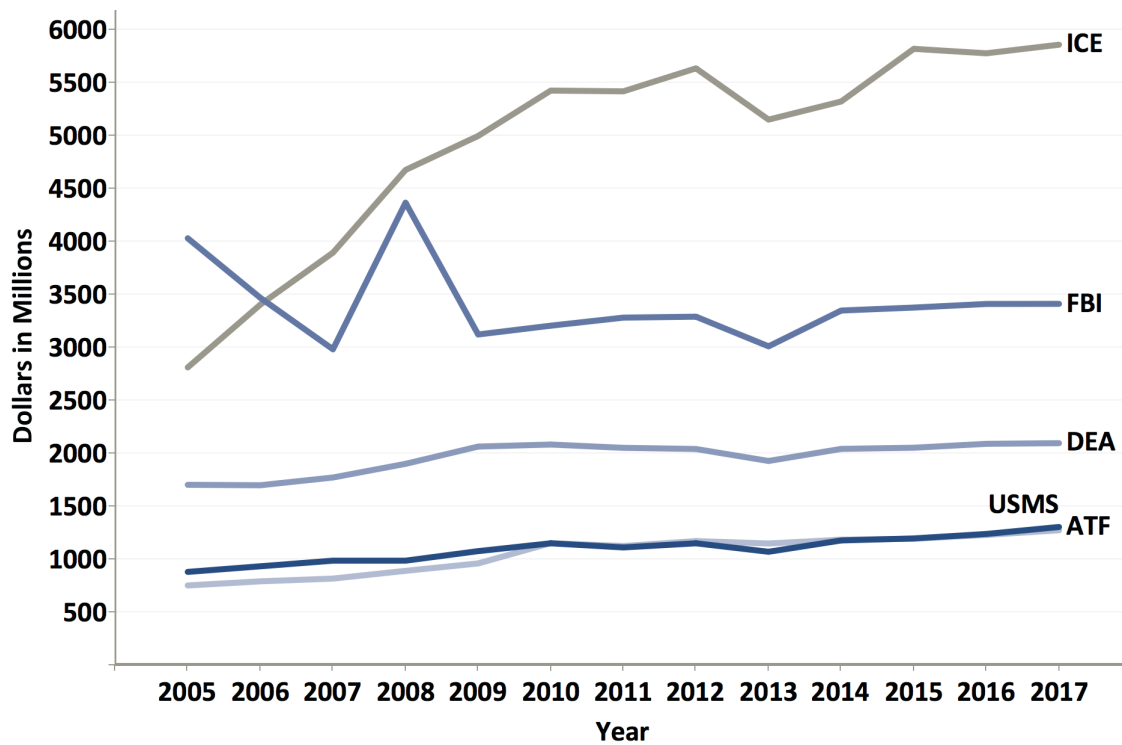
51 OMB, *Public Budget Database*. Note that FY 2017 data is proposed in the President's Budget and not enacted.

52 Bureau of Economic Analysis, U.S. Department of Commerce. (2016). *Implicit Price Deflators for Gross Domestic Product (Table 1.1.9), National Income and Product Account Tables*. [Data file]. Retrieved from <http://www.bea.gov/iTable/iTable.cfm?reqid=9&step=3&isuri=1&903=13#reqid=9&step=3&isuri=1&904=2005&903=13&906=q&905=1000&910=x&911=0>.

53 *Ibid.*

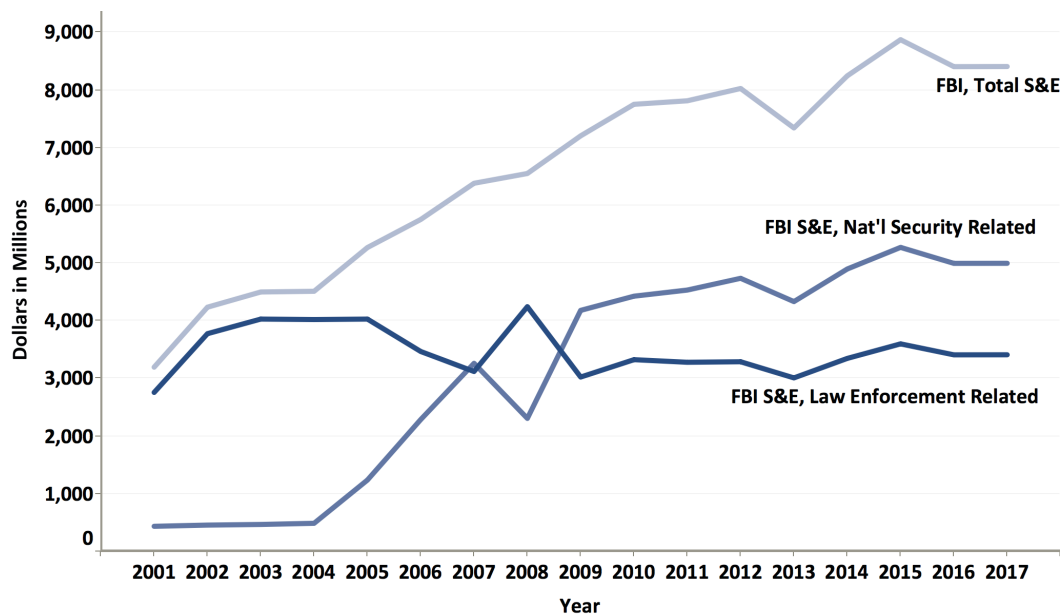


**Figure 6: Federal law enforcement agency salaries and expenses funding by fiscal year (excluding defense)<sup>54</sup>**



The FBI’s funding has increased only with respect to national security. While Figure 7 illustrates a reduction in the FBI’s resources available for potential investigations and assistance with violent crime, in practice, the agency has the ability to reallocate resources within its budget to address unforeseen circumstances. However, this often requires Congressional notification and in some cases, Congressional approval.

**Figure 7: FBI salaries and expenses funding by fiscal year<sup>55</sup>**



<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

## Special Agent Staffing

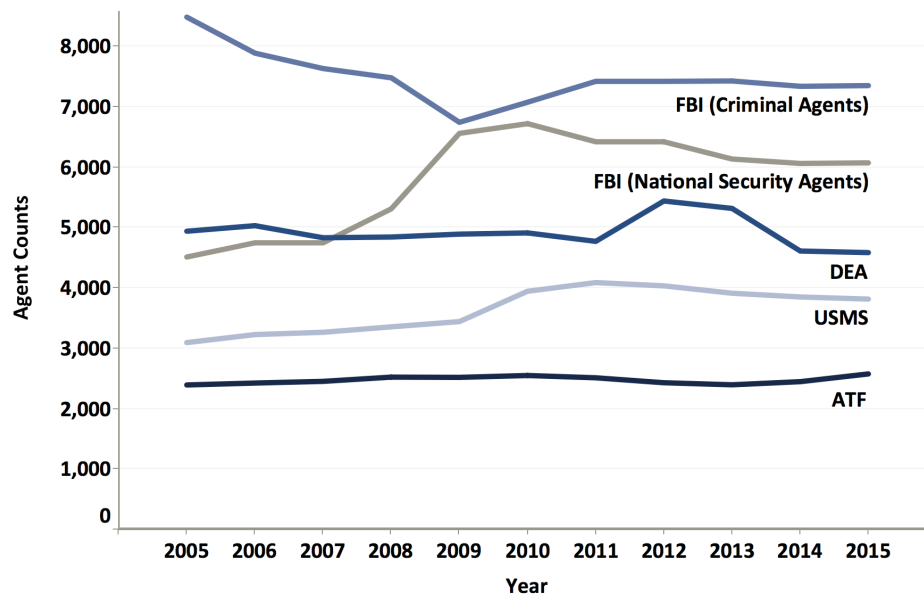
Looking at on-board special agents at the end of the year, and separating out the FBI national security agents, overall DOJ agent staffing has remained relatively flat from 2005 to 2015. As Table 3 indicates, it actually declined slightly over the years.

**Table 3: Federal special agents and equivalents by agency: Personnel reported on board at end of fiscal year<sup>57</sup>**

Agency	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
<b>FBI**</b>	8,490	7,893	7,638	7,485	6,747	7,080	7,426	7,426	7,432	7,344	7,355
<b>DEA</b>	4,943	5,035	4,835	4,847	4,895	4,915	4,775	5,444	5,321	4,615	4,589
<b>ATF</b>	2,396	2,428	2,456	2,526	2,522	2,553	2,515	2,433	2,399	2,451	2,485*
<b>USMS</b>	3,098	3,231	3,269	3,359	3,446	3,949	4,092	4,038	3,916	3,854	3,819
<b>Total</b>	18,927	18,587	18,198	18,217	17,610	18,497	18,808	19,341	19,068	18,264	18,342

\*Congressional research service analysis. \*\*FBI numbers include only non-defense agents.

**Figure 8: Numbers of special agents reported on board at end of fiscal year<sup>58</sup>**



As Table 4 below shows, while the number of FBI agents working criminal cases declined by 13% between 2005 and 2015, the number of national security agents increased by 35%.

**Table 4: Total FBI special agents: Personnel reported on board at end of fiscal year<sup>59</sup>**

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
<b>Criminal Agents</b>	8490	7893	7638	7485	6747	7080	7426	7426	7432	7344	7355
<b>Nat'l Security Agents</b>	4516	4751	4751	5314	6564	6725	6425	6425	6139	6066	6076
<b>Total Agents</b>	13006	12644	12389	12799	13311	13805	13851	13851	13571	13410	13431

<sup>57</sup> DOJ, *Summary of Selected Employment Categories*.

<sup>58</sup> DOJ, *Summary of Selected Employment Categories*; and comparable data for prior years retrieved from agency budget documents at <https://www.justice.gov/about/budget-and-performance>. DOJ budget submissions to Congress. FBI data includes both national security and criminal agents. Data on national security agents is estimated for 2014 and 2015, as DOJ did not report for those years.

<sup>59</sup> *Ibid*; and comparable data for prior years retrieved from agency budget documents at <https://www.justice.gov/about/budget-and-performance>. 2005 agent designations are estimated based on 2006 staffing ratios; 2014/2015 are estimated based on 2013 staffing ratios.

## Budget Initiatives

A review of federal budgets since 2011 reveals:<sup>60</sup>

1. The FBI primarily focused on counterterrorism and counterintelligence initiatives and requested technical resources and staffing that can assist in combatting violent crime in more indirect ways (e.g., assisting with the analysis of digital forensics, enhancing the National Instant Criminal Background Check System (NICS), or conducting background checks of firearms purchasers).
2. The DEA requested limited additional resources to help with law enforcement surveillance needs and enhance its Mobile Enforcement Teams, which work with state and local law enforcement on violent drug crime cases.
3. The ATF requested more agents to work priority firearms criminal cases, to enhance its ability to monitor the firearms industry for diversion of firearms into criminal channels to improve the National Integrated Ballistic Information Network (NIBIN) – a critical forensic tool for solving gun crimes and to improve real time case information and intelligence data.
4. The USMS focused on additional resources for fugitive apprehension, which often works in collaboration with state and local law enforcement.

Since the passage of the Government Performance Results Act (GPRA) in 1993, federal agencies have identified key performance indicators by which each agency's performance can be assessed. OMB requires agencies to describe their performance as they propose their budgets each fiscal year. Additionally, the Obama Administration launched Performance.gov,<sup>61</sup> a federal website designed to allow "the public, agencies, members of Congress, and the media a view of progress underway in cutting waste, streamlining government, and improving performance."<sup>62</sup>

An analysis of DOJ's plans for performance suggests that DOJ may be restructuring its priorities to encompass more than terrorism as a top priority and include "public safety" and "preventing violent crime."<sup>63</sup> Interviews of recently-retired or separated federal executives and appointees noted a re-focusing on violent crime in late 2015. In fact, a review of the Performance.gov website's listing of agency performance goals shows, for the first time since 9/11, enhancing public safety (which arguably includes counterterrorism) listed above national security.

## Performance Measurement

For fiscal years 2014 to 2015, DOJ described a key component of its collective efforts to address violent crime and public safety by focusing on a reduction of gun violence. Pursuant to DOJ's FY 2015 Annual Performance Report, it set forth specific benchmarks to protect communities by reducing gun violence and, by September 30, 2015, would:<sup>64</sup>

1. Increase the number of records submitted to the National Instant Criminal Background Check System (NICS) Index by states and federal agencies by 10%;

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60 DOJ, Congressional Budget Submission; and DHS, DHS Budget (FY 2017 and prior).

61 Miller, J. (2011, August 25). OMB finally launches Performance.gov portal. Federal News Radio. Retrieved from <http://federalnewsradio.com/budget/2011/08/omb-finally-launches-performancegov-portal/>.

62 Performance.Gov. (2016). About Retrieved from <https://www.performance.gov/about>.

63 Office of the Attorney General. (2016). FY 2015 Annual Performance Report and FY 2017 Annual Performance Plan. Washington, D.C. U.S. Department of Justice. Retrieved from <https://www.justice.gov/doj/file/822781/download>.

64 Ibid.

2. Increase the number of records entered into the National Integrated Ballistic Information Network (NIBIN) by 3%; and
3. Increase the number of NIBIN “hits”, that is, the linkage of two or more separate crime scene investigations, based upon comparisons of the markings made on fired ammunition recovered from crime scenes by 3%.

DOJ described its progress in implementing FY 2014-2015 goals by providing statistics that showed how it exceeded all of these measures and others, as summarized in Table 5.<sup>65</sup>

**Table 5: FY 2015 performance target<sup>66</sup>**

FY 2014-2015 Performance Target*	Results Over 2 Years**
Increase the number of records submitted to the National Instant Criminal Background Check System (NICS) Index by states and federal agencies by 10%	Exceeded target by 27.1%
Increase the number of records entered into the National Integrated Ballistic Information Network (NIBIN) by 3%	Exceeded target by 21.3%
Increase the number of NIBIN “hits”, that is, the linkage of two or more separate crime scene investigations, based upon comparisons of the markings made on fired ammunition recovered from crime scenes by 3%	Exceeded target by 37.2%

\*DOJ also provided additional data to describe its progress towards this goal, including a two-year total of 177,879 persons being identified who were legally prohibited from possessing firearms due to the NICS process. In addition, DOJ provided data on more than 10,500 state and local law enforcement officers, investigators and analysts who were trained in NIBIN.

\*\*Performance results for these same measures are provided for one year increases comparing 2013 to 2014, which were all exceeded by anywhere from 19.5% to 99.5%.

### **FY 2014 Fourth Quarter Progress Update**

DOJ’s fourth quarter update for FY 2015 demonstrated that it exceeded its quarterly performance targets for two of the three performance measures for the Violent Crime Priority Goal and achieved 95% of its target for the third measure. As was the case for the FY 2014-2015 overall performance assessment, DOJ exceeded most performance targets by double digit percentages.

DOJ provided an update<sup>67</sup> on what it described as a “strategic objective” to “combat the threat, incidence, and prevalence of violent crime by leveraging strategic partnerships to investigate, arrest, and prosecute violent offenders and illegal firearms traffickers.”<sup>68</sup> The website summarizes that progress in FY 2015 was on-track to meet or exceed most objectives.<sup>69</sup>

For FY 2016-2017, DOJ’s focus will be on strategic efforts to build trust in communities by reforming and strengthening law enforcement/community relations and provide more training and technical assistance in targeted violence reduction efforts. This is a new priority on building trust between law enforcement agencies and the communities they serve.

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

<sup>68</sup> Office of the Attorney General. (2016). *FY 2015 Annual Performance Report and FY 2017 Annual Performance Plan*. Washington, D.C. U.S. Department of Justice. Retrieved from <https://www.justice.gov/doj/file/822781/download>.

<sup>69</sup> Office of the Attorney General, *FY 2015 Annual Performance Report and FY 2017 Annual Performance Plan*.

## National Data Versus Localized Problems

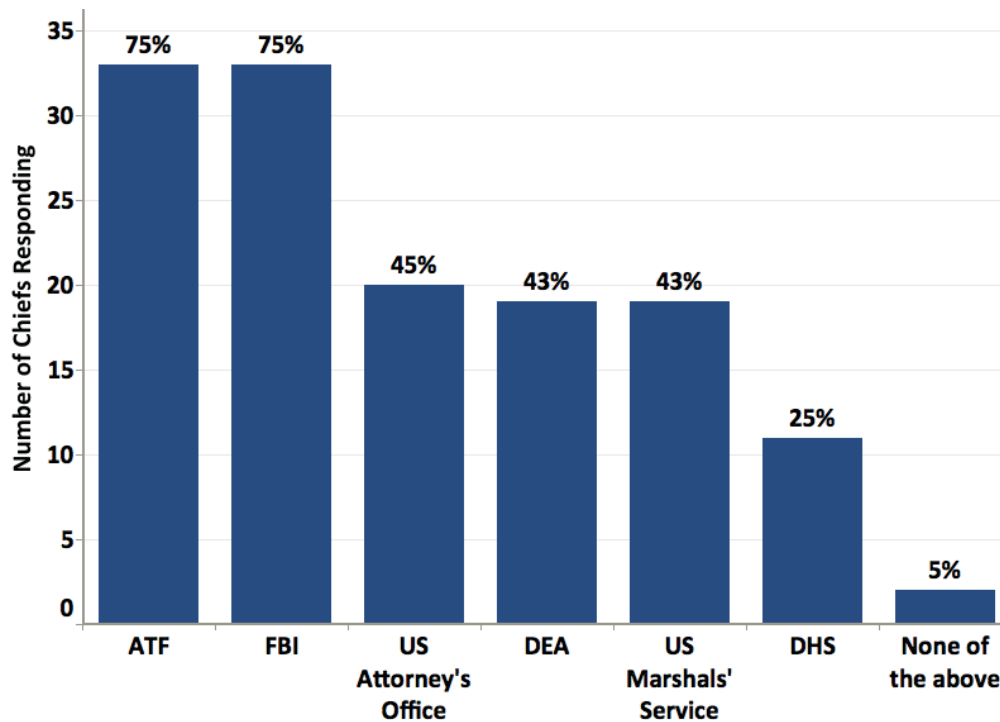
DOJ's national performance data indicates positive national-level responses. However, this information does not reflect the very troubling reality that exists in many local jurisdictions. DOJ's statistical data does not indicate if any of these most troubled areas were represented in the increases in the use of NIBIN and other tools. The performance data indicates that training took place in areas including Gary, Indiana; Chicago, Illinois; Wilmington, Delaware; San Diego, California; Portland, Oregon; Palm Springs, California; Camden, New Jersey; Indianapolis, Indiana; and elsewhere.<sup>70</sup> The measures generally focus on the application and use of the federal tools for confronting violent crime, as opposed to focusing on efforts to address local, emerging, or chronic violent crime problems more comprehensively. To be effective, DOJ's performance measures should focus on those local problems, leveraging federal resources to bolster local efforts to respond more effectively now and in the future.

Major city and county law enforcement leaders emphasized the importance of focusing on local crime issues, providing an important perspective for the new Administration as it grapples with the competing priorities and expectations that it must balance. It must find a way to measure performance in a way that does not allow national trends to overshadow local and regional issues that demand federal attention and assistance.

## The Police Foundation Survey

The Police Foundation surveyed MCCA members for their perspectives on which federal agencies have made violent crime a priority. The survey findings, shown in Figure 9, are consistent with the responses in the Executive Session, with a few exceptions. Agency leaders stated that the ATF has made violent crime a priority as well as the FBI, U.S. Attorney Offices and USMS. However, the executives consistently indicated that the DEA's priorities do not involve responding to violent crime. It should be noted that two chiefs felt that no federal law enforcement agencies had made violent crime a high priority.

**Figure 9: Based on your experiences, which federal law enforcement agencies have made violent crime a high priority?<sup>71</sup>**



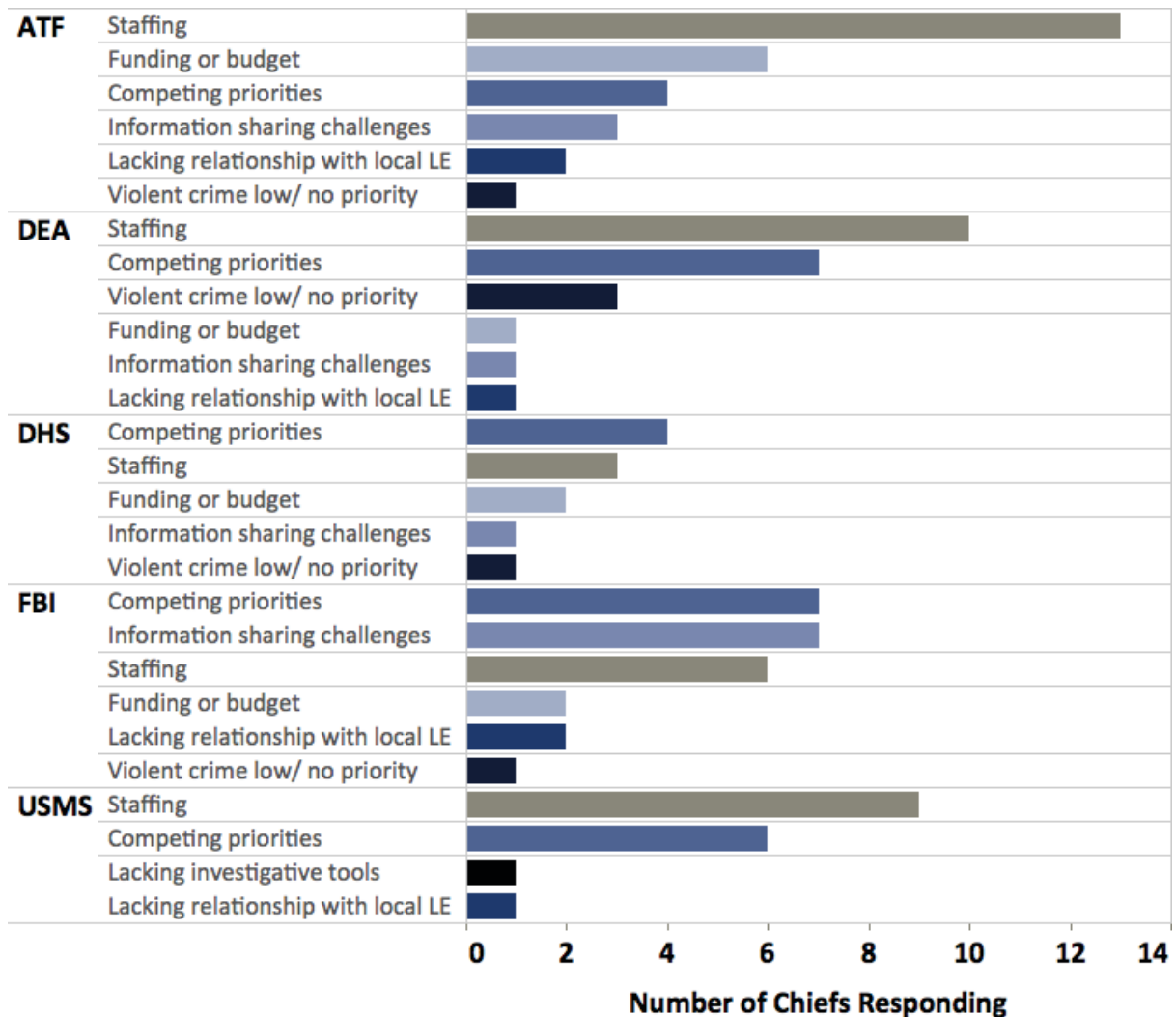
<sup>70</sup> See, [www.performance.gov](http://www.performance.gov).

<sup>71</sup> Forty-four agencies responded; See Appendix B.

The Police Foundation asked major city and county law enforcement leaders what they believe are the biggest challenges facing federal agencies.

As Figure 10 reveals, local law enforcement leaders felt that the biggest challenges to the ATF, DEA, and USMS was a lack of staffing. The ATF has the lowest agent count, and the ATF, DEA, and USMS have lower agent counts than the FBI. The FBI's biggest challenge was information-sharing and competing priorities, such as national security. Interestingly, the local law enforcement leaders felt that the DEA and USMS both had competing priorities and that only the ATF had budget challenges.

**Figure 10: Based on your experiences and perceptions, what are the following agencies' biggest challenges in working with your agency to address violent crime in your city or county?<sup>72</sup>**



72 Blank spaces indicate that the respondent was not aware of any challenges. See Appendix B.

## Recommendations for the Administration

### **2-A. Establish violent crime as an ongoing enforcement priority.**

Increases in violent crime in various jurisdictions across the country are putting vulnerable Americans at risk. While the nation recently experienced historically low national crime rates, including violent crime rates, numerous cities are seeing increases. Support for local law enforcement must continue, as criminal opportunities and motivations will continue until the root causes of crime are eradicated. It is crucial that the new Administration focuses on a comprehensive and strategic approach, recognizing that both prevention and enforcement are the key to a permanent reduction in crime. OMB must re-examine the notion that law enforcement agencies serve no preventative or remedial role and that their funding can be reduced without implications for public safety.

### **2-B. Develop innovative and timely crime data systems and programs at the federal level.**

Much of how law enforcement responds to violent crime is based on crime data derived from the FBI's UCR Program which compiles and publishes annual crime figures anywhere from one to two years after they occur. Moreover, the data are used to set funding priorities for fiscal years one and two years in the future. The crime data and processes are outdated, making proactive responses to crime difficult. With the advancement of open data efforts and the number of local law enforcement agencies that are able to share their crime data, often in real time, opportunities exist to create data models that provide real time national, regional, and local trends and with specificity that would be invaluable for analysis and forecasting.

### **2-C. Require federal law enforcement agencies to collaborate with local law enforcement regarding shared decision-making and co-production of public safety strategies.**

Coordinating enforcement efforts in a way that leverages resources among local, state, and federal agencies would avoid duplication of efforts. Through discussions with chiefs, interviews with former federal executives and appointees, and in the survey, it is clear that competition among federal agencies for resources exists, yet no single agency has sufficient resources to address violent crime issues alone. Surprisingly, federal resources are sometimes directed toward cities and counties that do not have a problem with violent crime. This would not be the case if valuable partnerships were established where shared decision-making between federal and local law enforcement leaders collaboratively decided on areas of focus, high-risk individuals and groups, and how to address them to prevent further violence. A good start is DOJ's VRN Initiative which creates these types of valuable partnerships, where local control over problem identification, strategies implemented, and intended outcomes are key.

### **2-D. Allow state and local law enforcement to leverage the network of fusion centers and the Information Sharing Environment (ISE) to address violent crime.**

The infrastructure that the United States has created since 9/11, particularly with respect to counterterrorism information-sharing that connects federal, state, and local law enforcement, known as the Information Sharing Environment (ISE), has been highly effective at coordinating efforts and awareness at every level. Although created nearly exclusively through the Department of Homeland Security (DHS) and the state and municipal resources, this infrastructure of state criminal intelligence fusion centers, and the ISE overall, could be used for all crimes, including firearms trafficking, a violent gang operating in multiple states, narcotics distribution, or a string of violent robberies. DHS resources such as Homeland Security Investigations (HSI), could also be leveraged to address local crime, as HSI deals with transnational criminal gangs and organizations. It would behoove the new Administration to utilize existing and untapped resources, encouraging an "all crimes approach" without diluting counterterrorism capabilities.

## **2-E. Strengthen the current system of budget planning and performance measurement across federal law enforcement agencies by measuring performance and allocating resources based on the consistent use of evidence-based approaches.**

Federal law enforcement agencies, and the Administration overall, should be held accountable for prioritizing and addressing chronic or emerging areas of significant violent crime. Current federal budgeting and performance processes allocate resources based on national-level agency outputs without regard to the federal government's ability to respond to make an impact on regional and local emerging or chronic violence. However, federal executives are held accountable for local impacts in light of the many factors that impact local crime and despite the lack of reliable and recent data on crime in those areas. Federal leaders often assist local areas with resources only to have the local criminal justice system be unable to sustain the impact or measure the impact of such a federal investment due to the 18 to 21-month lag of UCR crime data.

A level of accountability for local and regional crime problems, in which federal intervention is warranted, is needed to ensure that there is accountability for major emerging or chronic violence. Options also should avoid relying on UCR data as the ultimate measure of success. Those options could include locally-produced violent crime statistics, qualitative measures such as the nature of the partnerships in place with joint target identification and implementation, adherence and support for evidence-based practices such as focused deterrence, and local law enforcement leader satisfaction with the federal response. Federal agencies should continue to be required to report national and agency-level outputs and indicators of their overall operations, but the development and integration of regional and local violent crime responses and reduction is critical, with key cities, counties, regions, and/or corridors identified every two to three years as determined necessary.

Federal agencies across the government often rely on outputs as key indicators of progress. Measuring arrests, convictions, gang disruptions, firearms and narcotics confiscations at a national level can be important measures, but they reveal little about violent crime related outcomes. More arrests, convictions, and longer sentence lengths can be irrelevant to crime reduction, or even counterproductive, particularly if operations lead to disparate impacts on segments of the community.<sup>73</sup> The key is to emphasize intelligence-driven operations that are based on scientific evidence of effectiveness and close cooperation with local law enforcement agencies, to include the integration of federal and local strategies. For example, in Kansas City, Missouri, a variety of federal agencies are participating in the No Violence Alliance, a focused deterrence approach by the Kansas City Police Department funded under BJA's SPI Program in which federal agencies partner in a way that leverages resources and focuses not on amassing large numbers of arrests, but on removing key individuals from the community who refuse to discontinue violence. This type of participation is measured differently than traditional outputs-based evaluations and are locally driven.

## **Recommendations for the Administration and Congress**

### **2-F. Ensure that federal law enforcement and other components responsible for addressing violent crime are appropriately funded and supported and able to focus on developing effective, meaningful responses to localized and significant violent crime problems.**

It is of grave importance that the new Administration and Congress engage early in listening processes so that the needs of state and local agencies and communities in addressing violent crime can be understood in addition to the roles and needs of federal agencies in responding. OMB and Congress should

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<sup>73</sup> For a discussion on how police can emphasize crime prevention over arrest, see Lum, C., & Nagin, D. S. (2016). Reinventing American Policing. *Crime and Justice*, 46(1). <https://doi.org/10.1086/688462>



re-establish budget briefings and hearings with the most senior executives of each of the federal law enforcement agencies.

Former agency executives and appointees lamented that the federal budget development process typically involves a series of proposals and counterproposals that often result in a significantly decreased request from what was initially submitted by the agency and subsequently approved by DOJ and then OMB before being submitted to Congress as part of the President's annual budget submission. However, this creates a situation in which public safety needs and priorities articulated by the federal law enforcement agencies may not be properly relayed to Congressional appropriators. To address this, the new Administration and Congress should agree to a measure of transparency that would have federal agencies and the White House make publicly available the budget requests of the agencies as submitted to OMB at each step of the budget process and to make OMB's responses public, much like when the House and Senate release their budget proposals and appropriations. The new Administration and Congress also should carefully consider and support the agencies' requests for the support needed to confront violent crime.

## **2-G. Designate one federal law enforcement agency with primary (but not exclusive) and lead responsibility for confronting and reducing violent crime through a coordinated approach with other agencies.**

While there is no interest in establishing a single national police model, it would be helpful to local agencies to have a lead agency that addresses violent crime. This lead agency would be held accountable for providing resources and support to local law enforcement, when needed. The new Administration and Congress, should consider consolidating key resources for state and local law enforcement agencies addressing violent crime under that agency, or, at a minimum and without removing local (field-based) decision-making within the federal agencies, reinforce the role that national coordination and accountability for local impacts should play. There have been proposals to either merge the ATF into the FBI<sup>74</sup> or abolish the ATF. While these proposals were met with opposition from a variety of stakeholders, and Executive Session participants expressed opposition to the consolidation of federal agencies, there is reason to recommend that the new Administration and Congress recognize the conflicts that exist when multiple agencies compete for a lead role in confronting violent crime. Some have suggested that Congress replicate the Goldwater-Nichols Department of Defense Reorganization Act of 1986 which made sweeping changes to the U.S. Department of Defense to bring greater alignment among DOJ law enforcement agencies.<sup>75</sup> Taking the step of designating one agency as the lead federal agency in responding to violent crime is just as important as designating one agency as the lead in addressing terrorism.

## **2-H. Realign federal law enforcement and public safety responsibilities to maximize staffing and resource usage across agencies.**

DOJ law enforcement agencies are tasked with a variety of responsibilities and initiatives that may or may not be directly related to their top priorities as determined by Congress, the Executive Branch, or by necessity. This includes administrative, logistical, and statistical responsibilities as well as enforcement and regulatory roles not related to violent crime. To maximize resource availability within the budgets allocated by Congress, the new Administration and Congress should determine whether to consolidate violent crime resources not tied to other mandates in other agencies, into the agency designated as the lead agency for confronting violent crime and reduce non-essential responsibilities and initiatives of the federal law enforcement entities. Such

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74 Parsons, C., & Gerney, A. (2015). *The Bureau and the Bureau: A Review of the Bureau of Alcohol, Tobacco, Firearms and Explosives and a Proposal to Merge It with the Federal Bureau of Investigation*. Center for American Progress.

75 Milanowski, F. J. (2009). *Is the Department of Justice Law Enforcement Structure Broken? (AY 08-09)*. Quantico, VA: United States Marine Corps, Command and Staff College, Marine Corps University.

responsibility may include the operation of the UCR Program, a statistical effort that should be managed by a statistical agency, thereby enabling the FBI to focus all of its efforts on terrorism. Without the disruptive process of agency mergers, such a realignment can ensure that resources can be centralized to make the biggest impact, without removing any of the federal law enforcement agencies from their own violent crime roles.

## **2-I. Increase the availability of new, flexible funding resources for state and local law enforcement agencies and criminal justice systems.**

Local law enforcement executives described flexible funding resources as one of the most useful and critical resources made available to them from the federal government. Law enforcement executives have touted the importance of these resources because they can be used to fill gaps in local funding or to address emerging needs that may not have been contemplated in a federal funding solicitation or program announcement. For example, funding from DOJ's equitable sharing program (which provides asset forfeiture funding to agencies that participate in federal task forces) and from its Byrne Justice Assistance Grants Program (which provides federal funding to spur innovation or replicate evidence-based practices to fight crime in local jurisdictions) can be used to increase the tracing of crime guns or ballistic imaging, deploy gunshot detection technology, and/or implement a focused deterrence approach. At the same time, dedicated funding to address gun violence also is needed. This could be accomplished through a refocused task force funding program, an enhanced and better-funded PSN Program, or through a new dedicated funding program.

## **2-J. Work collaboratively, in bipartisan fashion, to increase federal funding for scientific gun violence research.**

Research should include both crime gun supply-focused and demand-focused research, as well as research related to effective responses and smart technologies to improve safety. Although the lack of research on firearm-related violence limits policymakers' abilities to propose evidence-based policies that reduce fatalities,<sup>76</sup> publications about gun violence fell 64% between 1998 and 2012. In 2014, the annual volume of research had risen by 64 publications, but few active career researchers remain, which threatens the prospect of ongoing, future research.<sup>77</sup> Research is vital to violent crime reduction, as we have witnessed in law enforcement's adoption of hot spot policing and focused deterrence practices, which evolved from a substantial body of research. There is no clear relationship between increased prosecutions and reductions in gun violence, although effective enforcement and prosecution is a strong deterrent.

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76 Institute of Medicine, National Research Council. (2013). *Priorities for research to reduce the threat of firearm-related violence*. Washington, D.C. The National Academies Press. Retrieved from <http://everytownresearch.org/documents/2016/11/trends-research-publications-gun-violence-u-s-1960-2014.pdf>.

77 Alcorn, T. (2016). Trends in Research Publications about Gun Violence in the United States, 1960 to 2014. Brooklyn, NY: Everytown for Gun Safety. Retrieved from <http://everytownresearch.org/documents/2016/11/trends-research-publications-gun-violence-u-s-1960-2014.pdf>.

## CHAPTER 3 Federal Tools and Strategies

Federal law enforcement agencies primarily focus on national concerns, violations of federal law, and the need for effective investigations of such. State and local agencies focus on their abilities to respond to citizen calls for service and emergency assistance. While state and local agencies have investigative roles and responsibilities, and many are known for high-quality investigative approaches and expertise, the resources of state and local agencies generally reflect their distinct role as first responders that provide policing services.

Because federal law enforcement agencies specialize in, and focus on, investigative functions, they possess an arsenal of investigative tools, resources, and capabilities that many local agencies do not. With federal agencies having access to federal prosecution and detention tools, they also have unique legal tools to use. The FBI has the broadest authority, with the ability to investigate any violation of federal law. Other federal law enforcement agencies have more limited authorities and charges they can make.

### Federal Perspectives

In interviews with former federal executives and appointees and discussions with current federal agency leaders, it is clear that these leaders recognize their agencies' financial and other resource limitations. The efforts of these agencies must be intelligence and data-driven, and agencies often focus on the "worst of the worst" issues as the best way to leverage federal capabilities.

During interviews, former federal executives and former U.S. Attorneys were asked about any federal policy barriers, such as programmatic or other restrictions generally or related to their agency, in addressing gun violence. The following barriers and challenges were mentioned by multiple interviewees or agencies:

- U.S. Attorneys' Offices and federal judges (lack of violent crime focus; unwillingness to take cases, etc.)\*
- Limits on resources and staffing\*
- Internal competition within the agency
- Lack of collaboration and coordination among federal agencies\*
- Impediments to data collection
- Opposition by Congress/the gun lobby\*
- DOJ/Administration risk-aversion and prohibitions on discussing and using certain tools and techniques, such as electronic surveillance
- Statutory limitations/restrictions
- Gang turf/ status issues that are rapidly changing, less rational, and less business-oriented, and as a result are harder to address
- Need better regulation of Federal Firearms Licensees (FFLs) and universal background checks

\* Mentioned by multiple interviewees or agencies.

In addition, former executives from the ATF, DEA, and FBI all noted that the different missions of each agency were unclear and problematic. Current and former federal leaders agree on what tools are most helpful to local agencies, which also appear to be influenced by resource limitations and likely a prevailing perspective of the need for a limited federal role.

**Table 6: Federal perspective on unique/most useful tools available to local law enforcement**

Agency	Former Federal Executives	Current Federal Executives
<b>FBI</b>	Long-term investigations, complex cases, training, technology, special tactics, broad jurisdictional authority.	Collaboration, ability to address the totality of crime in a jurisdiction and respond with broad authorities and long-term investigations.
<b>ATF</b>	Technologies (NIBIN, Tracing), special tools and tactics, related investigations.	Focus on gun trafficking and shooters, crime gun intelligence, tracing, ballistics intelligence, surges, collaboration with locals.
<b>DEA</b>	Intelligence capabilities and resources.	Narcotics-related violence.
<b>USMS</b>	Ability to locate and remove violent fugitives.	Fugitive task forces, data analytics on violent offenders/fugitives, remove of violent fugitives from communities.
<b>USAO</b>	Convening authority, legal tools, stiffer sentences.	Ability to detain dangerous suspects/shooters (compared to local system/bond issues) and ability to convene & lead anti-crime efforts with locals, training (national) and surges.
<b>OJP/ COPS</b>	N/A.	Build local agency capacity, knowledge of what works, coordinated strategies and approaches, training and technical assistance, peer to peer support & assistance.

These tools often are applied in a transactional way (e.g., investigating crimes) and generally are not part of an overarching strategy. However, current and former ATF leaders mentioned the Frontline Strategy, an intelligence-led approach to ATF operations to impact violent crime by addressing gun trafficking and criminals who use firearms to commit violent crimes, as a larger strategy. The USMS leaders also suggested a strategic approach focused on removing violent fugitives from the streets within high-crime areas. OJP and COPS leaders alluded to supporting local strategic efforts and strengthening local agencies.

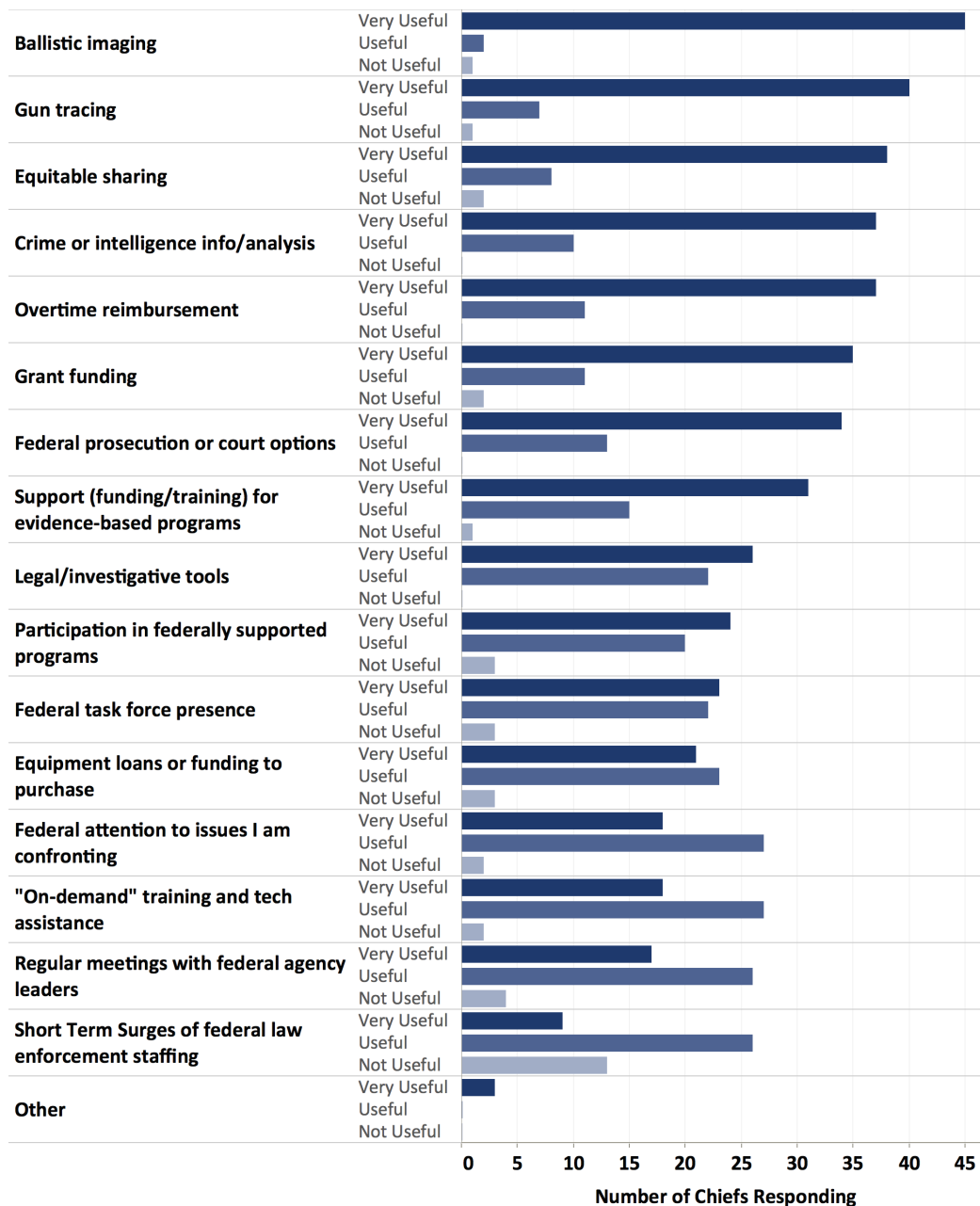
### Views on the Most and Least Useful Federal Resources

As stated earlier, many of the federal tools and resources are allocated to geographic areas less in need of them; are unavailable to the federal agency field division responsible for the needy area; are not well-funded; or require the recipient to have a specific nexus to the agency (e.g., the DEA requires a drug nexus). However, most are considered vital to the success of local agencies in confronting violent crime. Major

city and county law enforcement executives stated that of all of the tools and resources available to them in preventing and reducing violent crime, specifically gun violence, ballistic imaging tools were the most helpful, followed by gun tracing tools.

As indicated in Figure 11, other resources reported as “very useful” by the agencies include crime or intelligence information and analysis, equitable sharing (asset forfeiture) funding, overtime reimbursement, federal prosecution or court options, grant funding, support for evidence-based programs and strategies, and participation in federally supported programs such as PSN and the ATF’s Violent Crime Reduction Partnerships, a key tenet of the ATF’s Frontline strategy. The only response, tool, or resource that a substantial number of law enforcement executives deemed “not useful” was federal law enforcement’s short-term staffing through surges.

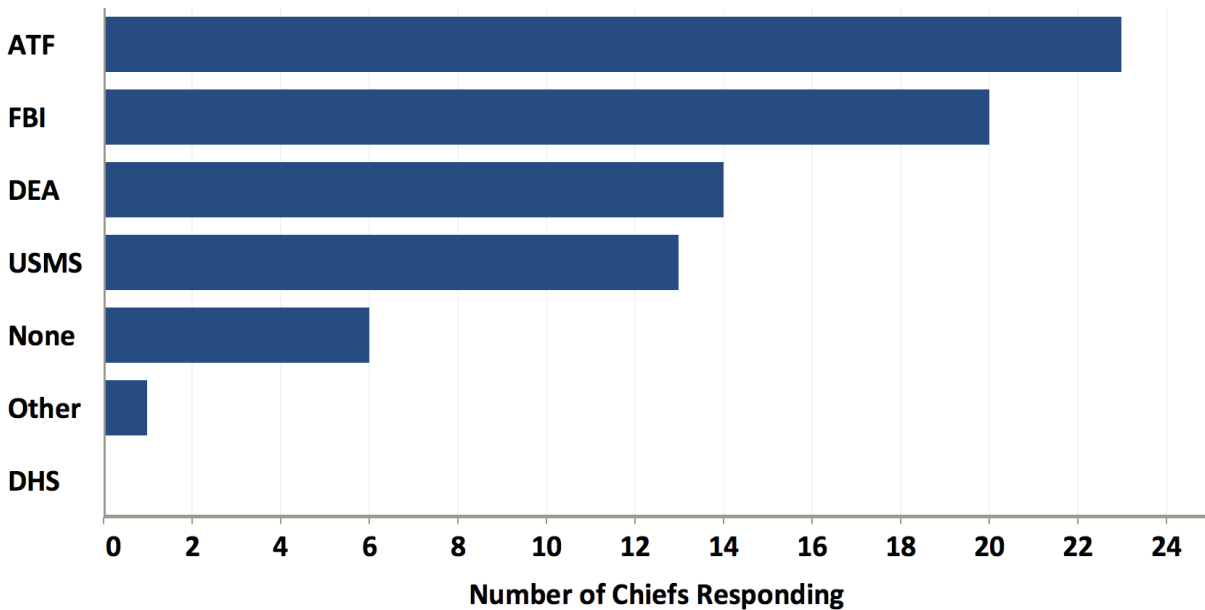
**Figure 11: Major city and county law enforcement executive views on what federal responses, tools, or resources are not useful, useful, or very useful to their agency in preventing and reducing violent crime (specifically gun violence) in their jurisdictions<sup>78</sup>**



78 See Appendix B.

Figure 12 sets forth the major city agencies currently working with a federal law enforcement agency on violent crime issues that brought to bear resources that no other agency was able to provide.

**Figure 12: Have any of the following agencies provided your department with unique capabilities or resources that you believe no other federal agency could or would provide?<sup>79</sup>**



The ATF, followed by the FBI were the two agencies offering the most unique tools and assistance which corroborates what major city and county executives stated about the ATF’s ability to use NIBIN and crime gun tracing information to “connect the dots” between ballistic evidence, crime scenes, and shooters. This information can assist local agencies in preventing further gun violence by moving quickly to identify and arrest shooters and gun traffickers. These capabilities have recently been brought together in a unique, collaborative approach being implemented in several cities implementing Crime Gun Intelligence Centers (CGICs), an ATF program. CGICs are “an interagency collaboration focused on the immediate collection, management, and analysis of crime gun evidence, such as shell casings, in real time in an effort to identify shooters, disrupt criminal activity, and prevent future violence.”<sup>80</sup>

With regard to the FBI, police executives spoke highly of the agency’s investigative capabilities but also made clear the importance of the FBI Safe Streets program as a tactical and funding resource. The program provides funding resources that may be difficult to obtain through other funding or programs, such as overtime reimbursement, for local agencies. The Safe Streets Violent Crime Initiative is, “designed to allow each field office to address violent street gangs and drug-related violence through the establishment of FBI sponsored, long-term, proactive task forces focusing on violent gangs, crime of violence, and the apprehension of violent fugitives.”<sup>81</sup> Police executives also found the intelligence information and fugitive location capabilities of the DEA and USMS helpful in their efforts to reduce violent crime.

## Task Forces

Task forces are often used as the first option for federal agency assistance to local departments in confronting emerging or chronic crime problems. A task force can: serve as a force-multiplier, particularly for

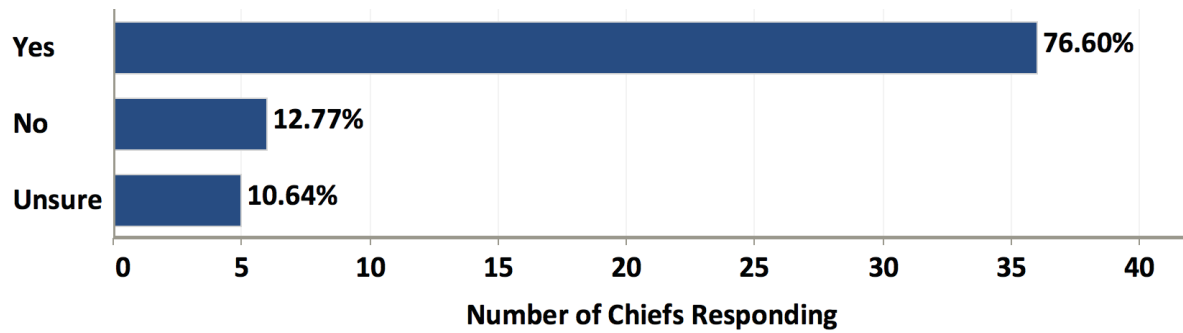
79 Thirty-three agencies responded; DHS includes the U.S. Secret Service, ICE/HIS, and Customs and Border Patrol; See Appendix B.

80 Bureau of Justice Assistance (BJA). (2016). *National Crime Gun Intelligence Center Initiative FY 2016 Limited Competition Grant Announcement*. U.S. Department of Justice, Office of Justice Programs.

81 Safe Streets Violent Crimes Initiative. (2003). Testimony of Grant D. Ashley, Assistant Director, FBI Criminal Division. Retrieved from <https://archives.fbi.gov/archives/news/testimony/the-safe-streets-violent-crimes-initiative>.

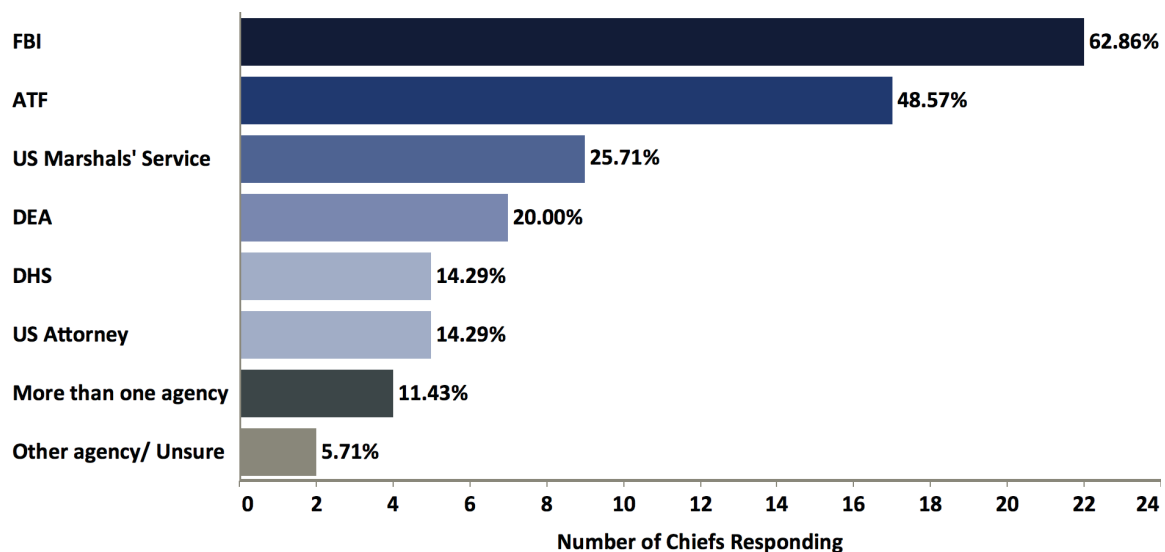
federal agencies (i.e., federal and local agencies jointly staffing); bring local and federal agency resources to bear (e.g., intelligence and staffing); and provide better focus on problems (i.e., unifying agency staff). Nearly every major city and county law enforcement executive surveyed used task forces focused exclusively on violent crime. However, as shown in Figure 11 above, less than half of the executives surveyed said that federal task forces were useful or very useful, and a small number indicated that they were not useful.

**Figure 13: Is there a federal task force in your jurisdiction (specifically focusing on your jurisdiction) that focuses exclusively on violent crime, including firearm-related crimes?<sup>82</sup>**



Approximately 26% of police leaders noted that federal task forces often do not address local community issues or problems, likely a result of the regional, multiagency nature of many task forces. A little more than half of these executives said that the FBI was leading the task forces and nearly half said that the ATF was the leader. Many executives indicated that multiple federal agencies were leading the task forces. It is likely that the prevalence of FBI Safe Streets Task Forces significantly influenced the extent of FBI-led task forces. Surprisingly, there were a small number of task forces led by U.S. Attorneys which easily can be developed with the funding available through PSN which calls for U.S. Attorney leadership, and the prior evaluation of PSN task forces, which demonstrated significant potential for U.S. Attorney-led task forces.

**Figure 14: Which agency is leading the federal task force in your jurisdiction?<sup>83</sup>**



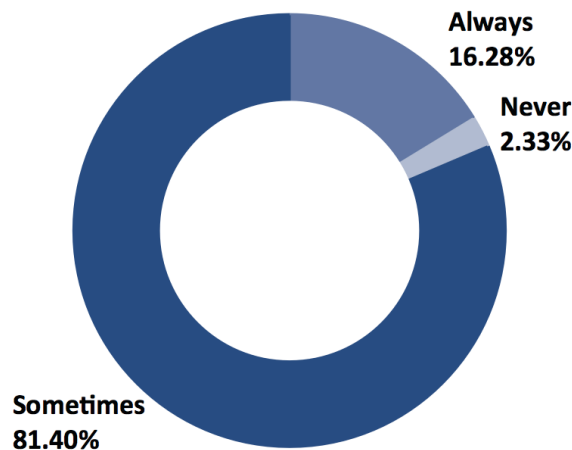
<sup>82</sup> See Appendix B.

<sup>83</sup> Ibid. Respondents could select multiple options, and therefore percentages add up to over 100%.

## Federal Prosecution

The federal response to violent crime using federal prosecution is logical, and more than 72% of law enforcement executives listed federal prosecution as a “very useful” tool. Twenty of 44 respondents in the survey indicated that they felt that the U.S. Attorney’s Office in their jurisdiction had made violent crime a priority. They were evenly split, however, on whether the U.S. Attorneys’ Offices were sufficiently staffed in their jurisdictions.

**Figure 15: Does the U.S. Attorney take violent crime-related cases that you feel are important for them to prosecute?<sup>84</sup>**



The survey asked the executives about the engagement of their U.S. Attorneys and whether the U.S. Attorneys take violent crime cases that they feel are important to be prosecuted. As noted in Figure 16 below, a majority of respondents indicated that the U.S. Attorneys were engaged in their jurisdictions, and most said that U.S. Attorneys “always” or “most of the time” accepted cases that the executives felt were important. Nearly all indicated that firearms cases were more often declined than narcotics or other types of cases. Only half of the responding agencies said that U.S. Attorneys were declining narcotics cases.

In the Executive Session, local law enforcement executives discussed possible reasons for this difference: the relative ease in prosecuting narcotics cases versus firearms cases; the lack of a federal straw purchasing or firearms trafficking statute; weak penalties associated with firearms-related offenses and firearms statutes (e.g., making false statements in connection with the purchase of firearms); and other challenges, including jury nullification in cases that some consider petty, such as making false statements or being in possession of a firearm. Current DOJ officials have noted the relative ease in prosecuting narcotics cases over firearms cases, the incentive that criminal assets create in narcotics cases, new federal Giglio Policy<sup>85</sup> disclosure requirements that may create disincentives or barriers to working with, and accepting, cases involving some local agencies/officers, and the lack of dedicated federal violent crime prosecutors or prosecution units as additional reasons for less firearms cases being accepted.

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“A defendant in a federal gun case put it this way: ‘People would rather get caught with a gun than without it.’”

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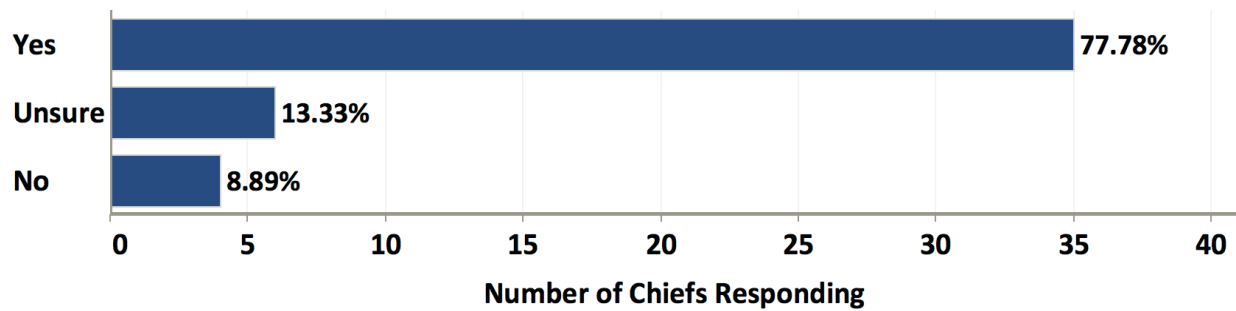
Dumke, M., Main, F., & Seidel, J. (2016, October 21). *The Watchdogs: Despite promises, feds’ fight against guns lagging*. *Chicago Sun Times*. Retrieved from <http://chicago.suntimes.com/politics/the-watchdogs-despite-promises-feds-fight-against-guns-lagging/>.

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<sup>85</sup> DOJ’s Giglio Policy requires the disclosure of potential impeachment information (including information that may be used to suggest that a witness is biased) for witnesses in federal cases, including law enforcement officers in agencies under federal scrutiny for civil rights violations and those having reputation challenges. More discussion can be found at: Reno, J. (1996). *Concerning Law Enforcement Agency Witnesses “Giglio Policy”*. Washington, D.C. U.S. Department of Justice. Retrieved from <https://www.justice.gov/ag/policy-regarding-disclosure-prosecutors-potential-impeachment-information-concerning-law>.



**Figure 16: Is the U.S. Attorney in your jurisdiction engaged or actively working with you on reducing violent crime, specifically gun violence?<sup>86</sup>**



Former federal executives and appointees, including former U.S. Attorneys, noted the importance of their positions, as well as their consideration of their own discretion in prioritizing the types of cases to accept within the federal district (often influenced by the scope and nature of problems being experienced within the district). They recognized the importance of not usurping the local justice system, which is often better positioned and equipped to address certain violent crimes. The former or current federal leaders did not mention any specific guidance from DOJ’s leadership to reduce the number of federal prosecutions. In fact, DOJ’s Smart on Crime Strategy<sup>87</sup> launched in 2013, lists violent crime as the second priority of DOJ, behind preventing terrorism, and directs components to focus their enforcement efforts on these priorities.

A brief examination, by the U.S. Sentencing Commission, of federal prosecution and sentencing for firearms-related crimes<sup>88</sup> did not illustrate any relationship between these prosecutions and homicides in major cities. In some venues, it appeared that prosecutions led to fewer homicides, while in others, the opposite appeared true. In many other venues, the relationship fluctuated over the past 15 years. A total of homicide counts for the major cities as well for federal firearms prosecutions also failed to produce any recognizable trends. Given these data, research regarding how much prosecution was applied,<sup>89</sup> and what is known about deterrence theory, it is possible that the greatest value in reducing violent crime may come from the strategic and realistic threat of federal prosecution, rather than the actual number of firearms prosecutions.

Further discussions with current federal executives, including two current U.S. Attorneys and staff from the Executive Office of United States Attorneys, elucidated the strength of the federal system’s ability to detain arrestees, in light of what were described as local bond problems. The discussion included examples of the same person being arrested twice in the same, short-term operation, demonstrating how a person arrested for violent crime at the local level can be released on bond very quickly, allowing an almost immediate return to violence. Executives shared that the federal system does not appear to have such difficulties.

A number of respondents to the survey mentioned in comments and elsewhere that more prosecutors dedicated to gun cases were needed and that programs such as PSN were helpful, as they had seen positive impacts on gun crime. Some respondents also described Project Exile<sup>90</sup> as helpful. What is largely unknown, however, is whether these impacts were achieved by the number or quality of prosecutions, or both.

<sup>86</sup> Forty-five agencies responded, *See* Appendix B.

<sup>87</sup> United States Department of Justice. (2013). *Smart on Crime, Reforming The Criminal Justice System for the 21st Century*. Washington, D.C. U.S. Department of Justice. Retrieved from <https://www.justice.gov/sites/default/files/ag/legacy/2013/08/12/smart-on-crime.pdf>

<sup>88</sup> U.S. Sentencing Commission, *Federal Firearm Prosecutions by District*.

<sup>89</sup> McGarrell, E. F., *Project Safe Neighborhoods: A National Program to Reduce Gun Crime: Final Project Report*; Raphael, S., Prison sentence enhancements: The case of Project Exile. In J. Ludwig & P. J. Cook (Eds.), *Evaluating gun policy: Effects on crime and violence* (pp. 251–286); Rosenfeld, R., Did Ceasefire, Compstat, and Exile Reduce Homicide? *Criminology & Public Policy*, 4(3), 419–449.

<sup>90</sup> Raphael, S., Prison sentence enhancements: The case of Project Exile. In J. Ludwig & P. J. Cook (Eds.), *Evaluating gun policy: Effects on crime and violence* (pp. 251–286); Rosenfeld, R., Did Ceasefire, Compstat, and Exile Reduce Homicide? *Criminology & Public Policy*, 4(3), 419–449.

Research indicates that it is not necessarily the number of arrests or the severity of the sentences that impact violent crime as much as it is the swiftness and certainty of sanctions. For this reason, focused deterrence is, and can be effective without relying on mass arrests, prosecution, and incarceration. Swift removal from the community of those most responsible for violence and imposing certain sanctions upon them, while making this known throughout the community to create a deterrent for others is key. Mass incarceration is unsustainable over the long-term. Therefore, implementing strategies focused solely on increasing the volume of prosecutions would be ill-advised. Nonetheless, as evidenced by the PSN evaluation, federal prosecutors and agencies must be engaged with local law enforcement and be prepared to use federal tools to bring swift and certain responses.

## Grant Funding, Training and Technical Assistance, and Federal Programs

Local law enforcement executives indicated that the federal resources they have found most useful are technical and investigative assistance and financial support. The executives repeatedly mentioned the value of PSN and “flexible” funding streams, such as equitable sharing and overtime reimbursement through programs such as the FBI’s Safe Streets Program. The executives indicated that there is value in federal efforts to provide rapid, customized training and technical assistance that can help them identify best or effective practices in reducing gun violence. Moreover, DOJ’s VRN is proving to be extremely helpful according to evaluators.

The comprehensive VRN Program that leverages existing DOJ resources to address violent crime in cities with demonstrated violent crime problems differs notably from former federal initiatives in a number of ways: (1) It creates effective local-federal partnerships by assigning each local VRN site to a law enforcement professional, who navigates DOJ resources in coordination with DOJ officials; (2) It provides site-specific training and technical assistance designed to complement existing local antiviolence efforts; and (3) It provides each site with robust tools to enhance information-sharing, and the opportunity to participate in an annual summit, where subject matter experts address topics selected by site leaders. Partner sites are selected in consultation with the U.S. Attorney and DOJ law enforcement partners, through a quantitative and qualitative evaluation process that takes into account the three features above.<sup>91</sup> VRN program evaluators noted significant differences between VRN and prior initiatives such as Weed and Seed and PSN, in particular the assignment of not only an internal DOJ site liaison, but also the assignment of a former law enforcement executive to work with an assigned VRN agency and DOJ, in a liaison capacity. The evaluators were optimistic about the commitment of resources and leadership focus from DOJ’s OJP and the federal law enforcement agencies in particular, and felt optimistic about the potential for impact in these sites.

As previously noted, the core strategy of PSN involved increased federal prosecutions of illegal gun use and possession, yet the PSN frame was built to encompass five components: (1) partnerships; (2) strategic planning and research integration; (3) training; (4) outreach; and (5) accountability. A 2009 report on the development, implementation, and impact of PSN<sup>92</sup> noted that the most common strategies employed under PSN were increased federal prosecution, joint federal-local prosecution, street level firearms enforcement, offender notification meetings, re-entry programs, and supply side interventions of firearms. While all 82 target PSN cities claimed that they had increased federal firearms prosecutions, the official data was not a clear in this regard, despite the investment of resources into the prioritization of prosecutions by the United States Attorney General.

As noted in Chapter 2, measuring the impact of PSN on local gun crimes was challenging due to the national coverage of the program. Evaluations found that target cities experienced a 4.1% decline in violent crime

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91 BJA, *Executive Summary, Violence Reduction Network*.

92 McGarrell, E. F., *Project Safe Neighborhoods: A National Program to Reduce Gun Crime: Final Project Report*.

compared to a 0.9% decline in non-target cities. Examining the level of implementation among participating cities, the report found that target cities saw a greater decline in violent crime as the level of agency engagement increased. It appeared, however, that the level of federal prosecutions was also important. The researchers scored each treatment city on their level of federal prosecution implementations and then divided the cities into three groups based on these scores: low, medium, and high. PSN target cities in high federal prosecution districts (the top third) experienced a 13.1% decline in violent crime, whereas medium prosecution districts saw violent crime decline 3.1%, and low prosecution districts declined 5.3%. Non-target cities in low prosecution districts experienced a 7.8% increase in violent crime. These findings are similar to what was seen in Richmond’s Project Exile, which was solely based on enhanced prison penalties for gun carrying. While the initial study concluded the program did not decrease homicide enough to be considered successful (see Chapter 2), the most recent analysis of Project Exile saw significant increases of federal prosecutions for gun crimes, as well as a statistically significant decline in firearm homicide rates.<sup>93</sup>

Based on this review, it appears that both VRN and PSN are worthy of consideration for additional and continued support, as well as potential expansion to additional cities and counties.

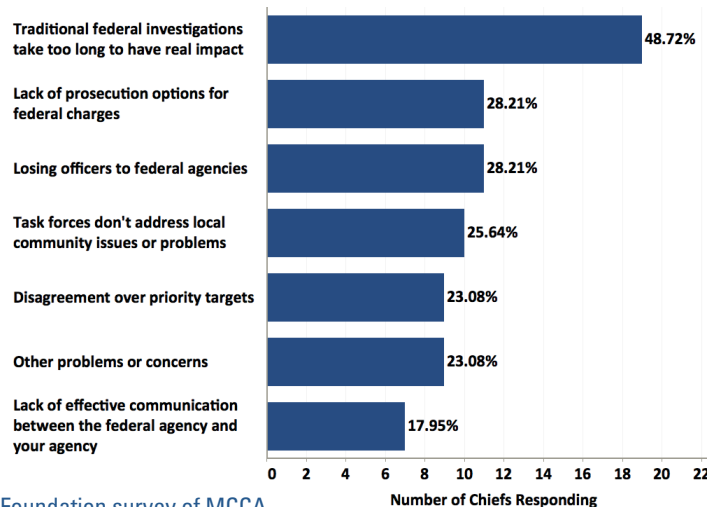
### Resource Availability

The law enforcement leaders generally indicated that they received the resources they had requested from the federal government with a few exceptions, the most common of which were equipment requests and funding. This likely reflects the general move away from providing equipment, which is often viewed in a political context as frivolous or unnecessary. Additionally, the grant environment that exists today is very competitive in light of expanding needs and limited federal grant resources, which have diminished considerably in recent years.

### Unexpected Challenges Associated with Federal Tools and Resources

While the executives were grateful for the federal tools and resources brought to bear in their communities, many said that the level of cooperation often depends on the personalities of the local federal leaders and that the direction and priorities from headquarters limited the amount and type of resources. However, 48% of respondents stated that traditional federal investigations took too long to have any significant impact. Also not helpful were the surges of federal enforcement personnel; prosecution options for federal charges; losing officers to federal task forces; and having task forces that do not address local community issues or problems.

**Figure 17: Have you experienced any of the following regarding federal law enforcement support to your jurisdiction as it relates to violent crime?**



\* Police Foundation survey of MCCA

93 Rosenfeld, R., Did Ceasefire, Compstat, and Exile Reduce Homicide?

In the Executive Session, police leaders stated that there were too many task forces and that some federal investigations can take as long as two years to result in arrests and removal of the dangerous offenders from the streets. One official noted that the “enterprise theory of investigation” in which some federal agencies specialize, is no longer as relevant as it once was, with criminal organizations becoming much less organized and social networks playing a more important role in most violent crime. Some participants pointed to the USMS as the agency most able to respond and have a near immediate impact through its ability to quickly remove a dangerous fugitive from the community. Leaders also commented that surges are helpful in the short-term, but do not help in the long-term. Some noted that these initiatives are too selectively implemented to be helpful. However, at least one executive said that surges are helpful in light of under-funded and under-staffed agencies.

Overall, federal tools, while highly regarded, also are segmented and sometimes selectively available. A major factor in having the right tools at the right time seems to be the relationship with locally-based federal officials, including the U.S. Attorney and federal executives, and their relationships with each other. U.S. Attorneys have broad discretion as to what they determine are local priorities, and federal agency executives overseeing local operations may have competing priorities, as noted by local law enforcement. It is for this reason that a change in the performance management processes, to include local focus and accountability as described in this report, is recommended so that unabated, violent crime cannot continue and be overshadowed by other foci such as white collar crime and national security. Accountability for addressing major local problems that become national concerns is essential. Because of the political nature of the appointment process, accountability must be provided through the budget process.

**“The ATF has always been proud of the strong relationships we have with law enforcement agencies throughout the United States and around the world, and we are working to make those relationships even stronger. We work to complement, not supplant, the work of state and local law enforcement by offering insight into strategies and tactics geared toward the reduction of violent crime.”**

Brandon, T.E. (2016, November). From the Deputy Director: ATF’s Intelligence-Driven Approach to Help Law Enforcement Reduce Violent Crime. *The Police Chief*. Retrieved from <http://www.policechiefmagazine.org/from-the-deputy-director-atfs-intelligence-driven-approach-to-help-law-enforcement-reduce-violent-crime/#sthash.XmlCT4Zs.dpuf>.

Just as importantly, while DOJ’s Smart on Crime is a well-intended strategic concept, it does not articulate a strategy for operational responses to violent crime coordinated across all DOJ divisions, agencies, and offices. There should exist an updated or modified, multiagency version of the ATF’s Frontline Strategy, which operationalizes the Smart on Crime philosophy, with a shift away from counting arrests and cases and towards participation in focused, evidence-based efforts in close collaboration and shared partnership with local agency leaders. Examples of this type of partnership exist in Austin, Texas, Kansas City, Missouri (“No Violence Alliance,”) and Detroit, Michigan (“Detroit One” Initiative).

Harvard researchers recently completed a meta-review of what works to reduce violent crime, and offered six “elements of effectiveness” that successful violence reduction interventions generally share.<sup>95</sup>

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<sup>95</sup> Abt, T.P. & Winship, C. 2016. *“What Works” in Reducing Community Violence: A Meta-Review and Field Study for the Northern Triangle*. Washington, D.C. United States Agency for International Development.

1. Specificity. Violent acts cluster together, so focusing on the people, places, and behaviors most at risk for violence is critical.
2. Proactivity. Violence should be prevented before it occurs whenever possible, either through deterrence or prevention. Active engagement with high-risk populations is critical. Reacting after the fact is necessary but not sufficient.
3. Legitimacy. Interventions that create a positive feedback loop between formal (e.g., police) and informal social control (e.g., communities) are more likely to sustainably succeed.
4. Capacity. Interventions succeed if they are implemented effectively and have resources.
5. Theory. A well-defined, well-understood theory of change is critical for both implementation and evaluation.
6. Partnership. Interventions do not exist in a vacuum. Actively engaging and partnering with critical stakeholders is essential.

These elements should be considered as the new Administration and its federal agency leaders review existing, and develop new, enforcement strategies in concert with local agencies.

## Recommendations for the Administration

### **3-A. Develop a strategy that facilitates the design, planning, and implementation of evidence-based approaches by federal law enforcement agencies working with local counterparts to address violent crime.**

The new Administration should develop a strategy that calls for federal and local law enforcement executives to work collaboratively to identify the highest risk places, highest risk and most violent offenders, and the most harmful behaviors; determine the most effective response based on the data and without overreliance on mass incarceration; and demonstrate effective, strategic tools. In other words, the response to local violent crime problems must be based on the specific problem(s) identified in the local area, not merely on what federal agencies have identified as national problems. There is strong support for using highly focused deterrence-based strategies and moving away from short-term, transactional enforcement actions such as surges.

### **3-B. Focus on sustainable crime reduction approaches, particularly those that offer an appropriate role for federal law enforcement, such as focused deterrence.**

While traditional federal tools, such as task forces and personnel surges, are useful, they should be planned and implemented in sustainable ways; focus on those most responsible for, and engaged in, violence; do not cause an undue strain on resources (e.g., mass incarceration); and are research-informed and evidence-based. Local law enforcement, U.S. Attorneys, and federal law enforcement agencies can jointly implement focused deterrence (*i.e.*, “pulling levers”)<sup>96</sup> which can allow for adjustments to be made to local law enforcement efforts to target criminal behavior occurring in concentrated areas.

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<sup>96</sup> Braga, A. A., The effects of “pulling levers” focused deterrence strategies on crime; and CrimeSolutions.gov. (2016). National Institute of Justice. Retrieved from <https://www.crimesolutions.gov/PracticeDetails.aspx?ID=11>.

### 3-C. Federal law enforcement agencies must assist in the production and sharing of data, analytics, and intelligence with state and local partners.

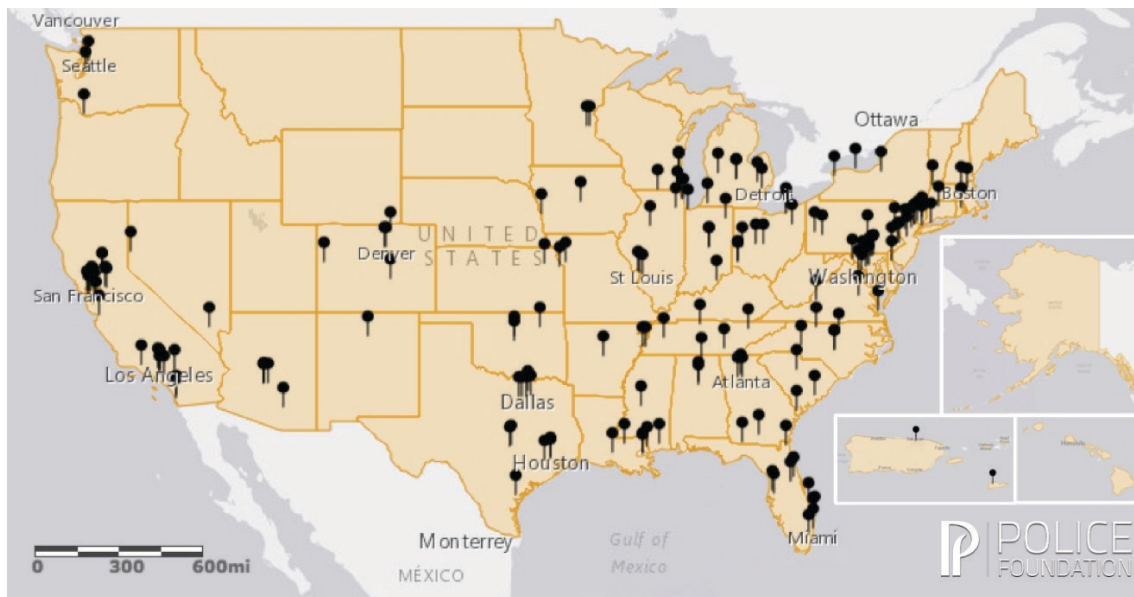
Federal law enforcement should provide crime and intelligence analysis to local police confronting serious violent crime problems and emphasize this priority within federal and local task forces. State and local law enforcement need improved data and analytics to successfully combat violent crime. Since 9/11, major improvement in capability within federal agencies as well as improved information-sharing capabilities have advanced homeland security, counter-terrorism intelligence, and crime analysis. While many major city and county law enforcement agencies have advanced analytic capabilities, the federal agencies have unique sources and method capabilities, staffing, and other resources that could be used to develop new insights and improved targeting and outcomes. The FBI, ATF, DEA, and USMS all use advanced technology for intelligence gathering. The new Administration should allow these federal capabilities to be applied directly to the violent crime issues confronting many cities and counties. Federal agencies should make advanced analytic capabilities available to local agencies by assigning staff, resources, and other capabilities to improve local enforcement efforts.

## Recommendations for the Administration and Congress

### 3-D. Expand the accessibility of ballistics imaging, crime gun tracing and related technologies to all major cities and counties and to law enforcement outside of these areas.

Local law enforcement executives have made it unquestionably clear that the most important tools for local law enforcement executives to address violent crime, specifically gun violence, are the ballistics imaging and crime gun tracing capabilities of the ATF. These tools, however, are not always available to them, due to limited equipment, staffing, and support. In fact, as evidenced in Figure 18, based on an informal analysis of ATF data,<sup>97</sup> there may be at least 11 states where NIBIN is not available.

Figure 18: U.S. National Integrated Ballistic Information Network locations<sup>98</sup>



\*Source: ATF

97 Bureau of Alcohol, Tobacco, Firearms and Explosives. (2016). *NIBIN Interactive Map*. [Interactive Map]. Retrieved from <https://www.atf.gov/firearms/nibin-interactive-map>.

98 Data provided by ATF.

Such a limitation may inhibit both the amount and level of success that ballistics imaging technology has on reducing violent crime.<sup>99</sup> Not only is it critical for all law enforcement agencies experiencing shootings and other violent crime to have access to the technological tools, but it is also critical for these agencies to have the support of the ATF and a national infrastructure of participating agencies in analyzing results, developing and implementing associated investigations, and making strong cases against traffickers and “trigger pullers” in order to prevent further shootings and violence. Experts note the importance of people, processes, and technology<sup>100</sup> in solving gun crime and reducing violence. NIJ supported the development of a review of ballistics imaging technology and made recommendations in 2013 for improving such programs, including establishing an ATF research and development program to improve NIBIN operations and establishing regional NIBIN Centers of Excellence, both of which are worthy of consideration.<sup>101</sup> Federal policymakers should provide support for these efforts, including funding, for each part of what has been described as the “three legged stool” of people, processes, and technology.<sup>102</sup> Within this recommendation, the following should also be supported:

- Implementing the ATF’s CGIC model in every one of the ATF’s field divisions in the United States and in every major city experiencing increasing or sustained high levels of violent crime.
- Providing funding for the expansion of gunshot technologies in areas experiencing continued or increasing violent crime.
- Enhancing the ATF’s national tracing and ballistics imaging staffing and supporting the ATF’s National Correlation Center and its other offices so that it may become a national program capable of addressing localized gun violence and gun trafficking.

**“Through communication, collaboration, and de-confliction, the CGIC has the potential to complete the NIBIN and intelligence-gathering process, which includes shell casing collection, entry, and correlation, within 24 to 72 hours.”**

Brandon, T.E. (2016, November). From the Deputy Director: ATF’s Intelligence-Driven Approach to Help Law Enforcement Reduce Violent Crime. *The Police Chief*. Retrieved from <http://www.policechiefmagazine.org/from-the-deputy-director-atfs-intelligence-driven-approach-to-help-law-enforcement-reduce-violent-crime/#sthash.XmlCT4Zs.dpuf>

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99 Schwartzapfel, B. (2016, October 6). This Machine Could Prevent Gun Violence- If Only Cops Used It. The Marshall Project. Retrieved from <https://www.themarshallproject.org/2016/10/06/this-machine-could-prevent-gun-violence-if-only-cops-used-it/#%2EpZ8nKWYyy>

100 Guidetti, R., Noble, G., & Gagliardi, P. (2016, September). Challenging the Status Quo: How NJSP Developed Its Crime Gun Intelligence Program. *Police Chief Magazine*. Retrieved from <http://www.policechiefmagazine.org/challenging-the-status-quo-how-njsp-developed-its-crime-gun-intelligence-program/>.

101 King, W., Wells, W., Katz, C., Maguire, E., & Frank, J. (2013). Opening the Black Box of NIBIN: A Descriptive Process and Outcome Evaluation of the Use of NIBIN and Its Effects on Criminal Investigations, Final Report. Washington, D.C. U.S. Department of Justice. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/243875.pdf>.

102 Gagliardi, P. (2014). *The 13 Critical Tasks: An Inside-Out Approach to Solving More Gun Crime*. Quebec, Canada: Forensic Technology WAI Inc.

## CHAPTER 4 Federal Leadership and the Power to Convene

### The Unique Position of United States Attorneys in the Fight Against Violent Crime

U.S. Attorneys are uniquely positioned in the fight against violent crime. When presented with a case, the U.S. Attorney determines what cases will be tried, bringing to bear access to numerous federal resources. To build solid cases, the U.S. Attorney must collaborate with federal, state, and local law enforcement in addition to other allies within the criminal justice system. They also provide leadership and strategy development at the highest level of targeting violent crime.

One way in which U.S. Attorneys may become involved in the targeting of violent crime is through focused deterrence methods such as PSN. Districts exhibiting high levels of PSN implementation almost uniformly experienced a high level of involvement by the U.S. Attorney and his/her leadership team. Research indicates that a majority of the U.S. Attorneys' Offices were supportive and engaged in the project.<sup>103</sup> One report highlights the importance of leadership in its key findings, with many involved describing the "power" of the U.S. Attorney's Office to bring together law enforcement and criminal justice partners as well as local government and social services groups.

U.S. Attorneys also played major roles in the crime reduction programs on which the PSN initiative was built. In Project Exile, the U.S. Attorney brought the full force of federal prosecutions to bear against felons possessing or using firearms in the face of high levels of homicide and gun assaults. The U.S. Attorney's Office coordinated efforts with local law enforcement to federally prosecute all felon-in-possession-of-a-firearm (FIP) cases, drugs-gun cases, and domestic violence-gun cases.<sup>104</sup> The most recent analysis of this effort found that it reduced homicides in Richmond more than in other large cities.<sup>105</sup>

Using focused deterrence strategies, the U.S. Attorney assists in publicizing the message that increased sanctions against convicted felons carrying or using guns, and lengthier sentences associated with federal prosecutions are a priority. A systematic review of focused deterrence strategies directed at urban gun and gang violence found that nine of ten evaluations reported statistically significant reductions in crime.<sup>106,107</sup>

### The Problem

Like many in the criminal justice system, U.S. Attorneys work with limited resources to address all federal priorities, including national security cases, white collar crime, public corruption, civil rights infringements, and violent crime. The dockets of federal prosecutors are overwhelmed and therefore, U.S. Attorneys are sometimes forced to defer cases or to forgo a case within the federal system. These decisions can be influenced by the quality and amount of evidence, resources available, and federal priorities. However, some believe that the federal government has observed historically low violent crime levels nationally and become blind to the critical levels of violence in major cities across the country.<sup>108</sup>

103 McGarrell, E. F., *Project Safe Neighborhoods: A National Program to Reduce Gun Crime: Final Project Report*.

104 Raphael, S., Prison sentence enhancements: The case of Project Exile. In J. Ludwig & P. J. Cook (Eds.), *Evaluating gun policy: Effects on crime and violence* (pp. 251–286).

105 Rosenfeld, R., Did Ceasefire, Compstat, and Exile Reduce Homicide?

106 Braga, A. A., The effects of "pulling levers" focused deterrence strategies on crime.

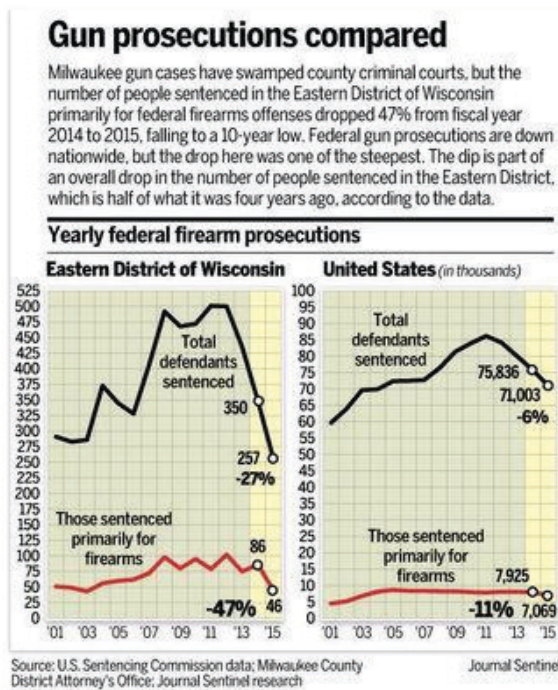
107 For more information about focused deterrence, see <http://cebcp.org/evidence-based-policing/what-works-in-policing/research-evidence-review/focused-deterrence/>.

108 Boyer, D. (2016, September 12). Obama's push for commutations comes amid spike in Commutations. *Washington Times*. Retrieved from <http://www.washingtontimes.com/news/2016/sep/12/obama-commuting-prison-sentences-may-increase-crim/>.



According to the U.S. Attorney General’s Summit on Violent Crime report, police chiefs and mayors were asking federal prosecutors to take on more gun cases, especially those involving repeat offenders. However, U.S. Attorneys noted that their resources are limited, so they can take only a small fraction of gun cases.<sup>109</sup> In Milwaukee, for example, the Journal-Sentinel reported, “With shooting deaths soaring in Milwaukee, gun cases have swamped the county criminal courts, but there has been no similar spike in federal firearm prosecutions.”<sup>110</sup>

**Figure 19: Gun prosecutions in Milwaukee and the U.S.<sup>111</sup>**



Several mayors and police chiefs expressed frustration that even when people are arrested and convicted of gun possession crimes—sometimes multiple times for multiple offenses—the harshest punishment they receive is probation. It is estimated that more than 25% of the inmates in Cook County (Chicago) Jail awaiting trial or sentencing are there on drug charges, but just five percent are in jail on gun charges. This means that many gun arrestees remain free pending trial, increasing their chances of becoming an offender or victim in another gun crime.<sup>112</sup>

Decisions regarding prosecutions are made based on overarching federal priorities that may not necessarily prioritize violent crime at the local level and may not take into account the issues facing each locality. Furthermore, even if the most violent offenders are federally prosecuted and convicted, there are no guarantees that judges will impose sentences that keep the offenders off the street.

At the direction of the U.S. Attorney General in early 2013, DOJ launched a comprehensive review of the criminal justice system in order to identify reforms that would ensure that federal laws are enforced more fairly and, in an era of reduced budgets, more efficiently. Five goals were identified as a part of this review:

1. To ensure finite resources are devoted to the most important law enforcement priorities.
2. To promote fairer enforcement of the laws and alleviate disparate impacts of the criminal justice system.
3. To ensure just punishments for low-level, nonviolent convictions.
4. To bolster prevention and reentry efforts to deter crime and reduce recidivism.
5. To strengthen protections for vulnerable populations.

109 Police Executive Research Forum. (2016). U.S. Attorney General’s Summit on Violent Crime: Summary of Key Factors, Promising Strategies, and Additional Steps. Retrieved from <http://ric-zai-inc.com/Publications/cops-p355-pub.pdf>.

110 Diedrich, J. & Crowe, K. (2016, June 11). Federal gun prosecutions fall, even as Milwaukee crime rises. Milwaukee-Wisconsin Journal Sentinel. Retrieved from <http://www.jsonline.com/story/news/investigations/2016/06/11/watchdog-report-federal-gun-prosecutions-fall-even-as-milwaukee-crime-rises/85785538/>.

111 *Ibid.*

112 PERF, U.S. Attorney General’s Summit on Violent Crime: Summary of Key Factors, Promising Strategies, and Additional Steps.

Additionally, in 2013, the DOJ launched its Anti-Violence Strategy, in which each U.S. Attorney was required to work with state and local officials to create place-based, anti-violence strategies in areas with the greatest need for solutions.<sup>113</sup> The strategy focused on enforcement, prevention, re-entry, enforcing federal criminal statutes against the most dangerous offenders, supporting organizations that empower communities to reduce the catalysts for violent behavior, and providing funds that support programs that offer employment assistance, substance abuse treatment, and other services that reduce recidivism.<sup>114</sup>

On August 12, 2013, U.S. Attorney General Eric Holder issued a memorandum to all DOJ division leaders and U.S. Attorneys entitled “Federal Prosecution Priorities” which set forth how federal prosecution priorities would be determined within each federal district, in light of “the current strains on Department of Justice Resources.” The memorandum reminded U.S. Attorneys of DOJ’s priorities and provided guidance to federal prosecutors on prioritizing case acceptances, noting that fewer cases will be taken, “focusing on fewer but the most significant cases.” While the guidance made clear that U.S. Attorneys have the discretion to set priorities based on local conditions and should do so with the input and feedback of federal, state, and local law enforcement partners, it also painted a picture of a federal system that responded to federal priorities and responsibilities where no other response at the state or local level existed. Arguably, in places like Chicago and other major cities, there are more than sufficient problems occurring simultaneously that demand the attention of the U.S. Attorney. While they have the discretion to set local priorities, there remains a need to prioritize cases and resources to ensure that agencies can respond to all priorities and responsibilities as necessary. Former U.S. Attorneys noted that the federal courts have similar budget concerns and often express frustration with U.S. Attorneys when cases are brought that federal judges do not feel merit the court’s attention.

The pressure to be more selective in taking cases has created friction among law enforcement officials, federal prosecutors, and judges. Former federal executives often cited U.S. Attorneys as a barrier preventing them from being more effective at addressing violent crime, citing the difficulty in getting prosecutors to take cases. Some former federal officials cited Smart on Crime as responsible for a reduced number of federal “lower level” prosecutions, which in their view diminished deterrence. While state and local laws and justice systems exist to address violent crime, there also is a need to provide enhanced resources to U.S. Attorneys’ Offices, including funding and staffing.

## A New Way Forward

Federal statutory tools play an important role in addressing violent crime. In addition to federal prosecution options, it is vital for U.S. Attorneys to help lead a coordinated and focused federal response in jurisdictions facing chronic or emerging violent crime increases. This requires U.S. Attorneys to be engaged in an equal partnership with local law enforcement executives who lead, and are responsible for, local agencies, communities, and outcomes. U.S. Attorneys should work with the local leaders to assist in determining the nature and scope of the problems in the district, identify potential effective responses, coordinate the implementation of those efforts, and participate in ongoing assessments of the impact and refinement of the local strategy, including accepting accountability for the extent of the federal response, where warranted. It is essential to note, however, that they do not need to accept every case referred or substantially increase federal prosecution numbers. It is not necessary that all offenders be prosecuted in the federal system, rather it is imperative that offenders that truly warrant the response of the federal criminal justice system

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113 Offices of the United States Attorneys, U.S. Department of Justice. (2015). *Anti-Violence Strategy*. Retrieved from <https://www.justice.gov/usao/priority-areas/violent-crime-prevention/anti-violence-strategy>.

114 *Ibid.*

are prosecuted. The focused deterrence strategy should ensure that the federal government responds in a focused fashion. To be effective, focused deterrence relies upon an exceptional understanding of the local drivers of violence and the identification of who is involved. It then relies on direct communication with those select few about the extent to which their activities are known and a public declaration (with follow-through) that their use of violence no longer will be tolerated. The U.S. Attorney can play an important role in this process.

## Recommendations for the Administration

**4-A. Ensure that United States Attorneys use their convening authorities as the chief federal law enforcement officers to encourage federal law enforcement agencies to jointly address emerging and chronic violent crime problems.** This includes ensuring that newly selected U.S. Attorneys possess the qualifications and leadership capability necessary to meet these challenges.

The new Administration must make expectations clear, including the need for its appointed senior executives to provide leadership in addressing federal justice system challenges. The leadership requires recognizing and addressing emerging and chronic violent crime, addressing challenges in the responsiveness of the federal judiciary, and developing local and regional strategies in conjunction with local law enforcement and consistent with effective responses.

U.S. Attorneys are in unique positions to convene and leverage federal and local law enforcement resources and bring together federal, state, and local representatives to execute comprehensive strategies that address violent crime. Beyond their own districts, the U.S. Attorneys can work together across districts to assist in identifying and coordinating responses to multijurisdictional criminal activity, such as gun trafficking.

This approach has proven successful in programs such as the Strategic Approaches to Community Safety Initiative (SACSI) and Weed and Seed programs. SACSI proactively prevent the next act of violence in their communities. They identify early warning signs of those who may commit violence and focus on individuals who may commit crime by informing them that all of the resources of the community will be brought to bear if they commit another act of violence.<sup>115</sup> To do this, the program determined that establishing effective partnerships was one of the most important components, identifying the following partners as critical: “(1) U.S. Attorneys; (2) police; (3) researchers; (4) district attorneys; (5) probation/parole officers; (6) the ATF; and (7) either representatives from a community or faith-based.”<sup>116</sup>

The U.S. Attorney, as the highest ranking federal law enforcement official in local communities, is naturally positioned to lead in forming and cultivating partnerships. U.S. Attorneys are involved in the politics of local law enforcement and are able to garner federal, state, local, and community resources. Weed and Seed programs utilize similar partnerships to address drug and gun traffickers. The importance of the role of U.S. Attorneys as conveners of diverse partnerships is important.

During the U.S. Attorney General’s Summit on Violent Crime, several jurisdictions reported that local police and state and federal prosecutors regularly meet to review and triage violent crime cases and jointly determine how to have the greatest impact on violence. Often, this means prosecuting the most serious violent offenders on federal charges. Initiatives in New York City, Denver, and other locations have involved the U.S. Attorney leading the charge to target the most violent criminals. The new Administration must ensure that its U.S. Attorneys are proactively engaged in addressing localized spikes in violent crime. At the same

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115 Dalton, E. (2002). Targeted Crime Reduction Efforts in Ten Communities - Lessons for the Project Safe Neighborhood Initiative. *United States Attorneys Bulletin*, 50(1): 16 - 25. Retrieved from [http://www.justice.gov/usao/eousa/foia\\_reading\\_room/usab5001.pdf](http://www.justice.gov/usao/eousa/foia_reading_room/usab5001.pdf).

116 *Ibid.*

time, U.S. Attorneys and the Executive Office of United States Attorneys should be involved in, and responsive to, national coordination and strategy efforts. Performance measurement, as a part of the budget request process, should be refined to assess the nature and extent of engagement and the opinions of local law enforcement officials on such engagement, which could be collected through an anonymous survey process.

## **Recommendations for the Administration and Congress**

### **4-B. Ensure that criminal justice reform and offender accountability are espoused as a unified concept.**

The notions of criminal justice reform and offender accountability are not mutually exclusive and should be adopted as one concept. Allied criminal justice professionals must hold dangerous and repeat offenders accountable but not through a return to mass incarceration. Innovative and proactive programs to reduce crime should be developed and implemented, but not at the expense of offender accountability. It is critical that initiatives and resources are in place to prevent violence if offenders are permitted to remain in the community and as they re-enter society.

America is at the forefront of an important opportunity to reform the criminal justice system through proven, evidence-based strategies to reduce and address crime. Time and resources can be saved by identifying and confronting the most dangerous criminals on the front end of the process and removing their abilities to continue their violence. At the same time, law enforcement is facing heightened scrutiny based on a system that has failed many citizens and on a handful of officers who have not performed to the highest standards of law enforcement.

It is imperative that the next Administration speak with clarity regarding the fact that they support criminal justice reform in concert with the need for offender accountability. This message should permeate every public appearance regarding crime and criminal justice. The message must make clear that violent criminals will be appropriately held accountable and that the criminal justice system will act swiftly to bring them to justice.

To ensure that reform efforts are earnest, significantly enhanced data transparency in the criminal justice system is necessary, similar to the transparency being demonstrated by law enforcement agencies that are participating in the Police Data Initiative<sup>117</sup>, for example. Transparency in criminal justice system decision-making can ensure that accurate and appropriate information is considered in our pursuit of true criminal justice reform.

**At the Attorney General's Summit, one member of the clergy noted that it also is important to value and show support for the large number of community members who are on the ground working cooperatively with the police to combat crime - "not the show horses but the work horses" who are committed advocates for true community policing.**

Police Executive Research Forum. (2016). U.S. Attorney General's Summit on Violent Crime: Summary of Key Factors, Promising Strategies, and Additional Steps. Retrieved from <http://ric-zai-inc.com/Publications/cops-p355-pub.pdf>.

## CHAPTER 5 Addressing Availability and Access to Firearms

### The Problem

Law enforcement executives from around the country list access to firearms as one of the primary drivers of violent crime in the nation today. They believe that easy access for those who are prohibited by state and federal law from possessing them; a weak system of laws to address issues such as straw purchasing and gun trafficking; gaps in laws requiring background checks for gun purchases made outside of federally-licensed dealers; and a lack of resources to address the issue at the local and federal levels all contribute to the supply of crime guns. These deficiencies provide confidence among shooters and gun traffickers that they will likely not be caught or held accountable for gun violence at their hands.

### Illegal Access to Firearms

Much of the nation's response to gun violence emphasizes preventing certain individuals from accessing firearms, deterring possession by these individuals and responding when they break the law. Substantially less focus is on those who sell or otherwise provide access to firearms, legally and illegally. For example, Chicago and Washington, D.C. often are cited as having some of the most broad restrictions on firearms, while also pointing to the number of individuals who misuse firearms and the high levels of gun violence in those places. The focus of

the discussion is less frequently on the supply of crime guns, ways to appropriately regulate them, and how to make it more difficult for access to them. To complicate the matter, it is not clear how readily available guns are to offenders. While gun traces show that some criminals are obtaining firearms, they do not reflect instances where potential offenders tried, but were unable to obtain, firearms, making it difficult to measure levels of gun availability. Additionally, reliance on out-of-state guns correlates with less criminal access to, and use of, guns,<sup>118</sup> indicating that it may be more difficult for some criminals to buy guns.

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Law enforcement leaders feel that the most significant threat to the Second Amendment is the misuse of firearms and the ability of criminals to access them.

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“The scarcity of research on firearm-related violence limits policymakers’ ability to propose evidence-based policies that reduce injuries and deaths and maximize safety.”

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Institute of Medicine, National Research Council. (2013). *Priorities for research to reduce the threat of firearm-related violence*. Washington, D.C. The National Academies Press. Retrieved from <http://everytownresearch.org/documents/2016/11/trends-research-publications-gun-violence-u-s-1960-2014.pdf>.

Gun trafficking, illegal gun markets, theft, and illegal diversion are critical issues that have not been sufficiently addressed in the criminal justice system. This is evidenced by the fact that the U.S. has no federal firearms trafficking or straw purchasing laws, and there are only a handful of federal and local law enforcement agencies that address gun markets through their enforcement approaches. Generally due to a lack of resources, insufficient research on effective strategies, an absence of legal tools to address the problems, among other reasons,

117 See [www.PoliceDataInitiative.org](http://www.PoliceDataInitiative.org).

118 Webster, D.W., Vernick, J.S., Hepburn, L.M. (2001). The relationship between licensing, registration and other state gun sales laws and the source state of crime guns. *Injury Prevention*, (7), 184-189.

have created easy access when it comes to guns. (A list of programs and strategies to address gun violence is attached as Appendix D.)

## Inter and Intra-State Trafficking

States and municipalities with stringent gun purchasing and possession laws have found that many crime guns are purchased from states and municipalities with more relaxed gun laws. For example, gun laws in New York<sup>119</sup> are relatively strong, and getting a permit includes undergoing an extensive background check, providing references to investigators, enduring an additional waiting period, and receiving approval from a judge. To get around these restrictions, individuals travel south on Interstate 95 (dubbed the “Iron Pipeline”) to states where one must only show identification and go through a quick background check to purchase a gun.<sup>120</sup> Moreover, a person can purchase a firearm directly from an individual without a background check. It is important to note that reliance on out-of-state guns may be indicative of local scarcity of guns or trusted suppliers of guns and is accompanied by increased costs and risks to criminals.<sup>121</sup> In fact, gun traffickers and others looking to make money leverage this system to bring firearms into places like New York and Chicago, selling them through individuals or illegal gun markets and substantially marking up the prices, creating a new market. One study found that one-third of new (i.e., less than two years since first sale) gang guns confiscated in Chicago were first sold in Indiana.<sup>122</sup> This indicates that trafficking plays an important role in supplying newer guns to individuals in Chicago. Additionally, more than 66% of the guns connected to crimes in New York and New Jersey in 2014 were purchased outside of those two states, primarily coming from southern states along the “Iron Pipeline.”<sup>123</sup>

Even within a state, cities with varying gun laws create a unique dynamic in violent crimes. Despite not having any Federal Firearms Licensees (FFLs) within city limits, Chicago was overwhelmingly represented as the recovery city for firearms in Illinois, with 5,804 (of more than 12,390), firearms recovered there in 2015 alone.<sup>124</sup> Additionally, a pilot survey that included interviews of 99 inmates in the Cook County Jail demonstrated that there are multiple ways to circumvent the lack of FFLs in Chicago and still obtain a gun, including going to Indiana, purchasing them from a FFL in suburban Cook County, robbing freight cars, and trading drugs or goods.<sup>125</sup> These same inmates stated that they voluntarily relinquished guns because they knew the guns were used in a previous crime.<sup>126</sup>

## Limited Background Checks

Limitations also contribute to the availability of guns that are misused and diverted into illegal gun markets. A key limitation is that while federally-licensed gun dealers are required to run background checks on prospective firearm purchasers, private sellers that chose to sell a firearm in-person, via the

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119 Law Center to Prevent Gun Violence. (2016). *New York*. Retrieved from <http://smartgunlaws.org/gun-laws/state-law/new-york/>.

120 O'Brien, J. (2016, January 15). NY's strict gun laws make it a magnet for gun traffickers, says federal prosecutor. *Syracuse.com*. Retrieved from [http://www.syracuse.com/crime/index.ssf/2016/01/federal\\_prosecutor\\_nys\\_strict\\_gun\\_laws\\_make\\_it\\_a\\_magnet\\_for\\_gun\\_traffickers.html](http://www.syracuse.com/crime/index.ssf/2016/01/federal_prosecutor_nys_strict_gun_laws_make_it_a_magnet_for_gun_traffickers.html).

121 Knight, B. (2013). State Gun Policy and Cross-State Externalities: Evidence from Crime Gun Tracing. *American Economic Journal: Economic Policy*, 5(4), 200–229; Webster, D.W., Crifasi, C.K., Vernick, J.S. (2014). Effects of the repeal of Missouri's handgun purchaser licensing law on homicides. *Journal of Urban Health* (91), 293-302. Erratum: *Journal of Urban Health* (91), 598-601.

122 Cook, P. J., Harris, R. J., Ludwig, J., & Pollack, H. A. (2014). Some Sources of Crime Guns in Chicago: Dirty Dealers, Straw Purchasers, and Traffickers. *J. Crim. L. & Criminology*, 104, 717.

123 Aisch, G., & Keller, J. (2015, November 13). How Gun Traffickers Get Around State Gun Laws. *The New York Times*. Retrieved from [http://www.nytimes.com/interactive/2015/11/12/us/gun-traffickers-smuggling-state-gun-laws.html?\\_r=1](http://www.nytimes.com/interactive/2015/11/12/us/gun-traffickers-smuggling-state-gun-laws.html?_r=1).

124 Bureau of Alcohol, Tobacco, Firearms and Explosives. (2015). *Illinois Firearms Trace Data*. Washington, D.C. Department of Justice. Retrieved from <https://www.atf.gov/docs/163564-ilatfwebsite15pdf/download>.

125 Cook, P. J., Parker, S. T., & Pollack, H. A. (2015). Sources of guns to dangerous people: What we learn by asking them. *Preventive Medicine*, 79, 28-36.

126 *Ibid.*

Internet, or at a gun show are not required to conduct a background check of any kind in most states. Private sale transactions may, therefore, be exploited by those who are prohibited from purchasing a firearm or have criminal intent. Despite strong public support for universal background checks only “19 states and D.C. have extended the background check requirement beyond federal law to at least some private sales.”<sup>127</sup>

FFLs are required to use NICS prior to any firearm sale. Mandated by the Brady Handgun Violence Prevention Act of 1993, NICS is a computerized background check system designed to provide near-real-time information on most background check inquiries, so that firearms dealers can determine whether or not a sale would violate federal or state law.<sup>128</sup> In 2015, NICS conducted a total of 23,141,970 background checks.<sup>129</sup> However, in 9.5% of the cases, when NICS is required to further investigate, the system’s “default proceed” is triggered, which allows the sale to proceed even before the FBI has completed its background check investigation. Federal law stipulates that the FBI has three business days—from the day of the attempted purchase—to conduct and finish its investigation of a prospective firearm purchaser. If the case is not closed within that time period, the sale must proceed by default.<sup>130</sup> In 2015, the FBI’s NICS division continued its investigations of the cases that were allowed to proceed as a result of the “default proceed” rule and found the final status should have resulted in a denial and notified the ATF that a prohibited person was in possession of a firearm in 2,892 cases.<sup>131</sup> Essentially, as a result of the limits placed on NICS, more than 2,500 prohibited individuals in one year were able to purchase a firearm from FFLs.

Since its launch, the NICS system has been effective and has resulted in almost 1.3 million denials. State and local agencies increase the number of denials to a total of more than 2.5 million.<sup>132</sup> Additionally, a recent DOJ Office of the Inspector General audit of NICS found that the FBI has an effective internal control system and quality control process, with accuracy rates ranging from 99.3% to 99.8%, and that the ATF controls enabled it to process denials and refer them for investigation appropriately.<sup>133</sup> The individuals denied include those with felony convictions, fugitives from justice,

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Currently, no notification to law enforcement occurs when an individual who is prohibited from possessing a firearm due to the danger they present to themselves or others attempts to purchase one. A law enforcement officer could come into contact with this same individual through a traffic stop, or a 911 call and have no idea that the individual recently sought to obtain a firearm and therefore may present a danger to themselves or others.

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127 Law Center to Prevent Gun Violence. (2016). Retrieved from <http://smartgunlaws.org/facts/statistics/>.

128 Federal Bureau of Investigation. (2016). *About NICS*. Retrieved from <https://www.fbi.gov/services/cjis/nics/about-nics>.

129 Criminal Justice Information Services Division. (2015). *National Instant Criminal Background Check System (NICS) Operations*. Washington, D.C. Federal Bureau of Investigation, US Department of Justice. Retrieved from <https://www.fbi.gov/file-repository/2015-nics-ops-report.pdf/view>.

130 Law Center to Prevent Gun Violence. (2016). *Background Check Procedures*. Retrieved from <http://smartgunlaws.org/gun-laws/policy-areas/gun-dealer-sales/background-check-procedures/>.

131 *Ibid.*

132 Karberg, J. C., Frandsen, R. J., Durso, J. M., Buskirk, T. D., & Lee, A. D. (2016). *Background Checks for Firearm Transfers, 2013–14 - Statistical Tables*. Washington, D.C. Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/bcft1314st.pdf>

133 Office of the Inspector General. (2016). *Audit of the Handling of Firearms Purchase Denials Through the National Instant Criminal Background Check System*. U.S. Department of Justice. Retrieved from <https://oig.justice.gov/reports/2016/a1632.pdf>.

those with domestic violence convictions, those addicted to drugs or committed to a mental institution or “adjudicated as a mental defective,” illegal aliens, and those who have renounced their U.S. Citizenship.<sup>134</sup> While individuals in these categories may be prevented from purchasing a firearm through FFLs, we must be mindful that there are other methods of obtaining a firearm that do not require a check – a loophole ready for exploitation.

There is no federal law against straw purchasing, thus allowing those who have illicit intent or are prohibited from purchasing a firearm to enlist another person who is not prohibited to make the firearm purchase through the background check process and then handing the firearm over to the prohibited purchaser. Federal investigators have attempted to address straw purchasing by using a federal law that prohibits false statements made to federal officials and on certain federal forms. To successfully use this law to prosecute straw purchasers, the investigators must prove that the straw purchaser intended to transfer the firearm to the prohibited person at the time that he/she purchased the firearm and that he/she knew the person was prohibited from making the purchase. Then prosecutors must convince a jury that making a false statement on a federal form is a serious crime. If successful, the straw purchaser may be sentenced to up to five years for making the false statement.

## Theft

A number of law enforcement executives are concerned about the issue of stolen firearms. For example, in states with more lenient concealed and open carry laws, police leaders noted an increase in thefts of guns from vehicles. One chief at the Executive Session indicated that in his state, he has seen numerous instances of residents carrying a concealed firearm without a permit (legally according to the gun laws in their state). When the companies for whom those individuals work prohibit guns on their property, employees leave their guns in their cars unlocked or in plain sight, inviting theft of the firearm. In another city, freight trains and other cargo carriers carrying firearms have been targeted for theft. The ATF is reported to have redoubled its efforts to address gun thefts from FFLs, which appear to be increasingly victimized by burglaries and robberies. ATF officials noted preliminarily that as many as 550 such burglaries and robberies have occurred in 2016, leading the ATF to make these crimes a top priority.<sup>135</sup>

## Large-Capacity Magazines

Police leaders are alarmed at the prevalence of large-capacity magazines<sup>136</sup> and the number of rounds used in lethal shootings in their cities. One chief commented that at one crime scene, so many spent shell casings were left on the ground that officers initially believed that multiple shooters were involved. They later learned that all of the shell casings were from a single firearm, fitted with a drum magazine or an extended clip. Large-capacity magazines allow shooters to exact lethality more quickly, without having to pause for a new clip, and, with the exception of eight states and the District of Columbia, are nearly unregulated in the U.S. According to a recent study of mass shootings (i.e., any shooting in which four or more people, not including the perpetrators, are killed) in the United States between January 2009 and July 2015, 155% more injuries and 47% more fatalities resulted from perpetrators using high-capacity magazines or assault weapons equipped with them.<sup>137</sup> This does not account for the recent shootings in San Bernardino (CA), and Orlando (FL), where large-capacity magazines were used in mass casualty, active shooter incidents.

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134 Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice (n.d.). *Identify Prohibited Persons*. Accessed from <https://www.atf.gov/firearms/identify-prohibited-persons>.

135 Giles, A. (2016, October 31). ATF: Investigating gun thefts in Carolinas a priority after recent uptick. *WBTV*. Retrieved from <http://www.wbvtv.com/story/33537174/atf-investigating-gun-thefts-in-carolinas-a-priority-after-recent-uptick>.

136 Many states and others define “large-capacity” as greater than ten rounds.

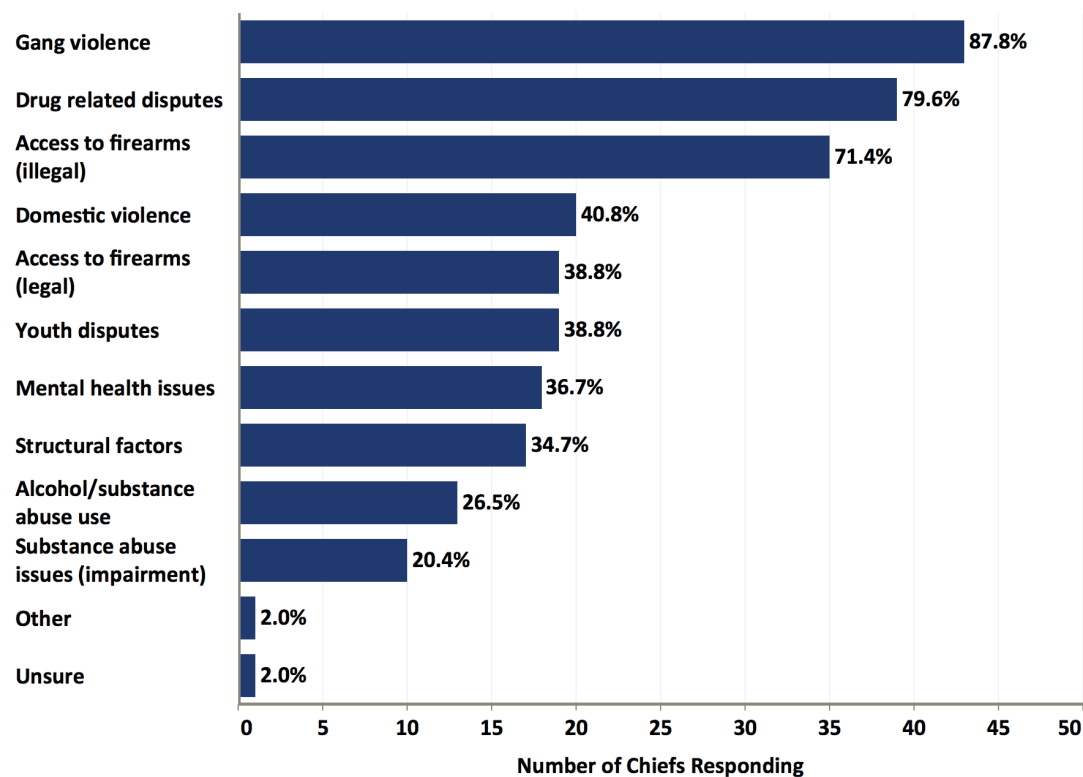
137 EveryTown for Gun Safety. (2015). *Analysis of Recent Mass Shootings*. Retrieved from <http://everytownresearch.org/documents/2015/09/analysis-mass-shootings.pdf>.



## Illegal Drugs and Gang Violence

As set forth in Figure 20, law enforcement executives believe that in addition to access to firearms, gangs and illegal drugs are important drivers of violent crime. Gang members, their affiliates, and youth are increasingly resorting to gun use to conduct business, resolve conflicts, and assert dominance. While large-scale feuds for territory and control of drug markets continue to ravage urban areas, and particularly inner cities, a growing amount of gang-related violence is being driven by different kinds of gangs that are neighborhood-based, loosely affiliated groups that attempt to emulate larger gangs. Without the structure and hierarchy of larger gangs, these smaller gangs and gang affiliates create a unique set of problems for law enforcement. Some of the Executive Session attendees noted that petty feuds beginning on social media such as taunting, disrespect, and posting pictures with high-capacity weapons and assault rifles quickly lead to street gun battles that become cyclical and can continue for months or years between groups, neighborhoods, and social networks. In some cases, these feuds go on so long that no one can remember how they actually started.

**Figure 20: What are the biggest contributors to gun violence in your jurisdiction?<sup>138</sup>**



Adding to the already dangerous nature of street gun battles, current shooters tend to be younger and firing significantly more shots per incident. One chief at the Executive Session noted that while processing shooting and homicide scenes, detectives have found upwards of 60-70 casings (and weapons with multiple magazines of 50-100 rounds each). One chief noted that gangs take advantage of the rehabilitative nature of the youth justice system by having the youngest members of the group fire the guns. The chief highlighted a particular case of a 14-year-old who has been arrested multiple times for a number of firearms violations, but because he is young and small in stature, the juvenile court judges refuse to sentence him—even to juvenile detention centers—because they are afraid he may be victimized while in detention. The issue of young people coming into possession of firearms without the maturity to understand the impact of the use of the weapon was noted by several law enforcement executives.

138 Respondents could check all options that applied. See Appendix B.

Some of the police leaders felt that the opioid crisis was fueling violent crime or gun violence in certain areas, but several expressed concern about the role that gun violence plays as groups assert control of drug markets. As groups move into new areas or as groups are removed or dismantled through federal and local law enforcement action, battles for drug market control develop. This issue as well as the potential role that synthetic drug use and drug distribution networks play, also was noted in the Attorney General's Summit on Violent Crime report<sup>139</sup> and in the MCCA Violent Crime Summit report from August of 2015.<sup>140</sup>

## A New Way Forward

In order to impact violent crime, it is necessary to address the proliferation of illegal firearms and the gaps that allow for prohibited individuals to obtain firearms. Existing tools such as firearm tracing systems and NIBIN, when used effectively, can help to address these issues.

As ATF's Deputy Director recently shared in the IACP's *Police Chief Magazine*<sup>141</sup>, to address firearm-related violent crime, it is essential "to identify, target, and prosecute 'trigger pullers' and determine the sources of crime guns." To do this effectively, we must bring together the people, processes and technology that can assist in leveraging crime gun evidence to prevent further crime and solve the crimes that have occurred. Resources such as the ATF's National [Firearm] Tracing Center (NTC) and its National Integrated Ballistic Information Network (NIBIN) are essential, as evidenced by the views of the law enforcement leaders we surveyed, who said that these were the top two most important federal tools available to them.

"The NTC allows law enforcement agencies to conduct firearms tracing by providing investigative leads through eTrace, ATF's Internet-based application for the submission of firearm trace requests. Firearms tracing can provide crucial information that can help solve firearm crimes; detect firearms trafficking; and track the intrastate, interstate, and international movement of crime guns by systematically tracking the movement of the firearm from the manufacturer to the first retail purchaser."<sup>142</sup>

"NIBIN helps local police agencies link multiple crimes committed with the same gun, identify suspects, and increase the number of charges that can be made against repeat offenders. NIBIN has provided thousands of leads to investigators and has revolutionized gun crime investigations throughout the United States.[...NIBIN] lets law enforcement agencies make digital images of markings on shell casings recovered from a crime scene or a crime gun test fire. These images are entered into the NIBIN system for comparison and possible matching with images of previous entries made by other law enforcement agencies. Using NIBIN, departments are piecing together crime scenes and closing cases that were, only a decade ago, considered unsolvable."<sup>143</sup>

ATF has put these tools and others, including gunshot detection technologies, together in the Crime Gun Intelligence Centers (CGICs).

"The CGIC leverages the advantages of firearms tracing and NIBIN with real-time technology and dedicated investigative teams to identify the source of crime guns and track down criminals before

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139 PERF, *U.S. Attorney General's Summit on Violent Crime: Summary of Key Factors, Promising Strategies, and Additional Steps*.

140 Major Cities Chiefs Association. (2015). Proceedings from *National Summit on Violence in America: Findings and Recommendations*. Washington, D.C. Newseum. Retrieved from [https://www.majorcitieschiefs.com/pdf/news/mcc\\_summit\\_findings\\_and\\_recommendations\\_final.pdf](https://www.majorcitieschiefs.com/pdf/news/mcc_summit_findings_and_recommendations_final.pdf).

141 Brandon, T.E. (2016, November). From the Deputy Director: ATF's Intelligence-Driven Approach to Help Law Enforcement Reduce Violent Crime. *Police Chief Magazine*. Retrieved from <http://www.policechiefmagazine.org/from-the-deputy-director-atfs-intelligence-driven-approach-to-help-law-enforcement-reduce-violent-crime/#sthash.VzD4jYR8.dpuf>

142 *Ibid.*

143 *Ibid.*

they can commit additional violent acts. Through communication, collaboration, and de-confliction, the CGIC has the potential to complete the NIBIN and intelligence-gathering process, which includes shell casing collection, entry, and correlation, within 24 to 72 hours. This timely execution lets investigators quickly access and respond to information, leading to the apprehension of suspects.”<sup>144</sup>

While the ATF provides excellent tools to law enforcement that can be used to combat gun violence, it is unable to adequately regulate firearm dealers. Dealers are subject to very little federal oversight.<sup>145</sup> The “ATF may conduct only one unannounced inspection of each dealer per year, the burden of proof for prosecution and revocation are extremely high, and serious violations of firearms laws have been classified as misdemeanors rather than felonies. In 2013, over 58% of FFLs had not been inspected by the ATF in the last five years in part due to lack of resources.”<sup>146</sup> Making eTrace and NIBIN more readily available, along with gunshot detection technology and the staff, processes, and other support needed to leverage these tools appropriately, could lead to a more targeted regulatory approach by the ATF to focus on the small number of FFLs that are determined to be the most common crime gun sources.

Armed with localized intelligence, local, state, and federal criminal justice stakeholders can work together to identify the most effective methods of countering gun violence. Moreover, many U.S. Attorneys have the ability to convene meetings of criminal justice leaders from their region to identify the most-pressing crime issues and to adapt to the needs of state and local law enforcement. These meetings should be used to address the flow of illegal guns.

Federal legislation addressing the “default proceed” provision and enhancing the investigatory capabilities of federal agencies with jurisdiction, de-incentivizing strawman purchases and firearms trafficking, and regulating or banning high-capacity magazines should positively impact gun violence in the same way as NIBIN. As noted earlier, more than 2,000 guns<sup>147</sup> in 2014 were legally sold to prohibited buyers because of the “default proceed” provision in federal firearm legislation. Rather than entirely eliminating the “default proceed” provision, extending it would allow the FBI and NICS to complete investigations and would keep these firearms from ending up in the wrong hands. Furthermore, requiring background checks for guns that are sold by private dealers and at gun shows would prevent prohibited individuals from easily avoiding federal laws while still obtaining firearms. In fact, the Pew Research Center conducted a nationally representative survey of police officers in 2016 and found that 88% favored making private gun sales and sales at gun shows subject to background checks, and that 61% of officers favor creating a federal database to track all gun sales.<sup>148</sup> Strengthening the background check system to include state-level data on disqualifying conditions in NICS would prohibit another subset of people with criminal histories and/or mental illnesses from having easy access to firearms.

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“[NIBIN] is a tool with massive untapped potential due in part to chronic underfunding and due to a limited vision of its capacity.”

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King, W., Wells, W., Katz, C., Maguire, E., & Frank, J. (2013). *Opening the Black Box of NIBIN: A Descriptive Process and Outcome Evaluation of the Use of NIBIN and Its Effects on Criminal Investigations*, Final Report. Washington, D.C. U.S. Department of Justice. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/243875.pdf>.

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144 *Ibid.*

145 Law Center to Prevent Gun Violence. (2013). *Dealer Regulations*. Retrieved from <http://smartgunlaws.org/gun-laws/policy-areas/gun-dealer-sales/dealer-regulations/>.

146 *Ibid.*

147 Criminal Justice Information Services Division, *National Instant Criminal Background Check System (NICS) Operations*.

148 Pew Research Center. (2017). “Behind the Badge: Amid protests and calls for reform, how police view their jobs, key issues and recent fatal encounters between blacks and police.”

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“Effective policing of the underground gun market could help to separate guns from everyday violent crime. Currently it is rare for those who provide guns to offenders to face any legal consequences, and changing that situation will require additional resources directed to a proactive enforcement directed at penetrating the social networks of gun offenders.”

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Cook, P. (2016, January 7). Gun Control: Where do Criminals Get Their Weapons? Newsweek. Retrieved from <http://www.newsweek.com/gun-control-where-criminals-get-weapons-412850>

Similarly, penalizing straw purchases and illegal transportation of firearms across state lines would restrict the underground firearms trade and afford local and state police the opportunity to focus solely on legal firearms. Coupled with requiring universal background checks, more appropriately supporting ATF’s tracing and ballistics imaging and regulatory efforts, and other items, regulating or banning the sale of high-capacity magazines—much like federal regulations on the sale of chemicals that double as ingredients in illegal drugs and explosives—would make a significant impact on mass-casualty attacks and other gun violence.

## Recommendations for the Administration

### 5-A. Ensure that federal law enforcement agencies prioritize underground gun market enforcement to reduce the supply of guns to criminals.

Efforts to reduce violent crime and to prevent gun violence by reducing criminals’ access to firearms must include supply-side efforts as much as demand-side. At the federal level, the ATF has been the primary agency conducting street enforcement operations, together with local partners, to shut down illegal gun markets through undercover operations. It is vital that federal enforcement efforts in this area continue to improve to include the oversight and support of Administration leaders. Illegal gun markets will continue to exist and provide easy access of firearms to criminals until those markets are disrupted. These efforts should focus on those who provide firearms much like narcotics investigations that focus on drug traffickers. Use of gun market research to understand the economic models involved, the social network implications and opportunities, and focusing on related crimes such as FFL burglaries should be a high priority. In fact, the ATF recently noted the connection between these crimes and interstate gun trafficking and announced that solving gun store burglaries and robberies are a top priority for the agency.<sup>149</sup> It is fortunate that the ATF has partnered with the FFL industry to offer rewards in these cases.

### 5-B. The FBI should provide timely notice of failed background checks of prohibited individuals to state and local law enforcement via NCIC in order to promote officer safety and support investigations.

An individual who attempts to purchase a firearm but fails a NICS check may pose a danger to themselves or to others. Of the 2.5 million federal, state, and local denials,<sup>150</sup> many have involved individuals who:

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147 Criminal Justice Information Services Division, *National Instant Criminal Background Check System (NICS) Operations*.

148 Pew Research Center. (2017). “Behind the Badge: Amid protests and calls for reform, how police view their jobs, key issues and recent fatal encounters between blacks and police.”

149 Giles, A., ATF: Investigating gun thefts in Carolinas a priority after recent uptick.

150 Karberg, J. C., Frandsen, R. J., Durso, J. M., Buskirk, T. D., & Lee, A. D. (2016). *Background Checks for Firearm Transfers, 2013–14 - Statistical Tables*. Washington, D.C. Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/bcft1314st.pdf>

(1) have been convicted of, or are under indictment for, felonies; (2) are subject to a restraining order; (3), have committed domestic violence; (4) have renounced their U.S. Citizenship; or (5) are in the U.S. illegally. Providing law enforcement with a notice of a recently failed background check could assist in preventing a violent crime as well as protecting their own safety. Such a notification could be provided via the National Crime Information Center (NCIC) by creating a file that is similar to those that exist for missing persons or stolen property. Providing notification in this way would mean that any law enforcement officer who comes into contact with the individual – via a traffic stop or a 911 call – would have access to the information for awareness and investigative purposes. Establishing this important officer safety and investigative tool will require additional funding for the FBI.

## Recommendations for the Administration and Congress

### **5-C. Strengthen the background check system by making checks mandatory for all firearm sales.**

Requiring prospective firearms purchasers to complete a background check before a private transfer makes good sense and would close a legislative loophole that currently allows prohibited purchasers from obtaining firearms. Private sales conducted without background checks put citizens at risk and threaten the freedom of millions of legitimate gun owners and users. A number of studies and analyses demonstrate that implementing background checks can decrease violent crime, particularly firearm homicides. One example is the State of Connecticut's experience in the first ten years after it established a "permit-to-purchase" requirement which includes a background check requirement. Over those ten years, the state saw a reduction of firearm homicides by 40%, while non-firearm homicides did not experience any reduction.<sup>151</sup>

### **5-D. Expand the background check waiting period from three to ten days to allow the FBI sufficient time to complete investigations.**

While most background checks are completed instantly, in those cases where additional time is needed, the FBI should be afforded the time necessary to complete the investigation. "Default proceed" cases are eight times more likely to involve a prohibited purchaser—like the perpetrator of the Emanuel African Methodist Episcopal Church in Charleston, South Carolina.<sup>152</sup> To ensure that investigations are completed expeditiously so that no "default proceeds" occur, additional funding for staffing and support should be considered for the FBI.

### **5-E. Strengthen the background check system by ensuring that state-level data on disqualifying conditions are added to the National Instant Criminal Background Check System (NICS) and that the categories of prohibited possessors are made whole by including individuals convicted or otherwise found to be a threat to public safety.**

Since its inception in 1998, NICS has blocked the sale of firearms to more than 1.3 million prohibited individuals, preventing countless violent crimes.<sup>153</sup> State and local background checks led to an additional 1.2 million denials on top of NICS.<sup>154</sup> However, NICS only queries the databases to which it has access

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151 Rudolph, K. E., Stuart, E. A., Vernick, J. S., & Webster, D. W. (2015). Association Between Connecticut's Permit-to-Purchase Handgun Law and Homicides. *American Journal of Public Health, 105*(8), 49-54. Retrieved from <https://www.ncbi.nlm.nih.gov/pubmed/26066959>.

152 Parsons, C., Gerney, A., Jones, M. D., & Daly, T. (2015). *Framework for Action, 28 Ideas for State Executive Action to Prevent Gun Violence and Fight Gun Crime*. Washington, D.C. Center for American Progress. Retrieved from <https://cdn.americanprogress.org/wp-content/uploads/2015/12/14125739/ExecActionStates-report.pdf>.

153 Criminal Justice Information Services Division, *National Instant Criminal Background Check System (NICS) Operations*.

154 Karberg, J. C., Frandsen, R. J., Durso, J. M., Buskirk, T. D., & Lee, A. D. (2016). *Background Checks for Firearm Transfers, 2013–14 - Statistical Tables*. Washington, D.C. Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/bcft1314st.pdf>.

and the records that are submitted to it. Too frequently though, including the case of the Virginia Tech shooter and his involuntary mental health treatment, records that should be included are not submitted to NICS. Similar gaps in reporting disqualifying information related to domestic violence and drug abuse have enabled individuals to purchase firearms who should have been prohibited from doing so. In one example, when the FBI did not receive a permanent violence protection order that was issued against the individual, that individual was allowed to purchase a gun, which was then used by his 15-year-old son to shoot and kill four of his classmates.<sup>155</sup> In some cases, differences between state and federal laws and definitions result in disqualifying conditions not being reported to NICS and prohibited individuals being allowed to purchase firearms. Missing dispositions in state and local criminal cases are also a contributor to delay and an unacceptable risk that must be addressed. Currently, 11 states and the District of Columbia do not have any reporting requirements, while 12 states have reported fewer than 100 records to NICS.<sup>156</sup>

#### **5-F. Enact an immediate ban on large-capacity magazines.**

A ban on large-capacity magazines would include those with a capacity larger than ten rounds. Alternatively, large-capacity magazines should be covered under the National Firearms Act (NFA) where they can be more tightly regulated, along with suppressors, machine guns, and other high-powered weaponry. Placing large-capacity magazines under the NFA would require additional resources for the ATF to administer its growing NFA oversight.

#### **5-G. Enact a federal firearms trafficking statute that includes penalties for straw purchasing.**

Today, no federal law exists that makes the act of straw purchasing a federal crime. Currently, in order to hold straw purchasers accountable and to deter straw purchasing participation, federal investigators must use a generic “false statement statute,” which is ineffective and provides only a maximum penalty of five years of imprisonment. It also is difficult to get juries to support and is challenging to prove that the purchaser knowingly intended to purchase the firearm for someone else. The firearms industry, itself, was concerned about how easily a gift purchase may look like a straw purchase, which underscores the challenges in convincing a jury that the statement on the federal form regarding purchasing the firearm for themselves was intentionally false. To address these issues, a federal statute designed to stop illegal trafficking in firearms should be enacted immediately. Such a statute must, in addition to including straw purchasing as a federal crime, address the shipping, transporting, transferring, or disposing of firearms in a manner that would be in violation of state or federal law. It also should address conspiracy to do so.

#### **5-H. Eliminate the restrictions or appropriations riders that prohibit DOJ and the ATF from effectively enforcing the nation’s firearms laws.**

Eliminate the Tiahrt Amendment which prohibits the ATF’s NTC from releasing information from its tracing database to anyone other than law enforcement or a prosecutor with respect to a criminal investigation. This provision makes it difficult for federal, state, and local law enforcement agencies to enforce the nation’s gun laws and to prevent illegal firearms trafficking. In addition to the Tiahrt Amendment, other restrictions have added new barriers that make it difficult for the ATF to target investigations on gun traffickers and shooters.

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155 Parsons, C., *Framework for Action, 28 Ideas for State Executive Action to Prevent Gun Violence and Fight Gun Crime*.

156 Americans for Responsible Solutions. (2016). Washington, D.C. Retrieved from <http://americansforresponsiblesolutions.org/learn/stopping-gun-trafficking/>.

A 2013 report detailed many of these restrictions and their impact on law enforcement efforts which included:

- Limiting the ATF's ability to manage its own data in a modern and efficient manner and stripping the agency of autonomy and its ability to make independent decisions;
- Interfering with the disclosure and use of data crucial to law enforcement and gun- trafficking research;
- Frustrating efforts to regulate and oversee firearms dealers; and
- Stifling public health research into gun-related injuries and fatalities.<sup>157</sup>

Although federal, state, and local agencies have used crime gun tracing data successfully to reduce firearms trafficking and illegal diversion of firearms, the restrictions in place make doing so extremely burdensome to law enforcement. Eliminating the restrictions would allow for expeditious processing of trace requests, improved knowledge of firearms trafficking, and an incentive to prevent firearms from ending up in the hands of those who are prohibited under federal and state laws. Data on multiple sales of firearms can be very useful in addressing firearms trafficking, but the restrictions currently in place require the destruction of background check records within hours, limit the sharing of data regarding the purchase of multiple handguns at essentially the same time, and restrict the ATF's ability to know when an individual purchases multiple long guns at the same time, unless the sale occurs within one of the four U.S. states along the border with Mexico, which is currently permitted, despite attempts by some in Congress to restrict even this critical investigative tool.

#### **5-I. Sufficiently fund the ATF to support the agency's unique enforcement responsibilities in addressing gun traffickers and trigger-pullers and to enable true industry regulation.**

As noted in Chapter 2, the administrative (salaries and expenses) budget of the ATF is among the lowest of the federal law enforcement agencies.<sup>158</sup> The ATF has the fewest federal agents or equivalents of any of the DOJ law enforcement agencies, with 2,579 on board as of September 2015,<sup>159</sup> which equates to less than 50 per state and territory if all agents were assigned to enforcement responsibilities. In reality, many states and territories may have as few as one, and many major cities are thought to have less than ten agents assigned. The ATF is the only federal law enforcement agency responsible for regulating more than 137,000 FFLs, explosives or destructive device licensees, and investigating firearms trafficking. The ATF has fewer special agents and federal investigators than many of the major city law enforcement agencies have officers. The New York Police Department has roughly seven times the number of staff in civilian roles (17,000 civilians<sup>160</sup>) than the ATF has special agents across the United States. The FBI has nearly three times as many federal agents working criminal cases as does the ATF, and that figure does not take into account any of the FBI's agents working counterterrorism, intelligence, and national security functions. The ATF's overall funding level has crippled its ability to enforce the nation's gun laws.

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157 Stachelberg, W., Gerney, A., & Parsons, C. (2013, March 19). Blindfolded, and with One Hand Tied Behind the Back. *Center for American Progress*. Retrieved from <https://www.americanprogress.org/issues/courts/reports/2013/03/19/56928/blindfolded-and-with-one-hand-tied-behind-the-back/>.

158 OMB, Public Budget Database.

159 DOJ, Summary of Selected Employment Categories; and comparable data for prior years retrieved from agency budget documents at <https://www.justice.gov/about/budget-and-performance>. DOJ budget submissions to Congress. FBI data includes both national security and criminal agents. Data on national security agents is estimated for 2014 and 2015, as DOJ did not report for those years.

160 New York Police Department. (2016). *NYPD Careers: Civilian Opportunities*. Retrieved from [http://www.nyc.gov/html/nypd/html/careers/civilian\\_employment.shtml](http://www.nyc.gov/html/nypd/html/careers/civilian_employment.shtml).

# CONCLUSION

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Violent crime remains a serious problem in many jurisdictions throughout our nation. In 2015, there were substantial increases in the number of homicides in several major cities, and local law enforcement leaders called for federal assistance to combat the surge in violent crime. The new Administration and Congress must make violent crime, and the federal government's interest in it, a priority and be willing to dedicate the resources necessary to assist in places where public safety is jeopardized. While federal law enforcement agencies have nationwide responsibilities, current federal funding of these agencies cannot provide nationwide assistance to the local departments that need help. The new Administration and Congress should review the resources of each of the federal law enforcement agencies, streamline and consolidate resources within the existing federal law enforcement agencies, and revise the budget and performance process to correspond more closely to the unique regional and local needs across the nation.

There exist several federal government tools (*e.g.*, focused deterrence) and resources (*e.g.*, gun tracing) to assist local law enforcement in its crime reduction efforts. They should be easily accessible to state and local police agencies that could benefit from such tools and resources. Additionally, the support of the U.S. Attorney is critical to a jurisdiction in fighting local crime. Building strong, federal cases can not only hold offenders accountable but send a message to others that all available resources will be used against those who violate the law. Lastly, the new Administration and Congress must confront the impact that firearms have on violent crime in America. Trafficking, illegal markets, theft, and diversion of guns has not been addressed sufficiently. Legislation and federal initiatives must be developed and used to keep firearms out of the hands of criminals.



# APPENDICES

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## Appendix A: Recommendations

### Federal Priorities, Roles, Resources, and Accountability

- 2-A. Establish violent crime as an ongoing enforcement priority.
- 2-B. Develop innovative and timely crime data systems and programs at the federal level.
- 2-C. Require federal law enforcement agencies to collaborate with local law enforcement regarding shared decision-making and co-production of public safety strategies.
- 2-D. Allow state and local law enforcement to leverage the network of fusion centers and the Information Sharing Environment (ISE) to address violent crime.
- 2-E. Strengthen the current system of budget planning and performance measurement across federal law enforcement agencies by measuring performance and allocating resources based on the consistent use of evidence-based approaches.
- 2-F. Ensure that federal law enforcement and other components responsible for addressing violent crime are appropriately funded and supported and able to focus on developing effective, meaningful responses to localized and significant violent crime problems.
- 2-G. Designate one federal law enforcement agency with primary (but not exclusive) and lead responsibility for confronting and reducing violent crime through a coordinated approach with other agencies.
- 2-H. Realign federal law enforcement and public safety responsibilities to maximize staffing and resource usage across agencies.
- 2-I. Increase the availability of new, flexible funding resources for state and local law enforcement agencies and criminal justice systems.
- 2-J. Work collaboratively, in bi-partisan fashion, to increase federal funding for scientific gun violence research.

### Federal Tools and Strategies

- 3-A. Develop a strategy that facilitates the design, planning, and implementation of evidence-based approaches by federal law enforcement agencies working with local counterparts to address violent crime.
- 3-B. Focus on sustainable crime reduction approaches, particularly those that offer an appropriate role for federal law enforcement, such as focused deterrence.
- 3-C. Federal law enforcement agencies must assist in the production and sharing of data, analytics, and intelligence with state and local partners.
- 3-D. Expand the accessibility of ballistics imaging, crime gun tracing, and related technologies to all major cities and counties and to law enforcement outside of these areas.

## **Federal Leadership and the Power to Convene**

4-A. Ensure that United States Attorneys use their convening authorities as the chief federal law enforcement officers to encourage federal law enforcement agencies to jointly address emerging and chronic violent crime problems.

4-B. Ensure that criminal justice reform and offender accountability are espoused as a unified concept.

## **Addressing Availability and Access to Firearms**

5-A. Ensure that federal law enforcement agencies prioritize underground gun market enforcement in order to reduce the supply of guns to criminals.

5-B. The FBI should provide timely notice of failed background checks of prohibited individuals to state and local law enforcement via NCIC in order to promote officer safety and support investigations.

5-C. Strengthen the background check system by making checks mandatory for all firearm sales.

5-D. Expand the background check waiting period from three to ten days to allow the FBI sufficient time to complete investigations.

5-E. Strengthen the background check system by ensuring that state-level data on disqualifying conditions are added to the National Instant Criminal Background Check System (NICS) and that the categories of prohibited possessors are made whole by including individuals convicted or otherwise found to be a threat to public safety.

5-F. Enact an immediate ban on large-capacity magazines.

5-G. Enact a federal firearms trafficking statute that includes penalties for straw purchasing.

5-H. Eliminate the restrictions or appropriations riders that prohibit DOJ and the ATF from effectively enforcing the nation's firearms laws.

5-I. Sufficiently fund the ATF to support the agency's unique enforcement responsibilities in addressing gun traffickers and trigger-pullers and to enable true industry regulation.

# APPENDICES

## Appendix B: Results of Police Foundation Survey of Major Cities Chiefs Association Major City Chief Perspectives on Federal Response to Violent Crime

### 1. What are your agency’s biggest challenges to preventing and reducing gun violence? (62 agencies responding, ranking the below items on a scale of 1 through 12)

	1	2	3	4	5	6	7	8	9	10	11	12
Lack of staffing resources (including overtime budget)	38.71%	20.97%	14.52%	3.23%	4.84%	8.06%	3.23%	1.61%	0.0%	0.0%	4.84%	0.0%
Lack of funding/insufficient budget (not including staffing resources)	12.90%	29.03%	22.58%	6.45%	9.68%	8.06%	3.23%	1.61%	4.84%	1.61%	0.00%	0.0%
Lack of citizen support for law enforcement /investigative efforts	6.45%	22.58%	24.19%	11.29%	3.23%	8.06%	4.84%	1.61%	1.61%	8.06%	6.45%	1.61%
Knowledge of what works/effective strategies	1.61%	1.61%	6.45%	20.97%	17.74%	6.45%	8.06%	8.06%	9.68%	9.68%	6.45%	3.23%
Availability/ease of access to firearms by criminals	30.65%	14.52%	6.45%	14.52%	19.35%	4.84%	4.84%	0.0%	3.23%	1.61%	0.0%	0.0%
Insufficient federal enforcement support or resources	0.0%	0.0%	3.23%	1.61%	14.52%	35.48%	12.90%	16.13%	9.68%	4.84%	1.61%	0.0%
Availability of technology and technology-related tools	0.0%	3.23%	3.23%	12.90%	16.13%	3.23%	41.94%	6.45%	6.45%	3.23%	3.23%	0.0%
Lack of federal prosecution support	1.61%	3.23%	1.61%	8.06%	3.23%	8.06%	3.23%	38.71%	12.90%	9.68%	9.68%	0.0%
Lack of support for innovation or testing new strategies	0.0%	1.61%	1.61%	8.06%	4.84%	9.68%	3.23%	11.29%	40.32%	12.90%	6.45%	0.0%
Lack of research, data, analytic support for innovation or testing new strategies	0.0%	0.0%	8.06%	6.45%	3.23%	6.45%	11.29%	6.45%	8.06%	35.48%	12.90%	1.61%
Insufficient local prosecution support	6.45%	1.61%	8.06%	4.84%	3.23%	1.61%	3.23%	6.45%	3.23%	12.90%	45.16%	3.23%
Other (Please describe):	1.61%	1.61%	0.0%	1.61%	0.0%	0.0%	0.0%	1.61%	0.0%	0.0%	3.23%	90.32%

#### Other (Please describe):

- Issues elsewhere in the justice system, lax sentencing guidelines, lack of evaluation in the system, and lack of prosecutions
- Release of Violent Offenders from Federal and State Penal Institutions
- Staff/funding for Forensic lab work
- Political will to support mandatory minimums
- Items 6- 11 really don't apply
- Lax gun possession laws in the State

**2. What are the biggest contributors to gun violence in your jurisdiction? (49 agencies responding)**

	Respondents	% selected
Gang violence	43	87.8%
Drug related disputes	39	79.6%
Access to firearms (illegal)	35	71.4%
Domestic violence	20	40.8%
Youth disputes	19	38.8%
Access to firearms (legal)	19	38.8%
Mental health issues	18	36.7%
Structural factors	17	34.7%
Alcohol/substance abuse use	13	26.5%
Substance abuse issues (impairment)	10	20.4%
Unsure	1	2.0%
Other	1	2.0%

**3. What enforcement strategies does your agency rely on to prevent and reduce gun violence? (50 agencies responding)**

	N	%
Hot spot patrols	45	90.00%
Intelligence- led policing	39	78.00%
Street enforcement units (e.g., stop- question- frisk, jump- outs, etc.)	25	50.00%
Specialized units (e.g., gang unit, narcotics, vice, etc.)	47	94.00%
Problem- oriented policing	29	58.00%
Focused Deterrence (e.g., “Pulling Levers”, Boston Ceasefire type approaches)	21	42.00%
Community policing	40	80.00%
Homicide Reviews	25	50.00%
Local agency task force	24	48.00%
Federal task force	26	52.00%
Broken windows (order maintenance) policing	18	36.00%
Pedestrian/traffic stops	26	52.00%
Searches (Warrantless)	12	24.00%
Other (Please describe):	3	6.00%
Total	50	100%

**4. If violent crime, and specifically gun violence, were to increase in your city or county, would it make local/state criminal justice reform efforts more difficult? (49 agencies responding)**

Yes	14	28.57%
No	15	30.61%
Unsure	20	40.82%

**If agencies indicated 'Yes', asked** How will criminal justice reform efforts be impacted if violent crime increases?

It would be stopped	0	0%
It would be reversed	0	0%
It would be questioned or slowed	12	100%

**5. What federal responses, tools or resources are most useful to your agency in preventing and reducing violent crime (specifically gun violence) in your jurisdiction? (For each response, indicate if you consider it very useful, useful, or not useful) (48 agencies responding)**

	Very Useful		Useful		Not Useful	
Regular meetings with federal agency leaders about key problems/cases	17	36.17%	26	55.32%	4	8.51%
Federal attention to the issues I am confronting in my community	18	38.30%	27	57.45%	2	4.26%
Participation in federally supported programs, e.g., Project Safe Neighborhoods, VRN, Ceasefire	24	51.06%	20	42.55%	3	6.38%
Federal task force presence	23	47.92%	22	45.83%	3	6.25%
Surges of federal law enforcement staffing (short term)	9	19.15%	26	55.32%	13	27.66%
Support (funding, training, etc.) for evidence-based strategies and programs	31	65.96%	15	31.91%	1	2.13%
"On-demand" training and technical assistance	18	38.30%	27	57.45%	2	4.26%
Grant funding	35	72.92%	11	22.92%	2	4.17%
Overtime reimbursement	37	77.08%	11	22.92%	0	0.00%
Equipment loans or funding to purchase	21	44.68%	23	48.94%	3	6.38%
Equitable sharing (asset forfeiture) funding	38	79.17%	8	16.67%	2	4.17%
Crime or intelligence information/analysis	37	78.72%	10	21.28%	0	0.00%
Gun tracing	40	83.33%	7	14.58%	1	2.08%
Ballistic imaging (NIBIN, IBIS, Matchpoint)	45	93.75%	2	4.17%	1	2.08%
Legal/Investigative tools	26	54.17%	22	45.83%	0	0.00%
Federal prosecution or court options	34	72.34%	13	27.66%	0	0.00%
Other (Please describe):	3	100.00%	0	0.00%	0	0.00%

**Other (Please describe):**

- More prosecutors and judges dedicated solely to repeat violent gun offenders and homicides
- PSN prosecutions

**6. What types of federal support has your agency requested from the federal government in the last 3 years to address local violent crime? (38 agencies responding)**

	Requested & Received	Requested But Not Received
Funding (direct grants from federal agency)	32	5
Training or technical assistance	32	4
Equipment (non- technology)(e.g., vehicles)	27	6
Technology	29	3
Manpower (includes task forces)	33	4
Intelligence Information/Sharing	35	2
Leadership/engagement	26	4
Information sharing	33	3
Task Force Formation/Support	37	2
Other (Please describe):	1	0

**Other (Please describe):**

- Additional violent crime prosecutors

**7. Have you experienced any of the following regarding federal law enforcement support to your jurisdiction as it relates to violent crime? (39 agencies responding)**

	Count	%
Disagreement over priority targets	9	23.08%
Losing officers to federal agencies	11	28.21%
Task forces don't address local community issues or problems	10	25.64%
Traditional federal investigations take too long to have real impact	19	48.72%
Lack of prosecution options for federal charges	11	28.21%
Lack of effective communication between the federal agency and your agency	7	17.95%
Other problems or concerns	9	23.08%

**Other problems or concerns:**

- We have had no problems in this area.
- N/A
- This is not a problem area. Federal Support is helpful.
- N/A
- Non Applicable in reference to above question.
- None of the above concerns relate to us.
- No negative issues with Federal partners
- FBI is particularly difficult to deal with. Needs total revamp and needs to focus on relationships with locals
- need to increase PSN prosecutions and support for them

**8. Can you offer an example of a successful federal- local collaboration that has addressed violent crime in your jurisdiction?(31 agencies responding)**

- VCRP (3)
- HIDTA (2)
- Project Safe Neighborhoods (3)
- Other examples of multi- agency task forces and gang units

**9. Is there a federal task force in your jurisdiction (specifically focusing on your jurisdiction) that focuses exclusively on violent crime, including firearm- related crime? (47 agencies responding)**

Yes	36
No	6
Unsure	5

**If selected Yes: Which federal agency is leading the task force? (check all that apply) (35 agencies responding)**

FBI	22	62.9%
ATF	17	48.6%
US Marshals' Service	9	25.7%
DEA	7	20.0%
US Attorney	5	14.3%
DHS	5	14.3%
More than one agency	4	11.4%
Other agency	1	2.9%
Unsure	1	2.9%

**10. What federal agencies has your agency worked directly with in the last 3 years to address violent crime in your jurisdiction, specifically gun violence? (check all that apply) (47 agencies responding)**

ATF	46	97.9%
FBI	46	97.9%
DEA	37	78.7%
US Marshals' Service	32	68.1%
DHS (including Secret Service, ICE/HSI, or CBP)	25	57.4%
Other (Please describe):	3	2.1%
None	0	0.0%

**If selected any agencies: Has any of the following agencies provided your department with any unique capabilities or resources that you believe no other federal agency could or would provide? (33 agencies responding)**

ATF	23
FBI	20
DEA	14
US Marshals' Service	13
DHS (including Secret Service, ICE/HSI, or CBP)	0
Other	1
None	6

**11. Based on your experiences, which federal law enforcement agencies have made violent crime a high priority? (44 agencies responding)**

ATF	33
FBI	33
DEA	19
US Marshals' Service	19
DHS (including Secret Service, ICE/HSI, or CBP)	11
US Attorney's Office	20
None	2

**12. Based on your experiences and perceptions, what are the following agencies' biggest challenges in working with your agency to address violent crime in your city or county? (Using the "Other" choice, You may add an agency that you believe is relevant to this question). If you are not aware of any challenges, you may leave the question blank.**

	Funding or budget	Staffing	Competing priorities	Violent crime low/no priority	Lacking tools to investigate all types of crime	Lacking relationship with local law enforcement	Information sharing challenges	Unsure
ATF	6	13	4	1	0	2	3	6
FBI	2	6	7	1	0	2	7	7
DEA	1	10	7	3	0	1	1	7
US Marshals' Service	0	9	6	0	1	1	0	6
DHS	2	3	4	1	0	0	1	8
Other agency	0	0	1	0	0	0	0	1



**13. Based on your experiences and perception, is there sufficient federal agency staff-  
ing dedicated to responding to violent crime, specifically gun violence, in your city or  
county from the following agencies (35 agencies responding)**

	FBI	ATF	DEA	US Marshals' Service	US Attorney's Office
Definitely yes	7	8	3	4	2
Probably yes	12	12	19	12	14
Probably not	15	13	12	14	11
Definitely not	5	7	5	2	5
Unsure	6	5	6	13	13

**14. Is the U.S. Attorney in your jurisdiction engaged or actively working with you on  
reducing violent crime, specifically gun violence? (45 agencies responding)**

Yes	35	77.78%
No	4	8.89%
Unsure	6	13.33%

**15. Does the U.S. Attorney take violent crime related cases that you feel are import-  
ant for them to prosecute? (43 agencies responding)**

	N	%
Always	7	16.28%
Most of the time	17	39.53%
About half the time	3	6.98%
Sometimes	15	34.88%
Never	1	2.33%

**Those that indicated that the U.S. Attorney sometimes declines or defers cases that you feel are  
important were then asked what types of cases (firearms, narcotics, or 'other') are declined or  
deferred by the U.S. Attorney? (17 agencies responding; could select more than one option)**

Firearms	14
Narcotics	8

**16. Some have questioned the role of the federal government in addressing local violent crime problems, which some say are local matters only. Do you believe that it is appropriate for the federal government to be involved in addressing violent crime in local communities? (45 agencies responding)**

Definitely yes	31	68.89%
Probably yes	14	31.11%
Probably not	0	0.00%
Definitely not	0	0.00%
Unsure	0	0.00%

**Prioritizing the most important role the federal government plays in preventing and reducing violent crime in cities and counties:**

	1	2	3	4	5	6
Conducting enforcement operations focused on local crime problems	8	12	6	8	7	1
Conducting enforcement operations focused on interstate crime problems	3	3	9	11	16	0
Providing additional or supplemental enforcement resources to address local violent crime problems	26	9	4	3	0	0
Providing enhanced investigative strategies	2	4	15	13	8	0
Providing more advanced technologies, tactics, and analysis to address local violent crime problems	3	14	7	7	11	0

**17. Are there barriers or gaps in federal policy that impact your ability to address gun violence? (21 agencies responding, open-ended question)**

*7 of the responses (1/3) indicated that no, that there were no barriers or gaps, and 1 responding agency indicated that gaps or barriers were unknown. 13 agencies indicated that there was some sort of barrier or gap in federal policy impacting their ability to address gun violence. These responses indicate several key items of interest: (1) Gun policies/state laws – these are also reflected in earlier survey questions, when respondents indicate that access to firearms is a contributor to gun violence in their jurisdiction; (2) Consistency issues – data sharing across agencies, federal burden for prosecution not being aligned with the state, lack of uniformity of state laws creating difficulty in creating stances on gun violence; (3) Leniency of other agencies – probation and parole, violent offenders released early.*

# APPENDICES

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## Appendix C: Executive Session Participants

### Police Foundation & Major City Chiefs Executive Session on Violent Crime and Gun Violence

National Law Enforcement Officers' Memorial Fund Offices

Thursday, August 25, 2016

#### Participating Executives

1. Art Acevedo, Chief of Police, Austin Police Department
2. Kimberly Chisley-Missouri, Assistant Chief, D.C. Metro Police
3. William Evans, Police Commissioner, Boston Police Department
4. Russell Hamill, Assistant Chief of Police -Investigative Services Bureau, Montgomery County [MD] Police Dept.
5. William Jessup, Assistant Chief of Police, Milwaukee Police Department
6. Eddie Johnson, Superintendent of Police, Chicago Police Department
7. Alexander Jones, Colonel, Baltimore County Police Department
8. Eric Kazmierczak, Captain, Tucson Police Department
9. Robert Luna, Chief of Police, Long Beach Police Department
10. Tom Manger, Chief of Police, Montgomery County [MD] Police Dept.
11. Michel Moore, First Assistant Chief, Director Office of Operations, Los Angeles Police Department
12. Thomas Quinlan, Acting Chief of Police, Columbus Division of Police
13. Gordon Ramsay, Police Chief, Wichita, KS
14. Thomas Roberts, Assistant Sheriff, Las Vegas Metropolitan Police Department
15. George N. Turner, Chief, Atlanta Police Department

#### Additional Participants

16. Thomas Abt, Senior Research Fellow, Harvard Kennedy School of Government
17. Jim Burch, Vice President, Strategic Initiatives, Police Foundation
18. Dr. Phil Cook, Professor, Duke University
19. Tim Heaphy, Former U.S. Attorney, Western District of Virginia, Former Chairman, Attorney General's Advisory Committee
20. Cameron Ippolito, Former Assistant United States Attorney, Consultant
21. Dr. Christopher Koper, Professor, George Mason University
22. Darrel Stephens, Executive Director, Major Cities Chiefs Association
23. Nina Vinik, Program Director, The Joyce Foundation
24. Daniel Webster, Director, Johns Hopkins Center for Gun Policy and Research

# APPENDICES

## Appendix D: Programs and Strategies Addressing Gun Violence

### Programs Addressing Gun Violence

- **Operation Ceasefire**
  - o Direct attack on illicit firearms traffickers and interventions actions deterring gang members from gun violence
  - o <http://www.nij.gov/topics/crime/gun-violence/prevention/pages/ceasefire.aspx>
- **Project Safe Neighborhoods**
  - o Increasing partnerships between federal, state, and local law enforcement agencies, emphasizing five core components: partnerships, strategic planning, training, outreach, and accountability.
  - o <http://www.psn.gov>
- **Project Exile**
  - o Deterrence through sentence enhancements for firearm-related offenses
  - o <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=413>
- **National Integrated Ballistic Information Network (NIBIN)**
  - o Automates ballistics evaluations and provides actionable investigative leads in a timely manner
  - o <https://www.atf.gov/firearms/national-integrated-ballistic-information-network-nibin>
- **Operation Peacekeeper**
  - o Youth outreach workers served as mentors for youth in neighborhood settings
  - o <http://www.stocktonca.gov/government/departments/manager/peacekeepers.html>
- **Comprehensive Anti-Gang Initiative (CAGI)**
  - o Enforcement strategies (increased prosecution, joint case prosecution screening, directed police patrols and field interrogations); prevention and intervention strategies (skills building, education and outreach, school-based prevention, substance abuse treatment); re-entry programs (outreach and linking services to gang-involved inmates returning from prison).
  - o <http://www.ojjdp.gov/programs/antigang/>
- **Cure Violence**
  - o Detect and interrupt potentially violent conflicts, identify and treat highest risk, mobilize the community to convey the message that violence should not be viewed as normal but as a behavior that can be changed
  - o <http://cureviolence.org/>
- **Indianapolis Violence Reduction Partnership (VRP)**
  - o Identification of key offenders and patterns of offending, “lever pulling” meetings with probationers and parolees to send a message of deterrence, and outreach of community partners to supplement offenders with social services and ex-offender mentors
  - o <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=65>
- **Strategic Approaches to Community Safety Initiative (SACSI)**
  - o Leadership by local U.S. Attorneys’ Offices within a multiagency partnership; integration of researchers into planning and execution of intervention strategies; design and implementation of interventions to reduce illegal gun carrying and use
  - o <http://www.nij.gov/topics/crime/gun-violence/prevention/Pages/sacsi.aspx>

## Strategies Addressing Gun Violence

- **Focused deterrence/pulling levers**

- o Selecting a particular crime problem (such as youth homicide); convening an interagency working group that may include law enforcement, social service, and community-based practitioners; developing a response to offenders or groups of offenders that uses a variety of sanctions (“pulling levers”) to stop continued violent behavior; focusing social services and community resources on target offenders to match the prevention efforts by law enforcement; and directly and continually communicating with offenders to make them understand why they are receiving special attention (Braga and Weisburd 2012).
- o <http://campbellcollaboration.org/lib/project/96/>

- **Problem-oriented policing and problem solving**

- o Identify concentrations of crime or criminal activity, determine what causes the concentrations, and implement responses to reduce the concentrations. Important findings from studies are that effective partnerships require extensive commitment of time, resources, and energy; prompt and local data is key; the integration of researchers and analysts is integral; and it may require some organizational change.
- o <http://www.nij.gov/topics/crime/gun-violence/prevention/Pages/problem-solving.aspx>

- **Federal-local collaboration**

- o In general, such collaboration provides advantages for local law enforcement facing high rates of gun violence. Federal penalties for firearm violations are generally more severe than state penalties, and federal law enforcement officers may have access to better intelligence
- o <http://www.nij.gov/topics/crime/gun-violence/prevention/Pages/fed-local.aspx>

- **Directed patrol**

- o Officers dedicated to the program (do not always respond to calls for service) to concentrate on suspicious activities and high-risk offenders, and to provide a deterrent effect in high-crime areas. The idea is to incapacitate dangerous offenders and remove illegal guns from the streets.
- o <http://www.nij.gov/topics/crime/gun-violence/prevention/pages/directed-patrols.aspx>
- o <http://cebcp.org/evidence-based-policing/what-works-in-policing/research-evidence-review/directed-patrol-for-gun-violence/>

- **Identifying hot spots**

- o The use of crime analysis to locate concentrations of crime, types of crime being committed, and other information that helps craft the most effective responses. In these concentrated areas, law enforcement can focus limited resources on a small number of high-activity crime areas
- o <https://www.crimesolutions.gov/PracticeDetails.aspx?ID=8>

- **Action research**

- o When practitioners work alongside researchers to design, implement, evaluate, and revise intervention programs. For gun violence reduction, law enforcement-researcher partnerships are formed to address specific local problems.
- o <http://www.nij.gov/topics/crime/gun-violence/prevention/Pages/action-research.aspx>

# APPENDICES

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## Appendix E: Methodology

Police Foundation staff began this effort by conducting extensive scholarly and open source research into violent crime; gun markets; federal, state, and local law enforcement programs and policies; and the ways in which law enforcement address violent crime.

Throughout the course of the project, the Police Foundation engaged two groups of advisors to help guide its direction. First, it sought the input of executive advisors, comprised of a bipartisan group of former federal executives and U.S. Attorneys. The executive advisors helped create the survey instrument and discussion points for the Executive Session. They additionally provided valuable feedback on the chiefs' recommendations and federal agency budget data.

Additionally, the Police Foundation engaged the expertise of research advisors comprised of experts on violent crime, particularly gun violence and gun markets. This group provided valuable feedback on the survey results, provided research on gun markets, and participated in the Executive Session.

The Police Foundation, in collaboration with MCCA, surveyed MCCA members regarding their experience with federal law enforcement and prosecutors in addressing violent crime. The Police Foundation disseminated the survey via email to all U.S. members of the MCCA. Sixty-two out of sixty-eight MCCA members answered at least one question in the survey (response rate 91%), and 47 of the 68 agencies receiving the survey answered all survey questions (response rate 69%). Twenty-three survey respondents identified themselves or their agency in the survey, allowing for examination of their responses within the context of their homicide and aggravated assault statistics from 2015 midyear to 2016 midyear, based on data they provided to the MCCA. The survey is a 17-item instrument that asks chiefs a variety of questions regarding challenges to combatting gun violence, drivers behind their violent crime challenges, and their perspectives on federal strategies and agencies. Individual survey items ranged from single-item multiple-choice questions, to ranking items, to open-ended text-based responses. (Survey response tables are attached as Appendix B).

The Police Foundation interviewed ten recently retired or separated federal executives (appointees and members of the Senior Executive Service) from the Drug Enforcement Agency (DEA), ATF, FBI, the United States Marshals Service (USMS), and the Offices of the United States Attorneys regarding their agencies' experiences in addressing violent crime and working with local law enforcement. Each interviewee was asked how their former agencies prioritized violent crime, which strategies and tools were provided to local law enforcement, the challenges the agencies faced, how they allocated resources, and how they measured their performance. Though somewhat limited in their scope and number, the interviews complemented the research conducted and provided a federal perspective on violent crime responses, which helped inform the discussion of violent crime at the Executive Session with major city chiefs.

In an effort to inform the recommendations and complement the research regarding federal resources, the Police Foundation consulted with a former official from the Office of Management and Budget (OMB) and a former U.S. Department of Justice (DOJ) component budget officer, reviewed historical budget data from each federal agency, and engaged additional subject matter experts to assist with the analysis of this data.

To supplement the results of the survey, address emerging themes from the interviews, and gather the recommendations of major city chiefs, the Police Foundation held a day-long Executive Session on August 25, 2016 in Washington, D.C. The 24 meeting attendees consisted of chiefs and assistant chiefs/sheriffs of 15 MCCA member agencies across the United States, with a particular focus on the great lakes region, as well as a number of research advisors and consultants to the project. These agencies were chosen from many others because they were either experiencing significant increases in violent crime, specifically gun crime, or decreases in violent crime according to 2014 to 2016 midyear and full-year MCCA crime data. Meeting attendees also included members of the Research Advisory Board, MCCA, the Joyce Foundation, and former U.S. Attorneys' Offices.

The Executive Session, led by the Police Foundation's Vice President Jim Burch, explored specific survey questions, focusing specifically on the main issues identified from survey responses and through consultation with Advisory Board members. The main themes identified, and subsequently discussed at the Executive Session, were resource issues, drivers of violent crime, most and least valuable federal assistance, the role of prosecutors, and effective responses to violent crime. The session concluded with each chief or assistant chief's recommendations to federal law enforcement and prosecutors on how to improve efforts to combat violent crime. (A list of Executive Session participants is attached as Appendix C.)

Following the Executive Session, the Police Foundation met with approximately 25 current federal agency officials over a two-hour period, which was organized by the DOJ. The meeting was attended by staff from the Office of the Deputy Attorney General, ATF, DEA, FBI, USMS, Office of the United States Attorneys, Executive Office for United States Attorneys, the Bureau of Justice Assistance (BJA) and the Office of Community-Oriented Policing Services (COPS) and were asked what their agencies were doing to address localized spikes of violent crime, the challenges they are facing, and their performance measurements. Their input provided additional context to the major city chiefs' recommendations and perspectives on violent crime. The Police Foundation researched the Violence Reduction Network (VRN), DOJ's program that focuses on an "all hands" approach to reducing violence, and discussed the VRN's process evaluation.<sup>161</sup>

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161 VRN Program Evaluators, personal communication, September 7, 2016.

# APPENDICES

## Appendix F: City Profiles

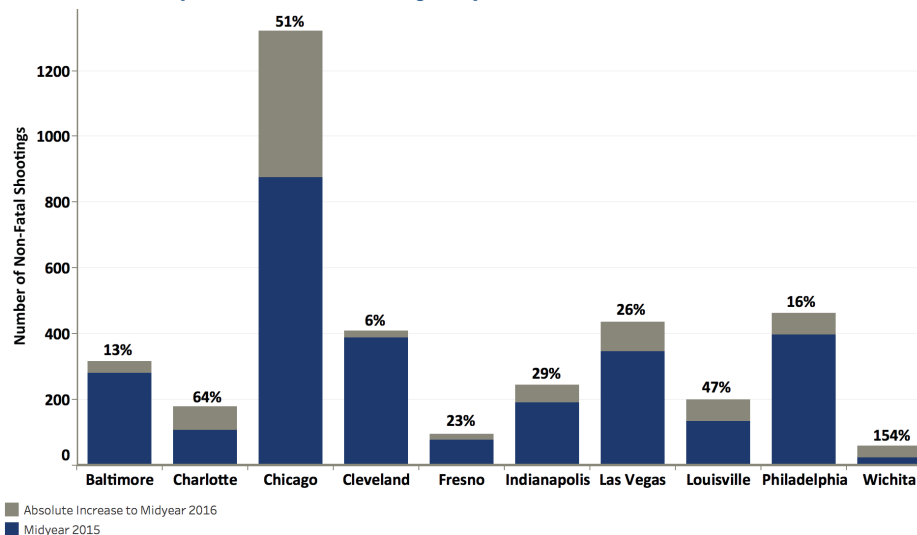
### A Local Perspective: Chicago

Chicago experienced an increase in homicides from 2014 to 2015 (and also reports a 2016 increase in homicides in midyear comparisons with 2015)<sup>162</sup>. Homicides in Chicago have surpassed 600 annually, a first since 2003.<sup>163</sup>

In March 2016, two people were killed and 19 were wounded over a span of 20 hours in Chicago<sup>164</sup> in six separate shooting incidents. The last weekend in October proved to be the deadliest of the year, with 42 wounded and 17 fatally shot,<sup>165</sup> and over the first few days in November 2016, five people were killed and at least 16 were injured in multiple shootings.<sup>166</sup>

In all of 2015, the number of people shot in Chicago was 2,988. At the beginning of September 2016, there had been 2,949 people shot.<sup>167</sup> Figure 21 lists the ten cities with the largest absolute increases in non-fatal shootings from the 2015-2016 midyear reports. Chicago experienced the highest absolute increase in these shootings of all the major cities, from 875 at the 2015 midyear to 1,321 at the 2016 midpoint,<sup>168</sup> through July 29, 2016. Frustratingly, a majority of individuals affected by Chicago’s violence are unable to see justice served, as through August 28, 2016, police made arrests in only 16% of fatal shootings.<sup>169</sup>

**Figure 21: 2015-2016 Midyear non-fatal shootings: Top ten cities<sup>170</sup>**



162 Federal Bureau of Investigation. (2015). Crime - Local Level One Year of Data. [Data file]. Retrieved from <http://www.ucrdatatool.gov/Search/Crime/Local/OneYearofData.cfm>; and Ibid.

163 Gorner, J., Rosenberg-Douglas, K., & Crepeau, M. (2016, October 31). Weekend marks deadliest of year with 17 fatally shot. Chicago Tribune. Retrieved from <http://www.chicagotribune.com/news/local/breaking/ct-chicago-weekend-shootings-violence-20161031-story.html>.

164 Nickeas, P., Williams-Harris, D., Wong, G., & Crepeau, M. (2016, March 9). “Why? Why? Why?” - 21 shot over 20 hours in Chicago. Chicago Tribune. Retrieved from <http://www.chicagotribune.com/news/local/breaking/ct-chicago-shootings-violence-20160308-story.html>.

165 Gorner, J. Weekend marks deadliest of year with 17 fatally shot. <http://www.chicagotribune.com/news/local/breaking/ct-chicago-weekend-shootings-violence-20161031-story.html>.

166 Williams-Harris, D., Ford, L., & Crepeau, M. (2016, November 3). 5 dead, 16 wounded in Chicago shootings. Chicago Tribune. Retrieved from <http://www.chicagotribune.com/news/local/breaking/ct-man-seriously-wounded-in-shooting-on-west-side-20161102-story.html>.

167 Kass, J. (2016, September 8). Murder numbers don’t tell the story in Chicago. Shootings do. Chicago Tribune. Retrieved from <http://www.chicagotribune.com/news/columnists/kass/ct-chicago-violence-kass-0908-20160907-column.html>.

168 MCCA Survey.

169 Beckett, L. & Glawe, J. (2016, September 4). Gun violence, unsolved murders put Chicago on course to set grim record. Chicago. The Guardian. Retrieved from <https://www.theguardian.com/us-news/2016/sep/04/chicago-gun-violence-unsolved-murders-deadly-year>.

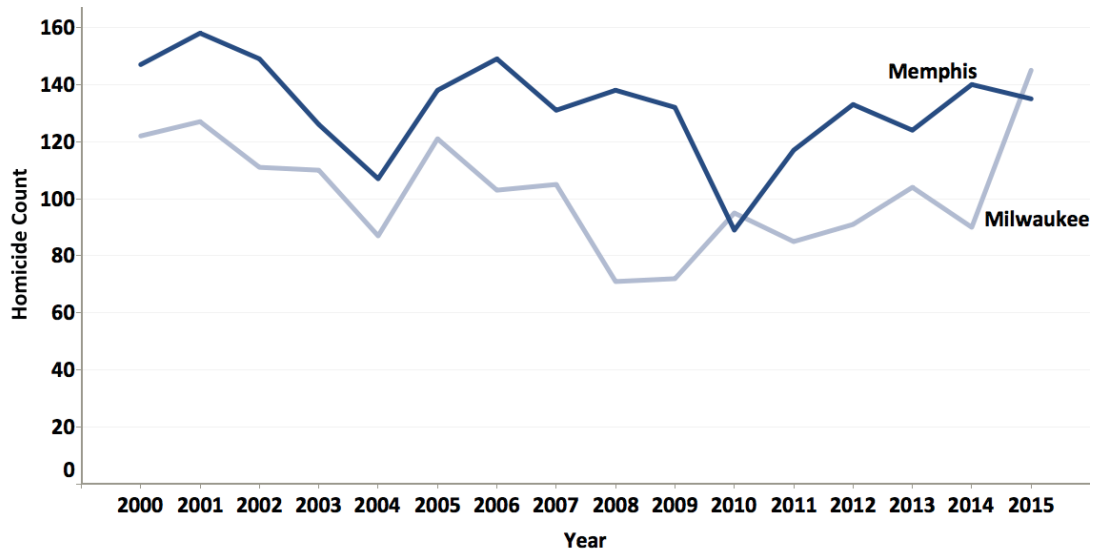
170 MCCA Survey.



## A Local Perspective: Memphis and Milwaukee

Memphis and Milwaukee have experienced an increase in various crimes over the past few years. Figures 22 and 23 list homicide trends and aggravated assaults, respectively, for both cities. A 2016 midyear report shows an increase in robbery, aggravated assault, and homicide for the first half of this year in Memphis. Midyear homicide for Memphis in 2016 increased 63% from the 2015 midyear; aggravated assault increased 6.7%; and robbery increased 9.5%.

**Figure 22: Homicide in Memphis and Milwaukee, 2000-2015<sup>171</sup>**



In Memphis, 151 people had been murdered as of the end of August 2016. Milwaukee also has experienced grim spikes in violence. The month of August 2016 saw 24 homicides, leading police to refer to it as the “deadliest month” in 25 years – the highest monthly total since the Jeffrey Dahmer month of July 1991.<sup>172</sup> From 2014 to 2015, Milwaukee experienced an eight percent increase in aggravated assaults and a 61% increase in homicide. Milwaukee also saw a nine percent increase in non-fatal shootings in 2015.

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“I keep a book with a picture of every homicide victim; the date, their name, and what brought it about... You can’t treat these as just statistics. You have to put the human face on this.”

– Memphis Mayor Jim Strickland

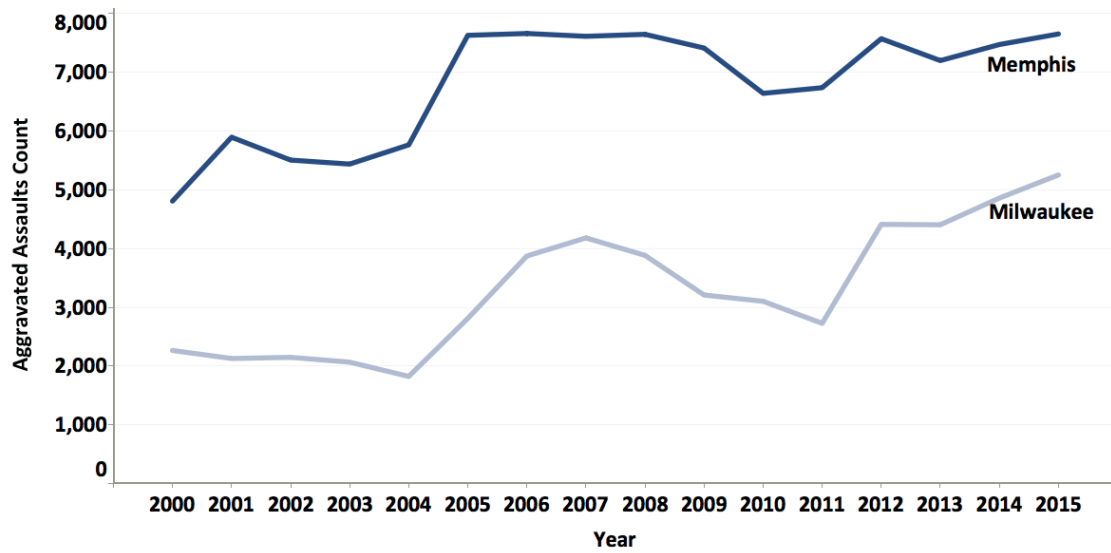
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Matthews, M. (2016, August 31). Mayor: Memphis Murder Victims More Than A Statistic. Local Memphis. Retrieved from <https://www.bjs.gov/content/pub/pdf/bcft1314st.pdf>.

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172 Luthern, A. (2016, September 1). Flynn addresses “deadliest month” in 25 years. Milwaukee Journal Sentinel. Retrieved from <http://www.jsonline.com/story/news/crime/2016/09/01/flynn-address-deadliest-month-25-years/89732548/>.

Figure 23: Aggravated assaults in Memphis and Milwaukee, 2000-2015<sup>173</sup>



Residents living in cities with increasing violent crime are inexorably affected by it, as it is shown on the news; closes off streets; is detrimental to the local economy; provokes fear; and degrades the health of the community. Grasping the underlying drivers to such spikes in crime is imperative for the federal government to begin the extended process of aiding local communities living through them.

173 FBI, 2015 Crime in the U.S.

# APPENDICES

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## Appendix G: Executive and Research Advisors

### Executive Advisors

The Honorable B. Todd Jones

Former Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)  
Former United States Attorney, District of Minnesota  
Chair, Attorney General's Advisory Committee

Mr. Mark F. Giuliano

Former Deputy Director of the Federal Bureau of Investigation (FBI)

Mr. John Farmer, Jr.

Former Attorney General of New Jersey  
Senior Counsel & Team Leader, The National Commission on Terrorist Attacks  
Upon the United States (aka, "The 9-11 Commission")

The Honorable Laurie O. Robinson

Former Assistant Attorney General of the Office of Justice Programs  
Co-Chair of the President's Task Force on 21st Century Policing

The Honorable Timothy Heaphy

Former United States Attorney, Western District of Virginia  
Chairman, Subcommittee on Enforcement Coordination, Attorney General's Advisory Committee

### Research and Science Advisors and Consultants

Philip J. Cook, Ph.D.

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Duke University

Daniel Webster, ScD

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Johns Hopkins Center for the Prevention of Youth Violence  
Johns Hopkins University

Christopher Koper, Ph.D.

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Center for Evidence-Based Crime Policy  
George Mason University

### Consultant Advisors

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Senior Research Fellow & Adjunct Lecturer in Public Policy The Program in Criminal  
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