

**REVIEW OF DEPARTMENT OF JUSTICE  
FIREARM PROSECUTIONS**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

AND THE

SUBCOMMITTEE ON YOUTH VIOLENCE

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

ON

REVIEWING THE DEPARTMENT OF JUSTICE FIREARM PROSECUTION,  
FOCUSING ON VIOLENT CRIME PROSECUTION, FIREARM LEGISLA-  
TION, PROJECT ACHILLES, AND PROJECT TRIGGERLOCK

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MARCH 22, 1999

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**Serial No. J-106-7**

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Printed for the use of the Committee on the Judiciary



U.S. GOVERNMENT PRINTING OFFICE

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# CONTENTS

## STATEMENTS OF COMMITTEE MEMBERS

	Page
Thurmond, Hon. Strom, U.S. Senator from the State of South Carolina .....	1
Sessions, Hon. Jeff, U.S. Senator from the State of Alabama .....	2
Specter, Hon. Arlen, U.S. Senator from the State of Pennsylvania .....	3

## CHRONOLOGICAL LIST OF WITNESSES

Panel consisting of Thomas W. Corbett, Jr., chairman, Pennsylvania Commission on Crime and Delinquency, Pittsburgh, PA, and former U.S. Attorney, Western District of Pennsylvania; and Andrew L. Vita, assistant director of field operations, Washington Field Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC .....	8
Panel consisting of Helen F. Fahey, U.S. attorney, Eastern District of Virginia, Alexandria, VA; Jerry Oliver, chief of police, City of Richmond, VA; John F. Timoney, police commissioner, City of Philadelphia, PA; and Donald K. Stern, U.S. attorney, District of Massachusetts, Boston, MA .....	22

## ALPHABETICAL LIST AND MATERIAL SUBMITTED

Corbett, Thomas W., Jr.:	
Testimony .....	8
Prepared statement .....	10
Fahey, Helen F.:	
Testimony .....	22
Prepared statement of the Department of Justice including prepared statements of Helen F. Fahey and Donald K. Stern .....	25
Oliver, Jerry A.:	
Testimony .....	50
Prepared statement .....	52
Sessions Hon. Jeff: Submitted prepared statement of Henry L. Neal, retired special agent, ATF .....	68
Stern, Donald K.: Testimony .....	59
Timoney, John F.:	
Testimony .....	54
Prepared statement .....	57
Vita, Andrew L.:	
Testimony .....	11
Prepared statement .....	13

## APPENDIX

### ADDITIONAL SUBMISSION FOR THE RECORD

Article by David S. Cloud, staff reporter of "The Wall Street Journal," dated Aug. 31, 1998 .....	71
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## **REVIEW OF DEPARTMENT OF JUSTICE FIREARM PROSECUTIONS**

**MONDAY, MARCH 22, 1999**

U.S. SENATE,  
SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT,  
AND SUBCOMMITTEE ON YOUTH VIOLENCE,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The subcommittees met, pursuant to notice, at 2:24 p.m., in room SD-226, Dirksen Senate Office Building, Hon. Strom Thurmond (chairman of the Subcommittee on Criminal Justice Oversight) presiding.

Also present: Senators Sessions, and Specter (ex officio).

### **OPENING STATEMENT OF HON. STROM THURMOND, A U.S. SENATOR FROM THE STATE OF SOUTH CAROLINA**

Senator THURMOND. The committee will come to order.

I am pleased to hold this joint hearing of the Subcommittee on Criminal Justice Oversight and the Subcommittee on Youth Violence. An important responsibility of the Criminal Justice Oversight Subcommittee under my leadership in this Congress will be to take a hard look at our Federal law enforcement, prosecution, and incarceration activities.

In this hearing today, we will evaluate Justice Department prosecutions under Federal firearms laws and the success of Federal-State law enforcement partnerships in this regard. I wish to commend Senator Sessions, a distinguished former Federal prosecutor and Alabama Attorney General, for his personal commitment to this very important issue for the past 2 years.

Violent, repeat offenders are a serious threat to society. An important way we can fight crime is to get guns out of the hands of these dangerous criminals. We have long-standing Federal laws that punish felons and drug offenders for having or using firearms. These laws are on the books for a reason—to be enforced. I am deeply concerned about the apparent failure of the Justice Department to vigorously enforce these firearms laws during much of the Clinton administration.

About a decade ago, the Bush administration implemented a Federal law enforcement initiative called Operation Triggerlock. It targeted defendants who used a firearm in the commission of a felony with aggressive Federal firearm prosecutions, and it was very successful.

Unfortunately, between 1992 and 1997, Triggerlock gun prosecutions dropped nearly by half, from 7,048 cases filed in the last year

of the Bush administration to 3,765 cases filed in the fifth year of the Clinton administration. Finally, in 1997, the U.S. attorney's office in Richmond, VA, launched a similar initiative called Project Exile. The program has been a huge success. When the project was implemented, Richmond's homicide rate was second in the Nation for a city of its size. One year later, Richmond's homicide rate dropped by over 40 percent.

Project Exile is not about creating new Federal crimes. Instead, it is about enforcing the laws we have. It makes up for deficiencies in State law by making justice swift and certain. Under Project Exile, criminals are prosecuted six times faster and serve three to four times longer sentences than they would in the State system for the same offense. Also, bail is much less available in the Federal system, and prosecutors refuse to plea bargain below the mandatory minimum sentence. All of this is achieved with relatively little additional expenditures.

Project Exile is a cooperative effort between Federal law enforcement on one end and State and local law enforcement on the other. They work together to fight crime. It is vital that this approach be expanded to many other cities. This type of initiative is desperately needed by many other cities plagued by gun-related criminal activity.

I was pleased that the President discussed the success of Project Exile during his weekly radio address on Saturday. It is vital that the Clinton administration focus its crime-control efforts and resources on prosecuting dangerous criminals with firearms.

Also, it is my hope that cities and States across America will address the deficiencies of their laws that have made initiatives such as this necessary. States should enact truth-in-sentencing laws, tougher mandatory minimum sentences, and bail and parole reform. They should also hire sufficient prosecutors and judges to dispose of criminal cases quickly and effectively.

As a Nation, we must be diligent in enforcing our firearms laws. We need to expand successful programs like Project Exile. After all, restricting the rights of law-abiding citizens to bear arms is not the solution to violent crime. The solution is to separate dangerous criminals from the deadly tools of their trade.

I look forward to the testimony of our distinguished witnesses.

Senator Sessions and I are co-chairing this hearing today, and I will now turn the Chair over to him. Senator Sessions has worked tirelessly to encourage the Clinton administration to address the drop in gun prosecutions. We appreciate his hard work and dedication to this important matter.

Senator Sessions.

**STATEMENT OF HON. JEFF SESSIONS, A U.S. SENATOR FROM  
THE STATE OF ALABAMA**

Senator SESSIONS. [Presiding.] Thank you very much, Mr. Chairman. That was indeed an important statement you made, and I believe it goes to the heart of the most effective thing we can do to fight violent crime.

I was, in fact, a U.S. attorney—and we will have one testifying today—when you chaired this committee, and I know Mr. Corbett was. And during that time, you passed one of the most significant

laws, I guess, in the history of American jurisprudence, the Sentencing Guidelines law—Senator Specter I know participated in that—and mandated certain sentences. One of the sentencing mandates was that for criminals who carry a firearm during a crime, they would be mandatorily sentenced to 5 years in Federal prison without parole, and they were passed so that they would be used. And we set about to use those laws and, I think, made some real progress. We will talk about that more as we go along.

But we do want to discuss today the decline in prosecutions that was most notable to me when I came to the Senate just over 2 years ago. This chart shows the Federal prosecution decline from 7,048 cases in 1992—and that was, I guess, the last year I was U.S. attorney—down to 3,807 in 1998, a 46 percent decline. And as I have ask Attorney General Janet Reno and Deputy Attorney General Eric Holder about those numbers, I have pointed out each time that this administration has stated repeatedly that firearms and violent crime are a priority. How is it that we have this decline?

And I have raised with them the program that was begun, under President Bush's Presidency, Project Triggerlock, that focused on that. It was a team effort between local police, local prosecutors, and Federal prosecutors and Federal investigative agents, ATF primarily. It worked effectively, and we increased significantly the convictions of serious violent criminals, and the word does get out on the street. In fact, people stopped carrying guns that otherwise would have carried guns. As a result of that, in my opinion, people are alive today that otherwise would not be alive today.

When you see the tremendous success of Project Exile, which is essentially the same project as Project Triggerlock, except it has an advertising component, which I like and think is very good, that project has driven down homicides, it is said, in Richmond by 40 percent.

Now, I am telling you, that is a serious event to say a single program that costs not much money, that really depends on leadership and commitment, can reduce homicides by nearly 50 percent. It is a remarkable achievement. We want to highlight that today and discuss it in more detail. I do think it is good that the President has become focused, apparently, on it and indicates he is directing his Attorney General and the Secretary of Treasury to get back in the game on this issue and replicate Project Exile-type initiatives throughout the country.

I really feel strongly about it. I felt like it was one of the most significant things that I was able to participate in in my 12 years as a Federal prosecutor. It really hurt me to see it go into a state of decline, and I can't tell you how pleased I am to see that we may be on the eve of having it become revitalized again.

I am pleased to have a former prosecutor from Philadelphia, Senator Specter, who serves on our committee here today. Senator Specter is a thorough professional in this area, and I know he has some comments he would like to make at this time.

**STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM  
THE STATE OF PENNSYLVANIA**

Senator SPECTER. Thank you very much, Senator Sessions, Mr. Chairman.

I congratulate Senator Thurmond and Senator Sessions on convening this hearing, and I begin by welcoming two Pennsylvanians: the chairman of the Pennsylvania Commission on Crime and Delinquency, Tom Corbett, a gentleman with a distinguished career, serving as a former Attorney General of Pennsylvania, and former U.S. attorney for the Western District of Pennsylvania. We also have the distinguished police commissioner from Philadelphia, John Timoney, who will describe the operations of the special project in Philadelphia.

Today's hearing is very, very important. One under the caption of review of Department of Justice firearms prosecutions. The Federal Government has become an active partner in this area since passage of the armed career criminal bill in 1984, which provided for a mandatory sentence up to life in jail for a career criminal, someone with three or more prior serious felony convictions found in possession of a firearm.

The program was supplemented by Triggerlock, which began in the Eastern District of Pennsylvania, Philadelphia Federal courts, in 1988, and now has moved to the next line of Project Exile, which has reinvigorated the Federal presence with the program in Richmond. We have people here today from Richmond, and I commend those who have initiated the program there with the excellent results cited by Senator Sessions, and we have the U.S. attorney from Boston here today to talk about the program there.

In last year's appropriations bill, we added \$1.5 million for Philadelphia and an add-on of \$800,000 for Camden to work coordinately across the Delaware River. And the results have been very good, as the police commissioner of Philadelphia will testify.

You have about 1,100 to 1,200 of the Philadelphia County gun arrests eligible. About 200 of those will be tried, and I can tell you from experience—a good bit of it was a very bitter experience—how much better it is to try in the Federal courts. If you try in the Federal courts, you have the individual judge calendar. The case goes to the judge and stays there, unlike, say, the Philadelphia County courts where it moves to another judge on the next listing, which encourages judge-shopping, waiting for a lenient judge.

Then you have the availability of detention awaiting trial where the facts are sufficiently serious on the threat of repetitive offense under some very appropriately strict constitutional standards. And then you have the sentencing. So trying in the Federal courts in Philadelphia is night and day. This is a program which ought to be expanded.

Attorney General Reno was in this room a week ago Friday and testified about the good results in Richmond and Boston, noted what we were doing in Philadelphia, and was then asked by me why only \$5 million of an enormous Federal DOJ, Department of Justice, budget is allocated to this program. And the answer in my view was insufficient.

Senator Sessions and I and others have been talking about having an item on the budget resolution to put more money into this program. Perhaps it will be a little easier after President Clinton's Saturday speech on this subject. This is a high-yield program. Our Federal courts have the capability of trying these cases. These are priority cases.

The Federal backlogs—and they are not easy, but if you take the Eastern District of Pennsylvania, for example, the civil backlog is in good shape; the criminal docket is in good shape; and these cases can be given priority attention. We are not federalizing any offenses here. Gun cases have always been Federal jurisdiction. They move in interstate commerce, and they are a classical case for Federal jurisdiction.

So we really need to emphasize the success of these programs, which I know this hearing will do, and we need to expand them.

I would like to take just a moment or two on a personal note. When Senator Thurmond approached the door and his presence was noted, I made a comment to some of the staff about a very famous incident that occurred at that door with Senator Thurmond many years ago. And I read about it in a history book. Strom is in a lot of history books. Strom is a legend at the table here today, and I confirmed the story with Strom.

But it so happened that when the Democrats were in control and trying to get certain measures through the Judiciary Committee. They had a hard time getting a quorum. And Senator Thurmond was very attentive to his Judiciary Committee duties, as he always has been, but wasn't going to provide a quorum because the items on the agenda were not in the interest of the Nation. But, if the Democrats got a quorum and could proceed with committee business, Strom wanted to be at the scene. So Strom waited right outside of the door in a position to join the quorum, should one occur, but not to create the quorum.

Well, Senator Ralph Yarborough of Texas saw Strom standing out there and urged him to come in, and he got a negative response and then accelerated his urging, and then tried to use physical force on Strom—a very, very serious mistake. And there ensued an occurrence which I will not describe in any detail. Senator Thurmond will soon have the floor. But it results in Strom putting a scissors on Senator Yarborough, pinning him to the floor and perpetuating the absence of a quorum even by one additional member.

I could not resist that short historical story seeing Strom stand at the door.

Senator THURMOND. He was big and fat and couldn't handle himself well. [Laughter.]

Senator SPECTER. That is not only an addendum, that is a confirmation.

Thank you, Senator Thurmond. Thank you, Senator Sessions.

Senator SESSIONS. Thank you. The combat veteran who volunteered to fly a glider plane on D-Day behind enemy lines won that battle outside this door.

Well, we will be glad to listen to our panel, and I look forward to this. I would point out that we have talked a lot about new laws, and sometimes new laws are important. Sometimes we need new gun laws. But there are sometimes, I find, as an experienced prosecutor—I spent my life prosecuting cases professionally—that we like to do symbolic things and not real things.

For example, we passed a bill that made it illegal to possess firearms on school grounds, title 18, 922(g). In 1997, there were only five prosecutions under it and eight in 1999. That was a lot of news media coverage about this new crime bill. But, really, when you

talk about the thousands and hundreds of thousands of violent crimes out there, that is not a major impact on it.

Look at unlawful transfer of firearms to juveniles. Not a bad law, 922(x)(1). Five prosecutions in 1997, six in 1998; whereas, we have had a 3,000 decline in prosecution of criminals with guns. Possession or transfer of semi-automatic weapons, that is the assault weapons ban, four in 1997, four in 1998.

Well, all I am saying to you is that a good, aggressive criminal justice program requires a serious confrontation with the criminal element. I believe that chart does reflect that the Federal Government has diminished its effort. I believe that the President's embracing Saturday—the day before yesterday—of the Exile Project is a good development and indicates that they have begun to analyze this and will seek to reinvigorate those joint Federal–State efforts to target violent criminals.

[The prepared statement of Senator Sessions follows:]

PREPARED STATEMENT OF HON. JEFF SESSIONS

I would like to welcome our distinguished panel of witnesses that have joined us today. We are here today to examine the decline in the Department of Justice firearms prosecutions in the last six years. Violence involving guns plagues the vast majority of our nation's urban areas. There are some whose answer to this problem is to pass more laws restricting gun use. However, I believe our focus should be to revitalize our efforts in prosecuting violent offenders under our current federal laws.

In fiscal year 1988, the Reagan Administration, based on the recommendations of the Bureau of Alcohol, Tobacco and Firearms (ATF), initiated an innovative program known as Project Achilles. The concept behind the initiative was that the illegal possession of firearms was the "Achilles heel" or the area of greatest vulnerability of criminals. By prosecuting the cases in federal court, the offenders were subject to stiffer penalties and expedited prosecutions. In 1990 Congress allocated \$4.5 billion for the program. The program functioned through task forces which targeted neighborhoods with the highest number of incidents of violent crime. The Achilles program was particularly effective in removing the most violent criminals from our communities.

Project Triggerlock was initiated in April 1991 by the Bush Administration. Triggerlock continued the ideas formulated in the Achilles program and committed DOJ to the prosecution effort. Under the program, every United States Attorney was directed to form special teams of federal, state, and local investigators to look for traditional gang and drug cases that could be prosecuted under federal weapons laws. Such prosecutions frequently led to harsher penalties than they did in state and local courts. The Bush Administration obtained additional funding for these increased firearms prosecutions and hired a large number of new law enforcement officers and federal prosecutors to target these gun and drug offenders.

Unfortunately, despite the success of this program, the Executive Office of United States Attorneys reports that prosecutions under Project Triggerlock have declined 46 percent since 1992. (See chart) I am concerned about such a substantial decline in light of the continued problems we face with violent crime, especially instances involving firearms. Some of my colleagues will suggest that more gun control legislation is needed to address the problem, but I believe we simply need to prosecute under the proven guns laws we currently have. What purpose would more restrictions and offenses serve if we are not taking advantage of the laws we already have.

For example, according to the Executive Office of United States Attorneys, we are not even using the gun laws that have been passed in the last few years. We are all concerned about our youth and their access to guns. Violence in our schools has been the topic of numerous headlines and a great deal of discussion. Currently, there is a federal offense for possession of firearms on school grounds that directly relates to these concerns. (922q) And yet in 1997 there were only five prosecutions reported nationwide under this section, and only eight in 1998. In the case of the offense for transferring firearms to a minor, the number of prosecutions reported under this section (922(x)(1)) is likewise surprisingly low, with five in 1997 and six in 1998. (See chart) My question remains "why are these laws not being used?"

Another issue that we need to address is the development of innovative programs to address crime and particularly those involving firearms. In 1997, the U.S. attor-

ney's office in Richmond, VA developed and carried out an aggressive approach to violent crime known as "Project Exile." This program, like the Achilles Program and Project Triggerlock, takes advantage of expedited prosecutions and stiffer sentencing guidelines by prosecuting firearms violations in federal court. The program depends on the cooperation of local, state, and federal law enforcement officials and prosecutors and numerous other community leaders. This program appears to revitalize the successful Project Triggerlock and then takes it one step further by adding a media-community relations component. This program has been very successful in getting criminals off the street and in deterring others from the illegal use of firearms. Project Exile is so well known on the street in Richmond that David E. Boone, a criminal defense attorney was quoted in the *New York Times* as saying, "The first thing I hear now when I talk to a client is 'Can you keep this from going to Exile?' A lot of them can't add two and two, but they know a gun plus drugs equals five." (years in prison) I look forward to the testimony of our guests regarding this program and their suggestions for instituting this type of program on the national level.

For two and a half years I have been urging Attorney General Reno, to no avail, to rethink the policy decision not to prosecute "street" violations of federal gun laws. I have repeatedly questioned her and her staff on why the number of prosecutions continue to fall. In testimony before this Committee, Attorney General Reno stated that one of the reasons for the decline in Triggerlock prosecutions was that the Department of Justice was pursuing more complex cases in order to stop the more serious multiple firearms offenders. In her opinion we should not be interested in numbers; she believes that we should be interested in how we impact the community. Well if that is the case shouldn't we consider the positive impact that Project Exile has had on the community. The statistics show that the violent crime rate in Richmond has gone down as a direct result of the program. I want to encourage the Department of Justice to be serious in their new found interest to support Project Exile's success.

Project Triggerlock was initiated to combat violent crime, with millions of dollars and a substantial number of new and existing personnel dedicated to the program. In my experience with the program, I found it to be a very effective approach. I am disappointed that the Department of Justice has allowed Project Triggerlock to languish and I am hopeful they will see the need to revitalize this useful and successful program.

Senator SESSIONS. Mr. Chairman, are we ready to start with our guests?

Senator THURMOND. Yes.

Senator SESSIONS. All right. I will introduce our guests.

The first panelist is Mr. Tom Corbett. He currently serves as chairman of Pennsylvania's Commission on Crime and Delinquency. He was appointed to the post by Governor Tom Ridge in March of 1995. Before taking that position, he served as an Assistant U.S. attorney for western Pennsylvania. In 1989, he was appointed U.S. attorney for the Western District of Pennsylvania and served there until 1993 and was elected by his brother and sister U.S. attorneys as chairman of the U.S. Attorneys Advisory Committee. I enjoyed working with Tom, and he was an outstanding champion of effective law enforcement.

Our next witness is Mr. Andrew Vita. He is the Assistant Director for Field Operations for the Bureau of Alcohol, Tobacco and Firearms. That is the ATF. He joined ATF as a special agent in 1969. He directs ATF's criminal enforcement regulatory field operations, which includes enforcement of explosives, firearms, arson, alcohol and tobacco laws, and ATF is the primary agency that has been charged with the duties of enforcement of firearm cases. We look forward to hearing from Mr. Vita.

Mr. Corbett, we are glad to hear from you at this time, and I believe our time limit is 7 minutes. And it might be like court. The light will come on if you go too long.

**PANEL CONSISTING OF THOMAS W. CORBETT, JR., CHAIRMAN, PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY, PITTSBURGH, PA, AND FORMER U.S. ATTORNEY, WESTERN DISTRICT OF PENNSYLVANIA; AND ANDREW L. VITA, ASSISTANT DIRECTOR OF FIELD OPERATIONS, WASHINGTON FIELD DIVISION, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, WASHINGTON, DC**

**STATEMENT OF THOMAS W. CORBETT, JR.**

Mr. CORBETT. Thank you, Senator, Chairman, Senator Thurmond. As the Senator indicated, my name is Tom Corbett, and from November of 1989 until August of 1993, I served as U.S. attorney for the Western District of Pennsylvania.

During that period of time, Attorney General Thornburgh appointed me to the Attorney General's advisory committee of U.S. attorneys. I was elected by the members of that committee to serve as chairman-elect in 1992 and chairman for 1993.

I returned to the private practice of law for 2 years and was then appointed Attorney General of Pennsylvania by Governor Tom Ridge upon the resignation of the previous Attorney General. I make mention of these appointments only for the point that they gave me a perspective of the needs of law enforcement from both the State and Federal positions, as well as the needs and the wishes of the public across Pennsylvania.

As you may recall, in 1989 this Nation was in the grip a sudden increase in crime, especially violent crime. We at the Department of Justice began to discuss what Federal law enforcement could do to assist our State and local counterparts in fighting this wave. At the same time, you in Congress, I believe in consultation with the Department of Justice and State and local law enforcement, sought ways to resolve the problems.

On April 10, 1991, the Department of Justice announced Project Triggerlock. This was really the culminating point of a decade of Federal efforts to combat violent crime. It was a confluence of resources meeting strategy. Tough Federal gun and drug laws, more prison space, and more investigative resources were used in coordination with State and local law enforcement.

Three Federal statutes were the core elements of Triggerlock, as I see it: first, 18 U.S.C. 922, the possession of a firearm by a felon, which carried a term of 10 years' imprisonment; second, 18 U.S.C. 924(e), possession of a firearm by an armed career criminal, which applied to defendants with three prior felony convictions for violent crimes and carried a minimum term of 15 years and a maximum term of life imprisonment; and, third, 18 U.S.C. 924(c), carrying or using a firearm during a Federal crime of violence or drug trafficking crime, which carried a mandatory minimum term of 5 years.

In addition to these statutes, the change in Federal law that eliminated parole after November 1, 1987, and thus created truth in sentencing, the ability to obtain pretrial detention of violent criminals under the Bail Reform Act of 1984, the availability of prison space within the Federal prison system, and the ability to obtain a speedy trial in the Federal system were crucial elements in the creation of Triggerlock.

In April 1991, each of the 93 U.S. attorney's offices established a Triggerlock task force comprised of representatives from the U.S. attorney's offices, State and local prosecutors, and Federal, State, and local investigative agencies. I stress the term "team" of agencies. Enforcement strategies were tailored to the needs of that particular district and that particular community.

In the first year of operation, Project Triggerlock accomplished the following: 6,454 defendants charged with Federal firearms violations; Federal firearms prosecutions more than doubled from the previous year, and more than one out of ten of all Federal prosecutions included a firearms charge; 84 percent of the Triggerlock defendants were felons, drug dealers, or violent criminals in possession of a firearm; the average sentence received by an armed career criminal under Project Triggerlock was 18 years without parole.

This project had, I believe, a tremendous impact on the communities of the United States. Violent recidivists and career criminals can easily be considered one-person crime waves. With their incarceration, the victimization that is spared is really incalculable. Death, serious injury, and loss of property to many unknown victims were averted as a result of the emphasis on removing the armed violent criminal from the community.

I also understand that today there is—or there was soon there—after a major criticism that this program had too many small cases and not enough large—you can read this as sexy "news at 11" type cases. In response to that criticism, I would like to say this: Throughout my career as an assistant district attorney and Assistant U.S. Attorney, U.S. Attorney, and Attorney General, I have never had a big case for prosecution develop without first having a small or, what some would say, insignificant case as a starting point. Just as when you look at the completion of a house or a building, you know it was built on a foundation and that foundation was made of smaller parts. So, too, any good criminal prosecution has a foundation of smaller parts. Oftentimes, these cases, these smaller cases, led to much larger cases either through the cooperation of the individual charged, in hoping to reduce his sentence in some way, shape, or form, or through further investigation by law enforcement.

Further, I believe in March 1992—and I hope I am not stealing my panel colleague's thunder—ATF released a study of armed career criminals, and ATF reported this study of the inmates that had committed an average of 160 crimes per year. That was three crimes per week. Using the National Institute of Justice data, it has been estimated that taxpayers actually saved over \$233,000 per year per inmate by incarcerating the armed career criminal.

Triggerlock, I believe, has served as a model—and I know it has served as a model—for others as its emphasis has waned in Federal circles. In Pennsylvania, Governor Tom Ridge directed the Pennsylvania State Police to create their own version of Triggerlock to assist local law enforcement in ridding their communities of violence and drugs. This is aimed at communities that are much smaller than communities that normally the Federal Government becomes involved with. The results to date are encouraging. However, I have to wonder what these results would be if further

supported by Federal resources to the extent expended in the early 1990's.

I would also tell you that as a result of the Federal legislation, as a result of Triggerlock, many States have taken action. For instance, in Pennsylvania, we have changed our constitution to allow for pretrial detention. We have adopted Triggerlock. We have adopted a weed-and-seed program which is very popular. We have changed our juvenile laws considerably, and we have adopted "three-strike" legislation that we consider to be very well suited to the needs of Pennsylvania.

I understand from my many recent visits to Richmond, VA, that there is an effort to re-create Triggerlock under the name Project Exile. I heartily endorse it and would hope that we could support in whatever way the actions of the U.S. attorney in Richmond. I hope that the effort is successful and that the Department of Justice will see fit to support it as it did in 1991, especially in light of the comments of the President recently.

With that, Senator, I would be happy to answer any questions that you may have at this time.

[The prepared statement of Mr. Corbett follows:]

PREPARED STATEMENT OF THOMAS W. CORBETT, JR.

Ladies and gentleman of the Senate: My name Tom Corbett and from November 1989 until August of 1993 I served as the United States Attorney for the Western District of Pennsylvania.

During my tenure Attorney General Thornburgh appointed me to the Attorney General's advisory committee of U.S. attorneys. I was elected by the members of that committee to serve as chairman elect for 1992 and chairman for 1993. I returned to the private practice of law for two years and was then appointed attorney general of Pennsylvania by Gov. Tom Ridge upon the resignation of the previous attorney general. I make mention of these appointments as they gave me a perspective of the needs of law enforcement from both the state and federal positions, as well as, the needs and wishes of the public across Pennsylvania.

As you may recall, in 1989 this nation was in the grip of a sudden increase in crime, especially violent crime. We at the Department of Justice began to discuss what federal law enforcement could do to assist our state and local counterparts in fighting this wave. At the same time you in Congress, I believe in consultation with the Department of Justice and state and local law enforcement, sought ways to resolve the problems. On April 10, 1991 the Department of Justice announced Project Triggerlock. This was the culminating point of a decade of federal efforts to combat violent crime. It was a confluence of resources meeting strategy. Tough federal gun and drug laws, more prison space and more investigative resources were used in coordination with state and local law enforcement.

Three federal statutes were the core elements of Triggerlock. First, 18 U.S.C. 922(g) Possession of a Firearm by a Felon, which carried a term of 10 years imprisonment. Second, 18 U.S.C. 924(e) Possession of a Firearm by an Armed Career Criminal, which applied to defendants with three prior felony convictions for violent crimes and carried a minimum term of 15 years and maximum of life imprisonment. Third, 18 U.S.C. 924(c) Carrying or Using a Firearm during a Federal Crime of Violence of Drug Trafficking Crime, which carried a mandatory minimum term of 5 years.

In addition to the statutes mentioned, the change in federal law that eliminated parole after November 1, 1987 and thus created truth in sentencing; the ability to obtain pretrial detention of violent criminals under the Bail Reform Act of 1984; the availability of prison space within the federal prison system; and, the ability to obtain a speedy trial in the federal system were crucial elements in the creation of Triggerlock.

In April of 1991, each of the 93 United States Attorney's Offices established a Triggerlock Task Force comprised of representatives from the US Attorney's Office, state and local prosecutors and federal state and local investigative agencies. Enforcement strategies were tailored to the needs of the particular community.

In the first year of operation, Project Triggerlock accomplished the following:

- 6,454 defendants charged with federal firearm violations;
- Federal firearms prosecutions more than doubled from the previous year. More than one out of ten of all federal prosecutions included a firearm charge;
- 84 percent of the Triggerlock defendants were felons, drug dealers or violent criminals in possession of a firearm;
- the average sentence received by an armed career criminal under Project Triggerlock was 18 years without parole.

This project had, I believe, a tremendous impact on the communities of the United States. Violent recidivists and career criminals can easily be considered one person crime waves. With their incarceration the victimization that is spared is incalculable. Death, serious injury and loss of property to many unknown victims were averted as a result of the emphasis on removing the armed violent criminal.

I understand that a major criticism of this program was that it had too many small cases and not enough large or big, read this as, sexy “news at 11” cases. In response to that criticism let me say this. Throughout my career in law enforcement I have never had a “big” case or prosecution develop without first having a small or, what some would say, insignificant case as a starting point. Just as when you look at the completion of a house or building, you know that it was built on the foundation which often contains small building blocks. Without those blocks you never would have the final construction. It is the same with these prosecutions. Often times, these cases led to much larger cases either through the cooperation of the individual charged, or through further investigation by law enforcement.

Triggerlock has served as a model for others as its emphasis has waned in federal circles. In Pennsylvania Governor Ridge directed the PA State Police to create their own version of Triggerlock to assist local law enforcement in ridding their communities of violence and drugs. The results to date are encouraging. However, I wonder what those results would be if further supported by federal resources to the extent expended in the early 90’s.

I understand from my many recent visits to Richmond VA that there is an effort to recreate Triggerlock under the name Project Exile. I hope that the effort is successful and that the Department of Justice will see fit to support it now as it did in 1991.

I would be happy to answer any questions that you may have at this time.

Senator SESSIONS. Thank you.

#### **STATEMENT OF ANDREW L. VITA**

Mr. VITA. Good afternoon, Mr. Chairman and distinguished members of the Senate Judiciary Subcommittees on Youth Violence and Criminal Justice Oversight. My name is Andrew Vita. I am the Assistant Director of Field Operations for the Bureau of Alcohol, Tobacco and Firearms.

Mr. Chairman, for all too many communities in the United States, firearms violence is a daily fact of life. We send the men and women of law enforcement in harm’s way to protect and to serve. Believe me, we are all seeking practical solutions to gun violence.

Police departments across the land are engaged in the fight to the extent where resources are often strained. Firearms violence is a grave national concern that must be addressed by the collaborative efforts of all levels of law enforcement. It is vital to take into consideration the different State laws and crime factors that can affect what the best strategy is for each community. ATF works closely with the offices of U.S. attorneys and State prosecutors to devise the best approach in each locality.

ATF has a vital role to play in the fight against firearms-related violent crime. Unlike any other law enforcement agency, we have the combined jurisdiction, expertise, and experience necessary to most successfully investigate gun trafficking and gun violence. ATF’s unique assets, together with our renowned partnerships and cooperation with law enforcement at every level, make this true.

With ongoing cooperation and the adequate resources, we can continue to build on our successes.

A primary strategy that ATF is pursuing in conjunction with the U.S. attorneys is to reduce violent crime and deny criminals access to firearms. To do so, we believe in working smart. Working smart entails recognizing the reality that we are taking criminals off the street, and as we take those criminals off the street, more arise, necessitating the need to also reduce the illegal supply of crime guns.

The criminal behind the criminal is the gun trafficker. We believe in attacking the problem from both ends and closing in the middle. Project Exile is one part of the full complement of ATF's integrated violent crime reduction strategy. That strategy includes ensuring that licensed gun dealers are in compliance with Federal, State, and local laws, and supporting police departments in the processing of gun crime and crime gun tracing and continuing programs such as the Youth Crime Gun Interdiction Initiative to identify and arrest illegal traffickers.

As an example, in Richmond, VA, a trafficker who was a gang member used a straw purchaser to buy firearms at gun shows for other gang members. This case involved a street gang linked to gang warfare involving numerous homicides over the previous 3 years. ATF, working with the Richmond Street Crimes Unit, has been able to document 11 such weapons purchased over a 5-month period, of which 8 were recovered in crimes. Almost all the guns were bought from federally licensed firearms dealers at gun shows.

The trafficker acted as a straw purchaser for fellow gang members. The trafficker has been convicted and sentenced to 6 years and 6 months in Federal prison. The trafficker's two co-defendants were also successfully prosecuted for their possession of the firearms provided by the trafficker. Each co-defendant received 5 years and 10 months for their participation with the guns provided by the trafficker.

The gang leader was also successfully prosecuted separately and received 16 years and 3 months. These cases were made through vigorously enforcing the firearms statutes in conjunction with Project Exile and Youth Crime Gun Interdiction Initiative in Richmond.

Typical of the success ATF can potentially have in a community where a local enforcement program has been designed for particular local circumstances was begun in Richmond in March of 1997. Beset with an escalating siege of violence, Richmond had ranked in the top five cities in the per capita murder rate for several years. ATF, in conjunction with the U.S. attorney's office and the Richmond Police Department, developed Project Exile to break the cycle of violence.

It was a simple premise: Anyone caught with an illegal gun in Richmond will go to Federal prison for the minimum mandatory sentence of at least 5 years. Period. This criminal forfeits the right to remain in the community and exiled for 5 years. Using existing Federal law, prosecute all felons with guns, guns used in drug trafficking, and gun and domestic violence cases in Federal court.

Because of the particular State laws and sentencing practices in Virginia, Project Exile provides stiffer penalties and quicker justice

to its offenders. In a Virginia State court, for example, a convicted felon caught with a gun could be sentenced to between 1 and 5 years, with the possibility of early release. In Federal court, this same conviction carries a minimum of 5 years and a \$250,000 fine. Project Exile puts potential offenders on notice. If they don't learn by word of mouth, perhaps they are warned by one of the Project Exile billboards or public service announcements that were donated by local businesses to publicize the program.

The daunting prospect of serving time in a Federal facility is a deterrent to many offenders. In Richmond, officers have noticed a marked increase in the number of firearms being thrown to the ground by fleeing potential defendants. This demonstrates that the message of Project Exile is reaching the streets. It also results in more seizures of illegal guns.

As an example of the deterrent effect, one Richmond case is worthy of mention. A defendant was caught with a substantial quantity of drugs during the execution of a search warrant. Surprisingly, no guns were recovered during the search. It was the first time officers could remember a defendant with such a large quantity of drugs not being armed in any way. Later, when the prosecutor questioned the defendant extensively about where the guns were, the defendant continued to vehemently deny having any firearms. He finally stated, "Haven't you heard, man? Five years!"

Now some hard statistics about Exile. Approximately 75 percent of Exile defendants are denied bond and held in jail while awaiting trial. Three-fourths of all Exile defendants plead guilty, with no deal.

Violent crime task forces staffed with ATF personnel are successful because they combined Federal agents and Federal experience and resources with State and local officers all with their own many assets. This is a powerful and effective alliance in confronting firearms violence.

Such locally focused approaches as Project Exile, the Boston Gun Project, the Minneapolis Anti-Violence Reduction Initiative, Project CAGE in Chicago, and the Baltimore Youth Strike Force—all of which ATF works closely on with the U.S. attorney—are all tailored responses to particular local conditions. Each of them is a component of ATF's unique but collaborative comprehensive and fully integrated approach to combating firearms violence.

Thank you, Senator, and we welcome any questions that you have.

[The prepared statement of Mr. Vita follows:]

PREPARED STATEMENT OF ANDREW L. VITA

Distinguished members of the Senate Judiciary Subcommittees on Youth Violence and Criminal Justice Oversight. Good afternoon. My name is Andrew L. Vita, Assistant Director of Field Operations for the Bureau of Alcohol, Tobacco and Firearms.

For all too many communities in the United States, firearms violence is a daily fact of life. We send the men and women of law enforcement in harm's way to protect and serve. Believe me, we are all seeking practical solutions to gun violence. Police departments across the land are engaged in the fight to the extent where resources are often strained. Firearms violence is a grave *national* concern that must be addressed by the collaborative efforts of all levels of law enforcement. It is vital to take into consideration the different State laws and crime factors that can affect what the best strategy is for each community. ATF works closely with the offices of the U.S. attorneys to devise the best approach in each locality.

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A primary strategy that ATF is pursuing in conjunction with the U.S. attorneys is to reduce violent crime and deny criminals access to firearms. To do so, we believe in working smart. Working smart entails recognizing the reality that as we take criminals off the street, more arise—necessitating the need to also reduce the illegal supply of crime guns. The criminal behind the criminal is the gun trafficker. We believe in attacking the problem from both ends and closing in the middle. Project Exile is one part of the full complement of ATF's Integrated Violent Crime Reduction Strategy. That strategy includes ensuring that licensed gun dealers are in compliance with Federal, State, and local laws, and supporting police departments in the process of crime gun tracing and continuing programs such as the Youth Crime Gun Interdiction initiative to identify and arrest illegal traffickers.

For example, *Richmond, Virginia: Straw purchaser for gang at gun shows*. A trafficker who was a gang member used a straw purchaser to buy firearms at gun shows for other gang members. This case involved the Charlie Boys street gang, linked to gang warfare involving numerous homicides over the previous three years. ATF, working with the Richmond Street Crimes Unit, has been able to document 11 such weapons, purchased over a five-month period, of which eight were recovered in crimes. Almost all the guns were bought from Federally licensed firearm dealers at gun shows. The trafficker acted as a straw purchaser for fellow gang members. In return for his plea to aiding and abetting the illegal possession, trafficking charges were dropped. The trafficker has been convicted and sentenced to 6 years and 6 months in Federal Prison. The trafficker's two co-defendants were also successfully prosecuted for their possession of the firearms provided by the trafficker. Each co-defendant received 5 years and 10 months for their participation with the guns provided by the trafficker. The gang leader was also successfully prosecuted separately and received 16 years and 3 months. These cases were made through vigorously enforcing the firearm statutes in conjunction with Project Exile and Youth Crime Gun Interdiction Initiative (YCGII).

Typical of the success ATF can potentially have in a community where a local enforcement program has been designed for particular local circumstances is a project begun in Richmond, Virginia, in March 1997. Beset with an escalating siege of violence, Richmond had ranked in the top five cities in the per capita murder rate for several years. ATF, in cooperation with the U.S. attorney's office and the Richmond Police Department, developed Project Exile to break the cycle of violence.

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Senator THURMOND. [presiding.] Thank you, gentlemen, for your statements. We will now go to questions.

Mr. Corbett, you note in your testimony that Project Triggerlock focused on small cases rather than just high-profile, large gun cases. If the goal is to reduce crime, please explain why it is important to stay focused on small cases.

Mr. CORBETT. Senator, I think that the best way to put that is to go back to the testimony I gave you of the average armed career criminal committing three crimes a week and 160 crimes a year. If you just take his one arrest as one gun case, you lose all the rest of those other cases, all those other arrests that have been prevented. That individual, before he was arrested, was committing crimes at a pace of that magnitude. You are reducing, I think significantly, with each individual who is an armed career criminal, a significant number of cases within the criminal justice system just by the incarceration of that individual.

Additionally, as you have heard from Mr. Vita, as they are doing now down in Richmond, by taking cases at an almost zero tolerance level, the word gets out that carrying a firearm is going to require Federal prison time. You are not going to go through the State system, and if you happen to be in a State that you can get in and out and go through what we used to call the revolving door of the criminal justice system, and sometimes beat the police officer back to the street before he could get back to the street by the bond situation, you now have individuals aware that that doesn't happen in the Federal system, that possession of the firearm in many cases is deemed to be an individual who is dangerous to the public and, therefore, not entitled to bond.

So the combination of using those small cases I believe is a preventive method as well as an apprehensive method of enforcing the law enforcement.

Senator THURMOND. Mr. Vita, I understand that the Clinton administration has defended the drop in Federal firearms prosecutions by saying that less low-level offenders who receive a short jail term are being prosecuted while more high-level offenders are being prosecuted.

In the effort to reduce crime, do you think it is important to diligently prosecute all Federal firearms offenders, including low-level offenders?

Mr. VITA. Absolutely, Mr. Chairman. We certainly support a balanced program in every one of our offices. We try to tailor an integrated violence reduction strategy in every office that is particularly suited to the circumstances of that community. In some cases, the crime problem may be driven by certain narcotics activity or

criminal organizations. In other communities, it may be an arson program or an arson problem or an explosives-related problem.

We were extremely successful in Richmond because I think it was an excellent collaborative effort between all levels of law enforcement, both Federal, State, and local, in targeting a particular problem that was facing the city of Richmond, and that was the very high homicide rate. It was the exceptional efforts of the local police, the Federal agents, as well as other Federal agencies that also contributed to that, to identify the particular problem and focus their available assets to going after that problem and trying to solve it. I think there are excellent results there.

Senator THURMOND. Mr. Corbett, I understand that during the Bush administration, Attorney General Thornburgh issued a memorandum ordering U.S. attorneys to pursue gun charges and not drop them as part of plea bargains. I also understand that Attorney General Reno rescinded or modified this memo to give U.S. attorneys more discretion in whether to prosecute gun offenses.

Do you think that the change in the Thornburgh memo had the effect of reducing firearms prosecutions in the Clinton administration?

Mr. CORBETT. Senator, I would have to say yes to that. That is one element. I think if you look at the chart over to my left, following that period of time you see a tremendous decrease in the number of Federal firearms prosecutions conducted by the Department of Justice. And I think what it reflects is a lack of emphasis on removing the armed career criminal or the armed felon from the streets, whether it be through a—or through the Federal system. So I would have to agree with that statement.

Senator THURMOND. Mr. Vita, in the budget that President Clinton recently submitted to Congress for fiscal year 2000, he proposed to spend only \$5 million for intensive firearms prosecution projects such as Project Exile. Given the success of Project Exile, do you believe it would be worthwhile to spend more on firearms prosecution projects like this?

Mr. VITA. Senator, although Exile was extremely successful in Richmond, I would be concerned about using it as a cookie-cutter response to crime and violent crime problems in other cities. Each city has its own unique problem, and it is important that you tailor whatever enforcement action that you would devote to that city's problem, as well as to the assets that are available from both the Federal, State, and local levels.

We certainly support as much resources as can be made available to the Federal elements. We look to make an impact on the crime problem. We don't always measure our impact on cases and defendants. Oftentimes, that impact is a reduction in violent crime, which is extremely important and always one of our prime objectives.

Senator THURMOND. Mr. Corbett, would you care to respond to my last question that I asked Mr. Vita?

Mr. CORBETT. Senator, many times we look at the issue of funds expended, and obviously additional funds are always beneficial. It allows you to hire more agents and more police officers and more prosecutors.

But I would also say that, in addition to more funds, if somebody is told it is a priority, if the Attorney General—or now it seems to

be the President has indicated on Saturday that this is a priority, then you, when you were running the U.S. attorney's office and working with law enforcement in your district, can make that your priority. You can move your assets around so that you can address the issue, and in this case I think that could help in many instances across the country where the U.S. attorneys know how their resources are being used and refocus the use of those resources.

Senator THURMOND. Those are all the questions I have. I will now turn the matter over to Senator Sessions.

Senator SESSIONS. Tom, I guess you would say on that question more money could help, but if it is your priority, gun prosecutions don't take up a major part of the Assistant U.S. attorney's work in a U.S. attorney's office, do they?

Mr. CORBETT. Well, as you know, Senator Sessions, that is correct. In fact, in many instances, U.S. attorneys will swear in an assistant district attorney from the county in which the crime arose or make that assistant district attorney a special U.S. Attorney, a special Assistant U.S. Attorney, and they become part of the team. And so that prosecutor is actually part of the district attorney's budget.

Those police officers are actually part—they are usually sworn as deputy U.S. marshals. They usually become a part—they are still paid by the local community. So what it is, it is a focusing of the resources that already exist, but—throwing more money is great, but if you don't have that focus, if you don't have that priority, the additional money probably isn't going to help that much other than somebody saying, well, we have to spend this money because we got it.

Senator SESSIONS. Mr. Vita, you mentioned you don't want to have a cookie-cutter approach. But if we have a 40 percent reduction in homicide in Richmond largely attributable to this project, are you telling us that a similar, intensively focused campaign in every city in America wouldn't reduce crime to a substantial degree in those cities?

Mr. VITA. I would expect that reduction if the program was properly tailored to the circumstances for that city. You will have different attitudes by the community. You will have different prevalent crime problems in different parts of the country that all have to be addressed as well. But a concentrated effort, a collaborative effort between Federal, State, and local law enforcement will reduce violent crime in any community, yes.

Senator SESSIONS. I think that is correct. I just don't want to suggest that an intensive effort, cooperative effort is not the key to it, and that is a question of leadership and priorities, both in the ATF and in the Department of Justice. Wouldn't you agree?

Mr. VITA. I would agree, sir, yes.

Senator SESSIONS. What was the event, if you will tell us, that caused the alteration in Triggerlock or something like Triggerlock initiatives? Weren't these initiatives joint Federal-State cooperative efforts with ATF and the U.S. attorney's office when they began?

Mr. VITA. Yes, they were. Prior to Triggerlock being identified and developed, we had a program that began in the mid-1980's—

I would say about 1985 or 1986—called Project Achilles, which was a result of the legislation that Senator Specter referred to that was passed in 1984, where we realized the value of concentrating all of our resources at the highest impact crime problems that were affecting a particular community.

Senator SESSIONS. And, generally, that is people getting shot and killed.

Mr. VITA. Most often, sir, yes, that is.

Senator SESSIONS. And let me just correct something I said that wasn't fair to ATF. Really, Triggerlock began as Project Achilles with ATF, and it was sort of expanded and supported by the Department of Justice. Wasn't that correct?

Mr. VITA. Well, we began a program in, I think, 1986 called Project Achilles that I know was, I am sure, part of the evolution of Triggerlock. Triggerlock was a Justice Department prosecution initiative. Ours was more of an investigative initiative the way that we kind of focused our resources into the areas that we would be able to have the greatest impact on reducing violent crime in those communities.

Senator SESSIONS. It has been reported to me that there was an OMB letter of some kind that was issued, maybe as early as 1994, that questioned the Triggerlock initiative and resulted in a pull-back to some degree of local prosecution type of gun cases. Is that true?

Mr. VITA. I believe it was 1994, and probably affecting the fiscal year 1995 budget, in which—up until that point our Achilles program had been fully funded and had been expanded every year. Each year we got increases. At that point, I believe OMB's position was that there were certain examiners that considered the possibility that Achilles was a duplication of what State and local law enforcement should be doing, and that the Federal program should be directed more at curtailing the flow of firearms, crime guns, into those communities. And it kind of caused us to make some adjustments in our strategies, in our enforcement strategies, focusing more on where the Federal presence would be, the interstate movement of firearms that were fueling the violent crime problems in communities, sometimes placing resources in the source States as opposed to more of the receiver States.

An example could be like New York City was having a high violent crime problem, but a good number of the guns ending up in New York City were coming from other States. And the Federal role in situations like that was to develop programs down in those source States to cut that flow of firearms off from going into New York as well as working on going after the violent offenders there in that city.

Senator SESSIONS. So there was this memorandum in 1994 that was—could you get a copy of that for the committee?

Mr. VITA. I believe—I will try and find the memorandum. I remember the issue more so through a response back from OMB, but we will try and find what the documentation is for this, yes.

Senator SESSIONS. While I certainly have no objection and think it is a good initiative to trace guns and see if you can identify the source of that gun, isn't it also true that a large percentage of guns

are just guns that were taken in burglaries or maybe stolen from a family member or borrowed from a family member?

Mr. VITA. Oftentimes that happens, Senator. Different cities have different problems. Again, that is why I talk about tailoring the appropriate program for that city. There are some cities where the violent firearms problem and the source of guns comes from within the general community, such as Chicago. Chicago, the city itself, has very restrictive gun laws, but the suburbs surrounding Chicago have much laxer laws, and as a result, citizens and residents of Chicago just have to go to the suburbs to get the firearms that end up in crime in the city.

Some places there is that short distance. In other places, there is an interstate issue where the guns are being brought from other States into that particular community.

Senator SESSIONS. Well, I know people seem to be really interested in identifying the sources, and many times that is a very helpful strategy, particularly if you can identify a repeat supplier of illegal firearms. I salute that, and I think they deserve very serious punishment.

But, fundamentally, the low-level drug dealer, the low-level burglar who is packing a pistol in his pocket is likely to be the one that kills somebody, wouldn't you say, Mr. Corbett?

Mr. CORBETT. I would have to agree with that. I was encouraged by the story Mr. Vita related in Richmond where the individual was carrying a lot of drugs and didn't have a firearm on him. And I would point to—if you want to spend some money, I have always thought that we should be advertising what the penalties are a lot more than we do.

Oftentimes, we would find individuals, especially individuals facing the mandatory minimums, whether they were in drug crimes or gun cases, when they were arrested did not know that they were facing in Federal court such a stiff penalty. Oftentimes, that was very helpful down the road in negotiations with them. But I always wondered if we should be spending—in addition to spending money for crime prevention, we ought to be spending money in sentence awareness in our communities to let them know that, you know, if they are arrested, they will face serious imprisonment in Federal courts.

Senator SESSIONS. That is a good point, and I know Exile is doing that, and I salute them for it.

Actually, I can remember discussing in my office, when Triggerlock started, putting up signs to say 5 years without parole if you are caught with a firearm in the commission of a crime.

Mr. CORBETT. We actually in Pittsburgh worked with one of the billboard companies, and they gave us four or five billboards in different communities that we were, in combination with our weed-and-seed program and with Project Triggerlock, were able to put up some—basically warning signs.

Senator SESSIONS. Mr. Vita, I am looking at a Wall Street Journal article from August of last year quoting Mr. Kent Marcus, Attorney General Janet Reno's top aide on gun violence, before he had left to go back and teach law, and the Wall Street Journal quotes him as dismissing Project Exile as assembly line prosecutions that bleed resources from other law enforcement priorities,

such as organized crime and high-level drug trafficking. “I don’t think there is an empirical evidence’ that Richmond’s falling murder rate is related to Project Exile, said Mr. Marcus.”

I take it that the Department of Justice and the President and you have a different opinion of that than the previous head of this department within the Department of Justice.

Mr. VITA. Well, I don’t know what Mr. Marcus was referring to as far as the data that he may have had, but from a general perspective, I don’t necessarily agree with his comments.

Senator SESSIONS. Well, you know, we talk and we try to make points here, but there is no doubt in my view—and I think Mr. Corbett has personally shared it with me, from his observation and talking to people around the country—that the administration did decide there are other ways to deal with violence than the Triggerlock-type initiatives, and they are responsible, deliberately and consciously, as Mr. Marcus who headed that, his statements would indicate, to reduce those prosecutions. I think and have thought since I got here that was one of the biggest errors the Department of Justice has made, and I am glad to see they are re-evaluating that at this time.

What can you say about ATF’s commitment to prosecute some of these new laws? Is the decline or are the low numbers of actual convictions reflecting fewer offenses or failure to coordinate with local law enforcement or making the cases? What idea would you have, Mr. Vita, about why there are so few prosecutions under those statutes?

Mr. VITA. Well, when I first saw the numbers, I questioned myself if they were accurate. I asked to have some research done to see if our statistics for the cases that we have recommended match up with those that are reflected on your chart. And the information that I was given is that they are quite different, so I would like to research that further, and I will certainly provide that information to the committee and yourself for the record.

But from an overall perspective, I would think that that—is the source for those the Department of Justice?

Senator SESSIONS. Department of Justice, actual convictions. Now, you may have recommended others. They may not have prosecuted them or whatever.

Mr. VITA. But I will research that and come up with—

Senator SESSIONS. They represent indictments, I understand.

Mr. VITA. Indictments? OK. Now, I assume those are indictments that occurred during those years.

Senator SESSIONS. That is correct.

Mr. VITA. We will check our files and records to see what our statistics reflect.

Senator SESSIONS. You know, those are not necessarily unusable statutes, but they are pretty specific. It is the powerful, normal, bread-and-butter cases, people carrying firearms during the commission of a felony, felons in possession. Those are the cases that you normally see.

Well, I have enjoyed this very much. Thank you for your testimony, and, Senator Thurmond, do you have anything else of this panel?

Senator THURMOND. I thank you both for your testimony, and, Senator Sessions, I have another engagement. For panel two, would you take over?

Senator SESSIONS. [presiding.] Thank you, sir. We would.

Mr. CORBETT. Thank you, Senators.

Mr. VITA. Thank you, sir.

Senator SESSIONS. We will now have the next panel. I will commence the introductions while you are finding your seats.

Our first panelist is Helen Fahey. She has been appointed to serve as U.S. attorney for the Eastern District of Virginia in 1993, a job which is perhaps the greatest job in the world, except maybe being an assistant U.S. attorney. She previously served as the Commonwealth of Virginia's attorney for Arlington County. She has extensive experience with firearms prosecutions and brings with her some distinguished credentials. She currently sits on numerous U.S. attorney's subcommittees, including the Violent Crimes Subcommittee, and, of course, it is her district within which Project Exile that we have been complimenting is carried out.

Chief Jerry Oliver became Richmond's 13th police chief in 1995. Prior to joining the department, he served with distinction in a number of metropolitan police forces, including Phoenix, Memphis, and Pasadena. He was recently named Richmond's Administrator of the Year and was awarded the prestigious Medal of Meritorious Service from the Richmond city manager for his innovative leadership of the Richmond Police Department. We thank the chief for being with us today.

John Timoney accepted Mayor Ed Rendell's invitation to lead Philadelphia's Police Department last March. He began his law enforcement career—in New York, it says here. But Senator Specter said you began when he hired you. Is that correct?

Mr. TIMONEY. No, no. He was talking about Mayor Rendell he hired.

Senator SESSIONS. All right. Very good. He began his law enforcement career in New York in 1967. By 1994, he had become the youngest ever chief of a department in New York Police Department history, and we look forward to your testimony.

Donald Stern was appointed by President Clinton to be U.S. attorney for the District of Massachusetts in November of 1993. Before coming to the U.S. attorney's office, he was a senior partner with a Boston law firm. He served for a time as former Governor Dukakis' chief legal counsel, and Boston is doing a number of innovative things in crime. We look forward to hearing from you, Mr. Stern.

Ms. Fahey, I would recognize you first.

**PANEL CONSISTING OF HELEN F. FAHEY, U.S. ATTORNEY, EASTERN DISTRICT OF VIRGINIA, ALEXANDRIA, VA; JERRY A. OLIVER, CHIEF OF POLICE, CITY OF RICHMOND, VA; JOHN F. TIMONEY, POLICE COMMISSIONER, CITY OF PHILADELPHIA, PA; AND DONALD K. STERN, U.S. ATTORNEY, DISTRICT OF MASSACHUSETTS, BOSTON, MA**

**STATEMENT OF HELEN F. FAHEY**

Ms. FAHEY. Thank you, Senator Sessions. It is a pleasure to be here. I hope that I don't repeat too much of what was already said by both you and Senator Specter and Senator Thurmond and also Mr. Vita from ATF.

One of the most important priorities of the Attorney General has been the reduction in violent crime. I think the results have been nothing less than amazing. The Attorney General charges each U.S. attorney with developing a violent crime initiative for their district. Project Exile is just one part of the Eastern District of Virginia's violent crime initiative.

As my criminal supervisor in Richmond, Mr. Comey, who is sitting behind me, has described it, Project Exile is essentially "Triggerlock with steroids, plus community involvement and advertising."

For more than a decade, the newspaper headlines have read the same: Another murder in the city of Richmond, murder rate rises, gun violence continues. It was stark reality that the capital of the Commonwealth of Virginia was routinely among the five cities with the worst per capita murder rates in the country.

In 1997 alone, 140 people were murdered, 122 of them with firearms. Even while homicide rates were dropping in many areas of the country, they were actually increasing in Richmond. The use of guns by drug dealers, the willingness of many to flaunt the law and carry weapons, and the high incidence of domestic violence fueled this high and ever increasing murder rate.

In 1997, the U.S. attorney's office for the Eastern District of Virginia developed and initiated Project Exile in Richmond aimed at reducing the senseless and unbridled violence which was plaguing the city. Project Exile is an aggressive, innovative, and creative approach to reducing the murder rate by changing the culture of violence in Richmond through a comprehensive, multi-dimensional strategy. This strategy includes both law enforcement and prosecution components aimed at deterrence, as well as community outreach and education programs focusing on prevention.

Project Exile is simple and straightforward in its execution and requires relatively limited prosecution and law enforcement resources. The program's focus and message is clear, concise, easily understood, and, most importantly, unequivocal. The message: An illegal gun gets you 5 years in Federal prison.

For criminals carrying guns, the consequences have been swift, certain, and severe. For the citizens of Richmond, the results have been dramatic. They have taken back their neighborhoods and now live in safer communities where houses can become homes and neighbors can truly become friends.

Project Exile has fully integrated and coordinated local, State, and Federal law enforcement agencies and local and Federal pros-

ecutors. This widely based task force accomplished prompt identification of a potential Project Exile defendant through the use of an expedited reporting system, which has decreased processing time from several months to several days. In court, bond is routinely and successfully opposed. Defendants receive speedy trials, and mandatory minimum sentences are imposed. The average sentence for a Project Exile defendant is 53.6 months.

With swift and certain justice, the project has deterred violent crime in the city of Richmond by changing the culture of violence and criminal behavior. As of March of this year in Richmond, 438 individuals have been indicted, 512 guns have been seized, 331 persons have been arrested or are in State custody, 236 arrestees, approximately 74 percent, have been held without bond.

Senator SESSIONS. Ms. Fahey, are those this year or just since the beginning of the program?

Ms. FAHEY. They are for approximately 2 years, since the beginning—approximately March of 1997. Three hundred and two have been convicted, 215 have been sentenced, and the average sentence, as I said, is 53.6 months.

The other major and essential component of the project addresses prevention. Project Exile has been an innovative community outreach and education initiative using various media to get the message to the criminals that illegal guns are unacceptable and will not be tolerated.

More importantly, it has built a community alliance directed at the problem. A coalition of business, community, and church leaders, and organizations such as the Retail Merchants Association and the Chamber of Commerce, has been assembled to promote the project. The coalition, operating as the Project Exile Citizen Support Foundation, has funded a creative advertising campaign including T.V. and radio commercials, billboards, a city bus completely painted black bearing the logo, "An illegal gun gets you 5 years in Federal prison," more than 15,000 business cards with the same message distributed on the streets by local police, and a print advertising campaign.

This outreach program has been extremely successful increasing citizen reports about guns and energizing the community to support police efforts. Through these efforts, hundreds of armed criminals have been removed from Richmond's streets. One violent gang responsible for many murders has been dismantled, its members now in prison. The rate of gun-carrying has been reduced, protecting not only the public but police officers as well. Officers now report seeing drug dealers throwing down weapons rather than taking the risk of being caught with them.

Because of the demonstrated results in Richmond, the U.S. attorney's office in the Eastern District of Virginia has expanded Project Exile to the tidewater area of Virginia and is committed to continuing Project Exile as long as it is needed.

Other cities have taken note of Project Exile's impact on Richmond, and Project Exile has now been fully implemented in Rochester, NY, which is already seeing success similar to that in Richmond. Other cities such as Philadelphia, Oakland, Birmingham, Baton Rouge, and Camden, NJ, are in the process of implementing the Project.

Project Exile has proven that a comprehensive, multi-dimensional strategy can and will work. It can be a vital tool in accomplishing one of President Clinton's top priorities: reducing the gun violence on the streets.

While it is generally believed that Project Exile has been a major factor in contributing to the decline of homicides in Richmond, I am not suggesting it has been the only factor. In addition to Project Exile, there have been numerous city and police initiatives as well as FBI and DEA task forces which have been responsible for removing many violent drug organizations from the city. The Marshals service also conducted a major fugitive operation in Richmond which resulted in the arrest of hundreds of criminals.

I would like to take just a moment to recognize the contribution of so many individuals and organizations that I have described in some detail in our submission to the committee. I would also like to recognize the contribution of the Department of Justice and, in particular, Deputy Attorney General Eric Holder, who personally coordinated an increase in Federal resources for the city of Richmond.

Thank you.

I would also like at this time, if I may—the Department of Justice submitted a written statement which includes, I believe, all our statements. I would ask that that be included as part of the record.

Senator SESSIONS. We will make it a part of the record.

[The prepared statements of the Department of Justice, Ms. Fahey, and Mr. Stern follow:]

**DEPARTMENT OF JUSTICE**

STATEMENT

OF

THE DEPARTMENT OF JUSTICE

INCLUDING THE STATEMENTS OF

UNITED STATES ATTORNEY HELEN F. FAHEY  
(Eastern District of Virginia)

UNITED STATES ATTORNEY DONALD K. STERN  
(District of Massachusetts)

BEFORE THE

SUBCOMMITTEES ON

CRIMINAL JUSTICE OVERSIGHT

AND

YOUTH VIOLENCE

CONCERNING

FIREARMS PROSECUTIONS

PRESENTED ON

MARCH 22, 1999

## PREPARED STATEMENT OF THE DEPARTMENT OF JUSTICE

The Department of Justice (DOJ) appreciates this opportunity to present testimony on firearms prosecutions for consideration by the Judiciary Committee's Youth Violence and Criminal Justice Oversight Subcommittees. We are pleased to report on the Department's work in the area of firearms violence; our strategic approach to violent crime and our emphasis on strong partnerships among federal, state and local law enforcement are paying sizable dividends for public safety.

## THE HISTORIC REDUCTION IN VIOLENT CRIME

Over the past six years, we have developed and implemented several effective national strategies to reduce crime. These have included helping fund more new local law enforcement officers, preventing illegal gun sales through Brady background checks, and targeting violent crime through strategic initiatives.

Since 1992, the nation's crime rate has dropped by more than 20 percent. In certain communities, the integrated efforts of federal, state, and local law enforcement and other community leaders have produced even more dramatic drops in the violent crime rate. In Boston, Massachusetts, for example, collaboration among law enforcement and community leaders through Operation Ceasefire reduced violence by youth gangs and brought down the number of homicides 64 percent in three years. In Minneapolis, Minnesota, effective law enforcement and prevention efforts conducted by public-private partnerships have reduced homicides by 30 percent and summertime homicides by 75 percent. And in Richmond, Virginia, effective and coordinated law enforcement, including stepped-up enforcement of gun crimes through the program known as "Project Exile," has reduced the homicide rate by more than 30 percent in the last year. Nationally, homicide rates have declined to levels last seen in the 1960's.

## THE REDUCTION IN VIOLENT CRIMES COMMITTED WITH FIREARMS

There has also been a sharp decline in the number of violent crimes committed with firearms nationwide. Between 1992 and 1997, there was an overall decrease of 27 percent in the estimated total violent crimes committed with firearms reported by state and local law enforcement agencies to the Federal Bureau of Investigation (FBI). This decrease is depicted in Graph 1. *See* Attachment A. During this period, homicide with firearms dropped 24 percent; robbery with firearms, 27 percent; and aggravated assault with firearms, 26 percent. The decline in the rate of aggravated assaults committed with firearms is depicted in Graph 2. *See* Attachment B.

Despite what we regard as very good news with respect to firearms violence, the Justice Department views the continued reduction of violent crime—including violent crime committed with firearms—as a top priority. The number of people killed with firearms remains unacceptably high, as more than 14,000 people were murdered with guns in our nation in 1997.

We will continue to work with the Department of the Treasury and other federal, state and local agencies to reduce gun violence, and will be developing a coordinated firearms violence reduction strategy as outlined in the President's directive signed this past Saturday. Our strategy will draw on the proven measures and other innovative approaches being demonstrated by communities throughout the country. Through the continued leadership of the United States Attorneys and the Bureau of Alcohol, Tobacco and Firearms (ATF), we will assure that federally licensed firearms dealers comply with all applicable laws; that crime gun information developed through comprehensive tracing, mapping and analysis is used strategically to identify illegal gun markets, gun hot spots and illegal gun traffickers; and that illegal possessors, users and traffickers of guns receive appropriate sanctions. Many of the tough and effective crime-fighting strategies focusing on gun violence that have been put in place are highlighted in a new DOJ Report, entitled "Promising Strategies to Reduce Gun Violence," which was released by the President on March 20. The report, which is described in the attached fact sheet, *see* Attachment C, summarizes and analyses 60 such local strategies, including those to which we refer in this statement.

We believe that the most effective strategies will be *coordinated* efforts in which federal prosecutors and investigators team up with state and local prosecutors and investigators, as well as other community leaders, to determine what prevention and intervention methods will work best, and which available sanctions are most appropriate. Among the programs that we are asking communities to consider as they develop their own strategies are the programs featuring coordinated aggressive prosecution of gun cases that is called "Project Exile" in Richmond, Virginia, and "Operation Ceasefire" in Boston, Massachusetts. We are pleased that you will be

hearing directly from the two United States Attorneys who are leading these programs. The statements of Donald K. Stern, United States Attorney for the District of Massachusetts, and Helen F. Fahey, United States Attorney for the Eastern District of Virginia, are attached hereto. *See* Attachments D & E.

#### INCREASED COLLABORATION ON FIREARMS AND VIOLENT CRIME

Given the uniquely federal system of government in the United States, no crime reduction strategy can ignore the fact that the vast majority of the violent crime in our country falls within the jurisdiction of state and local agencies or that the vast majority of resources to fight crime are provided by state and local governments.

In some areas, of course, such as multi-district trafficking in drugs, weapons, or aliens, crime must be attacked primarily at the federal level. In most other areas, including where state and local governments have primary responsibility, the federal government is most helpful to the extent it provides support, leadership, statutory tools, and coordination.

In the past few years, federal, state and local law enforcement have collaborated in numerous violent crime task forces and specially targeted initiatives. These collaborative efforts, as exemplified by the Department's Anti-Violent Crime Initiative (AVCI), provide for greater flexibility at the district level to develop firearms and violent crime prosecution strategies in coordination with state and local prosecutors.

DOJ introduced the AVCI in 1994, broadening the national violent crime focus from one emphasizing firearms violations alone ("Triggerlock") to one that strategically targets violent crime as manifested in local communities. AVCI relies on collaboration among law enforcement, which has resulted in more prosecutions being handled in the jurisdiction best suited to a particular case.<sup>1</sup> AVCI has generated an increased focus on gangs and other violent crime enterprises that frequently involve firearms violations. This expanded focus had yielded cases that are more difficult to develop but which can have a greater impact on community safety than individual firearms prosecutions. For example, successful prosecutions have been brought against major gangs such as the Latin Kings in the East and the Gangster Disciples in the Midwest.

The Justice Department expects to build on these successes by helping more communities develop strategies and solutions that take into account the specific elements of the gun violence problem as experienced by those communities. Our United States Attorneys should be permitted to rigorously analyze their local crime problems and then to determine the most sensible and efficient allocation of their resources based on those problems. Because no single formula for combating gun violence works in all, or even most, settings, it would be a mistake for DOJ to mandate the use of any particular formula across the country, and such an attempt might significantly hamper the ability of the United States Attorneys to combat all types of federal crime.

#### THE INCREASE IN OVERALL FIREARMS PROSECUTIONS

As you know, the number of federal firearms prosecutions has decreased between 1992-1998.<sup>2</sup> The decrease in federal cases does not, however, mean that criminals

<sup>1</sup>Under the AVCI, the Attorney General asked each United States Attorney to meet with all pertinent federal, state and local law enforcement agencies in the district form a new, or strengthen an existing, violent crime working group. Each office was asked to identify the district's most critical violent crime problems susceptible to a coordinated federal/state/local attack, the relative priority of these problems, the law enforcement programs and resources currently dedicated to the investigation and prosecution of these problems, the results achieved to date from these efforts, and any multi-district or multi-jurisdictional aspects of these problems. After they had collected the appropriate information, each office was asked to develop a single district plan to implement an appropriate prosecutive strategy for the district. The goal of that initiative was to complement, not supplant, the efforts of state and local prosecutors. The key was to develop a strong partnership in the effort against violent crime with state and local officials in the way that would be most productive.

<sup>2</sup>We understand that the chart prepared by the Subcommittee entitled "Project Triggerlock Prosecutions fiscal year 1992-1998" is based on data from the United States Attorneys Annual Statistical Report. As you know, we also maintain a separate hand count on Triggerlock cases which we believe is more inclusive than the count derived from the Annual Statistical Report. (We are in the process of merging the two systems.) Accordingly, we have prepared a chart to reflect the same data that the Subcommittee apparently wanted reflected, but using the Triggerlock data which also accounts for these cases. *See* Graph 3, Attachment F. You will note that the total Triggerlock prosecution numbers for 1996, 1997, and 1998 reflected on this graph are identical to those we sent in our letter of March 10, 1999 in response to a request for data from Senator Sessions.

are avoiding prosecution or receiving substantially shorter sentences. The federal, state and local law enforcement systems are coordinating more closely, and federal prosecutors appear to be focusing greater attention on higher-level firearms offenders. At the same time, many states have increased enforcement efforts and/or penalties for firearms offenders.

Data from the Administrative Office of the U.S. Courts suggests that much of the decline in federal firearms prosecutions between 1992 and 1997 occurred among lower-level offenders who received sentences of probation up to imprisonment for less than 3 years, while the number of higher-level federal firearms offenders—those who received prison sentences of 5 years or more—has increased more than 25 percent. *See* Graph 4, Attachment G.

Between 1992 and 1996—when most of the decline in federal firearms prosecutions occurred—state prosecutions of weapons offenders increased sharply, more than offsetting the federal decline. *See* Graph 5, Attachment H. Moreover, most of the additional state weapons offenders received prison or jail sentences. *See* Graph 6, Attachment I.

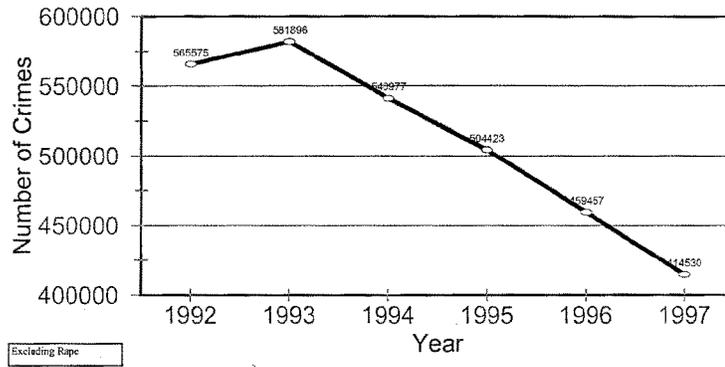
Some of the decrease in federal firearms charges is the result of decisions by federal prosecutors to use federal sentencing guideline enhancements for gun use (for example, seeking a stiffer sentence when a drug trafficker uses a gun), instead of bringing separate gun charges in the case. This was particularly the case after the United States Supreme Court's *Bailey* decision in 1995 that affected the government's ability to obtain convictions under 18 U.S.C. 924(c), also causing a decrease in the number of federal firearms charges.

#### CONCLUSION

Working together, we have made significant progress in the fight against violent crime—especially that involving firearms. It would be a profound mistake to rest on our laurels, however. We have an historic opportunity and responsibility to press our advantage. America remains one of the most violent of the industrialized countries, and we can—and must—redouble our efforts to uproot the culture of violence in our nation. Our efforts in the last six years are clearly a prescription for success, and we look forward to furthering that success to make America even more secure against violent crime.

Attachment A

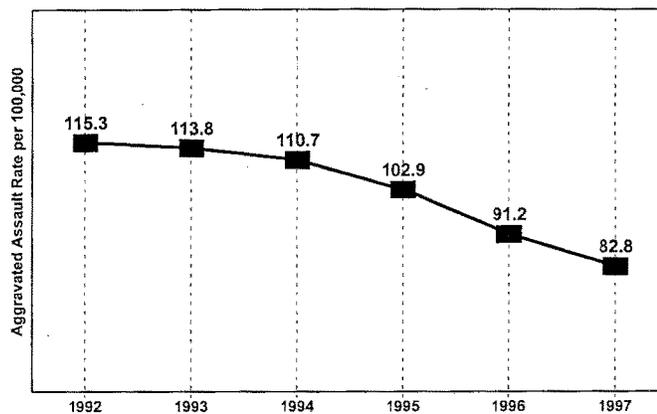
### Violent Crimes With Firearms FBI / UCR Data



Attachment B

Graph 2

**Aggravated Assault Rate by Firearms:  
U.S. Total, 1992-1997 (FBI/UCR data)**



\*Data are national totals for all agencies reporting aggravated assault by weapon type.



# OJJDP FACT SHEET

Shay Bilchik, Administrator

February 1999 #93

## Strategies To Reduce Gun Violence

by David Sheppard, Ph.D.

Gun violence in the United States is both a criminal justice and public health problem. Gun-related crime peaked in the late 1980's and early 1990's. In 1997, the national homicide rate declined to a 30-year low of 7 murders per 100,000 U.S. residents. Despite this decline, however, homicide rates remain unacceptably high, and firearms are still the weapons most frequently used for murder (Federal Bureau of Investigation, 1998). Firearms were the weapons of choice in nearly two-thirds of all murders, and handguns accounted for over half the gun-related homicides in 1997.

The impact of gun violence is even more pronounced on juveniles and young adults. For persons between the ages of 15 and 24, the homicide rate of 15.2 per 100,000 U.S. residents is higher than the combined total homicide rate of 11 industrialized nations (Peters, Kochanek, and Murphy, 1998). Between 1984 and 1993, the firearm homicide rate for this age group increased 158 percent, which contrasts with a 19-percent decline in murders among those age 24 years and older for the same time period. In 1997, about 2,100 murder victims were below the age of 18. This level was 27 percent below that of the peak year, 1993, when 2,900 juveniles were murdered (Snyder, 1998).

As previously noted, gun violence is a public health problem. Firearm injuries, suicides, and unintentional gunshot injuries claim the lives of some 38,000 Americans each year. Firearm injuries are the eighth leading cause of death and the fourth leading cause of years of potential life lost before age 65. A teenager today is more likely to die of a gunshot wound than of all natural causes of disease (Fingerhut, 1993).

### Promising Strategies

In response to this national crisis, the U.S. Department of Justice (DOJ) has developed *Promising Strategies To Reduce Gun Violence*. This report describes 60 strategies and programs that jurisdictions can use to address gun violence. *Promising Strategies* is the product of an extensive national survey of more than 400 local programs to reduce firearm violence. From that survey, 89 programs were identified as promising or innovative. In July 1998, DOJ assembled a focus group of more than 40 experts on gun violence (including mayors, researchers, police officials, and prosecutors) to review these 89 programs and strategies and

provide input on the development of this report. Followup interviews and site visits were conducted to identify those programs using promising or innovative gun violence reduction strategies and those demonstrating an impact on reducing firearm violence.

The strategies and programs featured in the report focus on three points of intervention:

- ◆ Interrupting sources of illegal guns.
- ◆ Deterring illegal possession and carrying of guns.
- ◆ Responding to illegal gun use.

Strategies focusing on sources of guns include Federal and local initiatives that disrupt the flow of illegal firearms through gun tracing and monitoring of both licensed and illegal gun dealers. Strategies limiting gun sources also include educational initiatives to prevent at-risk youth from accessing firearms.

Strategies focusing on illegal possession and carrying of guns include interventions designed to take guns from adults, juveniles, and others at risk for violence, such as probationers, gang members, and drug traffickers.

Strategies focusing on illegal gun use include criminal and juvenile justice interventions designed to aggressively prosecute and sentence those who commit gun violence and those who illegally sell weapons to juveniles and adults. These strategies include court-related programs encompassing sentencing and educational options for gun-involved youth.

### Communities Implementing Comprehensive Strategies

*Promising Strategies* describes how several communities are implementing comprehensive gun violence reduction strategies that address multiple risk factors associated with the illegal use of firearms. These communities include Atlanta, GA; Baltimore, MD; Baton Rouge, LA; Birmingham, AL; Boston, MA; Buffalo, NY; Indianapolis, IN; Minneapolis, MN; Oakland, CA; and Richmond, CA. These jurisdictions have developed comprehensive plans that focus on reducing sources of illegal guns, limiting possession and carrying of illegal firearms by those at risk for

violence, and providing appropriate sanctions for those using guns illegally.

Comprehensive gun reduction strategy sites have developed partnerships through which the community, law enforcement, prosecutors, courts, and social service agencies:

- ◆ Identify where gun violence occurs and by whom it is being perpetrated.
- ◆ Develop a comprehensive vision and plan, grounded in an understanding of the risk factors associated with gun violence.
- ◆ Create strategies to convince those who illegally possess, carry, and use guns that they can survive in their neighborhoods without being armed.

**For Further Information**

To obtain a copy of *Promising Strategies To Reduce Gun Violence*, call the Office of Juvenile Justice and Delinquency Prevention's Juvenile Justice Clearinghouse, 800-638-8736.

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David Sheppard is a Program Manager with the COSMOS Corporation, which is supported by an OJJDP grant.

FS-9993



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## Attachment D

## PREPARED STATEMENT OF DONALD K. STERN

Chairman Thurmond, Chairman Sessions, Senator Biden, Senator Schumer, and other Members of the Subcommittees. Thank you for inviting me to testify this afternoon on gun prosecutions. I have spent a good deal of the last 5½ years as the United States Attorney for the District of Massachusetts, focusing on this issue, as part of the effort to reduce youth violence. I have also served as the Chair of the Attorney General's Advisory Committee of United States Attorneys. And, I am pleased to report that Federal prosecutors' partnerships with federal, state and local law enforcement agencies, as well as with others in Boston, have achieved considered success. Indeed, over 200 different jurisdictions have come to Boston to learn about what some have referred to as the "Boston model."

First, please let me briefly set the scene—describing what things were like in the early 90's in Boston and what they are like now. Then, I will identify three basic reasons for this success. After that, I would be pleased to respond to whatever questions members of the Committees might have.

In 1990, homicides were at an all time high in Boston. Drive-by shootings were commonplace. Parents were afraid to let their children play outside. There was a real question about the viability of the City.

These problems were symbolized by two events, now etched in the memory of Boston. The first occurred in December, 1992, when fourteen gang members invaded the Morning Star Baptist Church during the funeral of a young murder victim, who had been shot in a drive-by killing. A 21-year old man was beaten and stabbed in the Church. Then, in December of 1993, Louis Brown was murdered. Louis was a 15 year old honor student, who attended West Roxbury High School. His dream was to be this Nation's first African-American President. While on his way to an afternoon anti-gang meeting, Louis was murdered in the cross-fire between two gangs.

Things have dramatically changed. Between 1995 and 1998, homicides dropped by 64 percent. In 1998, there were 35 homicides in Boston, as compared with 152 in 1990. This year, thus far, there have been four murders in Boston, down another 56 percent from this time last year. Indeed, serious crime across the board is at its lowest level in 30 years.

And then there was that period from July 1995 through December, 1997, when not one juvenile in Boston was murdered by a gun. I repeat, not one juvenile in Boston was murdered by a gun. While we knew that this could not last forever, this time of peace underscored that we were on to something successful.

In 1990, 51 Boston young people, ages 24 and under, were murdered by a firearm. Last year, there were 16 such murders and this year, thus far, zero.

I attribute this remarkable success to three things:

1. The creation of true partnerships between local, county, state and federal officials as well as community leaders, the faith community and business leaders.
2. A willingness for those people to step out of traditional roles; and
3. A focused and targeted law enforcement strategy.

## 1. BUILD PARTNERSHIPS

There is no question that the law enforcement community in Boston has its act together—we are co-operating in ways unthinkable in years past. While we shouldn't get medals for this—taxpayers should expect it—you are probably not surprised to hear that turf battles among law enforcement agencies can be fierce, even if counterproductive. For the past several years, the relationships among local, state and federal law enforcement has been a model for the country.

But this co-operative law enforcement effort would have fallen short unless there was an equally important component of developing a community-based justice system. Some of this is what's known as community policing. Helped by the additional COPS provided under President Clinton's Crime Bill, Boston, and many other communities in Massachusetts, have reoriented policing to *solve problems*, rather than simply *react* to 911 calls.

But, in Boston, the concept of community policing has been expanded to include other parts of the criminal justice system, in particular the prosecutors. Prosecutors, even federal prosecutors, now see their role as pro-actively solving problems and making things safer in the community, not just handling a conveyor belt of cases. As you know, President Clinton has asked for \$200 million in his fiscal year 2000 budget to fund the hiring of tough-on-crime prosecutors who can work on key community crime problems such as guns, gangs and drugs. Deputy Attorney General

Eric Holder—who pioneered such a project in Washington, DC when he was U.S. attorney—is spearheading that effort for the Department.

The final part of building partnerships, and perhaps the most important, is creating working-relationships with the community—whether it be the religious community, street workers, crime watch groups, or public housing tenant organizations. The success of Boston is due as much to these community based efforts as it is to anything law enforcement has done or can do.

## 2. RETHINK ROLES

The second reason for Boston’s success is that people have been willing to step outside of their traditional roles and in some cases blur what were often thought to be bright line distinctions. Police have gotten out of patrol cars and are listening at community meetings. Prosecutors are in the neighborhoods and the schools. Probation officers have come out from behind their desks and are making home visits. They ride along in police cars so that the people they supervise know that they are out there—watching.

Community groups are actively cooperating with the police. Ministers have descended from the pulpit and are walking the streets. And the list goes on.

## 3. FOCUS AND TARGETED LAW ENFORCEMENT STRATEGY

If some of this talk of co-operation and community based justice sounds vague and soft, let me clear that up right now. The third and essential leg of the Boston strategy is aggressive, focused and targeted prosecution and law enforcement. This means determining who are the relatively small number of violent criminals in Boston and going after them with the combined fire power of local, state and federal law enforcement.

While in many cases, this will mean state prosecution, critical part of the strategy is federal prosecution—with long sentences and no parole. In Boston, the federal priorities in this area are three-fold.

First, we are targeting gun traffickers, those who illegally sell guns, seemingly oblivious to the deadly consequences.

Secondly, we are going after repeat violent offenders—criminals who have racked up many convictions and seem to recycle through the state system.

Third, we are picking off organized violent gangs, usually for drug and fire arms offenses, but sometimes for murder.

This approach is premised on a few simple facts. Youth homicides are concentrated in neighborhoods that have probably less than 75 gangs, involving approximately 1,300 youth. Although gang turfs constitute less than four percent of the city, they account for 25 percent of Boston’s serious crime.

Most youth living in these “hot spots” are well known to the criminal justice system. Indeed, 75 percent of known homicide offenders *and victims* had been arraigned for at least one offense.

We have made no secret of this strategy—dubbed Operation Ceasefire. In fact, a key component is that the entire law enforcement community—local, state and federal—deliver a unified, clear message that unless the violence stops, gang members will be subject to an intense level of scrutiny. Gang members are explicitly told, often in face-to-face meetings, that they have a basic choice—stop the flow of guns and stop the violence or face rapid, focused and comprehensive enforcement.

In certain instances, it means long federal sentences. One such case involved a 24 year old man who, as an adult, had 15 prior state felony convictions, almost half of which were for crimes of violence or drugs. He was stopped by a Boston officer, after handing off a gun to a juvenile. He still had a single bullet which he was brazenly tossing in his hand.

What he didn’t realize is that, as a felon, the possession of ammunition violates federal law. After conviction, he was sentenced to 20 years in federal prison. At sentencing, the judge made clear that this long sentence was imposed because he was a career violent criminal. The result was widely publicized by Boston Police Department, through word of mouth and handbills. This informal but direct publicity is important.

As David Kennedy, a researcher at Harvard’s Kennedy School who helped craft Operation Ceasefire, wrote, “gang members do not read about three strike laws or armed career criminal statutes in the *New York Times*; if they are to be reached, enforcement agencies must be forthcoming about the sanctions and consequences that result from criminal behavior and be ready to back these words with action.”

So, what has worked for Boston is a balanced and comprehensive approach—one that uses data collection, information sharing and strategic allocation of law enforce-

ment resources. It relies on very aggressive law enforcement. Yet, at the same time, we have emphasized prevention.

Indeed, this same collaboration is now working to find jobs for those who want an alternative to gangs.

This effort, known as the Boston Jobs Project, is attempting to make youth job ready and then help them actually get a job. It is critical to the continued success and momentum we have achieved in Boston. If we trust our judgment and believe that we can identify the hard core, violent youth and prosecute them to the fullest—then we should also be able to identify those who have shown that they are willing to pursue an alternative course. This is one way in which we can insure that the reduction in violence in Boston is not a temporary phenomenon.

Thank you and I'll be happy to answer any questions you may have at this time.

Attachment E

## PREPARED STATEMENT OF HELEN F. FAHEY

*Project Exile Executive Summary*

For more than a decade the newspaper headlines have read the same: Another Murder in the City of Richmond; Murder Rate Rises; Gun Violence Continues. It was stark reality that the capital of the Commonwealth of Virginia was routinely among the five cities with the worst per capita murder rates in the country. In 1997 alone, 140 people were murdered, 122 of them with firearms. Even while homicide rates were dropping in many areas of the country, they were actually increasing in Richmond. The use of guns by drug dealers, the willingness of many to flaunt the law and carry weapons, and a high incidence of domestic violence, fueled this high and ever increasing murder rate.

In 1997, the U.S. attorney's office for the Eastern District of Virginia developed and initiated Project Exile in Richmond, aimed at reducing the senseless and unbridled violence which was plaguing the city. Project Exile is an aggressive, innovative, and creative approach to reducing the murder rate, by changing the culture of violence in Richmond through a comprehensive, multi-dimensional strategy. This strategy includes both law enforcement and prosecution components aimed at deterrence, as well as community outreach and education programs focusing on prevention.

Project Exile is simple and straightforward in its execution, and requires relatively limited prosecution and law enforcement resources. The program's focus and message is clear, concise, easily understood, and most importantly, unequivocal: "AN ILLEGAL GUN GETS YOU FIVE YEARS IN FEDERAL PRISON." For criminals carrying guns, the consequences have been swift, certain, and severe. For the citizens of Richmond, the results have been dramatic. They have taken back their neighborhoods, and now live in safer communities where houses can become homes, and neighbors can truly become friends.

The law enforcement and prosecution components of our strategy take full advantage of stiffer bond rules and sentencing guidelines available in federal court. In every case in Richmond where it is appropriate, felons with guns, drug dealers who use or possess firearms, and those using guns during domestic violence, are prosecuted federally. The project has fully integrated and coordinated local, state and federal (BATF/FBI) law enforcement agencies, and local and federal prosecutors. This widely-based task force accomplishes prompt identification of a potential Project Exile defendant through the use of an expedited reporting system, which has decreased processing time from several months to several days. In court, bond is routinely and successfully opposed, defendants receive speedy trials and mandatory minimum sentences are imposed. The average sentence for a Project Exile defendant is an impressive 53.6 months. With swift and certain justice, the project has deterred violent crime in the City of Richmond by changing the culture of violence and criminal behavior.

As of March 14, 1999, in Richmond;

1. 438 individuals have been indicted for federal gun violations;
2. 512 guns have been seized;
3. 331 persons have been arrested or are in state custody;
4. 236 arrestees (approx. 74 percent) have been held without bond;
5. 302 have been convicted;
6. 215 have been sentenced and the average sentence is 53.6 months.

The other major and essential component of the project addresses prevention. Project Exile has been an innovative community outreach and education initiative, using various media to get the message to the criminals that illegal guns are unacceptable, and will not be tolerated. More importantly, it has built a community alliance directed at the problem. A coalition of business, community and church leaders, and organizations such as the Retail Merchant's Association and the Chamber of Commerce, has been assembled to promote the project. The coalition, operating as the Project Exile Citizen Support Foundation, has funded a creative advertising campaign, including TV and radio commercials, billboards, a city bus completely painted black bearing the logo "An Illegal Gun Gets You 5 Years in Federal Prison," 15,000+ business cards with the same message distributed on the street by local police, and a print advertising campaign. This outreach program has been extremely successful, increasing citizen reports about guns, and energizing the community to support police efforts.

Through these efforts, hundreds of armed criminals have been removed from Richmond's streets. One violent gang, responsible for many murders, has been dismantled, its members now in prison. The rate of gun carrying by criminals has been

significantly reduced, protecting not only the public but our police officers as well. Officers now report seeing drug dealers throwing down weapons before running from police, instead of taking the risk of being caught with a weapon. Information obtained from Project Exile defendants has been crucial to solving a large number of homicides. Most importantly, these efforts appear to be stemming the tide of violence. Homicides in 1998 were approximately 33 percent below 1997, for the lowest number since 1987. In the same period, armed robberies declined 30 percent. So far in 1999, homicides are down an additional 9 percent from 1998. As a result, the citizens not only feel safer, they are safer.

Because of the demonstrated results in Richmond, the U.S. attorney's office in the Eastern District of Virginia has expanded Project Exile to the Tidewater area of Virginia, and is committed to continuing Project Exile as long as the need exists. Other cities have taken note of Project Exile's impact on the City of Richmond. Project Exile's concepts have been fully implemented in Rochester, New York, which is already seeing success similar to that in Richmond. Other cities, such as Philadelphia, PA, Oakland, CA, Birmingham, AL, Baton Rouge LA, and Camden, NJ, are in the process of implementing projects based on the Richmond model.

Project Exile has proven that a comprehensive, multi-dimensional strategy can and will work. It can be a vital tool in accomplishing one of President Clinton's top priorities—reducing the gun violence on our streets.

#### *Project Exile*

Project Exile is a comprehensive, multi-dimensional program by the United States Attorney's Office, B.A.T.F., U.S. Marshal, and F.B.I., in coordination with the Richmond Commonwealth's Attorney's Office, Richmond Police Department, the Virginia Attorney General, the Virginia State Police, and the business community and citizens of Richmond to reduce gun violence and remove armed criminals from Richmond streets. The project has made significant strides since it was announced on February 28, 1997, but reducing gun violence requires a coordinated community response to ensure continued success.

#### 1. THE PROBLEM

Gun violence has plagued Richmond for the last ten years, with Richmond consistently ranking in the top five murder per capita rates for the country. Thus, while homicide rates were dropping across the country, in Richmond they were actually increasing. In 1997, 140 people were murdered, 122 of them with firearms. Ordinary citizens live in fear, held hostage in their own homes by the gun violence on the streets. The drain on the business community is real and economic development opportunities are lost. Business employees are in danger of being murdered in robberies. Brave police officers face this danger every day. The toll this places on us all is simply incalculable.

Different causes play a role in the grim statistics. It is a fact that criminals in this city are regularly armed and willing to use weapons. By 1997, the link between drug dealing and guns had escalated to the point that almost every drug dealer was fully armed with high powered, readily accessible firearms, and they frequently used guns to steal from competitors, deter stealing, and carry out revenge. Even without the drug connection, for a variety of reasons, the police report a greater willingness of many on the street to carry weapons. This obviously contributes to the violence.

Behind the total statistics is also an important picture. Those being killed are not just criminals. In fact, while a large percentage of the homicide toll is connected to drugs, there is more to that story. In 1998, 80 percent of all homicide victims were African-American, which places a grievous toll on one particular segment of the community. Half of the victims had no prior criminal record, which demonstrates that many persons killed were unlikely to have been involved in criminal activity leading to the homicide. Finally, the average age of homicide victims in 1998 was 28.2 years.

The city also suffers direct, quantifiable economic losses from armed criminal violence. The drain on business development is real. Every survey done in the last ten years listed violent crime as a major factor slowing Richmond's economic growth. This is all the more serious because any long term solution to crime and drugs must be based on having sufficient numbers of decent paying jobs. The success of Project Exile has helped counteract the negative impact violent crime has had on Richmond's public image.

## 2. THE RESPONSE—PROJECT EXILE

*(a) Law enforcement*

Project Exile is named for the idea that if the police catch a criminal in Richmond with a gun, the criminal has forfeited his right to remain in the community. The criminal will face immediate federal prosecution and stiff mandatory federal prison sentences (often five to ten years), and will be “exiled” to federal prison.

The innovative organizational aspects for the investigation/apprehension/prosecution parts of the project include:

1. full coordination from the officer on the beat to the federal prosecutor;
2. full coordination with the local Commonwealth Attorney’s Office and the Virginia Attorney General’s Office, with each office detailing a staff prosecutor to the U.S. attorney’s office to assist in prosecutions;
3. active coordination of all police agencies (Richmond Police Department, Virginia State Police, Bureau of Alcohol, Tobacco and Firearms, and the Federal Bureau of Investigation), a simplified reporting system; and,
4. coordinated use of innovative and aggressive policing methods such as traffic checkpoints to locate drugs and guns.

When a police officer finds a gun during the officer’s duties, the officer pages an A.T.F. agent (24 hours a day). They review the circumstances and determine whether a federal statute applies. If so, federal criminal prosecution is initiated.

To enhance the investigate process, Project Exile has obtained increased manpower from two Richmond Police Department officers, and two Virginia State Troopers detailed to the FBI and A.T.F. offices.

*(b) Prosecutions*

The United States Code contains a series of statutes that can be used against the armed criminal. In summary, felons, drug users, fugitives, illegal aliens, and those convicted of domestic violence are prohibited from possessing firearms. Similarly, carrying a firearm in connection with drug dealing in violation of 18 U.S.C. § 924(c) carries a mandatory five year jail term.<sup>1</sup>

Federal prosecution is particularly effective for a number of reasons. First, the project entails taking an aggressive position against bond, and this approach has been successful in taking defendants off the street. The federal bond statutes provide for holding a defendant without bond when the defendant poses a danger to the community. In this regard, for example, armed drug dealers are *presumed* to be dangerous and bear the burden of justifying release on some form of bond. Shifting this burden concerning bond has resulted in the vast majority of Exile defendants being held without bond.

Second, the federal system applies a mandatory sentencing guideline system in which a court’s sentencing discretion is limited. Therefore, for a given type of firearm violation, the penalty is clear, substantial, and served in full without parole. Thus, an armed criminal is truly “exiled” from the community. In plea discussions, the federal prosecutor insists in the mandatory minimum sentences for armed criminals. If a plea agreement is not reached, the case is tried in federal court. In both jury and bench trials, the prosecution has prevailed and lengthy prison sentences have been imposed.

Finally, defendants know that a federal jail term will likely be served elsewhere in the country. This has a major impact because serving a jail sentence among friends and acquaintances is seen by the defendants as much less onerous than serving time in a prison out of state. Anecdotally, defendants have expressed more concern about where they serve their time than whether they will be going to prison.<sup>2</sup>

Experience since Project Exile was announced demonstrates that federal prosecutors can undertake a large scale prosecution effort of gun crimes with relatively limited personnel resources, and with a quick disposition of cases. It is estimated that an average of approximately three Assistant United States Attorneys and Special

<sup>1</sup> In addition, this provision was amended in October 1998 to broaden its applicability to mere *possession* of a firearm in furtherance of a drug trafficking crime or crime of violence. The amendments signed into law also increase the mandatory prison term where the weapon is either brandished (7 years), or discharged (10 years). These amendments will substantially increase the effectiveness of the statutory tools available to prosecutors of armed criminals.

<sup>2</sup> The media outreach effort has been using this concern to increase the effectiveness of the project. For example, the July 1998 copy for the radio traffic report sponsorships addresses the prospect of serving a prison term “way out in the country” in California, Minnesota or Texas. On the street, this is a very effective advertising line.

Assistant United States Attorneys have been utilized on Project Exile, including prosecutors detailed at various times from the Richmond Commonwealth Attorney's Office, Virginia Attorney General's Office and the Department of Justice. As of March 14, 1999,

- a. 438 individuals have been indicted for firearm violations;
- b. 512 guns have been seized in these cases;
- c. 331 have been arrested on the federal charges;
- d. 236 (approx. 74 percent) have been held without bond;
- e. 302 have been convicted;
- f. 215 have been sentenced with an average sentence of 53.6 months.

(c) *Law enforcement training*

To enhance the investigative effort, the U.S. attorney's office has conducted several training programs. Specifically, all Richmond police officers have twice attended hour long lectures on federal firearm statutes and the procedures followed in Project Exile. Beginning in March 1998, a more extensive lecture program was conducted with every police officer. Training also covered related search and seizure issues.

From June–August, 1998, in connection with the Department of Justice, a new Gun Recovery Initiative which included training, enforcement, and organizational measures was completed at the Richmond Police Department's Police Academy for over 100 selected officers. The Gun Recovery Initiative is aimed at improving the ability of the police to detect firearm violations and apprehend the perpetrators.

3. PUBLIC OUTREACH/EDUCATION

The community must understand that armed criminals are not a "police problem"; they are the community's problem. Armed drug dealers in particular terrorize parts of our city. Only if the community gets involved, and assists, will the homicide and violent crime rates be reduced.

But we cannot stop here. What is needed is greater citizen involvement and support. If only one citizen on each block called to report an illegal gun, that would double the effect of the police force at no cost to the taxpayers, and would go a long way toward making their own streets safe. The leaders and organizations which have begun this effort have done great work. But continued success will require much more outreach and education. Substantial support from the business community is necessary to achieve the results we know are possible.

(a) *Project Exile Citizen Support Foundation*

To this end, it was announced in July 1997 that several civic leaders and community groups had formed the "Project Exile Citizen Support Foundation" to support Project Exile with a variety of public outreach and education efforts through various media. The Foundation was created by Stanley Joynes, Esq., a prominent Richmond attorney who has embraced the purposes and goals of Project Exile. Mr. Joynes and his law firm, LeClair Ryan, provided free legal work to create the support Foundation, registered it as a tax exempt organization, and handled the contracting issues for the various media contracts. Primarily through Mr. Joynes' contacts, tens of thousands of dollars have been raised for the media effort, and thousands more were raised in the form of donated media time and support.

(i) *Media efforts*

The Foundation has been instrumental in the affirmative use of the media carrying the message "*An Illegal Gun Gets You Five Years in Federal Prison*," and asking citizens to anonymously report guns on the street to the Metro Richmond Crime Stoppers telephone number. The Martin Agency, a prominent national advertising agency located in Richmond, provided substantial creative and production assistance at no cost to develop ways to get the message out to the community. The message has been distributed through 15 billboards, a fully painted city bus which covers the entire city by changing routes each day, TV commercials, Metro Richmond traffic reports, over a million supermarket bags urging support of Project Exile, and 15,000+ business cards with the message distributed on the street by local police, and print advertising.

The media outreach effort has substantially reduced street carrying rates. In addition, primarily as a result of the citizen outreach through the media/advertising effort, more citizens are reporting guns on the street, and a large number of gun cases result from citizen calls. In the beginning of 1997, that was the exception. There is no doubt that the use of aggressive media/advertising has significantly increased the deterrent effect of the firearms prosecutions.

For 1998–1999, because of its demonstrated success, we developed a much larger media effort with a six figure budget with different creative methods/means and a spot public relations campaign, including op/ed pieces and media appearances by law enforcement officials. Funding has been provided by corporations, associations, law firms and individuals.

#### 4. RICHMOND PUBLIC SCHOOLS/FIREARM SAFETY PROGRAMS

Recognizing the need for a broader program to teach children about gun safety, the U.S. attorney's office also attempted to address the problem of firearm violence through education in the public schools. As part of Project Exile, the U.S. attorney's office, in cooperation with the Richmond Public Schools, arranged for a gun safety program, built around the cartoon character "Eddie Eagle," be provided to all elementary school students (K–5) *at no cost*.

The Eddie Eagle Gun Safety Program is an accident prevention program for children in pre-school through grade six that teaches children what to do if they see a gun in an unsupervised situation. Recognized by the National Safety Council, and the American Legion in granting its National Education Award, the program has been presented to approximately 10 million children nationwide since its inception in 1988. Beginning March 2, 1998, the 15,600 elementary students in Richmond's schools were given instructions that if they discovered or confronted a firearm that they were to "*Stop. Don't touch. Leave the area. Tell an adult.*". The message, the equivalent of "don't play with matches," and similar safety programs, enables children to avoid becoming victims. This professional program, developed with teaching and law enforcement professionals, includes a fast paced video, fun-filled activity books, brochures, stickers, posters, and a parent's guide to teach a plain, simple safety message. The materials, plus training assistance, were provided free of charge by the National Rifle Association. The program is scheduled to be repeated for several years. In April 1998, the Richmond City Public School Board issued a Certificate of Appreciation to the U.S. attorney's office for helping to bring this program to the school system. In addition, A.T.F. agents are also conducting firearm safety and awareness programs in Richmond Public Schools.

#### 5. METRO RICHMOND CRIME STOPPERS

In many Richmond communities, the armed criminal element has so terrorized the citizens that crimes and suspicious activity go unreported. The Metro Richmond Crime Stoppers program provides a telephone number for citizens to anonymously report criminal activity with the possibility of a reward up to \$1,000. Project Exile has utilized the number, and extensively publicized it, as the most efficient method to allow citizens to report armed criminals without fear of identification. The staff of the Metro Richmond Crime Stoppers will then send the report to the police department for prompt police response. In addition, the U.S. attorney's office participates in the monthly board meetings and has requested certain drug forfeiture proceeds to be used through the police department to enhance its operations. The U.S. attorney's office also made a presentation at the Virginia Crime Stoppers Association 29th Semi-Annual Training Conference on October 16, 1998 at Staunton, Virginia. This is just one illustration of how Project Exile is coordinating existing programs to maximize the deterrent effect of the prosecutions.

#### 6. CITY OF RICHMOND'S COMMITMENT TO PROJECT EXILE

The goal of Project Exile is simply to make Richmond's streets safe for all of its citizens. Any Richmonder knows what a great city Richmond is to live, work, own and operate a business, raise a family, and enjoy all the community has to offer. Unfortunately, the city's image has been tarnished with regular stories in the national media about the city's high per capita murder rate. Recognizing the potential of Project Exile, the City of Richmond government has strongly supported the effort in several ways.

##### *(a) Richmond Police Department*

Any law enforcement effort directed at homicides on the street relies first on the full commitment of the local police force. From its inception, Project Exile has been fully supported by Police Chief Jerry Oliver, and Deputy Chiefs Theresa Gooch and Fred Russell. The project was conceived and developed with their direct input and ideas. Without their full support in several aspects, the project could not have been successful. First, the Richmond Police Department assigned three officers full-time to the Exile task force. This led to quick preparation of investigative reports and facilitated information exchange.

Second the Richmond Police Department has organized several training programs for all of its officers to educate the officers regarding federal laws and involve the officers in the project. August 1998, the Richmond Police Department completed a week long gun interdiction training program for over 100 selected officers to improve gun detection on the streets. Each Richmond Police Officer also carries a laminated card which summarizes the federal firearm statutes and provides a 24 hour pager number if questions on firearms violations arise in the field. Finally, every officer in the department has received training regarding firearms law three times at roll call meetings. A new round of roll call training began in December 1998.

Third, the department had improved its procedures for the handling and tracing of firearms. Through its Firearms Administrator, Mr. John Brooks, the Richmond Police Department insures that all firearms are traced in coordination with ATF. Mr. Brooks also insures that all firearms seizures are considered for inclusion in Project Exile.

Fourth, the Richmond Police Department has actively participated in the public outreach effort. For example, on October 27, 1997, the Police Department conducted a "Crime Prevention Expo" at which home security and safety companies, neighborhood watch organizations, and police officials presented information concerning crime prevention and protection. Project Exile provided information and the keynote speaker, as another means to distribute the anti-armed criminal message of the project. The department has actively assisted in Project Exile's participation in various community events in order to provide additional opportunities to ensure the project's message gets out to the community.

Project Exile is not just a "federal initiative." Rather, Project Exile is a true team effort in which the Richmond Police Department plays a large and key role. Project Exile could not be successful without the full commitment of the Richmond Police Department.

#### 7. COMMONWEALTH OF VIRGINIA'S COMMITMENT TO PROJECT EXILE

The Commonwealth of Virginia has supported Project Exile in a number of important respects. This support is indicative of the team approach taken throughout the project.

##### *(i) Richmond Commonwealth Attorney's Office*

Project Exile has been a cooperative program with the Richmond Commonwealth Attorney's Office since the beginning. David Hicks, the Commonwealth Attorney, has provided a prosecutor from his office to assist in the prosecution of Exile cases.

##### *(ii) Virginia State Police*

Since the beginning of the project, the Virginia State Police have been a partner in the effort. The Virginia State Police have assigned state troopers to the task force of agents to expedite the preparation of investigation reports, and assist in the apprehension of armed criminals. The importance of this contribution cannot be overstated.

##### *(iii) Virginia Attorney General*

In October 1998, Virginia Attorney General Mark Earley announced that an attorney from the Attorney General's Criminal Division would be detailed to serve in the U.S. attorney's office as a full-time prosecutor for gun related crimes under Project Exile.

##### *(iv) Virginia Governor*

In 1998, Virginia's Governor, Jim Gilmore, also endorsed and lent his support to Project Exile. In particular, in September Gov. Gilmore hosted a dinner for many of Richmond's business and political leaders, at the governor's mansion to encourage support for Project Exile. Support by Richmond's business community has been a critical part of the success of the media outreach effort.

#### 8. METRO NETWORKS TRAFFIC REPORT SPONSORSHIP

In January 1998, Project Exile began a traffic report sponsorship campaign on twenty four local radio stations through Metro Networks to increase understanding in the community about Project Exile, and send out the message that armed criminals will be prosecuted federally and removed from our community, that the citizens can help protect their own communities by reporting armed criminals through the Metro Richmond Crime Stoppers telephone number, and that the project is working. In this campaign, each traffic report has a message that the report is sponsored by Project Exile, and following the report the announcer gave a message explaining the basic premise of the project. Subsequent messages provide a phone number which

can be used to anonymously report armed criminals. This campaign has helped get the message out that armed criminals will be prosecuted federally, detained without bond, and receive mandatory sentences.

On April 13, 1998, a new traffic report sponsorship program began with the assistance of Metro Networks. The program included approximately 125 announcements per week on 24 radio stations which ran for one month. An expanded sponsorship program, including funding from the Chamber of Commerce, has enabled the program to continue.

#### 9. FOX-35 SUPPORT

##### *(a) Black Achiever's program*

For the last three years, Fox-35 T.V. News at Ten has sponsored a "Black Achievers" month in which members of the African-American community are recognized for their personal efforts to assist in community activities and organizations for the betterment of Richmond. Project Exile is a sponsor of this program. The U.S. attorney's office participated on the selection panel to review nominations for the awards. Each person selected was featured in segments on Fox-35 throughout March 1998, with the Project Exile message given as sponsor approximately 190 times. The program presents an excellent means of distributing the project's message that the community must assist in combating armed criminals, and also stresses that law enforcement is not an end in itself but a means by which our community can be substantially improved.

##### *(b) Fox-35 Corporate Invitational Golf Tournament*

Richmond's local Fox Network affiliate, Fox-35, has found great value in Project Exile and has done much to promote it, including a good deal of free and discounted air time for the outreach television spots. On September 1, 1998, Fox-35 held a Corporate Invitational Golf Tournament to benefit Project Exile. Through the tournament, approximately \$100,000 in commercial air time was obtained.

#### 10. COMMUNITY PRIDE FOOD STORES

On July 30, 1998, Mr. Johnny Johnson, President/CEO/Owner of the Community Pride Food Stores chain announced Community Pride's sponsorship of Project Exile. As a corporate citizen serving the needs of the communities most directly affected by armed criminal violence, Community Pride is well positioned to assist in the outreach effort. Community Pride began reaching the community through a series of ads, with slogans such as "Bag A Crook, Support Project Exile," placed on its grocery bags. It is estimated that these messages reach over 75,000 customers per week.

#### 11. OTHER MEDIA COVERAGE

Experience in Project Exile has demonstrated that getting the message out to both the criminals and the community is a continuing requirement to ensure success. As part of this effort, Project Exile has received various other news media coverage explaining the project and its success.

##### *(a) Richmond Times Dispatch / Richmond Free Press / "Hard Times"*

The Richmond Times Dispatch has played a central role, through its coverage of federal court proceedings, in publicizing the project and its purposes. The coverage of Project Exile related matters has been extensive, balanced, and has informed the public of the project's purposes and success. The project would not be the success it has been without professional and detailed reporting in the paper.

Similarly, the Richmond Free Press, a newspaper directed toward the African-American community, has provided important coverage of the project's success. This coverage is important because the African-American community has been particularly victimized by armed criminal violence. Full page ads were run in early 1999 regarding the project.

Finally, the Virginia Coalition for the Homeless' bi-weekly newspaper ran full page ads in January and February 1999 in support of the project. These ads reached many of those most affected by the problem of criminal violence.

##### *(b) National News*

In July 1998, the Fox Network national news division produced a report which aired nationally on July 15, 1998. The report commented favorably on the project

and its success. As a result, the U.S. attorney's office received inquiries from cities around the country about the project and whether it could be emulated in their localities. Such reports serve to alert other areas to the approach and possibilities for dealing with firearm violence.

As a result of the creative approach taken in Project Exile, CBS and ABC have highlighted the program in their broadcasts. The reports gave national exposure to the "good news" that Richmond's criminal violence is being substantially reduced.

*(c) Local T.V.*

The United States Attorney conducted a series of interviews on April 9, 1998 with reporters from each of the local T.V. stations to discuss Project Exile and its success. These interviews served to continue the high public visibility of the project.

*(d) National print media coverage*

In June 1998, the project began receiving national attention through various media including the Washington Post, New York Times, the Philadelphia Inquirer, U.S. News and World Report, U.S.A. Today, Crime Prevention News, the Wall Street Journal, the Washington Times, as a program that is working in dealing with violent crime. As a result, the U.S. attorney's office has received numerous inquiries from jurisdictions around the country and is providing information to replicate the project in those areas.

12 NATIONAL ORGANIZATION ENDORSEMENTS

The coordinated approach to removing the armed criminal from Richmond's streets has received national attention beyond the electronic media. National groups crossing the political spectrum have reviewed and endorsed the project's approach.

On March 5, 1998, the U.S. attorney's office received a letter of endorsement from Mr. Wayne LaPierre and Ms. Tanya Metaksa on behalf of the National Rifle Association, and on March 12, 1998, from Mrs. Sarah Brady on behalf of Handgun Control, Inc. As their letters make clear, no matter what one's views are regarding the myriad issues involved in the ongoing gun control debate, all parties can agree that vigorous prosecution and sentencing of the armed criminal is not only appropriate, but also the first step in eliminating this modern terrorist from our streets. The NRA has also made substantial donations to the Project Exile Citizen Support Foundation.

13. SUCCESS

Recent academic studies, comparing crime and punishment rates in various countries, have made clear that swift, sure, and substantial prosecution/punishment of violent crime will result in a reduction of those crime rates. By any measure, applying this principle, Project Exile has been an unqualified success. In a very brief time period, the project has removed a large number of criminals predisposed to violence from the streets of Richmond. The project has also demonstrated substantial reductions in gun carrying by criminals. In Richmond, the homicide rate has been significantly reduced. While many factors have contributed to the reduction, there is no doubt that Project Exile has been a major factor. Homicides in 1998 were down 33 percent from 1997 and for 1999 through 18 March, homicides are down 97 percent from the same date in 1998. The homicide rate in 1998 was the lowest in the city since 1987.

Any one of numerous anecdotes tells the story as well:

1. In the Spring 1998, in the execution of a search warrant, a defendant was caught with substantial quantities of drugs. What was unique was that no guns were found in the search. This was the first time anyone could remember a defendant with so much narcotics not being armed. The defendant was questioned extensively about where the guns were, with the defendant vehemently denying having any guns. Finally, somewhat exasperated, the defendant looked at the prosecutor and said "Haven't you heard man? Five years." It was clear that the advertising message, "An illegal gun gets you five years in federal prison", had gotten through to its primary target audience.

2. In another case, again in an interrogation, a drug/gun defendant patiently explained how he understood the "feds" had a special T.V. channel going into the projects to spread the message that the feds were cracking down on guns. He was referring to the T.V. commercials run at the end of 1997 on Fox-35 and several cable channels. He got the message even while overestimating the degree of the advertising.

3. In a recent case concerning the sentencing of a defendant, the defendant wrote to the U.S. attorney complaining that the sentence he would be getting under the federal sentencing guidelines was too harsh in that it was based in part on his juvenile convictions. It was clear he had seen the outreach media message because he wrote in his letter,

I'm writing to you in reference to my Presentence Investigation Report. My charge is possession of a firearm by a convicted felon. My sentence guideline is 77-96 months. In reaching my sentence guideline, the probation officer used 3 charges from my juvenile record on page 4 of my Presentence Investigation. \* \* \* in all do respect, I think going back to my juvenile record is a little too much. *Even the bus and the billboard says five years.* \* \* \* (emphasis added)

4. In April 1998, a probation officer advised the United States Attorney's Office that he had been talking with a supervised defendant who had been engaged in drug dealing for many years. The defendant gestured to a poster on the wall with the Exile campaign message ("An Illegal Gun Gets You Five Years In Federal Prison") and said "you got that right". He explained to the probation officer that the word on the street now is that if you sell drugs, then "sell drugs but don't be carrying no gun". He said the message had gotten to the criminal element. Breaking the gun/drug link is the single most important factor in reducing street violence and murders.

5. In June 1998, a plainclothes detective reported stopping three individuals on the street who met the radioed description of three individuals wanted for a recent crime. The detective detained the three and did a safety patdown for weapons. He asked one of the three if he had any weapons. The person responded, "Are you crazy. That Exile thing will put you away for five years. I'd be an old man when I got out." None of the individuals were in fact carrying firearms.

The criminal element is clearly getting the message.

#### 14. FUTURE EFFORTS

##### (a) *Commitment to the comprehensive effort in Richmond*

Recent statistics show that the U.S. attorney's office for the Eastern District of Virginia now ranks second among federal districts in prosecuting federal firearm violations. The U.S. attorney is proud of this long term commitment to addressing the problem of violent crime in the District and intends to continue the Office's focus on armed criminals.

Because success requires a sustained commitment, the federal and local authorities have pledged to continue the program as long as the need exists. Additional manpower has been assigned by the Richmond Police Department and the Virginia State Police, along with additional FBI and ATF resources requested by Deputy Attorney General Eric Holder. Richmond Commonwealth's Attorney, David Hicks, has detailed an experienced prosecutor to the U.S. attorney's office from the beginning of Project Exile to assist with the trial workload of the project, and in October, 1998, the Virginia Attorney General also detailed an attorney to the Richmond U.S. attorney's office through October 1999 to assist on trials. In addition, the Department of Justice, thru Deputy Attorney General Eric Holder, a strong supporter of Project Exile, has detailed attorneys on a temporary basis to assist with Project Exile cases.

##### (b) *Expansion of Project Exile to other areas*

In January 1998, the U.S. attorney's office announced the expansion of the project to the Norfolk area. Certain areas in the Tidewater area also have high homicide rates, and it is expected that significant reductions can be achieved there as well. Since Project Exile began in the Tidewater area, 112 indictments have been brought, 43 individuals have been convicted and the average sentence is 64.4 months. To date, 279 guns have been seized.

#### *Conclusion*

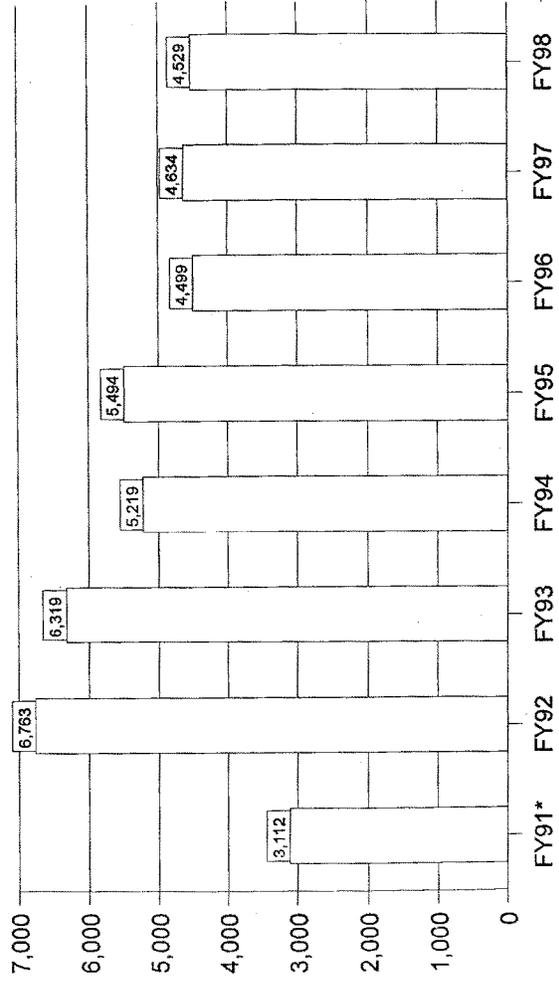
It is not an exaggeration to say that armed criminals can and do terrorize our cities. Senseless violence tears at the very fiber of our community, and we cannot allow that to continue. We must deal with these criminals swiftly and firmly, so that our citizens can return to a level of normalcy, where decent, law abiding people can live, work, and most importantly raise this nation's next generation of young adults.

However, federal prosecutions alone cannot put an end to the tragedy of violence in our cities. A sustained and comprehensive community effort is critical to our ultimate success. With the leadership of community-based organizations, such as those mentioned above, and with the support of those living in the community, we can overcome both the cause and the effect of the unbridled and unprecedented violence we have all seen.

While Project Exile is only part of the solution, it can send and enforce a very important message to the criminal element; an illegal gun *will* get you five years in federal prison.

This is a proven strategy, and it is making a difference.

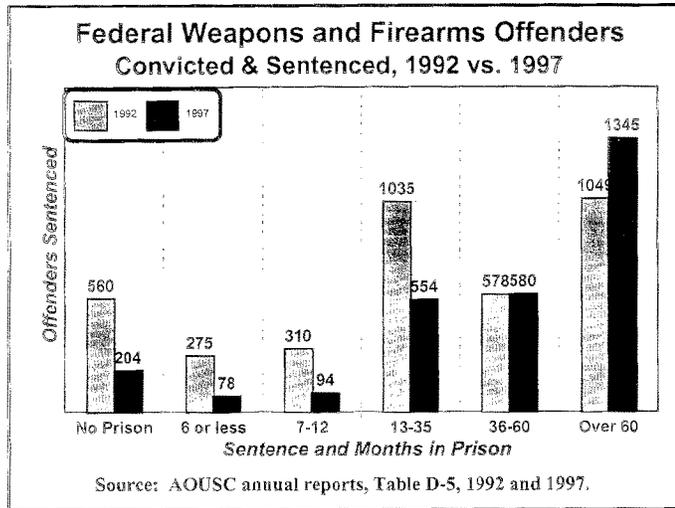
**TRIGGERLOCK FY SUMMARY  
DEFENDANTS CHARGED**



\* FY91: April 10, 1991, through September 30, 1991

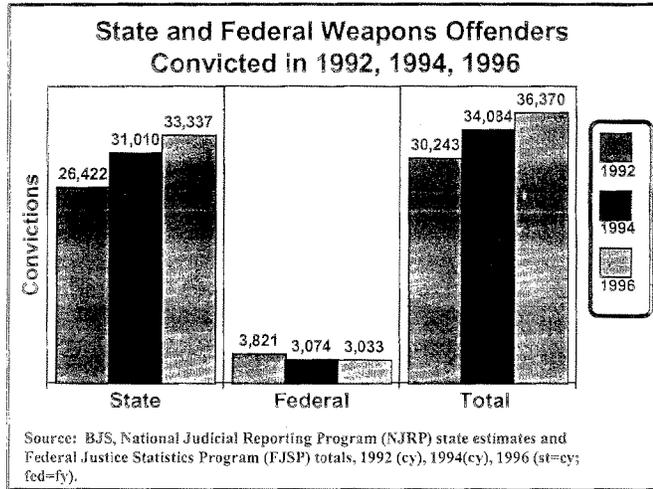
Attachment G

Graph 4



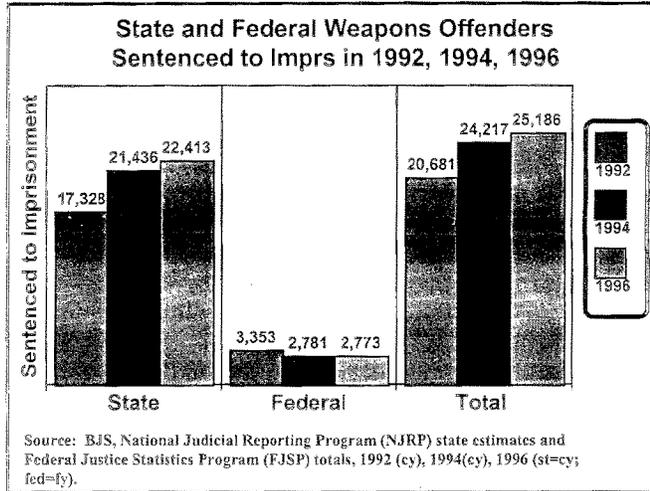
Attachment H

Graph 5: 1996 data are preliminary and subject to revision



Attachment I

Graph 6: 1996 data are preliminary and subject to revision



Senator SESSIONS. Thank you very much, and thank you for your leadership. I was going to ask—and I think it is correct—that this wouldn't be the only cause of that decline. But I think it is fair to say you believe it is a measurable factor in the decline in—

Ms. FAHEY. I think it has been a very significant factor. But I would also like to say—and to some extent this is in response to your comments earlier about perhaps neglecting other kinds of cases. With a very small staff in the Richmond office, we have prosecuted a large number of multi-defendant violent drug gangs and done a number of death penalty cases as well as a public corruption case, a major fraud case in the past year, year and a half. So I think that both can be done. They are not mutually exclusive.

Senator SESSIONS. I would say those in combination are clearly the most effective things to reduce crime: prosecuting violent drug gangs and gun cases.

Chief Oliver.

#### STATEMENT OF JERRY A. OLIVER

Chief Oliver. Good afternoon. My name is Jerry Oliver, and I am proud to be the police chief in the city of Richmond, VA. As the fourth person to present this afternoon, I can assure you that some of my comments will be somewhat redundant, at least from my perspective.

Accompanying me this afternoon, if I may, I would like to introduce Detective Sergeant C.T. Woody from our community intelligence team; Sergeant Mike Shamus and Officer John Hannah who are both uniformed members of the Richmond Police Department rapid mobilization team, and who are the street-level people that actually get this Project Exile that we are talking about done. So I asked them to come along for their perspective at the street level.

Conceived from a partnership developed in 1996, Project Exile is the byproduct of what I consider to be a very strong and effective relationship between the Richmond Police Department and the Office of the U.S. attorney for the Eastern District of Virginia, the Honorable Helen Fahey. It is the result of a desire to explore confrontive and aggressive and innovative alternative strategies to address the difficult and sometimes intractable urban problems of guns, drugs, thugs, and street violence.

When I arrived in May of 1995 to become police chief in Virginia's capital city, Richmond was reeling from an ever increasing level of violent crimes from the previous year of 1994. During that year, a record of 160 persons were viciously murdered and a total of 3,594 violent crimes were reported in the city.

Richmond is a city of just over 200,000 people, and like so many other American cities and metropolitan areas, much of Richmond's crime problem stemmed primarily from the trafficking of illegal substances, particularly crack cocaine, and the violent competitive behavior associated with this commerce. Guns, drugs, and thugs went hand in hand in many of our neighborhoods and on our street corners. Richmond was widely known as an area with a very high "carry rate" for guns, a problem that was recognized by the U.S. attorney.

In 1996, Helen Fahey, U.S. attorney for the Eastern District, joined me in developing this approach we now know as Project Exile. Through the tireless efforts and total commitment of what I consider to be a brilliant prosecutor and true community leader, Jim Comey, James B. Comey, Deputy Assistant U.S. attorney for the Richmond area, and David Schiller, Assistant U.S. attorney and chief Federal prosecutor for Project Exile, we carefully and deliberately crafted a program to aggressively target and prosecute those criminals who use firearms, particularly handguns, to threaten our neighborhoods and diminish the excellent quality of life in Richmond.

From the project's inception, the Bureau of Alcohol, Tobacco and Firearms was brought on board, as the sponsoring agency, to become the key third member of our new team. Agents from the local office are assigned, as part of the Project Exile Task Force, to aid our officers in their investigations at the street level and to adopt cases that meet certain criteria for prosecution within the Federal courts under 18 U.S. Code 922 and 924. Such criteria include gun possession while possessing drugs; gun possession by a convicted felon; gun possession if a person is a fugitive from another State; gun possession if under a felony indictment; gun possession if a person is the subject of a restraining order; gun possession by a drug user; gun possession if a person has been involved in prior domestic violence; or gun possession if the gun is known (by the possessor) to be stolen.

A "typical" Project Exile case would involve an officer who might be assigned to a precinct beat car or to any other uniformed or plainclothes units of our agency, like these gentlemen that accompanied me today, encountering or arresting an individual who has used or is in possession of a firearm. If during the course of that investigation or that incident it is learned that a person meets any of the previously listed criteria, the case is referred to the Project Exile Task Force for review and possible adoption. Additional State charges may or may not be placed against this person at this time, depending upon the circumstances of the encounter.

This prosecutorial strategy offers three advantages over existing State statutes: one, stiffer sentencing guidelines for those using firearms in the commission of drug offenses or crimes of violence; two, a rebuttable presumption of bail, that is, a "no bail" provision prior to an offender's first appearance in court; and, three, the likelihood of service a number of years in prison far, far away from home, from their associates, and from their criminal support networks in the community.

Other agencies soon joined our efforts. The Honorable Mark L. Earley, Attorney General for the Commonwealth of Virginia, assigned members of his staff to provide assistance. Our local Commonwealth's Attorney, David Hicks, has assigned a full-time prosecutor to this effort. Other law enforcement agencies, such as the Virginia State Police and the Federal Bureau of Investigation, quickly offered their support as well.

The Project Exile Task Force is now staffed by Federal, State, and local law enforcement officers, along with Federal and State prosecutors. The Richmond Police Department has assigned three officers specifically to help facilitate the prosecution of these cases

and has a staff member dedicated to the tracking and researching of all firearms seized by the Richmond Police Department. This effort, which was talked about and described earlier, also is supported by the Alcohol, Tobacco and Firearms National Tracing Center.

There has been a list given to you earlier about the successes, but just quickly, by 1997, successes were being realized, and in a period of 4 months—February to May—92 persons were indicted for firearms-related crimes. Over half of these were held without bond for trial. Fifty-five persons have been convicted and sentenced to terms in Federal facilities. Project Exile strategies, in conjunction with our department's Residential Intensive Patrol and other RIP activities, "Street Heat" and similar enforcement activities, have been aggressive and have led to the success that you have heard described here today.

Just a real quick word about advertising. We have many partners that have not been talked about here today, and those are the community people that help raise the funds to produce the marketing element that we have talked about here with the cards and with the billboards and the buses. The Martin Agency, the Chamber of Commerce, the Greater Richmond Partnership, the law firm of LeClair Ryan, and other small mom-and-pop type businesses have come forward with money to help in this pursuit.

All of this, Senator, has led to the success of Project Exile in Richmond, and I thank you for the opportunity to be here to describe the success.

[The prepared statement of Chief Oliver follows:]

PREPARED STATEMENT OF JERRY A. OLIVER

Colonel Jerry A. Oliver, accompanied by Sergeant Michael J. Shamus and Officer John P. Hannah, both uniformed members of the Richmond Police Department involved in a number of Project Exile cases.

Conceived from a partnership developed in 1996, Project Exile is the brainchild of the Richmond Police Department and the United States Attorney for the Eastern District of Virginia. It is the product of a desire to explore innovative, alternative strategies to address the difficult urban problem of guns, drugs, and violent crime.

When I arrived in May of 1995 to become police chief, Richmond was reeling from intolerable levels of violent crime the previous year (1994). During that year, a record 160 persons were murdered and a total of 3,594 violent crimes were reported. This in a city of just over 200,000 people. Like so many other cities and metropolitan areas in our country, much of Richmond's crime problem stemmed from the trafficking of illegal substances, particularly crack cocaine, and the violent competitive behavior associated with this commerce. Guns and drugs went hand in hand in many of our neighborhoods and on our street corners. Richmond was widely known as an area with a very high "carry rate" for guns, a problem that was recognized by the U.S. attorney.

In 1996, Helen F. Fahey, United States Attorney for the Eastern District of Virginia, joined me in developing this new approach we now know as Project Exile. Through the tireless efforts and total commitment of James B. Comey, Deputy Assistant United States Attorney for the Richmond area, and David Schiller, Assistant United States Attorney and chief federal prosecutor for Project Exile, we crafted a program to aggressively target, and prosecute, those criminals who use firearms to threaten our neighborhoods and diminish the excellent quality of life in Richmond.

From the project's inception, the Bureau of Alcohol, Tobacco and Firearms (BATF) was brought on board, as the sponsoring federal agency, to become the third member of this new team. Agents from the local office are assigned, as part of the Project Exile Task Force, to aid our officers in their investigations and to "adopt" cases that meet certain criteria for prosecution within the federal courts system under 18 United States Code 922 and 924. Such criteria include gun possession while *possessing drugs*; gun possession by a *convicted felon*; gun possession if a person is a *fugitive*.

*tive* from another state; gun possession of under a *felony indictment*; gun possession if a person is the subject of a *restraining order*; gun possession by a *drug user*; gun possession if a person has been involved in prior *domestic violence*; or gun possession if the gun is known (by the possessor) to be *stolen*.

A “typical” Project Exile case would involve an officer, who might be assigned to a precinct beat car or to any other uniformed or plain clothes unit of our agency, encountering or arresting an individual who has used, or is in possession of, a firearm. If, during the course of the investigation of that incident, it is learned that the person meets any of the previously listed criteria, the case is referred to the Project Exile Task Force for review and possible adoption. State charges may or may not be placed against the person at that time, depending upon the circumstances of the encounter.

This new prosecutorial strategy offers three advantages over existing state statutes:

- (1) stiffer sentencing guidelines for those using firearms in the commission of drug offenses or crimes of violence.
- (2) a “no bail” provision prior to an offender’s first court appearance, and
- (3) the likelihood of serving a number of years in a prison far from home and associates.

Other agencies soon joined our efforts. The Honorable Mark L. Earley, Attorney General for The Commonwealth of Virginia, assigned members of his staff to provide assistance. Our local Commonwealth’s Attorney, David Hicks, has assigned a full time prosecutor. Other law enforcement agencies, such as the Virginia State Police and the Federal Bureau of Investigation, quickly offered support. The Project Exile Task Force is now staffed by federal, state, and local law enforcement officers, along with federal and state prosecutors. The Richmond Police Department has assigned three officers to help facilitate the prosecution of these cases and has a staff member dedicated to the tracking and researching of all firearms seized by the Richmond Police Department. These efforts are also supported by the BATF National Tracing Center.

By early 1997, successes were realized in a period of 4 months (February–May), 92 persons were indicted for firearms related crimes. Over half of these were held without bond for trial, and 55 persons had been convicted and sentenced to terms in federal facilities. Project Exile strategies, in conjunction with our Department’s Residential Intensive Patrol (RIP) initiatives such as “Street Heat” and similar enforcement efforts, soon produced results. Aggressive prosecution by our Commonwealth’s Attorney brought an end to the violence by neighborhood-based drug groups known as the “Poison Clan” and the “Dogg Pound”. Richmond’s City Manager, along with City Council and its Public Safety Committee, were instrumental in helping to devise, and support, not only policing strategies, but a number of initiatives across the spectrum of City government services.

Word began to spread quickly, and not just “on the street”. With the leadership of Dave Schiller, assistant U.S. attorney, and Stan Joynes, a prominent attorney, we launched an ambitious campaign to market our new efforts, and educate the law-abiding public and criminal element, through the support of corporate and private sector partners such as:

Greater Richmond Retail Merchants’ Association,  
The Martin Agency,  
Chamber of Commerce—Greater Richmond,  
Greater Richmond Partnership,  
The law firm of LeClair Ryan,  
National Rifle Association, and many other businesses and individuals.

We have purchased advertising time and space. We run public service announcements on radio and television. We advertise in the print media. One bus, owned by the Greater Richmond Transit Company, is painted black with the message, “An illegal gun gets you 5 years in Federal Prison” in large white letters, accompanied by the telephone number of our 24-hour hotline. The transit company rotates that bus among all City routes in order to expose all of Richmond’s communities to the message that firearm violence in Richmond will not be tolerated. Fifteen billboards, carrying the same message and number, can be found around the metropolitan area warning those criminal minds of the consequences of using a gun in the furtherance of their violent acts. We have also distributed thousands of business cards with the same message and color scheme.

Has it worked? As previously mentioned, there were 160 murders and 3,594 violent crimes committed in Richmond in 1994. That murder figure gave Richmond one of the highest per capita homicide rates in the United States. The numbers in each of these categories have decreased, down to 94 murders (–41 percent) and 2,804

violent crimes (-22 percent) in 1998. The first Project Exile indictment was prosecuted in early 1997. Through March of 1999, in just two years, there have been 438 people indicted under Project Exile guidelines. Seventy-four percent of these were detained without bond. To date there have been 228 defendants sentenced, with the average offender being "exiled" to 53.8 months (4½ years). Perhaps of even more critical importance is that fact that these indictments also resulted in the removal of 512 guns from the streets of Richmond and out of the hands of street thugs. Our officers have observed, supported by citizen accounts, that fewer drug dealers and users are being found carrying firearms. Thus, we are realizing a reduction in the previously high "carry rate" mentioned earlier. Consequently, gun violence has been reduced.

Our efforts through Project Exile have garnered regional and national recognition. Other law enforcement agencies in Virginia now pursue similar avenues of prosecution. Cities such as Rochester, NY; Birmingham, AL; Camden, NJ; Philadelphia, PA; Oakland, CA; and Baton Rouge, LA are implementing similar programs in their communities modeled after that in Richmond.

We, in the Richmond Police Department, view Project Exile as one of our greatest success stories of the past few years. It has truly been a highlight among partnerships that the Richmond Police Department has forged with other agencies and members of the community.

Project Exile has provided an avenue of prosecution for firearms related crimes not previously available under our state system. However, the Virginia General Assembly, in the recently adjourned 1999 session, passed legislation being referred to as "Virginia Exile". These new laws closely mirror the sanctions and procedures found in 18 USC 922 and 924, and will provide other Virginia localities with similarly aggressive policing tools to combat gun violence in their communities. Our state legislators had only to examine the success of Project Exile in their capital city to anticipate the positive effect this new legislation would have throughout The Commonwealth. We anticipate working closely with our state and local prosecutors in pursuing aggressive prosecution in state courts, while building on our successful partnership with the United States Attorney and other members of the Project Exile team.

Senator SESSIONS. Thank you very much for your leadership. It just seems to me the two of you are telling a story of a community that was concerned about its crime rate, got together, developed a plan that worked for you, and set about to execute it using your common sense and good judgment and experience as law officers. And I really salute you for it.

Mr. Timoney.

#### STATEMENT OF JOHN F. TIMONEY

Mr. TIMONEY. Good afternoon, Mr. Chairman. I have submitted this formally. There is no sense going through that, so I will just hit some of the highlights and then spend about a minute going over four maps that I brought with me.

I am John Timoney, the police commissioner of Philadelphia. I was hired a little over a year ago by Mayor Rendell, after having spent 29 years in the New York City Police Department. I retired there with Commissioner Bratton in 1996 as the number two person in that organization, and the two intervening years I spent as a consultant and adviser to governments and police departments all over the world.

I am greatly honored to have been invited to speak to you today regarding gun violence. It is an issue that has been of deep concern to me throughout my police career.

Gun violence is a critical issue in our Nation today, and in Philadelphia, it has reached a crisis stage. Let me just share some quick statistics with you, and I think you will get the point that they are quite chilling.

Every year 1989 through 1997, the city of Philadelphia has suffered at least 400 homicides. In each of the last 4 years, guns have accounted for more than 80 percent of the homicides, usually around 80, 82, or 84 percent. In addition more than one-third of all aggravated assaults and more than one-half of all robberies in Philadelphia last year involved the use of guns.

More terrifying still is the effect of guns on children. In 10 percent of all Philadelphia gun homicides over the last several years, a juvenile under the age of 18 was the trigger man. Homicide is now the leading cause of death among youths aged 16 to 21 in Philadelphia, and death by firearms has risen 102 percent in Philadelphia from 1985 to 1995.

Philadelphia police officers have been making heroic efforts to stop gun violence. I am very proud of their performance. They make approximately 4,000 gun arrests each year. Unfortunately, however, the average sentence for a gun conviction in Philadelphia is between 3 and 6 months.

With these grim statistics in mind, Mayor Ed Rendell and U.S. Attorney Michael Stiles announced the implementation of Operation Cease-Fire in January of this year. Operation Cease-Fire is modeled on the success on Project Exile which has dramatically reduced gun violence in Richmond by prosecuting gun possession cases federally.

Let me just speak quickly. In Philadelphia, out of the 4,000 gun arrests, we estimate about 1,200 would be eligible for Federal prosecution. Presently, under the new Project Cease-Fire, about 200 will be, so there is lots of room for improvement.

There is a debate going on in the United States today regarding the role of the Federal Government and there is an allegation afoot that somehow we are federalizing far too many crimes. Well, in the area of narcotics and guns, as Senator Specter said earlier, there has always been Federal involvement. We just think there is a need for the Federal Government to get involved, and in Philadelphia an even greater need.

We have a tendency to think of gun violence as episodic, isolated incidents. Let me just show you quickly four maps that we used in our COMPSTAT process. Our COMPSTAT process is where we have our weekly meetings with our commanders every Thursday for 4 hours, and we go over crimes, and in this case we are talking about gun violence.

The first one involves the Elias Pagan drug organization, and here you will see it is in different parts of the city of Philadelphia, different neighborhoods, but it involves basically about five guns involved in 14 shootings, resulting in six homicides. Arrests have been made, prosecutions have been effectuated, but the five guns have not been recovered yet. That is the drug organization. If you would flip over—I should have brought my glasses.

Would you read that title to me, young man, on that one? What is that one?

Staff. This is firearms and casing links for the city of Philadelphia.

Mr. TIMONEY. The new IBIS system, which we implemented a little over a year ago, of course, about \$300,000, has analyzed about

6,000 pieces of evidence. We have gotten cold hits on 122 cases, cold hits in 61 cases. They are in different parts of Philadelphia.

Would you just flip over one more?

Senator SESSION. What do you mean "cold hits"?

Mr. TIMONEY. On these homicide cases, we had absolutely no leads whatsoever, no informants, and as a result of the IBIS, the Integrated Ballistics Identification System, testing the bullets or the shells, we were able to come up with hits on 122—

Senator SESSIONS. Now, is that the ATF or the FBI program?

Mr. TIMONEY. That is an ATF program, and we got that—I wish you would ask me—

Senator SESSIONS. Do you want to testify which is best?

Mr. TIMONEY. You can ask me that question later on. It is a very important question.

Here, sir, again, the Federal role of law enforcement, you can see there was a series of four shootings by a young man. Three of them happened in Philadelphia. The fourth one was a homicide in Camden, NJ, across the river. This young man was arrested three times in the fall of 1997 by the Camden Police Department. All three times he was armed and there were narcotics charges, and yet he was still out. The third time he killed somebody. They locked him up again. They recovered four guns in the three arrests. All the serial numbers had been obliterated. They were sent down to ATF in Maryland, who then have surfaced the numbers on two of the guns. The guns were then sent up to Philadelphia, and through the IBIS system, we wound up getting three hits off two of those guns.

One more. The last chart—

Senator SESSIONS. One more point I would make. If that youngster moved across State lines and was arrested in Philadelphia, you have no record in NCIC of his prior juvenile arrest, which is something we are trying to change in our juvenile crime law.

Mr. TIMONEY. Well, interestingly enough, that one is the—this is an interesting one. This is the Franklin and Jefferson organization. It is interesting in that it involves just two guns involved in seven incidents where the gun was used. Five people were shot. There were two homicides. But the real interesting part, it wasn't just one drug organization. Remember what I said about youth in Philadelphia? We wound up arresting five people—a 17-year-old, an 18-year-old, a 19-year-old, and a 20-year-old—and this drug organization, five shootings and two additional homicides. You can see they are in different neighborhoods.

Senator SESSIONS. With the same gun?

Mr. TIMONEY. With the same two guns, a Baretta .9mm and then a regular automatic .9mm.

Using maps like this, we are doing two things, and we are going to do a third thing in Philadelphia. The two things we are doing—I mentioned the COMPSTAT process. The COMPSTAT process is where I bring in the commanders every Thursday morning for 4 hours, and using a variety of crime maps, we hold the commanders accountable: What are you doing in the area? What kind of initiatives have you undertaken?

We have now taken—when we look at the maps in COMPSTAT, we see that the crime stops at the Philadelphia border. Aha. We are now met with the chiefs of the four surrounding counties be-

cause we recognize that the criminals don't recognize the boundaries. So now we are developing for the first time in the United States a regional COMPSTAT involving not just Philadelphia but the surrounding four counties of Philadelphia.

In the area of gun violence, we are now looking—I am proposing with Mr. Stiles and some of our friends in the Federal Government to come up with what I call—we have COMPSTAT. We are going to come up with FEDSTAT. We are going to bring in the Federal Government, ATF, FBI, DEA, Customs, INS, and the Philadelphia Police Department around the table at least once a month or once every 2 months, whatever it is, mapping out the gun crimes and then questioning our investigators: What are they doing about it? It will be a revolving Chair so it won't be just the Philadelphia Police Department. The FBI will chair it one time. That is the new level we are trying to take this whole COMPSTAT process, this mapping process.

Senator SESSIONS. Unfortunately, we need to move on. But if you will wrap it, we will come back for—

Mr. TIMONEY. That is it. That is my testimony, sir.

[The prepared statement of Mr. Timoney follows:]

PREPARED STATEMENT OF JOHN F. TIMONEY

Good afternoon. I am John Timoney, Police Commissioner for the City of Philadelphia. Prior to being hired by Mayor Edward Rendell just over a year ago, I served for nearly 30 years in the New York City Police Department, retiring from the NYPD as the First Deputy Commissioner to Police Commissioner William Bratton. I also spent about two years as a consultant advising police departments in this country and abroad about how to make themselves more effective and more efficient.

I am greatly honored to have been invited to speak to you today about gun violence. It is an issue that has been of deep concern to me throughout my police career.

Gun violence is a critical issue in our nation. In Philadelphia, it has reached a crisis stage. Let me quote some statistics to you. I think that you will agree that they are chilling. Every year from 1989 through 1997, the City of Philadelphia has suffered at least 400 homicides. In each of the last four years, guns have accounted for more than 80 percent of these homicides. In addition, more than one third of all aggravated assaults and more than one half of all robberies in Philadelphia last year involved the use of guns.

More terrifying still is the effect of guns on children. In 10 percent of all Philadelphia gun homicides over the last several years, a juvenile under the age of 18 was the trigger-man. Homicide is now the leading cause of death among youths aged 16 to 21 in Philadelphia. Death by firearms has risen 102 percent in Philadelphia from 1985 to 1995.

Philadelphia police officers have been making heroic efforts to stop the gun violence. I am very proud of their performance. They make approximately 4,000 gun arrests each year. Unfortunately, however, the average sentence for a gun conviction in Philadelphia is only 3 to 6 months.

With these grim statistics in mind, Mayor Edward Rendell and US Attorney Michael Stiles announced the implementation of Operation Cease-Fire in January 1999. Operation Cease-Fire is modeled on the success of Project Exile which has dramatically reduced gun violence in Richmond, Virginia by prosecuting gun possession cases federally.

In Operation Cease-Fire, Michael Stiles, the US Attorney for the Eastern District of Pennsylvania, has committed to prosecuting at least 200 gun possession cases federally this year. We intend to create a fear in criminals of hard time for illegal handgun possession. The Federal Fact Book published by US Department of Justice reports that the average national sentence for violation of federal gun laws is 77 months. This stands in stark contrast to the 3 to 6 month sentence now received in Philadelphia's state courts. Other benefits to federal prosecution are that federal laws require criminals to serve 85 percent of their sentence and stringent federal bond requirements keep gun violators off the streets while awaiting trial. This is

very important. Experience has shown that too many defendants prey on others while awaiting trial.

In the two months that Operation Cease-Fire has been in effect, a total of 79 cases have been accepted for federal prosecution. Not all of these cases will need to be prosecuted federally. A number of the cases accepted for federal prosecution will be given the opportunity to plead guilty in the state system and accept a serious state prison term. If the defendant declines, the case will then be prosecuted federally with the potential for more severe federal penalties. Operation Cease-Fire has just begun and it is off to a good start. But it is only a start. I hope that additional resources will become available so that it can be expanded. Two hundred federal prosecutions, while significant, account for only a small percentage of the 4,000 gun arrests made by the Philadelphia Police Department each year.

It is important and appropriate that the federal government plays a role in the fight against gun violence. It is well recognized that there is an unmistakable interstate nature to gun trafficking and gun violence. Gun supply cannot be controlled in an individual state solely by legislation in that state. We know that so-called strawman purchasers in a state with lenient gun laws buy guns in bulk and resell them to people who cannot buy guns easily in their own state because of their strict gun laws. States with lenient gun purchase laws thus become the source for illegal guns used in states that have tried to limit guns through strong legislation.

Crime and criminals know no geographical/political boundaries. As the maps prepared by my Department show, an individual gun is often used to commit crimes of violence in many different places.

As gun violence has serious interstate implications, we must develop interstate strategies to tackle it. This means that federal and state law enforcement authorities must work closely together in this area. In New York City, for example, the cornerstone of our crime fighting strategy was the COMPSTAT process. COMPSTAT is a police strategy that uses computerized crime statistics and crime maps to predict crime, allocate resources and target individuals and gangs responsible for crime. Every week, precinct commanders meet with the top brass of the Police Department to review crime trends and strategies in the commanders' individual jurisdictions. As I am sure you know, this process has proved extraordinarily successful in tackling crime in the country's most densely populated city. It is also working effectively in Philadelphia. I have no doubt that it will work also to fight crime in a national level.

I say this with confidence because in Philadelphia we have recently begun to extend the COMPSTAT process beyond the City limits to the surrounding counties. Our aim is to share crime information and intelligence to target those criminals who operate across county lines.

I have recently recommended that we use this same approach to combine federal and local law enforcement efforts on gun violence. I propose that a joint team of federal, local and Philadelphia police investigators take an active role in following up the cases accepted for federal prosecution under Operation Cease-Fire. Using the stiff potential federal sentence to encourage defendants to cooperate, these officers will build federal and state conspiracy cases against targeted drug gangs.

Every time a gun case is accepted for federal prosecution, this Investigative Team will review the case and, if deemed appropriate, offer the defendant an opportunity to cooperate. If the defendant has information about a narcotics operation or gang, he may wish to share this with us in return for receiving "downward consideration" at sentencing. I believe that those who are aware of the severe federal jail sentences for gun possession will find this offer very attractive. Of course, even with this cooperation, defendants will still serve more time federally than they would in the state system. Using the information gained from the debriefings, the investigative teams will target gangs responsible for narcotics distribution and violence. Follow-up investigations and undercover work will focus on building criminal conspiracy cases.

A regular COMPSTAT meeting will be held at which the Investigative Team leaders meet and present their strategies. Representatives of the Police Department, FBI, DEA, ATF, US Attorney's Office, and various state agencies will participate in these strategic meetings. The location of various gangs and criminal operations will be discussed. The people responsible for these criminal activities will be identified and targeted. Representatives from probation and parole will also participate in order to discuss options involving their clients who might be in violation of the terms of their release. Resources will be synchronized to build further cases. Since the Police Department, the DA's Office and the federal agencies are already doing this work separately, combining our efforts should require only modest increases in resources. The results that are possible with a combined focus, combined resources, and a mutual goal will justify any additional expense.

Thank you for the opportunity to discuss this important matter with you.

Senator SESSIONS. Thank you.

Mr. Stern.

#### STATEMENT OF DONALD K. STERN

Mr. STERN. Good afternoon. Thank you, Senator Sessions. Thank you for inviting me to testify this afternoon on gun prosecutions. I have spent a good deal of the last 5½ years as U.S. attorney in Massachusetts focusing on this issue as part of the effort to reduce youth violence. I have also served as the Chair of the Attorney General's Advisory Committee of U.S. Attorneys.

I am pleased to report that in Boston Federal prosecutors' partnership with State and local law enforcement agencies, as well as with others in Boston, have achieved considerable success. Indeed, over 200 different jurisdictions have come to Boston to learn about what some have referred to as the Boston model.

Senator SESSIONS. Based on Mobile and Birmingham, AL, both have—I have been there, and I have recommended it, and they are already implementing many of your programs in those two cities. I think you have done some very creative things that are being replicated around the country, and I congratulate you.

Mr. STERN. Thank you very much, Senator. We had the commissioner come and visit, in fact, about a year ago, and I am going to now take credit for most of the good things that will happen in Philadelphia.

But I think it is worth pausing—

Senator SESSIONS. Are you going to claim credit for Giuliani's New York, too? [Laughter.]

Mr. STERN. I think it is worth just pausing to set the scene for what things were like, not now in Boston but in the early 1990's, and then I want to identify what I would call three basic reasons for the success in Boston.

In 1990, homicides were at an all-time high in the city. Drive-by shootings were commonplace. Parents were afraid to let their children play outside. There was a real question, as Police Commissioner Evans has said at times, about the viability of the city.

These problems were symbolized by two events, now etched in the memory of every resident in Boston. The first occurred in December of 1992 when 14 gang members invaded the Morning Star Baptist Church during the funeral of a young murder victim, who had been shot in a drive-by killing. A 21-year-old man was beaten and stabbed inside the church. Then, in December of 1993, Louis Brown was murdered. Louis was a 15-year-old honor student in West Roxbury High who said he wanted to be the first African American President. And he was murdered in a cross-fire between two rival gangs when Louis was on his way to an anti-gang meeting.

Things have dramatically changed. Between 1995 and 1998, homicides dropped by 64 percent. In 1998, last full year, there were 35 homicides in Boston, a city of about 650,000, 700,000 people, as compared with 152 homicides in 1990. This year, thus far—and we are almost 3 months into the year—there have been four murders in the city of Boston, down another 56 percent from this time last

year. Indeed, serious crime in general is at the lowest level in more than 30 years.

And then there was the period from July 1995 through December 1997, when not a single juvenile was murdered by a firearm in the city of Boston. Let me just say that again. Not one juvenile for 2½ years was murdered in the city of Boston. And while we knew that statistic could not last forever, we also knew that we were on to something successful.

In 1990, 51 Boston young people, 24 and under, were murdered by a firearm. Last year, there were 16 such murders. This year, thus far, again, almost 3 months into the year, zero.

I attribute this remarkable success to three things: the creation of true partnerships between local, county, State, and Federal officials, as well as community leaders, the faith community, and business leaders; second, a willingness of all these people to really step out of their traditional roles; and then, third, a focused and targeted law enforcement strategy. Let me just briefly talk about each one.

There is no question that the law enforcement community in Boston has its act together. We are cooperating in ways that were really unthinkable years ago. And although we shouldn't get medals for this—taxpayers should expect that law enforcement agencies cooperate, as I am sure, Senator, you can attest to from your years as a prosecutor—turf battles among law enforcement agencies can sometimes be fierce, even if always counterproductive. That is not the case anymore. I would like to think that the partnerships that have been developed, Federal, State, and local, really are now a model for the country.

But I have to say that this cooperative effort really would have fallen short unless we didn't also have as part of it a component of community-based justice. Part of this is what is known as community policing, the cops that have been added to the Boston police force by the crime bill, but it has really refocused policing, as I am sure is happening in Philadelphia, from a reaction to 911 calls to now a problem-solving mode.

In Boston, we have expanded that to not only include the police departments and the investigative agencies, but other parts of the criminal justice system as well, including prosecutors. Prosecutors, even Federal prosecutors, now see their role as proactively solving problems and making things safer in the community. And as you know, Senator, President Clinton has asked for \$200 million addition in his year 2000 budget to fund additional prosecutors to do this.

Second, I think the second reason for Boston's success is that people have been willing to step out of their traditional role. Police have gotten out of patrol cars. Ministers have come down from the pulpits and are walking the street. Probation officers are visiting homes, even late at night. And prosecutors are in the schools.

If some of this cooperation and community-based justice sounds a little vague and maybe even a little soft, let me clear that up. The third and essential leg of the Boston strategy has been aggressive, focused, and targeted prosecution. This means determining who are the relatively small number of violent criminals in Boston

and going after them with the combined fire power of local, State, and Federal prosecution.

Sometimes that means State prosecution, but in other instances, we have used the heavy penalties and the special tools available in the Federal prosecution. We have gone after gun traffickers, repeat violent offenders, and violent drug organizations.

Let me give one which I think has become kind of the poster child, if you will, or poster case for the effort in Boston.

An individual who had 15 prior State felonies, who was recycled, as has been referred to that can happen, through the State system over and over again, was walking down the streets of Boston in Roxbury one night, having handed a gun off to a juvenile, or so the police thought. And he was flipping a single bullet in his hands as he walked down the street, a live cartridge, fairly brazenly, basically saying to the police officers, You know, I have nothing on me.

Well, what he didn't realize is that, as a felon, carrying a single round of live ammunition is as much a violation of the Federal law as is a gun. We prosecuted him as a felon in possession of ammunition, and he was sentenced to 20 years in Federal prison.

At the sentencing, the judge made clear his long sentence was not being imposed because of that single bullet, but because he was a career violent criminal. The result was widely publicized by the Boston Police Department through word of mouth and hand bills, and as Richmond has demonstrated, the informal word of mouth, the ability to get the word out, is very important. In fact, what we have done, Senator, in Boston, since virtually all of the potential murderers and victims are themselves court-involved in the State system—and we know who they are—the profiles done of the shooters and the victims usually are pretty much the same, 75 percent of them are court-involved. We bring them in while they are on probation, and we have an array of Federal, State, local investigators and prosecutors, and we tell them, if you start shooting each other, if you start to commit violence, we are going to focus on you.

And we do it face to face. We don't do it through hand bills or hand-outs, although sometimes the Boston police have done—

Senator SESSIONS. Who does that specifically? Is it a probation officer or—

Mr. STERN. Well, we bring them in as part of the probation effort, but it is a pretty staggering array of personnel. We have an assistant district attorney, an assistant U.S. attorney, someone from ATF, someone from probation, someone from the Youth Violence Strike Force, someone, interestingly enough, from the faith community, the Ten Point Coalition, which has been a very powerful force in Boston, who speaks directly to some of these young people.

One of the great comments from the faith community which really began—the Ten Point Coalition began as principally an African American ministers organization. It has now expanded. They will say sometimes to some of these young people: We think everyone can be saved, but sometimes it has to be in a prison ministry. They send a very powerful message to the violent criminals that if you are going to shoot other people, we are going to support the police. We are going to support the U.S. attorney's office. We are going to

support the district attorney's office, and we are going to take you off the street.

This effort has proven very successful, so successful now that we are now trying to find jobs for some of the people who want another way. The Boston police and the district attorney's office and the U.S. attorney's office and other members of law enforcement are actually trying to steer some of these former gang members—not the gang bangers, the heavy hitters who are going away to Federal prison for long periods of time, but some of the younger people, we are actually trying to steer them into job training in the hopes that in the same way that we can identify the violent criminals and prosecute them, maybe we can identify some of the kids who want to make a change in their lives.

Senator SESSIONS. Thank you. It is a very exciting program. My staff person, Kristi Lee, has been there and observed it, and it is striking to me that you know those young people's names and they know you know them, and you are watching them personally and expect them not to continue a life of crime. And it goes beyond punishment. It strikes me you don't care about them at all if you don't monitor them and keep up with them. It is only because you care about them and want them not to continue a life of crime that you have intensive parole supervision and probation supervision and monitoring and personal contact with them. I think that is an essential component, and it used to be part, I think, of crime enforcement when we had smaller communities and less crime. There are a lot of good things happening there.

Let's see. Ms. Fahey, there were reports that you have pitched, let us say, this program to the Department of Justice for some time, and at least initially were having difficulties convincing them of the wisdom of it. Is that true? And have you received a different reception lately?

Ms. FAHEY. Well, I wouldn't say that I had pitched it to the Department of Justice. What we did—and this goes back probably more than 18 months—was go to the Department, specifically to Eric Holder, and to ask him to help us with resources for Project Exile in Richmond. And he as well as his staff people were very responsive and were able to get for us additional FBI agents, DEA agents, encourage the ATF to send additional agents down there, have the Marshals Service do a major fugitive round-up as well as detailing attorneys from the Department of Justice to Richmond.

Senator SESSIONS. Well, I don't want to belabor the point, but I do want this to be a seminal, important moment. And I would like to see us as a Nation and the Department of Justice and the ATF to refocus and to realize the possibilities of lives being saved through intensive prosecution of the laws that are basically already on the books.

Chief Oliver or Ms. Fahey, with regard to the cases that are being prosecuted in Exile, could you tell me what are the most common penalties or violations you are prosecuting?

Ms. FAHEY. Felon in possession. These are people who have—

Senator SESSIONS. Prior criminal convictions.

Ms. FAHEY. Prior felony convictions, and they are carrying weapons, and they are frequently carrying semi-automatic weapons.

I think we look at it as part of our crime prevention program that we take these individuals off the streets because they are the ones who are most likely to be engaging in the future in further crimes of violence.

Senator SESSIONS. Chief.

Chief Oliver. I would just say, yes, that is correct, and these are also the people who are most likely to exponentially create problems for us in the sense that they know that they have been able to go to jail, get out, use the system, intimidate witnesses, intimidate victims, and create an atmosphere of intimidation in the community. And so that is what—I think that is the important thing. Probably as important as any other element is that you are taking these people out and you are sending a psychological message, if you will, to the community about their absence and heretofore their presence and that they are actually gone.

Senator SESSIONS. I think that is exactly right, and you do prosecute a number of carrying firearms during a commission of a felony, I presume, do you not? Would that be the second most common violation?

Ms. FAHEY. Let me refer to Mr. Comey and see if he knows. Yes, yes.

Senator SESSIONS. That would be number two, and that has the mandatory 5 years without parole.

Chief Oliver, what is it about the Federal system—if you could share with the country, I guess, right now, why is it that we seem to be able to make more progress with a case in the Federal system than in State systems? And it is not just Richmond. It is all over the country. Would you share with us your thoughts on that?

Chief Oliver. Well, I think that there are a number of reasons. First of all, as I indicated in my comments, the rebuttable presumption for bail, I think that at least in Virginia, up until very recently, violent criminals and homicide suspects were able to basically go down and go to a magistrate and, basically uncontested, get bail and sometimes get out at very low bails. That is an advantage with the—

Senator SESSIONS. That is not uncommon throughout this country. It is too often the case in my home State of Alabama.

Chief Oliver. That is correct.

Senator SESSIONS. Federal bail is much tougher than State bail.

Chief Oliver. And in some cases, I know that in dealing with our U.S. attorney, there is always somebody there to contest that giving of bail, and at the local level that is not always the case.

Senator SESSIONS. In other words, a prosecutor is before the judge arguing to keep the defendant in jail rather than having only his lawyer there arguing to keep him out.

Chief Oliver. That is correct. And the other issues I think have to do with the speed, the rapidity with which the Federal system seems to work, seems to move cases through in an expedited manner, and sometimes at the State level, at the local level, it takes an awful long time because of dockets and so forth to get these cases moving through court—which, again, I think underlies and belies the confidence that citizens have at a local level in the whole system when things don't move, when they see bad guys still out and around and creating even additional crimes while they are

waiting to go to court on some of the crimes that they have already been arrested on.

We have spent a great deal of money, by the way, on getting them there, and we still haven't got them prosecuted.

Senator SESSIONS. I suppose it is not good for your police officers who actually catch a dangerous criminal, perhaps at risk of their life, and see him be released on bail that very day, and it may be a year before the case comes to trial.

Chief Oliver. That is another area that I think it certainly has provided a shot in the arm, adrenaline, if you will, to the Richmond Police Department officers, the men and women out there on the street, to know that when they have taken somebody off the street—we gave you the statistics, as indicated. These people are off the streets. And when they go to jail, they go to jail.

As I indicated, they go to jail, they go to prison not for a short period of time, but a relatively long period of time, and then a relatively far distance away from home.

I think that that is—when I think about it, at least in Richmond, our experience with Project Exile, that has been the most salient point. That is, the certainty and rapidity of the prosecution and the certainty that you will do jail time if you are caught with a gun has really sent a message substantively and psychologically throughout our community.

Senator SESSIONS. Chief, how has the African American community responded in Richmond to this plan?

Chief Oliver. Well, I think community policing is really based on aggressive—fair but aggressive law enforcement. And I think all citizens in every neighborhood, black, white, or whatever, want a safe community. They want the kids to be able to play in the park. They want the elderly to be able to walk down to the corner drug store or the corner store. They want families to enjoy the amenities of their city. And sometimes community policing has to be based on aggressive style policing.

Once we create the opportunity for peace and for tranquility, that has to be created, the soil, the fertile soil, and that comes with law enforcement aggressive prosecution. I think that is what has happened in Richmond, that there is a confidence, a rebirth of confidence because of the police department being the police department and the prosecutors actually prosecuting criminals. Confidence has been regained, has been renewed, and people are coming out in droves really to support us in our effort.

So the African American community—Richmond is a majority minority community, and we have received widespread support in our initiatives, especially Project Exile.

Senator SESSIONS. Ms. Fahey, under the general—with some flexibility, would you say that virtually every community—would you say every community in America could benefit from a coordinated State-local effort to focus on violent crime, in particular gun violations?

Ms. FAHEY. Well, I think that would be worthwhile in every community. I don't think necessarily, though, they would have to be Federal prosecutions of those violations. That would depend upon the particular circumstances in that community.

We developed this program to deal with a particular problem in the city of Richmond, and I think it has worked very well there. But I think that you can tell from listening to Mr. Stern, different communities have different problems. One major difference that I hear listening to Mr. Stern is that the average age of both our murder victims and our perpetrators in Richmond is almost 30 years of age. We did not have a major—not that we didn't have any, but we did not have a major juvenile crime problem. And I think also different States and different communities have different levels of local police resources, local prosecution resources, and local court resources.

I was a prosecutor in Arlington, VA, for approximately 17 years before I became the U.S. attorney. We are not doing a Project Exile in Northern Virginia. We are doing gun cases on a case-by-case basis as necessary. We are not doing Project Exile in Northern Virginia because we have sufficient police resources, prosecution resources, and court resources to deal with the problems; whereas, I think when we started in Richmond, the local police, prosecutors, courts, were absolutely overwhelmed by the number of very, very serious cases.

I think that when you look around the country you see those kinds of differences and you see that different things apply in different areas. So I think gun cases should be prosecuted everywhere; they should be prosecuted all the time. That word should go out all over the country. But they can be prosecuted both in the State courts and in the Federal courts, depending upon the circumstances.

Senator SESSIONS. Mr. Stern, do you have any comment on that discussion?

Mr. STERN. I would just add one concrete example of what Helen Fahey is saying. Massachusetts penalizes by mandatory sentence, a year in prison for anybody caught carrying a gun. That has been the law for probably 15 years, and it is enforced. So what that means is that we have been able to harness our resources and really focus on the repeat offenders.

If someone is caught with a gun by a Boston police officer, for example, they are going to go away for a year, and the legislature a couple of years ago actually expanded that to include juveniles. So now it encompasses juveniles as well.

So we don't have to do every case federally in Boston or any community in Massachusetts. What we do instead is we have a constant dialogue between my office and the district attorney's office to make decisions on a case-by-case basis, which cases are appropriate for Federal prosecution for all the reasons that you identified, the tension issues, speed-of-trial issues, sometimes symbolic issues because the police know and we know that a particular criminal is notorious within a neighborhood. And we have had many situations where someone shows up in Federal court—you probably had this, Senator, when you were U.S. attorney. They show up thinking they are going home that day. They don't go home. They don't go home.

Senator SESSIONS. Because the prosecutor is there who argues and presents their record, and the judge has a hearing and denies them bail.

Mr. STERN. Denies them bail and they think it is just like, you know, the Boston municipal court, and it is not. But, you know, we don't need to do that for every single offender.

Then the other thing I would say, just building on what Helen said, we have been successful in part because it has been a balanced approach. It has not been just aggressive, heavy law enforcement. It has included prevention efforts to try to reach out to some of those younger kids who really do want to make a change and really want alternatives. So we have worked with the Boys and Girls Clubs. We work with some of the youth organizations. We have worked with the faith community.

I think if you accompany that with the other message, which is if you don't take advantage of those programs you may wind up in Federal prison, I think you send a very powerful two-punch.

Senator SESSIONS. Well, this committee has been very supportive of Boys and Girls Clubs, and Congress is exponentially increasing their funding. I guess I would just say that there is a fundamental principle that, I think, years ago when I started in this business, people weren't very much a believer in, and that is that police and prosecutors actually can affect the crime rate. There was a belief not too many years ago nothing would do it. I call it the "Hill Street Blues" syndrome. You know, they just arrest them and take them in. Everybody has got their head hanging down, just life, you know, in the big city. Arrest them, they get out, and they go on. But when we really work together and as a coordinated community effort, time and again you see progress in reduction of crime.

Now, in Philadelphia, I understand what you do is you evaluate case by case, or you are planning to do it that way, and that certain cases will be referred upward or over to Federal court and certain cases will stay in State court. And let me ask you, sometimes can you use the suggestion of Federal prosecution as a basis to get a criminal to confess and tell you more things about who else was involved in the crime?

Mr. TIMONEY. Absolutely, and we have to do more of that. That is absolutely correct, Senator, as leverage.

One of the other problems with Philadelphia is we are responsible for prisons up to 23 months; 24 months, they go upstate. And so often they will plead guilty to 22 months to stay local even though they should be getting 5 years. We tell them you better take 3 years or else you are going to go federally for 5 years. So it is a bargaining chip.

Senator SESSIONS. You can get a better State sentence.

Mr. TIMONEY. Yes.

Senator SESSIONS. Well, I think that is interesting, and I wonder, do you have the same problem with speedy trials and lack of certainty of punishment in Philadelphia when you arrest people for serious offenses?

Mr. TIMONEY. I think most large urban areas seem to have that, yes. Again, I think Senator Specter hit on it, that if you have the ability to go shopping for a judge, you know, you will come up with all sorts of reasons to postpone hearings, preliminary hearings and wait hearings and a whole host of things until you come up with the right judge. And so there is kind of an accretion effect of all the different delays that in a sense delays justice also.

Senator SESSIONS. We had some hearings here involving a situation in Philadelphia, and I saw some sentences on convictions for very serious crimes and repeat offenders that shocked me, how light they were. It was unfortunate.

With regard to the casings and identification, the Federal Government—we talked about two agencies that have systems that if you find a bullet and a casing, you can actually put them together and solve old crimes and things of that nature.

Mr. TIMONEY. Right.

Senator SESSIONS. Do you have an opinion as to how that is working, how we can make it better? And you might as well say which program you like best.

Mr. TIMONEY. Well, we happen to have the ATF program. We think it is great. It has really been terrific for us.

But, more importantly, on which is the best system, it actually points out, you know, what is the appropriate role for the Federal Government. How about establishing national standards for ballistics evidence, for fingerprint evidence, for DNA evidence? We are all over the lot.

I just testified 3 weeks ago before Congressman Burton's committee on this very issue, establishing national standards. You know, they have it in the telephone company. You can call China. There is no problem. You will get the same system, even though there are different carriers. The Internet system, they are all interchangeable. It is only when you get to the criminal justice system that they all have their own stand-alone independent systems.

Senator SESSIONS. I think that is a good idea and a good suggestion. But it is an appropriate role for the Federal Government to do the research and to provide the technology to the States to scientifically analyze these projectiles and casings to identify the criminal behind it. I think that is a perfect role.

What about this? Let me ask Chief Oliver. In my home State, we have had, despite some heroic efforts, difficulties in being current with drug analysis, chemical analysis reports for use in trial. Is that a problem in Virginia, or can you get rapid turn-around if you submit a drug and have an expert report back?

Chief Oliver. Well, at a local level, it is a problem in terms of submissions to our State labs and even to the medical examiner's office at times in getting what we consider to be from our perspective as police officers a timely response. In many cases, to be honest about it, because it takes a long length of time, it really holds up the ability to dial in on certain suspects in many cases.

Would you say that is correct? So, yes, the answer to your question is yes, we do have problems at a local level, and the quick return of analysis of drugs and other kinds of evidence in many of the local-level crimes.

Senator SESSIONS. Even if the person is inclined to plead guilty, his lawyer is not going to plead guilty until that report comes back, normally.

Chief Oliver. Of course.

Senator SESSIONS. So delays can delay the whole system.

Chief Oliver. If there is a backlog, there are many delays, yes.

Senator SESSIONS. And I just think that maybe that is also a role that the Federal Government could—Senator DeWine and I and

others have worked on some programs to increase funding for State laboratories, which I think is a good step.

Mr. TIMONEY. Up in New York we had the problem of getting timely analysis of drugs. In Philadelphia, though, this is one of the things they actually do very well. The judges will stipulate to a field test by the police officer. The field test will indicate the presence or non-presence of cocaine. So for preliminary hearings—which is very good because then you only wind up having to test those that go to trial.

Senator SESSIONS. That can be very positive.

All right. I know some of you have planes to catch. Any comments that you would like to contribute before we conclude? [No response.]

Senator SESSIONS. Well, thank you very much. I have the basic view that I have spent too long in this business to get too much on the frills and symbolism. I would like to see us develop programs that will actually reduce crime, and what is exciting to me about the hearing today is we have three different cities who have plans under way that I believe will, in fact, reduce crime, save people from being killed, make communities safer, actually help revitalize a city, in fact, change the whole self-image of a city.

I think all of us in law enforcement need to believe again that there is hope, that we can make a difference, and if we work together, we can continue to make this a safer country.

Thank you very much for your excellent testimony.

I will offer for the record the statement of Henry Neal, a retired ATF agent, without objection.

[The prepared statement of Mr. Neal follows:]

PREPARED STATEMENT OF HENRY L. NEAL, RETIRED SPECIAL AGENT, ATF

I was a special agent with the Bureau of Alcohol, Tobacco and Firearms from August 1971 until March 1997. My work for that 26 year period encompassed nearly every segment of law enforcement and support operations conducted by ATF. My career began at the close of the liquor law enforcement era in Milledgeville, Georgia. I was, at various stages, a street agent, a support agent, a manager and a supervisor.

Various approaches were tried by the ATF administration to enforce elements of the often unpopular "Gun Control Act". Those attempts met with checkered success; in some measure due to the politics of the moment. It was my observation there were many dedicated men and women in ATF doing their very best to conduct meaningful investigations into violations of those gun laws, but the often changing directions from headquarters did little to develop a continuum of enforcement effort. There was a continuing problem with overall effectiveness; very limited resources were expended without tangible results.

The development and implementation of Project Triggerlock provided a focal point for those valuable resources provided by ATF in the effort to curtail violent crime in the street. It provided the impetus for the vital cooperative law enforcement effort at the state and local and federal levels. Local police saw real evidence there was federal cooperation which resulted in meaningful help to them. Just as importantly, federal intervention at the street level was and is a highly efficient method of developing and expanding an investigation into a multi-level, multi-defendant, complex criminal case. It was my experience that beginning an investigation at the lower level of a criminal operation and working up was much easier than trying to begin at the top and working down. Several examples of that type are provided at the end of this statement.

The Triggerlock type operation provided a well defined road map for agents to follow in developing criminal investigations. Available resources, support and personnel, were assigned to a known objective. Criminal prosecutions increased with the support of the Justice Department. Consequently violent crime was curtailed to the extent federal resources can do that. It was a concerted effort. There were tangible

results. Prosecutions of armed criminals expanded dramatically under the Triggerlock umbrella.

The well noted memorandum from Attorney General Richard Thornburgh, which essentially prohibited U.S. attorneys dealing firearms cases, added impetus to the team effort.

In the 1992 to 1993 time frame prosecutions began to diminish nationwide, based on internal ATF documents circulated during that period. That was due to a number of factors, many beyond the agency's direct control, but the message from headquarters clearly changed to concentrate on the "big" case of federal interest. Street level agents, who had a good grasp of crime issues, began to lose direction again. Many questioned just what those major cases were, and how did they initiate them without a point of entry. State and local officers were told succinctly that ATF could no longer support them in most street level firearms violations. These were the same officers and agencies who had come to view ATF as a friend on the street under Triggerlock.

I observed the current director of ATF, beginning in 1993, in personal appearances and on video tape state unequivocally the agency had been headed in the wrong direction. Street level enforcement would be de-emphasized and resources would be directed at the cases of federal interest. The message was clear—do not work street level firearms violations. They are the responsibility of local police. That directive was published internally in written documents from the director and his subordinates. The effect was dramatic. Criminal prosecutions began to fall at a precipitous rate.

One of the strangest events I witnessed was the revocation of the "Thornburgh memo" by the new Attorney General in 1993. That was done by an administration which touted gun control as one of its hallmarks. The effect was immediate. Local assistant U.S. attorneys refused to prosecute or otherwise subordinated firearms charges. The atmosphere in my meeting with those assistants on prosecution matters changed palpably.

The continuing decline in the prosecutions of firearms violations had not changed at the time of my retirement in March 1997. As recently as three weeks ago a local police officer in Alabama called me to ask how he could get federal help with firearms violations. I explained the process as I knew it to him. He was not encouraged.

The brief summaries which follow are of federal criminal investigations initiated in the Southern Judicial District of Alabama in calendar years 1995 and 1996. They represent, in my opinion, a responsible utilization of federal resources at the street level.

Case No. 1: Five burglaries of gun dealers in two states conducted by a gang of eight violent offenders. At least four of them were juveniles; one adult was a multi-convicted violent felon. The firearms were distributed in a multi-state area including Michigan. I only became aware of the crimes because I had requested local law enforcement notify me if they found firearms in the hands of criminals. The case could not be completed before I retired. ATF never followed up on the case even though the U.S. attorney's office, Mobile was familiar with the investigation and had approved prosecution.

Case No. 2: An exchange of gunfire in Atmore, Alabama resulted in no injuries, but it was determined one of the individuals involved was using a sawed off shotgun and was one of the eight involved in case no. 1 above. He was in the street vernacular a "gang banger". He was a very dangerous young man. I stopped him on the street and arrested him for the .12 gauge sawed off shotgun in his waistband. The shotgun had been stolen had been stolen in a burglary in case no. 1. He was sixteen years old at the time of his arrest. He is now in the federal prison system.

Case No. 3: Five young men, including 3 juveniles, car jacked a man in north Florida. The main trigger man shot the victim's arm off with a twelve gauge shotgun. The trigger man was one of the eight burglars in case no. 1. We arrested the five and convicted all in federal court in Mobile, Alabama. I learned of the shooting from local law enforcement because I advised them to contact me in the event of local street level offenses involving firearms.

Case No. 4: A local officer approached me to describe an arrest of one man in a car with several firearms and a user quantity of methamphetamine on his person. He was not a convicted felon. I entered the pertinent information in the Treasury Enforcement Communications System and followed up on the investigation. The investigation resulted in the prosecution of 15 people at the state and federal level in what was and is the largest methamphetamine distribution operation ever identified in northwest Florida and southwest Alabama. The principal pled guilty to the distribution of more than ten kilograms of methamphetamine. A number of firearms, including some stolen, were recovered. A substantial number of military ex-

plosive devices, which had been stolen from a U.S. Army base in Georgia and never reported, were recovered.

[Whereupon, at 4:20 p.m., the subcommittee was adjourned.]

# APPENDIX

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## ADDITIONAL SUBMISSION FOR THE RECORD

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### PROSECUTOR'S STRATEGY SCRAMBLES GUN-CONTROL ALLIANCES

BY DAVID S. CLOUD, STAFF REPORTER OF THE WALL STREET JOURNAL,  
AUGUST 31, 1998

CUE CARDS FOR COPS

*Important:*

*Always* ask if the suspect uses drugs, i.e., cocaine, heroin, marijuana.  
Most suspects will deny dealing but readily admit *using* and that's all we need to make a federal gun case.

*Federal Gun Possession Crimes:*

Carrying *during drug possession*  
Convicted *felon* (state or federal)  
*Fugitive* who has fled another state  
Under *indictment* for a felony  
Subject to a *restraining order*  
*Drug user* or addict  
Mental defective  
Illegal alien  
Dishonorably discharged  
Prior misd. *domestic violence*  
*Obliterated serial number*  
*Sawed-off* weapon  
*Stolen gun* (if defendant knows)

RICHMOND, Va.—David Schiller says he can make a federal case out of just about anything involving guns. He's right.

For the past two years, Mr. Schiller has used his powers as an assistant U.S. attorney to transfer mundane arrests by local police here to the federal court system. His zealous pursuit of almost anyone caught violating even the most obscure federal gun law has sent 200 people to prison, which Mr. Schiller's supporters say helps explain a dramatic drop in the city's homicide rate.

Now this seemingly simple idea—federalizing firearms cases—is scrambling alliances in the national gun-control debate. Mr. Schiller's campaign, dubbed Project Exile, is backed by both the National Rifle Association and some ardent gun-control advocates, including a few big-city mayors. Congress wants to implement Project Exile in other cities, but the Clinton administration is loath to divert money and attention from its own antigun initiatives to one backed by its nemesis, the NRA.

The battle over Project Exile heats up when Congress returns from its summer recess to finish work on next year's budget. Supporters will lobby hard for more money, and some Republicans see a chance to embarrass the president if the administration opposes a get-tough solution on one Mr. Clinton's pet issues.

A career prosecutor, the 43-year-old Mr. Schiller didn't mean to get in the middle of a political storm, but his relentless evangelizing has made him a minicelebrity here and a thorn in the side of Justice Department officials in Washington.

*Lone Ranger*'

"Some people think Schiller's nuts," says Richmond defense attorney David Boone. "Is he overzealous? Absolutely, but he's like the Lone Ranger: He's on a mission."

For years, Congress has been expanding the reach of federal gun laws, making it relatively easy to bring these cases. But few prosecutors took the bait until Mr. Schiller started using the little-noticed laws to prosecute not only well-armed drug dealers, but middle-aged wife-beaters who happen to keep a gun in the closet. The mandatory federal sentences are stiffer than those generally given in state courts.

Has it made a difference? Throughout the 1990's, Richmond was one of the country's most violent cities, but now things are improving. There have been 39 gun-related homicides in Richmond so far this year, 49 fewer than last year at this time. Violent crime has been falling nationwide, but Mr. Schiller claims to be altering criminal behavior on the street. "What we're finding is that a lot of dopers are now being arrested without any guns on them," he says.

Mr. Schiller and his boss, U.S. attorney Helen Fahey, have gone to Washington repeatedly to plead with senior Justice Department officials for more prosecutors and agents, but with little success. "We could do more cases if we had more help," says Ms. Fahey, a Clinton appointee.

Kent Markus, Attorney General Janet Reno's top aide on gun violence until leaving last month to teach law, dismisses Project Exile as "assembly line" prosecutions that bleed resources from other law-enforcement priorities, such as organized crime and high-level drug trafficking. "I don't think there's any empirical evidence" that Richmond's falling murder rate is related to Project Exile, says Mr. Markus.

#### *Mixed views in Richmond*

Richmond officials applaud Mr. Schiller's efforts, but worry about the long-term social consequences of such draconian measures. "There got to be solutions other than Exile," said Police Chief Jerry Oliver, a supporter of the program. "As an African-American male I'm dismayed at what we have to do to maintain safety."

The NRA embraced Project Exile as the embodiment of its antigun-control doctrine: Get tough on crime, not guns. "It says with deadly accuracy that guns are for the law-abiding," asserts NRA Executive Director Wayne LaPierre, who is lobbying lawmakers to expand the program to dozens of cities. "That hasn't been said anywhere else in the country, and it is changing criminal behavior in Richmond."

Mr. Schiller disagrees with the NRA on gun control and worries that its backing for his program could overshadow its accomplishment. But the group's support was key to getting the program off the ground. At first, Richmond's conservative business community was lukewarm about it. Mr. Schiller says, because of early NRA hostility. When he asked for an endorsement, he says the NRA denounced him as an antigun zealot from the "Clinton-Reno empire."

A subsequent appeal through a friend of a friend of Mr. Schiller's brought a closer look from Mr. LaPierre. Since then, the NRA has spent more than \$25,000 promoting the program, including a sizable gift to a nonprofit foundation that publicizes Project Exile's harsh consequences on radio, television and billboards. For balance, Mr. Schiller also sought out Handgun Control Inc., whose chairman, Sarah Brady, called Project Exile's results "impressive," though not a panacea.

#### *Odd partnerships*

Other odd alliances are forming as well. In June, NRA resident Charlton Heston joined forces with Philadelphia Mayor Ed Rendell, a pro-gun-control Democrat, to seek Project Exile funding for his city. But the Philadelphia U.S. attorney's office worries that trying Project Exile in a city with seven times more people than Richmond is impractical and might swamp the courts.

Nevertheless, last month the Senate approved an amendment by Pennsylvania Republican Arlen Specter requiring the Justice Department to spend \$1.5 million on five prosecutors to prosecute gun cases in Philadelphia, which averages over 400 murders a year. New Jersey Sen. Frank Lautenberg, a pro-gun-control Democrat, secured \$800,000 for a similar effort in nearby Camden.

The NRA bought a full-page ad in USA Today earlier this month, prodding President Clinton to support the Philadelphia appropriation: "Instead of giving us another press conference about more gun-control laws," it said, "give us one city. Let us try crime fighting one way—the Project Exile way."

The ad annoyed Mr. Rendell, whose White House lobbying efforts received a polite but noncommittal response. Still, he says, "If it stops only six murders a year, I've got to be for it. \* \* \* The White House may distrust the NRA, but I've got to overlook that."

In Richmond, Mr. Schiller works on a shoestring. He has merchants pass out black cards warning, "An illegal gun gets you 5 years in federal prison." He hands out laminated cards to the police explaining the basics of federal gun statutes. For example, it's a federal crime to carry a weapon while possessing illegal drugs. "Most

suspects will deny dealing but readily admit using,” the card reads. “That’s all we need to make a federal gun case.”

Just ask Shuler Cox, 19 years old. He was arrested with a small amount of crack cocaine and marijuana—and a .45-caliber semiautomatic in his car. A federal jury convicted him of drug and gun charges. Now, despite an otherwise clean record, he’s facing seven years in a federal penitentiary. “When I turned 17, I got into the drug scene, and I just thought that having a weapon by my side wouldn’t let nobody get to me,” explains Mr. Cox, who nevertheless claims the gun wasn’t his and is appealing.

On the other hand, some dangerous offenders are now off the streets. Melvin “Bug” Smith, a 22-year-old member of a gang called the “Bottom Group,” was pulled over on a routine traffic stop and ended up getting 16 years for drug and firearm convictions. Once he was behind bars, witnesses came forward and implicated him in five murders. He was indicted on those charges by state prosecutors earlier this month.

