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S. HRG. 108–159

PROJECT SAFE NEIGHBORHOODS: AMERICA'S NETWORK AGAINST GUN VIOLENCE

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

MAY 13, 2003

Serial No. J–108–11

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE

89–886 DTP WASHINGTON : 2003

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PROJECT SAFE NEIGHBORHOODS: AMERICA'S NETWORK AGAINST GUN VIOLENCE

TUESDAY, MAY 13, 2002

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The Committee met, pursuant to notice, at 9:36 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Orrin G. Hatch, Chairman of the Committee, presiding.

Present: Senators Hatch, Specter, Sessions, Craig, and Cornyn.

OPENING STATEMENT OF HON. ORRIN G. HATCH, A U.S. SENATOR FROM THE STATE OF UTAH

Chairman HATCH. Well, good morning. Welcome to this very important Committee hearing to examine Project Safe Neighborhoods, President Bush's gun violence reduction initiative.

The problem of gun violence is a national tragedy which requires careful analysis and serious attention. Every year in this country, too many loved ones and family members are killed by criminals with guns.

In 2001, criminals used guns to commit over one-third of a million violent crimes, including 63 percent of all homicides, resulting in over 10,000 deaths. For every fatal shooting that occurs, there are roughly three non-fatal shootings.

Indeed, even those who dedicate their lives to the protection of America's citizens are tragically the victims of gun violence and gun crime. In 2001, 47 of the 51 American law enforcement officers killed in the line or duty died from gunshot wounds. This last fact should not go unnoticed this week, as thousands of law enforcement officers from across the country gather here at the National Law Enforcement Memorial to pay tribute to all of the fallen officers. We owe an extra effort to our Nation's police officers and all of our fellow citizens to make sure that those who illegally possess firearms are prosecuted and punished.

These numbers are dramatic and they represent much more than cold figures. They underscore the terrible tragedies felt by countless family members, children, fathers, mothers, relatives, and friends in communities across our country. Criminals with guns who shoot and kill are nothing less than domestic terrorists. They terrorize and attack law-abiding members of their communities, and for that they deserve stiff and severe punishment.

While pointing out the nature and extent of this problem, these numbers also are a call to action. Law-abiding citizens want swift and certain justice for gun criminals in their communities.

Project Safe Neighborhoods is the Bush administration's gun violence reduction initiative which is being run by the Justice Department. Project Safe Neighborhoods focuses law enforcement efforts against criminals who illegally use guns. More than 70 percent of all gun crimes are committed by repeat offenders, criminals who have skirted the courts and flaunted the law to prey on citizens and communities again and again.

President Bush has committed his administration to this initiative in order to protect citizens and the rule of law. He has stated his commitment simply, clearly, and with honesty, quote, "If you use a gun illegally, you will do hard time," unquote. Attorney General Ashcroft has implemented the President's directive by requiring each United States Attorney to develop and implement a program to address gun crime and gun violence in their respective districts.

The concept behind Project Safe Neighborhoods is simple: organize and bring together prosecutors, Federal, State and local law enforcement, and the community to design and implement a coordinated and strategic approach to catch gun criminals, to deter criminals from carrying or using guns, and to build community support among law-abiding citizens who are sick and tired of being terrorized by violent gun-toting criminals who wreck havoc in their neighborhoods.

The administration has allocated significant resources to Project Safe Neighborhoods, more than $500 million to this initiative thus far, and they hope ultimately to devote more than $900 million to this effort. Project Safe Neighborhoods has added 207 new Federal prosecutors and nearly 600 new State and local prosecutors nationwide to focus on gun criminals.

After almost 2 years, Project Safe Neighborhoods is showing significant, tangible successes. The numbers speak for themselves. As can be seen on the chart, you will notice a dramatic increase in gun crime enforcement under Project Safe Neighborhoods. The number of defendants charged with Federal firearms violations has increased significantly in the last 2 years, noticeably after the start of Project Safe Neighborhoods.

As the numbers show, since this administration implemented Project Safe Neighborhoods in May 2001, Federal gun prosecutions have increased by over 40 percent, from a total of 8,054 for fiscal year 2001, to a projected 11,686 for fiscal year 2003. The conviction rate in these cases is nearly 90 percent. More than half of these gun criminals were sentenced to more than 5 years in a Federal prison. In addition to the rise in Federal prosecutions, State and local prosecutors have boosted their efforts as well, with the addition of nearly 600 prosecutors funded through Project Safe Neighborhoods.

While much has been accomplished, there is still much more to do to rid this country of the scourge of gun violence, and I am interested in hearing how the PSN program is working and what additional steps are needed to make sure that we do all that is necessary to protect our communities from violent gun-toting criminals.

So I look forward to hearing from each of our witnesses today about this important initiative, and reading their statements, and we will go from there.

We will turn to Senator Craig, who is going to chair this hearing, and take his statement at this time.

STATEMENT OF HON. LARRY CRAIG, A U.S SENATOR FROM THE STATE OF IDAHO

Senator CRAIG. Well, Mr. Chairman, thank you very much for this hearing on, of course, Project Safe Neighborhoods and the substantially expanded program that we have under the Bush administration, recognizing communities and dealing with the five core elements in the development of the program from partnerships to strategic planning, training, and outreach and accountability.

By evidence, it appears to be working. We know that this is an outgrowth from a project that we got involved in some time ago and expanded it in what we at that time called Project Exile and the positive impacts that has on the use of a firearm in the commission of a crime.

So I have no additional statement. I think your opening statement most assuredly is adequate. It is important we hear from these witnesses as we look at what we are currently doing in the 2-year program, the amount of money that has been put in it, the training of new Federal and State prosecutors in support of investigators, and the promotion of community outreach.

So with that, we thank you very much, Mr. Chairman.

Chairman HATCH. Well, thank you, Larry.

We will begin with Mr. Warner and we will go right across the table.

Senator CORNYN. Excuse me, Mr. Chairman. May I be recognized? I have just joined you a moment ago.

Chairman HATCH. Sure.

STATEMENT OF HON. JOHN CORNYN, A U.S. SENATOR FROM THE STATE OF TEXAS

Senator CORNYN. I did want to say just a couple or words, and I have a longer statement that I won't burden you with and I will ask that it be made part of the record. I appreciate being recognized.

I want to make a few comments regarding Project Safe Neighborhoods and a similar program that we started in Texas a few years ago when I was Attorney General called Texas Exile. Of course, like all good ideas, we borrowed shamelessly from the Richmond Project Exile program.

First, I want to commend the Chairman for having this hearing. I think it is an important part of our law enforcement responsibilities across this country to prevent those who possess firearms illegally and use them as career criminals to commit perhaps multiple crimes on a daily basis, to try to make sure that we get those people off the street, while at the same time respecting the rights of law-abiding citizens to own and use firearms for legitimate purposes.

In September of 1999, then–Texas Governor George W. Bush and I introduced Texas Exile. Of course, one of the things that I think

was so great about that program and what is great about Project Safe Neighborhoods is the fact that rather than law enforcement agencies competing with one another, we worked together at the local, State and Federal levels to try to address this particular problem.

Texas Exile is a crime control initiative that utilizes existing State and Federal laws designed to get to the root cause of gun violence, which is criminals who illegally use and carry weapons. When law enforcement reports a crime where a weapon is used or possessed, the district attorney's office and the U.S. Attorney's office confer, which we need to encourage, to decide whether the prosecution should proceed in State or Federal court, depending on the applicable penalty provisions and the facts of the crime.

The program simply opens up the Federal system to State prosecutors so that criminals with weapons will receive maximum jail time. Unfortunately, under State law, particularly in my home State of Texas, too often the gun part of the offense seems to be the subject of plea bargain or otherwise not emphasized as an integral and important part of that criminal activity, and punished as such. The advantage of such a system is that habitual, violent offenders are essentially exiled from the city streets and potential offenders are discouraged by the threat of harsh prison terms.

Let me just summarize here, in conclusion, Mr. Chairman, and just say that I am sold on this concept. I think it has proven to be effective and I want to do everything I can to encourage and help facilitate the Project Safe Neighborhoods initiative because I believe that homicides and other crimes can be prevented before they occur by enforcing the laws that prohibit weapons possession by felons and persons convicted of crimes of domestic violence, for example, or someone who is just merely subject to a family restraining order.

It is actually a felony for someone who is under a domestic restraining order to possess a firearm, and I believe that particularly in the most volatile of situations, domestic violence, discouraging and hopefully eliminating the possession of firearms by someone who is subject to a protective order has prevented a lot of harm.

As of May 2, 2003, the Texas program has produced 2,020 indictments, 1,478 convictions, and 2,482 confiscations of firearms from these career criminals. The average sentence in January 2000 was 73 months, and it is noteworthy that Texas had an 82-percent increase in the prosecution of Federal gun crimes over the last year, and now I believe leads the Nation in terms of the prosecution of Federal firearms offenses.

So I am pleased to be here and delighted to listen now to the witnesses, and thank you, Mr. Chairman, for giving me just a chance to make a few comments.

[The prepared statement of Senator Cornyn appears as a submission for the record.]

Chairman HATCH. Well, thank you so much, Senator. We appreciate your comments.

We will turn to Mr. Warner. I just want to say you have done a terrific job out there in Utah and we are very appreciative. In fact, all of you are doing terrific work. We follow all of you and we appreciate having all of you here today.

So we will start with you, Mr. Warner. Each of you will have 5 minutes. I hope you can limit yourselves to 5 minutes and then we will have questions for you.

STATEMENT OF HON. PAUL M. WARNER, UNITED STATES ATTORNEY FOR THE DISTRICT OF UTAH, SALT LAKE CITY, UTAH

Mr. WARNER. Good morning, Mr. Chairman and Members of the Committee, and thank you, Chairman Hatch for that kind introduction. I greatly appreciate the opportunity to testify before the Committee on the critical subject of reducing gun violence through Utah's Project Safe Neighborhoods.

With your permission, Mr. Chairman, I will summarize the major points I would like the Committee to understand and I request that my entire statement be made part of the record.

Chairman HATCH. Without objection.

Mr. WARNER. I would first like to say, Senator Hatch, that few people serving here in Washington are as well-attuned to the issue of gun violence as you are, and that few have done as much as you have in providing the leadership to address it.

Over 3 years ago, Mr. Chairman, you had a vision and a name for an anti-gun violence program. That name, Project CUFF, Criminal Use of Firearms by Felons, and that program was the beginning of Project Safe Neighborhoods, or PSN, in Utah.

Gun violence continues to pose a real threat to the safety of our citizens. Consequently, there is a need in Utah to vigorously enforce existing gun laws in order to combat the problem of gun violence. This need is now being addressed through PSN. President Bush and Attorney General Ashcroft have made this project a top criminal justice priority.

PSN is statewide in Utah. The State and local response has been tremendous. What started originally as a few ATF officers and a couple of Federal prosecutors has now grown into a task force of over 45 individuals representing nearly three dozen Federal, State and local organizations.

The gun unit in my office currently has nine Federal, State and local prosecutors dedicated to prosecuting gun violence in the Federal system. To date, over 800 cases have been indicted by Federal grand juries in Utah under PSN. Last year alone, my office brought 300 firearms cases. The success achieved so far under Utah PSN could not have been realized without the energy and enthusiasm of our law enforcement partners.

The primary focus of PSN in Utah is to aggressively investigate and prosecute firearms offenses. Our prosecution guidelines are consistent with Attorney General Ashcroft's announced priorities: first, to target and disrupt violent organizations and offenders, including armed career criminals; second, to dismantle illegal gun trafficking; and, third, to aggressively prosecute prohibited persons found in possession of firearms.

Let me take just a moment to give you examples of what is being done. A real problem is firearms trafficking, enabling the most dangerous members of our communities to acquire firearms illegally. Those most likely to use a firearm in the commission of a crime are often able to get their firearms without risking a background check.

Therefore, a major emphasis of Utah PSN is disrupting illegal gun trafficking.

A recent investigation is illustrative. In December 2001, a small firearms dealer in a rural area of Utah was burglarized. Fifteen handguns were stolen. The two individuals responsible for the burglaries have been apprehended and face Federal firearms charges. To date, 10 of the 15 firearms have been recovered. Of the firearms recovered, all were found in the hands of prohibited persons. Many have been used in crimes.

Another area of our focus is on prohibited persons in possession of firearms. The positive impact on public safety of prosecuting felons in possession can be considerable. A recent case illustrates what is being accomplished through our PSN partnerships.

On July 6, 2001, Roosevelt City, Utah, lost a beloved public servant when Police Chief Cecil Gurr was violently gunned down by a convicted felon armed with a rifle. State and local authorities apprehended the shooter. Evidence indicated that another individual had given the rifle to the shooter. The question became: what about prosecuting the individual who provided the gun?

Deputy Keith Campbell of the Uintah County Sheriff's Office, a PSN partner, enlisted the resources of many to build a Federal gun case against the individual that provided the rifle used to kill Chief Gurr. The result was a solid case done thoroughly and quickly, using Federal, State and local cooperation. The shooter, prosecuted by the local DA's office, received life in prison without possibility of parole. And the provider of the rifle, prosecuted by my office under PSN, received the maximum 10 years in prison.

In conclusion, Mr. Chairman, Project Safe Neighborhoods is working in Utah. Regardless of whether a partner is from a rural town or downtown Salt Lake City, Project Safe Neighborhoods has provided a means of disrupting and deterring gun violence in Utah. Thanks to your leadership and the support of the Department of Justice, we have the tools and resources to sustain this effort.

Thank you, Mr. Chairman. I would be pleased to answer any questions from the Committee.

[The prepared statement of Mr. Warner appears as a submission for the record.]

Chairman HATCH. Thank you, Mr. Warner.

Mr. Warner is the United States Attorney for the District of Utah.

We are going to turn to Mr. Paul McNulty, who is the United States Attorney for the Eastern District of Virginia. Then we will go to Hon. Todd P. Graves, who is the United States Attorney for the Western District of Missouri, and then finally to Hon. Patrick L. Meehan, United States Attorney for the Eastern District of Pennsylvania.

We are really honored to have all of you U.S. Attorneys here. You do terrific work, often unheralded, and without your efforts we just wouldn't be as well off today in this country as we are from criminal activity. So we really appreciate all the work you do.

Paul, it is nice to welcome you back. You spent a lot of years on Capitol Hill. I hope you are enjoying your new job.

STATEMENT OF HON. PAUL J. MCNULTY, UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA, ALEXANDRIA, VIRGINIA

Mr. MCNULTY. I really am. Thank you, and it is a real pleasure to have the opportunity to—

Chairman HATCH. If you will excuse me, I have got to leave and go to another meeting. So Senator Craig is going to conduct the rest of these hearings and we are just happy that he is willing to do that and we appreciate it. This is a very important hearing and we think it is time the public really understands what all of you are doing. So we appreciate all you are doing and I appreciate Senator Craig.

Senator CRAIG. [presiding] Thank you, Orrin.

Paul, please continue, and it is good to see you.

Mr. MCNULTY. Thank you very much, Senator.

Senator CRAIG. I have fond memories of working with you and your former boss, Congressman Bill McCollum, over the years on issues like this one and others.

Please proceed.

Mr. MCNULTY. Thank you, Senator. It is a pleasure to be here and have this opportunity.

I have a unique perspective on Project Safe Neighborhoods because at the start of this administration, I chaired the working group that developed Project Safe Neighborhoods and now have the opportunity as a U.S. Attorney to be in the real world, you might say, implementing the program that we developed right after the transition.

I am also very fortunate to be in a district that has such a great track record in relation to combating gun violence and is the birthplace of a program that has received so much attention, Project Exile. That program, which is firmly established in our district, is one of the centerpieces of the Project Safe Neighborhoods approach.

Let me quickly talk about the experience we had in developing Project Safe Neighborhoods. We came to the working group with a couple of key principles. The first was that we recognized there were a number of different practices going on around the country and we didn't want to reinvent the wheel. We wanted to build upon what had already worked effectively, and so we looked to efforts like Project Exile and Project Achilles and Project Triggerlock and Operation Ceasefire, all of these programs that had been used in various places in the country to reduce gun violence. Each of them had essentially the core feature of holding violent criminals accountable and to impose firm punishment on those who use guns against other people in criminal acts.

The second principle we recognized was that this was a partnership, that the battle against violent crime was primarily a State and local struggle and we had to respect the primacy of State and local law enforcement. We also had to realize that it was not going to be one-size-fits-all, that there needed to be a local approach developed in partnership with Federal law enforcement.

We assembled a group of outside law enforcement organizations to help us think through the elements, and in my testimony I identify those organizations. They were very helpful in bringing to us more information about best practices and to explain how the po-

lice departments, the district attorneys, in my State, "Commonwealth Attorneys," how law enforcement at the State and local level viewed the most effective programs and what would be necessary to strengthen the partnership.

So with that, we then identified five elements that would be a part of Project Safe Neighborhoods. Those five elements are, first, partnership. Whatever happened had to be done together with State and local law enforcement. In the case of Virginia, we already had a strong partnership in place with Richmond law enforcement, in particular.

We convened a summit in January of 2002, about 3 months after I was sworn in, and we called together every police chief, every sheriff, every local prosecutor—that is, the commonwealth attorney—to meet in Richmond for a day together develop a common vision for how we wanted to combat gun crime throughout eastern Virginia. That was an unprecedented gathering and it helped us develop a strategy that would be district-wide, not just in the city of Richmond.

The second element of PSN is strategic planning. Once the partnership is in place, you must identify the problem through intelligence and other information available to law enforcement and then put together a plan for enforcement that makes sense.

Now, this gives me an opportunity to mention briefly something about Exile. Exile is really at its heart a process for identifying good cases that can go into the Federal system to be prosecuted aggressively using 5-year mandatory sentences and other tough penalties.

The nature of Exile is something that can be easily moved into other localities. It is built upon a process of having an intake system that reviews cases quickly, Federal and State together, to decide where each case would be best prosecuted. The statistics from Richmond are clear in terms of the impact that Exile had on the crime rate there that was really out of control in the early 1990's and mid–1990's.

To move quickly, let me just say that the other elements include training. We do the training in eastern Virginia by going to roll calls and to State prosecutor offices and explain what Federal laws are so that everyone is aware of the tools available to use against violent criminals. Training has to, in a sense, support the strategy that has been developed.

The fourth element is outreach, and a lot can be said here, getting the message out that there will be swift and sure punishment for violent crime. The Exile outreach effort has been well documented and we hope that in Project Safe Neighborhoods we will see a nationwide outreach effort. That is now in the process of being developed and implemented around the country.

Finally, accountability, and that means that we are ready to have the results of this effort measured, to hold those who have been put in charge of this effort accountable to make sure that real improvement in the lives of people is accomplished.

So those are the five elements, Senator, for Project Safe Neighborhoods. I am excited about the fact that through the clear leadership of the President and the Attorney General, we are going to have every U.S. Attorney implementing these five elements in the

way that makes the most sense in their districts. That is why we are having such great results so far.

Even in Virginia where we had such good success with Exile, now that we have taken that approach throughout the district to places like Newport News and Portsmouth and Norfolk and other areas within the district, we have seen even more of a reduction in violent crime district-wide as a result of this kind of enthusiastic and aggressive enforcement.

Thank you very much, Senator.

[The prepared statement of Mr. McNulty appears as a submission for the record.]

Senator CRAIG. Paul, thank you very much, and it has to be pleasing for you to have been there at the beginning and to watch this develop across our country as it gets implemented.

Now, we look forward to U.S. Attorney Todd Graves' testimony from the Western District of Missouri.

STATEMENT OF HON. TODD P. GRAVES, UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI, KANSAS CITY, MISSOURI

Mr. GRAVES. Thank you, Senator. Thank you to Chairman Hatch and Members of the Senate Judiciary Committee for the opportunity to testify before you today. It is an honor to have an opportunity to speak to the Committee regarding the Project Safe Neighborhoods initiative and our version of that anti-crime initiative, which in Kansas City we call Project Ceasefire.

The United States Attorney's Office of the Western District of Missouri works with several other organizations to fight gun crimes in our community. It has been a top priority of ours since late 1999, when we realized that a problem with gun crimes was brewing.

During 1998 alone, assaults with a firearm reached 1,990 in Kansas City. Shortly after the release of that statistic, several organizations banned together to form Project Ceasefire, and since then we have actively been prosecuting felons who illegally carry firearms to see that they are held accountable for their actions.

In addition to the United States Attorney's Office, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Kansas City Crime Commission, the University of Missouri, Kansas City, and Kansas City, Missouri, and Kansas City, Kansas, police departments, are also contributing resources to Project Ceasefire in order to reduce crime in the metropolitan area. Collectively, the organizations' hard work is achieving the ultimate goal.

Since 1998, when 1,990 firearms assaults were reported in the Kansas City area, the frequency of the same type of crime has dropped to 1,191 in 2002. That means nearly 800 fewer firearm assaults are occurring on our streets every year.

At the same time, prosecutions are increasing. In Kansas City, the Federal prosecution of gun crimes increased 26 percent, while the murder rate dropped 23 percent to its lowest level in three decades. The Kansas City Star recently marked homicides in the city at a 30-year low, and this reduction translates into real people. Twenty-seven people are living today that would have been murdered the preceding year.

Since Project Ceasefire's inception, the United States Attorney's Office in the Western District of Missouri has aggressively convicted 350 criminals in Kansas City. More than 300 of those defendants have already been sentenced to hard time in Federal prison. And let me make this clear: they are not first-time offenders. These criminals have extensive histories of crime in Kansas City.

The criminals we go after are strictly repeat offenders. In fact, of the 350 convicted defendants that I mentioned under Project Ceasefire so far, collectively they have more than 930 prior criminal felony convictions under their belt.

Our program is not only putting these criminals behind bars. Project Ceasefire also aims at educating the community as to the consequences felons face if they carry a firearm. The way in which we get that message across is through the Project Safe Neighborhoods media campaign for Project Ceasefire.

The Kansas City Crime Commission, our private sector partner, which consists of 40 volunteer board members, has collected $1.4 million in private money to help fund the Project Ceasefire advertisements which are intended to increase awareness in the community. The main point of the advertisements is this: felons with guns burn 5 years in Federal prison. It is plain and simple.

Evidence of the media campaign's success has been found through studies conducted by the University of Missouri–Kansas City. We decided to do baseline studies right up front so that we would be able to measure our progress. The university's extensive research consists of survey results collected mainly from felons in the Missouri State probation and parole offices.

The results show that nearly 79 percent of offenders have been exposed in some way to the Ceasefire campaign, and 73 percent of offenders have seen the Project Ceasefire advertisement. In turn, nearly 74 percent of offenders that took part in the university study said that they believe it is, quote, "very likely" that a person with a prior felony would be charged with a crime if caught with a gun.

More importantly, KCPD statistics also show that the partnership in Project Safe Neighborhoods is effective. The department recently reported decreases in nearly every category of crime from 2001 to 2002. Examples include a 29-percent decrease in homicides, a 15-percent decrease in robberies, and a 17-percent decrease in auto thefts. That is in contrast to recent modest rises in crime nationwide.

Since Project Ceasefire was created in Kansas City, violent crimes have been on a steady decline. Again, the Kansas City Star reported homicides at a 30-year low in 2002. The Kansas City Police Department reported decreases in crime across the board this year.

Project Ceasefire has had a direct impact on our community's crime rate. It is an invaluable program that brings our community together across both sides of the State line to effectively fight crime in our neighborhoods.

Thank you for your time.

[The prepared statement of Mr. Graves appears as a submission for the record.]

Senator CRAIG. Todd, thank you for your time and that testimony. Those are fascinating and very important statistics. I am sure the folks in Kansas City are appreciating them.

Now, let me turn to U.S. Attorney Patrick Meehan, of the Eastern District of Pennsylvania. Welcome before the Committee.

STATEMENT OF HON. PATRICK L. MEEHAN, UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF PENNSYLVANIA, PHILADELPHIA, PENNSYLVANIA

Mr. MEEHAN. Good morning, Senator. Thank you for having me here. I want to express my appreciation to Chairman Hatch for holding this hearing, as well as the Senator from my own State, Senator Arlen Specter, of this Committee, who has been a tremendous supporter of this program and for law enforcement initiatives in our State.

Senator CRAIG. Arlen and I got involved in a program like this for the Philadelphia area some years ago and he has been a leader in that area. Thank you for recognizing that.

Mr. MEEHAN. Thank you for your support for that, Senator.

I am delighted to have this opportunity to speak with you about the successes we have had, but also the challenges we still face in fighting gun crime in the Eastern District of Pennsylvania.

In many ways, the nine-county district is a microcosm of America. The district is anchored in one corner by Philadelphia, our Nation's fifth largest city. But between the quiet suburbs and the rural farmland in the other eight counties, there are cities, small and medium—Allentown, Reading, Lancaster, Easton—that are suffering from the violence triggered by the illegal use of firearms. In my district alone last year, there was more than 1 murder a day, more than 3 rapes a day, more than 26 robberies and 33 aggravated assaults each day.

Before I became the United States Attorney in September of 2001, I was the district attorney in Delaware County, just west of Philadelphia. As a State prosecutor, I was heartened when President Bush targeted gun violence as a top domestic priority. And as a new Federal prosecutor, I was genuinely inspired when Congress supported that priority with the impressive resources of Project Safe Neighborhoods.

As a result, even before assuming the position of United States Attorney, I reached out to the nine district attorneys in my district and obtained commitments from each of them to be partners in an unprecedented district-wide effort to substantially reduce firearms violence.

Over the past 18 months, with my partners on board, my office has moved aggressively to implement Project Safe Neighborhoods by taking a number of critical actions. First, we have more than doubled the size of the firearms section in the U.S. Attorney's office, from 5 prosecutors to 12 full-time prosecutors, and I thank you for the resources that enabled us to do that.

Second, because of Project Safe Neighborhood funding for State prosecutors, all nine district attorneys immediately agreed to cross-designate at least one assistant district attorney to handle firearms cases in Federal court as special assistant United States attorneys.

Within months, each district attorney at least doubled the number of prosecutors assigned to the program. We have trained each of the State prosecutors in Federal practice and provided them with senior Federal prosecutors as mentors, which means that in my district we now have 40 prosecutors participating in Project Safe Neighborhoods.

Third, we established a PSN task force with Federal, State and local law enforcement and community leaders. But these task forces were established in each of the nine communities and each task force has developed and implemented its own strategic plan to target the most violent offenders, organizations and problems in that particular county. And we have retained the commitment of the FBI, and particularly the ATF. I have an ATF agent assigned to virtually every county that works exclusively with the district attorney and our office.

Fourth, working with the FBI and other agencies, we have established a Hobbs Act robbery task force. This task force, one of only a few of its kind in the country, focuses exclusively on gangs that commit Hobbs Act, or in effect commercial armed robberies, often going across county boundaries and eluding the ability for one local law enforcement officer to tie together their various crimes.

Fifth, we are training local law enforcement officials in Federal law enforcement practice and assisting them in refining police practice to strengthen the evidence in gun cases that are brought into Federal court. This includes the use of gun and ballistic tracing as effectively as we can.

Sixth, we have used the PSN grant of $170,000 to try to get our message out. We have created a powerful videotape on our PSN efforts and use it to speak to community groups and law enforcement organizations. But in a brand new program, most importantly we are instituting this in each of the prisons in our county so that, upon exit from that county, we are encouraging the wardens to show this film about what they could face if they use a gun in a future crime.

Last year, my office indicted the greatest number of firearms cases, 230, and the greatest number of defendants, 316, in our office's history. We are targeting the most violent criminals. Let me give you an example of two of the stories behind the numbers.

Ken Coffie's criminal record of 10 prior convictions included 5 armed robberies and an armed carjacking. We convicted him of being an armed career criminal in possession of a gun. He is now serving a sentence of 19 years and 7 months. Robert Baynard had a gun with him when he was stopped for a DUI. Baynard had 26 prior convictions for burglary. He pled guilty in Federal court of being an armed career criminal and was sentenced to 15 years.

Our task force was focused not just on violent individuals like Coffie and Baynard, but more importantly on violent organizations and gangs that use firearms to commit crimes.

For example, in the past 8 months investigations by the Berks County Task Force have targeted two violent crack cocaine distribution organizations that have terrorized neighborhoods in the city of Reading. One of these organizations involving 14 members was operating close to an elementary school.

So far, 21 members of the organization have been indicted. All but 2 are in custody and 12 have pled guilty to face sentences of up to life in prison. We charged 6 gangs, including 17 defendants, with committing 32 Hobbs Act armed robberies. In one case, *United States* v. *Jeremy Fontanez*, 7 defendants were charged with committing 12 armed robberies across the length of the district. This was in Montgomery, Lehigh, Bucks, Delaware and Philadelphia counties. And based on further investigation, we were able to solve an unsolved murder in a 13th.

I want to use this occasion to say that although we can always use additional resources, we have been quite pleased with the level of support that Congress has provided for all aspects of the PSN initiative. But there is one area, gun trafficking and gun purchasing, in which the statutes and Sentencing Guidelines do not seem to provide for sufficiently severe penalties for us to do as much as we could to stop these dangerous crimes.

We have targeted gun traffickers and straw purchasers. We have charged 12 defendants in my district with illegally trafficking, and 61 defendants with straw purchasing in just the last year. We obtained a guilty plea from David Faruqi, a 21-count indictment charging him with dealing in firearms without a license. One of the guns purchased by Faruqi was linked through ballistics to the Lex Street murders, the largest mass murder in recent Philadelphia history, where 7 people were murdered and 3 more were wounded. We have been able to put traffickers in prison, but the law does not provide sufficiently tough penalties for firearms traffickers who illegally sell guns often to violent criminals.

I want to conclude by saying that the enthusiastic participation of the nine district attorneys remains the linchpin of our program. I am committed to continuing to work closely with the district attorneys and the task forces to make a real difference in the lives of the citizens of the Eastern District of Pennsylvania.

I thank you for this opportunity to speak with you, Senator, and I know that the Department had prepared a tape that was used at a recent nationwide conference on Project Safe Neighborhoods.

[The prepared statement of Mr. Meehan appears as a submission for the record.]

Senator CRAIG. I understand that that is planned. Before that tape is played, let me recognize two of my colleagues that have joined us that are certainly seasoned prosecutors in their own right as U.S. Senators also; first of all, your Senator, Senator Arlen Specter, of Pennsylvania, and Senator Jeff Sessions.

Would either of you like to make opening comments or comments prior watching a video that Mr. Meehan has brought.

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

Senator SPECTER. Thank you, Mr. Chairman, and I commend you for scheduling this hearing and I am delighted to see this array of distinguished prosecutors and law enforcement officers who are here today on this very, very important subject.

Going back to my days as District Attorney of Philadelphia, I saw the tremendous need for Federal court involvement in the area of those who violate the law with guns. We had a tremendous prob-

lem with judge-shopping in Philadelphia, light sentences. My first legislative initiative was the armed career criminal bill to provide life sentences for career criminals who were caught with a firearm, and I am glad to see the very active enforcement efforts.

I commend all of those who are here on both panels and I note the presence and just heard the concluding testimony of U.S. Attorney Patrick Meehan. I am sorry I wasn't here earlier to introduce him. He had been my key deputy while I was in the Senate. He has had a very distinguished career as District Attorney of Delaware County, and now as the U.S. Attorney for the Eastern District of Pennsylvania. That is a very, very high calling.

Being a public prosecutor is the second best job. The best job is assistant public prosecutor because then you get to try the cases and don't have to do all the administrative work.

I also want to welcome District Attorney Don Totaro, from Lancaster County, who is here on the second panel. DA Totaro is a career prosecutor; I understand 16 years in the DA's office and recently elected to the position. That is very, very good to see.

I am going to have to excuse myself at this time. I think you know that we have multiple Committee assignments and I am chairing the Subcommittee on Education. So I will be following the testimony. I am staffed here.

I thank you prosecutors for what you are doing and you have the support of the entire U.S. Government behind you. The President himself, as you know, kicked off this program in Philadelphia and has the great support of the Attorney General of the Department of Justice and Senator Craig and Senator Sessions and myself.

Thank you.

Senator CRAIG. Arlen, thank you.

Senator Sessions?

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

Senator SESSIONS. Thank you, Larry.

I am just pleased to hear U.S. Attorney Meehan's comments. It reminds me of some of the things that I know have gone on in your district in the past. I remember, of course, Arlen Specter set the standard, I guess, for aggressive prosecution over the years.

But I remember your predecessor when I was United States Attorney. He would arrest people on a big sweep of some of these big gangs of drug dealers and they would all want to know which ones were going to Federal court, because none of them wanted to go to Federal court.

Most people in the country do not know, Mr. Chairman, that Federal law is much tougher than State law in many areas. Some of the crack cocaine penalties are very tough. The gun penalties are very tough. We have the ability to deny bail for especially dangerous offenders who may be already out on parole or bail, or who are in danger of fleeing. It is a very effective tool. There is no doubt in my mind that consistent, aggressive prosecution of criminals with firearms will make the streets safer and will reduce murder.

You go back to the days of Miami in the early 1980's and former President Bush was sent down there as the Vice President, to coordinate an effort, and criminals there were carrying machine guns

and automatic weapons. We passed laws here, in Congress—I was a prosecutor at the time—to make it 30 years without parole if you carried an automatic weapon during a drug crime. And the criminals stopped carrying them, too. Murder rates have gone down since then. I remember that drug and gun violations represent some of the best tools against the most dangerous criminals. So I think they are good.

One of the things I have thought odd around here is that the people who want to pass more laws have not been very aggressive in utilizing the ones we have. When I came to this body and I pulled out the Department of Justice statistics that showed prosecutions, the Clinton administration was bombarding us with new and more regulations to fight gun crime, that impacted law-abiding citizens. And I noticed that their prosecutions had dropped 40 percent since former President Bush had left office. We got on the Clinton Justice Department; we challenged Attorney General Reno and the Chief of the Criminal Division, in this Committee, and a little progress was made.

But I notice in Alabama—I have got some of the numbers—virtually every district has doubled their prosecutions since President Bush has taken office. This is the right approach. It will save innocent lives. It will make our streets safer. How many murders can be avoided by targeting these criminals, I don't know, but I have no doubt this approach will avoid a significant number and a lot of people will be able to live out their lives in happiness rather than being disabled or in the graveyard.

It is just a big deal and I think it is a very effective role for United States Attorneys to play. I am glad that the Attorney General has taken the advice that I gave him at his confirmation, and a challenge I gave him at his confirmation, which was to get these numbers up. They had dropped down too far and what we needed to see was dangerous criminals, who were using guns, going to jail. It was a shame that we had allowed that number to slip down some.

So I am pleased to hear this report and some of the other experts with their opinions on these matters. It is very important to our country.

Thank you, Mr. Chairman.

Senator CRAIG. Jeff, thank you. While all of the gentlemen have given excellent testimony this morning, Todd Graves, from the Kansas City area, gave some interesting statistics that have come out of that effort in Kansas City alone that clearly echo exactly what you are saying.

Mr. Meehan, if you would now show us—is this the video that you show felons when they exit the prisons?

Mr. MEEHAN. No, this is not. That is a separate video which I would be more than pleased to forward to the Committee.

Senator CRAIG. Frankly, I would like to see it because when those convicted criminals who have served their time leave the prison system, they ought to be served notice right up front very hard and very clear: cross that line again and you are going to be right back here.

Mr. MEEHAN. Senator, we actually sent one of our Assistant United States Attorneys to sit in the holding area with a variety of prisoners and he delivered that message. That is not the film.

Senator CRAIG. Well, we will see this film, but if you would also send that film, I think that would be valuable for the Committee and I would like to see it myself.

Mr. MEEHAN. I will be pleased to do that.

[Videotape shown.]

Senator CRAIG. Well, thank you. That certainly corresponds with much of your testimony this morning. Let me ask some questions of you all.

Attorney Warner, what were the challenges that you faced in putting together a statewide program, as opposed to a multiple of efforts addressing, let's say, distinct geographic areas, and how have you been able to coordinate all of the many local law enforcement and communities across Utah?

Mr. WARNER. Well, Senator, as you know, coming from a neighboring State—

Senator CRAIG. Geography becomes a problem sometimes.

Mr. WARNER. It does indeed. Utah has a very diverse geography and a large area with primarily rural areas, but some large metropolitan areas as well.

I think the biggest challenge we are dealing with is just the sheer numbers of State and local prosecutors, as well as a number of police departments and sheriffs' offices, and so forth, and coordinating all of those. We have found that by bringing key law enforcement partners in from each sector and getting them to sign on to the project that through their local leadership we were able to get others to come on board.

We have tried to coordinate those efforts through a monthly meeting that is held to bring as many of the partners together as possible to coordinate our activities. I have personally attended those meetings and visited there and presented awards and the like.

We develop common goals for the entire district throughout the State and part of that common goal, I think, is ending the revolving door concept that we saw so many times under State law. As Senator Sessions accurately pointed out, the Federal gun statutes tend to be stiffer. We can get better and longer sentences.

Local law enforcement, I think, has come to appreciate that in Utah and they are pleased to work with us to see local criminals going to Federal prisons, and I might add going to Federal prisons on Federal tax dollars that aren't filling up local jails and local prisons. So it is kind of win-win, and I think we have a commonality of goals that have brought us together.

Senator CRAIG. With that experience of State-local–Federal cooperation—and, of course, sharing resources at a time when States are struggling certainly can be helpful—what additional resources or measures would help you or your office in continuing to prosecute aggressively?

Mr. WARNER. Well, I am always pleased to be asked what additional things can help because, you know, we always, I guess, never seem to have enough. But I am pleased to report that we have been

very blessed to have the resources that the Congress and the Department of Justice have provided us.

I think it is absolutely essential to maintain what we already have. There have been a number of grants that have come to State and local agencies through Project Safe Neighborhoods. To be able to maintain the grants for community outreach activities and for education, training and the like, as well as the grants that have provided us local and State prosecutors that can be cross-designated—I think maintaining those resources is critical to us because, in my experience, consistency in our effort is what makes the difference.

There are too many programs, I believe, that are kind of flash-in-the-pan. It is a good idea. We go out there, we hit it hard, and then we move on to the next crime du jour, whatever makes us excited that day. I think our credibility with our local law enforcement and our State officials, particularly in PSN, has been our staying power.

We started this a couple of years ago. We have stayed at it, we intend to stay at it. This isn't going away, and I think that by our consistent effort we have built our credibility and we have built proven results. And I would strongly urge the Congress to continue to provide us the resources to maintain that consistency.

Senator CRAIG. Well, thank you very much.

Paul, as I had mentioned, over the years we have worked together on a variety of projects in law enforcement, especially focusing on crime and the use of a firearm in the commission of that crime.

Project Exile which you referenced in Richmond is one of the cutting-edge programs designed to tackle gun violence in the Eastern District of Virginia, and I understand that you have taken steps, and you have explained some of those steps, in the expansion of it.

Can you describe how you expanded the program and adapted it to meet the community needs throughout the district? You have mentioned some early meetings, coordinated efforts. Take us beyond that, if you can.

Mr. MCNULTY. Yes, Senator, thank you. The key to Project Exiles's success is educating police officers about Federal penalties. If the police officer on a beat discovers a drug suspect in possession of a firearm, then the extent to which the officer is aware of federal law will help facilitate the transfer of that case to a Federal prosecutor, to the U.S. Attorney's office, for further action.

The key to Exile is Educating police officers about the tools available in Federal law, having a process in the squad room where the reports are filed whereby they are picked up and taken to the local prosecutor and sorted out. We sit down together and we determine if each case is a good one for transfer to the Federal system or not. We determine if we use Federal sentences, given this person's criminal history, more effectively than a State penalty.

Virginia actually has some good State penalties. Unlike a lot of States, Virginia has improved its sentencing laws. We have abolished parole—Senator Allen was the Governor at the time—and that made a substantial contribution to holding people accountable.

Now, that process of working together closely with the police department and the commonwealth attorney can be taken to any lo-

cality. The Chief of Police of Newport News is here today and he will describe later how we have set up a system in Newport News with the commonwealth attorney there to move cases that his officers are identifying on the streets into the Federal system. The task force and ATF are involved with that.

That is basically the idea, Senator, that is putting together a process that allows for the quick identification and transfer of appropriate cases for Federal prosecution. I might add that Paul Warner mentioned how grants can help. In our case, we are using the Project Safe Neighborhoods grants to fund facilitators or administrators who will be employed by either the police department or the commonwealth attorney to keep this process moving, to make sure that the coordination is a daily thing so that those cases are quickly identified and transferred over.

Senator CRAIG. Well, I thank you for that testimony. I know that early on we began to pay attention to what was going on in Richmond as an opportunity to grow a process that clearly the one we are talking about today is an offshoot of, along with a lot of other State and community efforts across the country.

U.S. Attorney Graves, you had mentioned the whole of your effort: accelerated charging of gun crimes and gun possession, a media campaign, your efforts with the Kansas City Crime Commission, research conducted by the University of Missouri–Kansas City.

Can you describe the importance of your program's relationship to the Kansas City Crime Commission? That sounds like a local–Federal partnership that must be working by the statistics you offer us.

Mr. GRAVES. Yes. We are very proud of the partnership that we have with the Crime Commission. The Crime Commission has a long and proud tradition. It was actually started in Kansas City. We once had basically boss rule in the city in the 1930's and the Kansas City Crime Commission was part of the group that came together to clean that up.

In the U.S. Attorney's Office, they have supported us for years. They helped us achieve a strike force in the 1970's when we had a different kind of crime problem. They have stepped up to this program. They have stepped up to some computer crime issues. So they are a huge partner.

They were in front of the Project Safe Neighborhoods grant money to do TV outreach commercials. The Kansas City Crime Commission, leading the way, actually went forward and raised money before that grant money became available. We are now able to use that grant money to leverage even more private money. They have been a great partner.

They also raised the money to initially hire the researchers before the PSN money became available, and we think it is important that this program be documented on the front end. You know, it is still early on with a lot of these statistics to know the true story, but we have got a baseline to start from.

Senator CRAIG. Well, tell us, if you can—I understand there was some research coordinated with the University of Missouri–Kansas City. What type of work went on there at the university level?

Mr. GRAVES. Well, that is ongoing and they are continuing to refine what they are doing, but one of their biggest projects was to conduct a survey among offenders being supervised by the probation and parole offices in Jackson County, where the greatest part of Kansas City is located. There are 12,000 offenders on parole in Jackson County at any one time and they interviewed them as to how much information they had received.

With 12,000 people, we can't put all the people in jail that might come into our view, but we want to stop them from carrying a gun and decrease the violence before it gets to a court matter. The rescarchers found out by interviewing parolees that the media campaign was reaching the felons.

They found out that 79 percent of felons in our area had been exposed to the campaign, and 73 percent of them had seen the TV ads. That seemed to be the most effective medium. And 74 percent believed that it was very likely they would be charged with a felon in possession crime if they were caught with a gun. We have many, many anecdotal examples of police coming back saying that as they arrested a prior felon, he was reciting the commercials and reciting back the things that our campaign had put into the community.

Senator CRAIG. Well, it must have been making it to their minds, and hopefully it will make it to their actions. Thank you very much.

Mr. Meehan, you talked about an urban and a rural combining. Of course, the urban character of Philadelphia and the size of it create a certain type of law enforcement complication in itself that I am probably unaware of to some regard. Certainly, my State is much more rural State.

Can you tell us how you got your district attorneys to buy in as it related to the cooperative effort, the training that went on and the commitment to work together on this kind of a program? We talked about staying power with the program, the consistency of keeping it. You have got to get the folks to buy into it first, with the belief that it will work.

Mr. MEEHAN. Senator, I would be pleased to. I think really the key to the successes that we have had has been this partnership. It begins first with an experience that I had as a district attorney myself. Each of these men and women were my colleagues, so we had that personal relationship already.

But when I was able to identify that Project Safe Neighborhoods dollars were coming in, we began to discuss the possibility. We all got together in Philadelphia, all nine district attorneys, and discussed the potential that we could work together to identify problems that would be unique to each area.

Philadelphia, as a major urban center, has problems, as do many of our largest cities. But what often escapes people's notice is in places like Pennsylvania there are many urban, primarily industrial cities that are struggling to change into a new economy. But they are beginning to face, with the expansion of the drug trade, the infusion of violent criminals in their areas—Lancaster City; Allentown; Reading, which per capita had among the highest murder rates in the entire United States.

So it was a very easy proposition to join together in the idea that we would partner and use the leverage of the Federal criminal

statutes to be able to create stiff penalties for violent criminals and people who are felons in possession.

Simultaneously, it is the district attorneys who know best the local law enforcement. They have the relationship with the local police, and by giving an Assistant United States Attorney and a Federal ATF agent or FBI agent to a full-time task force in each district, they create the ability to identify local problems, and then the resources are focused where we see the greatest need.

Senator CRAIG. Patrick, some have raised concern about Project Safe Neighborhoods by suggesting that the program concentrates only on law enforcement of violation of Section 922(g), possession of firearms by prohibited persons, and Section 922(c), use, carrying and possession of a firearm during and in Relation to a crime of violence or drug trafficking crime.

What response do you have to those criticisms?

Mr. MEEHAN. Well, my first response would be, Senator, those should be some of the people we are putting away for a long time—

Senator CRAIG. I would think so.

Mr. MEEHAN. —people who are using guns in the commission of serious felony crimes. But I would also suggest that that kind of an observation does not really touch the surface of what we are all experiencing in our own initiatives in each of our areas.

I highlighted before the effort we have underway to work together in a multi-county way to look at these gangs that are moving along and committing armed robberies. Once you have a group that will do it, they will move from convenience store to convenience store. One group we broke up was going out late at night into hotels and robbing desk clerks.

It is just a matter of time—I have seen it from experience—before somebody dies in that kind of an encounter. So we have used the Hobbs Act, as an example. Most importantly, we go after violent gangs and we have the ability at times to get somebody in possession of a weapon, and now we have the leverage and we can flip them and work up the line and get to serious people we haven't had the ability to get to before by leveraging all of these resources.

Mr. MCNULTY. Senator, may I add something to that?

Senator CRAIG. If you would, surely. Now that you have the mike, let me ask another question that I would like to have you dovetail into your comments on this particular question, and that is that some have suggested that the decline of homicides and violent crime in Richmond were not due to Project Exile, but would have occurred without Project Exile. I think you are aware of some of those claims. Combine that with the use of these particular areas of the criminal code and how you have dealt with them.

Mr. MCNULTY. In addition to the importance of taking those who commit violent crimes with firearms off the streets as a priority, we recently had an indictment—and the cases have all been, I think, successfully completed at this point—of over 30 people who were straw purchasers, that is people who do not have felony records who buy guns for people who do have felony records.

A lot of effort has been placed in the last couple of decades on point-of-purchase identification to screen out felons who buy firearms. But, the fact is that if someone attempts to buy a girearm

who does not have a criminal history record, that is not going to be an effective screen at all.

We found an organization that had been recruiting people to buy guns and then to sell them out of the State, and we charged all of those individuals who were the straw purchasers with felonies based on another section of Chapter 44 of Title 18. The indictment had over 250 counts. So we are prepared to use other tools available to us, and we will.

Now, with regard to the study concerning the impact of Project Exile in Richmond, I guess I really would have two things to say about that. First of all, as we said before, the results that Richmond experienced were startling. There was an enormous drop in violent crime when Project Exile was being implemented.

Homicides dropped 48 percent. Crimes involving guns dropped 65 percent. Aggravated assaults dropped 39 percent, overall violent crime dropped 35 percent. Every police officer was saying that people just weren't carrying firearms on the streets the way they had before, which was a serious problem.

A large portion of those individuals had serious criminal histories, and so it defies common sense, pure and simple, to suggest that incapacitating individuals who had committed multiple offenses prior to their arrest and their serious punishment in the Federal system were not going to be committing future crimes if they remained on the streets. In other words, crime was averted, and there can be no question about the clear impact of incapacitating repeat violent criminals.

Secondly, I know this study looks at the way in which crime dropped in other jurisdictions and concluded that Richmond may have achieved the same drop in crime because other places had a drop in crime that didn't employ Exile. My response to that is I have no doubt that there are other reasons why violent crime can be reduced. There are other methods, there are other effective tools.

In fact, Project Safe Neighborhoods is designed to not be one-size-fits-all and to adapt to what is being used in other communities. So the notion that there may be reductions in other places that have been effective, to me, does not in any way suggest that the impact Exile has had has not been meaningful.

The police officers and the prosecutors in Richmond will tell you that they noticed the result immediately when they started to see a number of the most violent people just simply off the streets, and that is what the program was all about.

Senator CRAIG. Well, gentlemen, thank you all very much for your time and your testimony and the efforts that you have underway in your States in relation to PSN. The coordinated efforts and the resources that we are putting behind them now, and I am confident we will continue to put behind them, are valuable. The statistics are mounting up and criminals are beginning to recognize that the streets are not necessarily a safe place for them, and that is what this is all about. So thank you all very much.

We have a second panel and I will ask that panel to come forward, please. I am going to put the Committee in recess for just a moment and step away just for one moment and I will be right back.

[The Committee stood in recess from 10:54 a.m. to 10:56 a.m.]

Senator CRAIG. The Committee will come back to order, and I would ask our next panel to be seated, please.

Again, the Committee wants to thank you for your time and effort to be here and to offer testimony as we build a record on this program and better understand how it is working across our country.

First on our panel today is Russell Edward Spann, a captain with the West Valley Police Department, in Utah. As an important partner in Utah's coordinated effort, he supports Project Safe Neighborhoods, as his testimony says, because it allows them to go after repeat offenders and lock them away.

Captain, we look forward to your testimony. Please proceed.

STATEMENT OF RUSSELL EDWARD SPANN, CAPTAIN, WEST VALLEY POLICE DEPARTMENT, WEST VALLEY, UTAH

Captain SPANN. Yes, Senator. Thank you very much for the opportunity to come before you today and discuss with you our efforts to reduce gun violence through Utah's Project Safe Neighborhoods program.

In overview, I would like to express my appreciation to President Bush and Attorney General Ashcroft for their foresight in conceiving this very important program. I thank Senator Hatch for his leadership in bringing this program to Utah, and I also thank Hon. Paul Warner, United States Attorney for Utah, for his dedication and success in uniting Utah law enforcement and prosecuting agencies at all levels throughout Utah.

The Bureau of Alcohol, Tobacco, Firearms, and Explosives, as the host agency for our PSN task force, provides guidance, resources and training, all of which ensures this program is successful.

I would like to express to this Committee that the success of this program has been immediate for our local city of West Valley, and I am also assigned currently as the commander for the ATF Project Safe Neighborhoods task force in the State of Utah. As Mr. Warner has stated, this program is a statewide task force, not just in one area.

I have worked in the last 26 years on a number of task forces, Federal, State and local, and I will tell you that this has been the most rewarding and successful in all of that time.

For me, gun violence is a personal issue. In May 1991, I was shot during a SWAT entry of a drug dealer's home. Another officer, Kelly Rushton, was also shot and survived only because he was wearing a bullet-proof vest.

In August of 1997, West Valley City police detective Robert Idle was shot seven times by a parolee. In 1999, Murray police officer Russ Huff was also shot by a parolee four times. Both of these officers survived.

On July 6, 2001, Roosevelt City Police Chief Cecil Gurr, my dear friend and former chief, was murdered by a parolee and a meth user. In the following month, Lehi police officer Joe Adams was shot and killed while attempting to arrest a drug suspect with an outstanding misdemeanor warrant. And this past November 19, 2002, West Jordan police officer Ron Wood was shot and killed by

a juvenile wielding a .40-caliber semi-automatic pistol during a foot pursuit.

The most shocking aspect of these deaths is that the murder guns were either stolen or used in previous crimes. In each one of these murders, the shooter illegally possessed the gun when he pointed it at the police officer.

The common denominator in each of these tragic examples has been guns and drugs. The lethal combination of rim fire rage, gun powder and methamphetamine in Utah homes has a synergistic effect on domestic violence. Nationally, domestic violence murders account for 11 percent of all homicides. In Utah, more than 45 percent of our homicides are domestic-related.

We have a very high per-capita consumption of methamphetamines, and unfortunately meth is the number one drug of choice for Utah women. Add that to the fact that 65 percent of all of our domestic violence in Utah is meth-related and the proliferation of domestic gun violence is self-evident.

This project is our best hope in interdicting gun violence generated by these risk factors. This task force is unique in several perspectives. Unlike many task forces I have been involved in where information is passed on and a confidential file is opened, in this case we embrace the local agency that refers the case and keep them as a partner throughout the investigation. They know the area best, they know their crooks the best, and they know the best solution for the prosecution we are going to select.

Our task force members mentor the local officer who originally detects a gun crime or gun-related violence. This officer retains ownership of the case and thus has a vested interest in its outcome. Each case has and will create a long-term partnership between the task force, the local agency, the community and the individual officer.

The mission of our task force is expressed through three different priorities. They hold equal importance in reducing gun violence in Utah. The first is our message. Through our sister media outreach programs, we have developed a message that will educate the public about gun violence risk factors and how to report gun crimes before they escalate into violence. This educational process has made the general public, along with a number of our violators, very aware of the serious nature of illegal gun trafficking and gun possession.

The next area is training. I am proud to inform this Committee that the Project Safe Neighborhoods Utah Task Force has trained almost 1,000 Federal, State, county and local police officers throughout the State during this past year. Our training includes basic recognition, reporting, gun tracing, and Federal laws and penalties. The message of the Project Safe Neighborhoods Task Force is amplified through each of these officers who attend our training.

The third priority is enforcement. The Utah Project Safe Neighborhoods Task Force subscribes to a one gun, one crook enforcement theory. A number of indictments in Mr. Warner's complete testimony are replete with examples where a single offender with one gun was responsible for horrific gun violence. Our experience

demonstrates that the Federal approach is the only sensible approach to these violators.

Local police departments are frustrated when repeat offenders who are arrested numerous times on drug, domestic violence and other felony crimes are rarely incarcerated for extended periods of time and ofttimes do not see any time in jail at all.

In one southeastern Utah case, over a five-month period of time a drug user was arrested ten times for a number of crimes, including drug use, domestic violence, threats, and burglary. In the State court, he received a cumulative total of 6 months in jail. We believe this would not be the case when these cases are referred to us.

The effectiveness of a one gun, one crook strategy is expressed in the following numbers, also. Since January of this year, of the near 200 cases that have been referred to the U.S. Attorney's office through this task force, 112 of those cases screened had named offenders who currently are or previously have been on probation or parole from Utah State Prison.

We treat every case we work with a local agency as a long-term partnership. This task force has demonstrated an ability to work with all 110 agencies in Utah. In the last year, we have worked with 62 of those agencies in every geographic region of the State.

Finally, this task force has the ability and resources to follow the guns and their traffickers across the State. Most of the agencies in the State of a rural nature have the desire, but ofttimes do not have the resources to do this, and we are able to do this and track these guns.

Two stolen firearms in the possession of two different felons were tracked through three different Utah counties. Ten guns stolen during one burglary in one county were tracked to Texas, New Mexico and two different counties in Utah.

I reaffirm my belief that the National Project Safe Neighborhoods program and the Utah Project Safe Neighborhoods Gun Task Force are this Nation's best hope of reducing gun violence. Indeed, every case of one crook with one gun may ultimately become one finger on one trigger causing one more senseless death. We are dedicated to the initiative that removes any gun from any crook's hand. Your continued support in this program will help us in that mission.

Thank you. I would be honored to answer any questions you may have.

[The prepared statement of Captain Spann appears as a submission for the record.]

Senator CRAIG. Well, Captain Spann, thank you very much for your testimony.

Let us turn to the Chief of Police of Newport News, Dennis Mook. Thank you, and welcome before the Committee. We move from one side of the country almost to the exact opposite.

STATEMENT OF DENNIS A. MOOK, CHIEF OF POLICE, NEWPORT NEWS POLICE DEPARTMENT, NEWPORT NEWS, VIRGINIA

Chief MOOK. Mr. Chairman, Senators, good morning. I am delighted to have the opportunity to testify before this Committee on such an important issue.

I am the Chief of Police of the City of Newport News, Virginia. Newport News is a diverse urban city with a population of 182,000 residents. For perspective, Newport News is known, among other things, for building aircraft carriers and submarines for our United States Navy.

I am in my 30th year as a police officer and my 10th year as a Chief of Police. For almost all of my adult life, I have worked either directly as a police officer or indirectly as a police supervisor or manager on the streets of the inner-city. I have witnessed dramatic changes in our culture in many respects during my career. Specifically in regard to this Committee's hearing today, I have witnessed dramatic increases in gun violence in the streets of our cities.

The nature of violence has changed over the years in several respects. One major change is the increase in threats by offenders against their victims, their families, friends and witnesses. More and more, offenders cannot be brought to justice due to fear experienced by those who have knowledge of their illegal acts.

In Newport News, we have experienced this very type of intimidation. Several dozen dangerous criminals had repeatedly terrorized certain neighborhoods in our city. In fact, one offender had been arrested more than 50 times for felony crimes, but had never been convicted due to the reasons I have just stated.

Why did this happen? After all, the Newport News Police Department is a nationally-known, innovative police department, utilizing strategies of problem-solving and community policing. The Newport News Police Department is a professional, internationally-accredited agency that stresses suppression and prevention of crime through partnerships with our community. We are staffed by some of the finest men and women anywhere, so why were we not able to stop or deter these serial violent offenders?

The reason is we tried to attack the issue in a traditional manner. By that I mean we acted as a singular agency. We demonstrated community policing at its best, but that approach was not enough. It was not enough because our strategies always focused on using one criminal justice system.

It was only after we changed strategy and utilized the philosophy of taking advantage of the attributes of both the Federal and State criminal justice systems simultaneously that we saw real results. We partnered with the United States Attorney's office, the Bureau of Alcohol, Tobacco and Firearms and the Newport News prosecutor's office to form the Violent Crimes Task Force. Only then were we able to achieve success.

Each criminal justice system, its laws and procedures, has certain strengths that make it advantageous to use for certain specific aspects of criminal investigations and prosecutions. In the formation of the Violent Crimes Task Force in 2001, detectives reopened, reviewed, reconstructed and reinvestigated hundreds of closed cases involving gun crimes. Virtually all of these cases ended in no arrest or dismissed charges due to repeated intimidation of victims and witnesses.

The task force carefully chose and targeted 35 individuals who, in our opinion, were repeat violent criminals responsible for over 300 crimes. To date, the task force has been able to arrest all 35 individuals and have prosecuted successfully all but a few who

have yet to stand trial. Eight of these individuals have been charged in six different murders. The others have been charged with numerous counts of maiming, robbery, firearm and drug violations.

As a result of this partnership, reluctant victims and witnesses were brought before a Federal grand jury, assured anonymity and safety, and testified to the crimes they observed. It was the use of the combination of both systems that was necessary, as neither system in and of itself possessed all the attributes to make the effort successful. Additionally, none of the agencies alone possessed the resources to successfully accomplish the task at hand.

The violent crime reduction initiative in Newport News resulted in a dramatic reduction in homicides and other violent crimes during the subsequent 12 months after its formation. In fact, homicides dropped by 42 percent.

Project Safe Neighborhoods provides exactly the right ingredients and the right approach to assist localities in conducting gun violence reduction programs such as ours. A program such as Project Safe Neighborhoods is tailor-made for these efforts.

Project Safe Neighborhoods provides for the flexibility to choose Federal or State prosecution to help ensure longer and more determinative sentences for criminals who possess or use guns illegally. The involvement of the Federal criminal justice system sends a message to citizens that law enforcement will do whatever is necessary to stop the violence. The message gives citizens confidence to come forward with information and cooperation.

By strengthening the partnerships among local and Federal law enforcement agencies, a balanced approach of enforcement, prevention and intervention can be accomplished. Project Safe Neighborhoods provides a methodology for vital information-sharing at every level, which results in increased effectiveness. Project Safe Neighborhoods provides the resources to create a program that reinforces the message that the community will not tolerate gun violence and will, together, do everything to prevent and suppress it.

In conclusion, Newport News saw a gun violence problem that seemed as though it could not be solved. Only by innovative and creative partnerships, commitment of necessary manpower, resources and money, as well as the tenacity of local and Federal law enforcement officers and prosecutors, did we make a difference in the lives of our citizens by taking the most violent-prone serial criminals off the streets and out of the community.

Other localities with similar problems may not have the resources available, nor the willingness of other agencies to achieve similar results. The Project Safe Neighborhoods program provides the needed assets for a successful strategy to the gun violence reduction issue, as well as generates those resources and incentives for the essential partnerships that have to be formed in order to remove serial violent offenders from the streets of our city.

Thank you, Senator.

[The prepared statement of Chief Mook appears as a submission for the record.]

Senator CRAIG. Chief, thank you very much for that testimony.

Now, let me turn to the District Attorney from Lancaster County, Pennsylvania, Donald Totaro. Welcome before the Committee, Donald.

STATEMENT OF HON. DONALD R. TOTARO, DISTRICT ATTORNEY, LANCASTER COUNTY, PENNSYLVANIA

Mr. TOTARO. Thank you very much. Good morning, Mr. Chairman. It is an honor to be here and I would like to thank you for the opportunity to discuss this morning an issue that is of vital concern to Lancaster County, Pennsylvania.

My name is Don Totaro. I have been a local prosecutor in Lancaster for the past 16 years. We have a population in Lancaster County of approximately 470,000 residents. We are located approximately 65 miles west of Philadelphia.

Despite enjoying a reputation for rolling farmland and the Amish, in the late 1990's and in 2000 we experienced a tremendous increase in gun crime, particularly involving drug dealers and gang members. In 1999 alone, Lancaster County experienced ten firearm-related murders. One shoot-out took place across from an elementary school while the kids were outside playing. Another occurred near the same school, resulting in the death of an innocent bystander. City residents lived in fear and the police faced constant danger.

Unfortunately, in Pennsylvania the penalties for many criminal offenders who possess firearms are completely inadequate. For example, a drug dealer who possesses a firearm is one of the most dangerous predators on our streets. However, if that armed drug dealer possesses less than two grams of cocaine, no mandatory sentence applies and he may be facing a few months in prison or even probation. A few months in jail is a simple cost of doing business for these drug dealers. The lack of a mandatory minimum sentence eliminates any attempt at deterrence.

Without resources to protect our citizens against dangerous criminals, I began to explore other options to attack this problem. One program was Project Exile in Richmond, Virginia, that we have heard a lot about this morning.

In that program, I saw that local prosecutors under similar circumstances partnered with the U.S. Attorney to handle firearm offenders in Federal court. I also noted that the gun crime rates in Virginia dropped to their lowest levels in nearly a quarter century after implementation of the program.

Armed with this information, on May 23, 2000, I met with the former United States Attorney for the Eastern District of Pennsylvania. And although I was advised at that meeting that we would become a part of their Federal Operation Ceasefire program, all subsequent cases that we referred to the U.S. Attorney were declined for Federal prosecution.

To be perfectly candid, I was not surprised because historically we had not enjoyed open lines of communication with that office. Lancaster County is the western-most county in the Eastern District of Pennsylvania, and when you contrast the numbers to the numbers in Philadelphia, our numbers do not compare. However, the severity of Lancaster's crime problem and the significant im-

pact of the increase in Lancaster were significant to those who lived in that county.

Fortunately, in July of 2001 our relationship with the U.S. Attorney changed drastically. Even before taking office as United States Attorney, Pat Meehan convened a meeting of all district attorneys within the Eastern District, at which time he advised county prosecutors about a Federal program called Project Safe Neighborhoods that was being developed to combat gun violence.

Mr. Meehan encouraged us to apply for Federal grant funding to hire additional prosecutors who would be cross-designated as Special Assistant United States Attorneys to prosecute firearm offenses in Federal court. Despite my skepticism from past experience, I supported the efforts of Mr. Meehan and applied for the grant funding. We were approved and an additional position was created by our county commissioners because of that Federal grant funding.

My expectation was that the gun prosecutor would work with Federal authorities to prosecute a limited number of gun offenses in Federal court. I quickly discovered, however, that the Project Safe Neighborhoods program was serious about referring local firearm cases to Federal court.

Whereas I initially questioned the commitment of the United States Attorney's office, I now regretted the fact that I did not apply for the four prosecutor positions eligible under the grant funding proposal. Despite establishing only one position through Federal grant funding, I chose to cross-designate a total of four assistant district attorneys as special AUSAs to participate in this program.

To date, over 20 local cases have been adopted for Federal prosecution by the United States Attorney. In one particular case, a repeat offender who was facing a 5-year sentence in State court received a Federal sentence of 15 1/2 years. In another case, a persistent street criminal in Lancaster received a Federal sentence of 51 months in prison, rather than the possibility of a 15-month recommended sentence in State court.

These Project Safe Neighborhoods cases have generated significant coverage in the local media. Additionally, this message has been reinforced within the confines of Lancaster County Prison, which is where that Assistant United States Attorney went to meet with some of the inmates.

The videotape that you will receive is remarkable. You will see a transformation from beginning to end in these inmates and their perception of reality when they hear of the Federal penalties if they re-offend. This videotape will be replayed. We have the commitment of the warden that it will be replayed to new inmates to remind them of their fate if they re-offend with a firearm. Further, our county probation department now provides all convicted criminals with a form they must sign identifying the Federal consequences of a former convict who possesses a firearm.

Because of public exposure to lengthy sentences that may be served a great distance from Pennsylvania, Project Safe Neighborhoods is serving as a deterrent. Defendants are now asking to plead guilty in State court, pursuant to a negotiated plea that greatly exceeds the standard range of the State sentencing guide-

lines. One cooperating defendant recently sentenced in State court advised a prosecutor that he will continue to sell drugs when he is released from prison. However, he will no longer carry a firearm.

Furthermore, a comparison of Lancaster City robberies committed with firearms between 2001 and 2002 is very promising. In 2001, there were 119 robberies committed with firearms. In 2002, there were 73. Through the first 3 months of this year, there have been 14 robberies with firearms.

In conclusion, our new partnership with the United States Attorney for the Eastern District of Pennsylvania has been unprecedented. With the implementation of Project Safe Neighborhoods and the distribution of Federal grant funds, prosecutors from the Lancaster County District Attorney's Office have worked as a team with United States Attorney Pat Meehan and his staff to aggressively prosecute firearm offenders under Federal law.

We now have critical resources to attack violent criminals, ensuring swift and substantial punishment. The message is clear, concise and easily understood, serving as a deterrent to others. The Lancaster County District Attorney's Office stands in full support of Project Safe Neighborhoods, and I would again like to thank you for the opportunity to speak this morning.

[The prepared statement of Mr. Totaro appears as a submission for the record.]

Senator CRAIG. Well, thank you. That is fascinating and valuable testimony, as we see this program implemented across the country.

Now, let us turn to Charles Curtis. Mr. Curtis is President of the Kansas City Metropolitan Crime Commission, in Kansas City, and is Chairman of the Kansas City Crime Commission.

Mr. Curtis, welcome before the Committee. We understand the commission has an interesting history in organized crime.

STATEMENT OF CHARLES L. CURTIS, PRESIDENT, KANSAS CITY METROPOLITAN CRIME COMMISSION, KANSAS CITY, MISSOURI

Mr. CURTIS. Thank you for having these hearings and thank you for inviting me.

The commission was started in 1949 as a watchdog group to watch over law enforcement to make sure malfeasance didn't occur and over time it has evolved into a group that aids law enforcement. So it was in this capacity that we received a visit from the U.S. Attorney in 2000, asking us if we would participate in Project Ceasefire.

An idea came out of the attorney's office that was, I think, somewhat unique. They said, you know, we can put these people in jail, but there are so many of them, it would really be better for all of us if we could let people know of the program and just keep the felons from carrying the guns, and that would also achieve our goals in perhaps a more cost-effective manner.

So, in addition to the cooperation that we have heard testified to today between local law enforcement and Federal law enforcement, and in our case across the State line of Missouri and Kansas, we had two other goals. The first goal was to publicize this program very widely, to advertise, and then, second, to research it thor-

oughly so we could understand if the advertising was being effective.

As Todd Graves mentioned earlier, we raised this money privately for the most part, $1.4 million, and we felt an obligation to our donors to give them that accountability so that they would understand that the advertising was working and making people aware of the penalties, and consequently the reduction in crime.

I think the key number here is the one that Todd referred to that we have sentenced over 300 people in the program, so we know the sentencing is very effective. What we were interested in was, in addition to that, could we affect the behavior of the 12,000 felons who were under supervision, would we persuade them not to carry the firearm.

We wanted to get that message to them not to carry the gun, but also those people around them—their mother, their wife, their girlfriend—so they would also try to persuade that person not to go out of the house with a gun, often a habit that had been established. And so when they would get in trouble, that firearm would be awfully convenient.

So in 2000, at the Kansas City Metropolitan Crime Commission we began building a war chest, a private funding for the advertising for a several-month period of time from private companies and foundations. We raised $1.4 million and then we used to buy advertising on television, billboards, and on bus sides.

The television commercial featured the well-known defense attorney Johnnie Cochran. When the commercial began—I will see if I can describe it to you—the viewer didn't know who was speaking in the commercial. It was Johnnie Cochran, but you didn't know; he was out of camera range. But you could hear his voice and he was saying if the police didn't read you your rights, a good defense attorney can probably get you off. And if the prosecution witnesses are not credible, a good defense attorney can probably get you off.

And at that point, he sat down and he came into the light and you could see it was Johnnie Cochran, and he said, but if you are a felon and you carry a gun, even I can't get you off. And then the closing line was "Felons with guns serve 5 years," and that was the line on the bus sides and the billboards, too. So those ads ran in 2001 and 2002.

We turned to the University of Missouri–Kansas City, to two criminologists there. We asked them to independently track, before the campaign ran, the awareness of gun penalties, and then after it ran the awareness of gun penalties. We have had some testimony already as to some of those results.

As we were even gathering the data, we had anecdotal information that this campaign was working. I have a couple of examples here. A suspect who confessed to a robbery told detectives, quote, "I went to my friend Leon to ask him if I could borrow a gun, and he, Leon, said, Sean, you know if you take this gun it is going to be 5 years if you get caught." So we could see the 5-year message was getting through.

Another defendant who confessed to passing bad checks denied having a gun. He told the detectives that he was a convicted felon and not even Johnnie Cochran could get him off if he carried a gun.

So we were hearing that line played back to us. We had the right spokesman.

In the final results, the professors reported that 80 percent of the offender population had been exposed, and when we asked them the question how much time do felons with guns get, 91 percent answered 5 years. So we could see that they were getting the message. As has been testified to earlier, the murder rate in Kansas City, Missouri, declined 23 percent last year, to a 30-year low. Metro-wide, the report concluded that Project Ceasefire had prevented 22 homicides and 50 violent crimes.

So we have just launched our third year of Ceasefire advertising. It has been expanded to Springfield, Missouri, St. Joseph, and Wichita, Kansas. Television commercials and billboards will again remind the felons that they will burn 5 years in Federal prison if they are caught with a gun. And it is our hope that the anecdotal information, as well as the research data that has been promising thus far, will continue.

So thank you again for this hearing and thank you for giving me the opportunity to share with you our experience on Project Ceasefire and its role in Project Safe Neighborhoods.

[The prepared statement of Mr. Curtis appears as a submission for the record.]

Senator CRAIG. Well, thank you, Mr. Curtis. There is a bit of an old adage out there that advertising pays, and I think any of us who have been in public life, especially in the first experience when our name goes up on television and our image goes up on television, are always amazed at the impact in the public. Messages can be communicated and people do respond to messages, and it also holds true with the criminal element and apparently your effort is clear proof of that. Thank you very much for that testimony.

Now, let us move to Professor Alfred Blumstein. Professor Blumstein is from Carnegie Mellon University, in Pittsburgh, Pennsylvania. We welcome you before the Committee and look forward to your testimony. Please proceed.

STATEMENT OF ALFRED BLUMSTEIN, UNIVERSITY PROFESSOR, CARNEGIE MELLON UNIVERSITY, PITTSBURGH, PENNSYLVANIA

Mr. BLUMSTEIN. Thank you very much, Mr. Chairman, Senator Sessions. I am really pleased to be here. My perspectives are obviously going to be different from the people directly involved in implementing phases of Project Safe Neighborhoods. Let me first start by summarizing where I sense some of the major understanding has emerged over the last several years.

First, we know how serious a problem the gun violence problem is in the United States, and it is a distinctively American problem. It just characterizes this enormous difference between us and the countries we compare ourselves with.

We have learned over the last 10, 15 years how dangerous it can become when guns get into the hands of young people who don't have the restraint that older folks have. We understand much more about the contagion of guns, both the contagion of gun-carrying and the contagion of not carrying. As gun-carrying escalates, more and

more people do it. As we find means to stop it and turn it around, we see a reduction more broadly.

We know that many of these guns that are used in crimes come through an illegal mechanism, partly burglary, but much more through straw purchasers and through illegal purchases or through corrupt dealers arranging to send them out. We also know that a relatively small, limited number of dealers are responsible for a disproportionate amount of the illegal guns.

We have also learned that the guns used in crimes tend more often to be new guns rather than old guns. So that again puts attention to the marketing aspect. We have learned through crime-gun tracing an awful lot about the mechanisms by which guns move, an awful lot about who is carrying them, and the use of guns by gangs and criminals. So there is much more we can do now with this new insight coming from the crime gun tracing.

We also know that aggressive policing in neighborhoods where there is a lot of gun crime going on is a means of stopping the gun crime. And we can determine where the gun crimes are from 911 calls, from the reports of the crimes, and simply from the reports of shots fired so we know where to target some of that aggressive policing.

We also know that deterrence theory tells us that increasing sanctions reduces the volume of the crime, but we also know that the certainty of prosecution and the certainty of conviction is more powerful than the severity of the conviction or the length of the sentence.

As we pull all of these observations together, we know that with gun crimes there are a limited number of themes that drive the effort on gun crimes. One is crime-gun tracing and the follow-up to identify the illicit markets that are contributing to the flow of the guns in those gun crimes tracing is very helpful in identifying the mechanisms of the straw purchasing and the illicit dealers that are contributing to the presence of those guns.

We also know that aggressive police pursuit in high-risk neighborhoods can be effective, and we can run experiments to find out how well they work in different contexts. And we know that deterrence is an important and salient mechanism for contributing to that.

Since we have a relatively limited range of kinds of options that we can pursue, it becomes particularly valuable to start to coordinate the accumulation of knowledge that is coming out of the 94 U.S. Attorneys' offices that are performing in Project Safe Neighborhoods. It argues, therefore, that there ought to be more melding together of the effort and of the knowledge. It is important that we run more careful studies and more careful analyses so that we can identify, not for this year but for the next decade, what kind of tactics are most effective in what kind of contexts.

And that will come not just in the individual communities of the U.S. Attorneys' offices, but through aggregation of the data across the offices. My sense is that is going to be a necessary next phase in the development of this program and it will be extremely desirable and important. My sense, therefore, is that we should devote at least a significant portion of the program funds in Safe Neigh-

borhoods to organizing a coherent multi-site research effort to get an assessment of those effects.

Let me just summarize my main points. I certainly agree that gun violence is a crucial and distinctively American problem that must be addressed. I certainly accept many of the benefits of the decentralized strategy that we have been pursuing, allowing local option and local assessment of where the needs are.

But I think we now are at a position where we could start bringing that information together by coordination through a central operation funded by the National Institute of Justice, with some prime contractor coordinating the design and the analysis, working in conjunction with the U.S. Attorneys' offices to start to build the knowledge base.

So far, we have an experience base and if we could transform that into a meaningful knowledge base, I think the Nation will be much better served in finding how best to apply aggressive patrol, how best to interdict illicit markets, and to stop the gun violence even before it results in the crimes that are being prosecuted so vigorously.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Blumstein appears as a submission for the record.]

Senator CRAIG. Thank you for that important testimony.

Our last member of the panel this morning is Professor Jens Ludwig, from the Georgetown Public Policy Institute at Georgetown University here in Washington, D.C.

Welcome before the Committee and thank you for being with us.

STATEMENT OF JENS LUDWIG, ASSOCIATE PROFESSOR OF PUBLIC POLICY, GEORGETOWN UNIVERSITY, WASHINGTON, D.C.

Mr. LUDWIG. Thank you, Chairman Craig and members of the Committee. It is an honor to appear before this Committee as you consider the role of Project Safe Neighborhoods in reducing gun violence in the United States.

Project Safe Neighborhoods dedicates hundreds of millions of dollars to reducing gun violence throughout the country. This is an important and positive first step, given the substantial costs that gun violence imposes on the United States, which are estimated to be on the order of $100 billion per year.

The main theme of my comments is that there may be ways to reallocate the funding available for PSN that would enhance the program's effects on gun crime. Specifically, it may be more effective to focus on increasing the certainty with which gun violators are caught, for example, by dedicating more money to police patrols against illegal guns, compared to the effects we might expect from increasing the severity of the prison penalties for those who do get arrested for gun violations.

Project Safe Neighborhoods is modeled in part on Richmond, Virginia's Project Exile, a program that emphasizes prosecuting gun cases in the Federal courts and thereby lengthening the prison sentences handed out to those who violate gun laws.

The expansion of Project Exile through PSN is motivated in part by the perceived success of Exile, which was announced in Rich-

mond in February 1997. From 1997 to 1998, gun homicides declined in Richmond by around 40 percent. It is widely believed that this reduction was caused by the Project Exile program itself.

However, in my judgment, Project Exile has had a much more modest effect on crime in Richmond than most people believe. In a recent study that I conducted with Professor Steven Raphael, of the University of California at Berkeley, our analysis of FBI crime data suggests that most of the reduction in gun homicides observed in Richmond following the launch of Project Exile would have happened anyway, even if Exile had never been implemented.

The explanation comes from the fact that Richmond experienced an unusually dramatic surge in crime before Project Exile went into effect. All across the country, cities that experienced unusually large increases in crime through the early to mid–1990's went on to experience unusually large declines afterwards.

Because Richmond is one of those cities that had an especially large increase in crime through the mid–1990's, we would have predicted an exceptionally large decline in Richmond after 1997, even if Project Exile had never gone into effect.

This does not necessarily mean that devoting additional resources to prosecuting and imprisoning those who violate firearm laws has no effect. I only mean to suggest that the effects of the Project Exile strategy are likely to be far more modest than many people seem to believe based on current common wisdom about Richmond's experience.

Put differently, spending money under Project Safe Neighborhoods on Project Exile-style prosecutions is unlikely to be a silver bullet for the problem of gun violence. On the other hand, a growing body of research suggests that putting additional resources into targeted police patrols against illegal guns may be a more effective way of reducing gun crime than handing out longer prison sentences for firearm violations.

This is consistent with the view that many criminologists and economists hold, and was articulated by Professor Blumstein in his remarks, that for a given amount of criminal justice spending, we can deter more crime by increasing the certainty rather than the severity of punishment.

In sum, if the best research currently available is correct, the overall impact of Project Safe Neighborhoods on gun crime might be enhanced by redirecting some resources away from trying to lengthen the prison sentences handed out to gun offenders and instead devoting these resources to additional police patrols designed to catch those who carry guns illegally.

Thank you, Mr. Chairman. I would be pleased to answer any questions.

[The prepared statement of Mr. Ludwig appears as a submission for the record.]

Senator CRAIG. Mr. Ludwig, thank you, and thank you for that interesting and challenging perspective. We will pursue it in a moment.

Let me start back down through our panelists with a couple of questions. When Senator Sessions joins me, I will turn to him. He has to be on the floor by noon, and we want to also try to wrap this up at least in that time frame.

Captain, in your testimony you cited an unprecedented level of cooperation among Federal and local law enforcement agencies in Utah. We have heard frequently the difficulty of coordination, oftentimes rivalries between different levels of law enforcement in our country.

How were you and other law enforcement agencies able to accomplish the coordination you have referenced?

Captain SPANN. We had the immediate support from Mr. Warner, and his office was going to take the project on and take it on seriously. He challenged the different law enforcement and prosecuting agencies in the State to try to overwork him. He said you can't; we will have prosecutors to take the cases. So he delivered on the promise that any cases brought forth would be prosecuted by his office as long as they met the guidelines.

We would also try to look toward the Olympics we just had in 2002, and that level of cooperation that began there continued on after the Games. The support we had nationwide from agencies that came in in support of the Games, along with all the Federal agencies and the local agencies that stepped forward, was instrumental in getting this program to be successful.

Senator CRAIG. Well, I hadn't thought of that, but I was certainly aware of law enforcement communities of Idaho participating with you and participating with Utah in some of the coordinating efforts that were underway for the Olympics. It was obviously a very high-profile Olympics in a post–9/11 environment. So that makes some additional sense, certainly. Thank you.

Chief, your testimony references me to an obvious frustration you had on the streets of Newport News and the inability to get things done, and now you sense that things are happening. I am saying this in reference to what Professor Ludwig said about—I am a little frustrated about rounding them up, but not locking them up, or prosecuting them or carrying it through.

Part of the frustration I have always heard from the law enforcement community is that revolving door out there of putting violence back on the street and ultimately having to take it off again. What I am hearing from you, I think—and you mentioned it, I think, in the work that is getting done—is the ability to move ahead with a higher level of extraction, if you will, from the streets of violent criminals in your experience under this program.

Could you reference that a little more and possibly explain what you meant about the uniqueness that this is offering you and the task forces involved?

Chief MOOK. Yes, sir. The particular frustration we experienced was using the State criminal justice system alone. There is no fear from the criminals of the State system. It is not quite a revolving door, but the penalties and the way it is configured are much less effective.

Senator CRAIG. At least it is a slower door.

Chief MOOK. It is a slower door, yes, sir. But the problem that happened is we would arrest individuals for violent crimes and they would intimidate their victims or witnesses or families and they would be bonded out almost immediately. Therefore, the fear of testimony by victims or witnesses was real, and subsequently those charges were later dismissed or the person was acquitted.

This went on and on, and the criminals were free to continue to commit violent crimes.

When Mr. McNulty became U.S. Attorney, he came to me and said, what can we do, what can my office do to help you in the localities? And I responded by saying we need to form a partnership where we use a combination of the State and Federal systems, whichever is more appropriate for the particular charges.

With witnesses, the Federal grand jury system provided anonymity and safety for people to come forward and testify, where they were afraid in the State system because as soon as they were arrested, they were bonded back out. The bond was not there for the Federal system. Once we had them in Federal custody, they remained in Federal custody until their trial. So the fear was then lessened and more and more people came forward, thus a snowballing effect.

As the word got out in the community, as a City of Newport News detective and a Federal law enforcement agent walked arm in arm and interviewed people, the word spread quickly that they mean business; this is serious, they are taking this to the Federal court.

Senator CRAIG. That is interesting testimony, dovetailed with what you have mentioned, Mr. Totaro. You pointed out, I think, in your testimony the inadequacy of State sentencing provisions. Hence, in the past many felons considered a few months in prison simply a cost of doing business. That is a phenomenal statement, but I suspect for those who are in the business that is a reality, at least to their observation or lifestyle.

I know you touched on it in your testimony, but I would like you to describe in detail whether felons are becoming aware of the consequences of carrying a firearm under what is now going on in Pennsylvania and in light of this cooperative effort and sentencing through Federal law versus State law.

Mr. TOTARO. Yes, sir, I would be glad to. As I previously indicated, we anecdotally can identify specific cases where felons have approached us. The one comment by the one gentleman who was a cooperating witness for us in a homicide who himself had pending drug charges—when his case was resolved, that comment was made to the assistant district attorney prosecuting the case that, well, basically I am going to, when I serve my time, go back out on the street and deal drugs, but I will not have a firearm, fully realizing what the penalties were and what we were doing in Lancaster County.

We have had other cases where, interestingly enough, defense attorneys have tried to, after their client had been arrested for drugs and guns or other firearm offenses, quickly schedule a guilty plea with the judges in the Court of Common Pleas, thinking that by doing so the case would not be referred for Federal prosecution.

So we have obviously tried to identify at an earlier stage cases that we would refer for Federal prosecution, then consult with U.S. Attorney Meehan, Rob Reed and other members of their office on whether they would, in fact, be forwarded. So we have seen that happen.

As I indicated, we have seen defense attorneys and we have had them come to us and ask us for specific offers for some sort of a

negotiated deal in county court that would far exceed what the standard range of the sentencing guidelines would call for pursuant to the Pennsylvania Commission on Sentencing because they do not want to face the consequences of Federal court.

I think part of that also is based on the outreach that we are trying to create in Lancaster County. We have put together a community outreach task force with the mayor, with councilmen, with police. We have really tried to bring everybody to the table to determine the best way, the best method of getting this message out to the criminals, those most likely to possess these firearms, and I think that has helped as well.

I think I indicated other areas—the videotape at the prison, the forms now that must be signed by everybody that goes through the county probation system. These are all different ways that we are using to get the message out.

Senator CRAIG. Well, I thank you. I have got some other questions, but let me turn to my colleague for any questions he might want to ask before he has to leave us.

Senator SESSIONS. Thank you, Mr. Chairman.

I talked to the United States Attorney in the Southern District of Alabama, my old office. He told me that they have named their program throughout the State Project ICE, and people are being arrested and they are saying "don't ice me." So the message does tend to get out, and I think it got out when I was United States Attorney when we had Project Triggerlock. I sent out a newsletter to all the local sheriffs and chiefs of police, and people picked up on it and prosecutions went up substantially.

The Montgomery, Alabama Chief of Police in the Middle District of Alabama attributes Project ICE to a tremendous decrease in violent crime. I understand they expect to have about a 300-percent increase in gun prosecutions in Federal court this year. Murders this time last year were 16 and there are only 3 this year.

Now, I know Professor Ludwig would say that is anecdotal and probably a lot of factors went into that. But if you have a 20-percent reduction in murders, if we could sustain a 20 percent by this one technique, I can't think of anything else that would be so effective as that.

Professor Blumstein, I think you are correct, and I am coming more to believe that this Department of Justice needs to spend more time on research, whether it is how to make a gun court work or a drug court work, or how to make Project Safe Neighborhoods work. The best science would be what we should apply. So when a community decides in Utah or wherever to adopt a plan, it can look at really scientific, peer-reviewed, rigorous studies that help them with that.

Considering how much money we spend on all these other things, do you think the Department of Justice ought to spend more on research on all kinds of criminal matters?

Mr. BLUMSTEIN. There is no question that it can and should, and that we desperately need the kind of accumulation of knowledge that looks at the operations going on and that extracts from those operations the knowledge base that will help in making future decisions.

It is not to say we should stop doing what we are doing until the knowledge comes in, but to use the information we are getting so that future decisions will be much better informed.

Senator SESSIONS. Mr. Chairman, we had hearings here at one point several years ago and examined the gun prosecutions of the Department of Justice. There were a lot of high-profile crimes while you were here before I came, making it a Federal crime to carry a firearm on a schoolyard, a Federal crime for various other offenses, a whole host of those kinds of discreet offenses.

But the numbers showed there were only 2 prosecutions a year, 5 a year, in the whole United States of America. The truth is what these prosecutors who testified earlier said—these are the bread-and-butter crimes. I don't know who put that chart up, but 922 and 924 are carrying a firearm during a drug offense or any crime, or you catch an offender at a bank robbery or a drug offense and he is using a firearm. They get whacked with 5 years without parole, consecutive to any other penalty they get for the underlying criminal offense. That is a very powerful tool that the Federal court has.

922 deals with possession of a firearm by a convicted felon, primarily. It penalizes a person who sells a gun to a convicted felon, all kinds of peripheral things. But the bread-and-butter prosecutions are the convicted felons who are possessing firearms. It has a less penalty, but it is a significant penalty, enough to deter, I think, anyone from carrying that.

So what I would say is we need to quit talking about new, esoteric penalties that are unlikely to get passed in this body anyway that don't have public support and continue this kind of intensive utilization of the crimes that are there everyday and target criminals who are capable on a regular basis of threatening people's lives.

We had in our district a major drug-dealing organization. The neighborhood was really disrupted by it. and I remember, Chief, that we had two people; one had been convicted of murder of a policeman and had it set aside because he didn't have the warrant in hand for a misdemeanor that he was making an arrest for. Another one had attempted murder. Several of them had multiple criminal histories. They had firearms and that kind of thing, and they went off for long periods of time. And that whole neighborhood was clearly safer and the people in that neighborhood were very, very pleased that that gang had been broken up.

I like what the Department of Justice is doing. I like what you are doing in partnership with one another. For every Federal officer, there are ten State officers, maybe more. If we don't work together, we don't have good sense. If you came in here from Mars and you wanted to talk about how to decrease crime in America, you would certainly not create a plan that did not involve deeply the local law enforcement community.

So I think it is important for us to celebrate some of the things that have been happening. This new initiative—I believe that rigorous research will show that it has positively impacted crime in America, and if we study it rigorously and intensively, we might find some techniques that make it even more effective.

I am sorry to have to return to the floor, but I just wanted to share those thoughts. This has been a very important matter to me

throughout my criminal practice. I was appointed United States Attorney in 1981 and did that for about 12 years and gun prosecutions were a big part of what we did.

I think it can impact young people. Someone mentioned young people carrying guns. There was a program that was established and won a national award: Kid With Gun, Call 9–1–1. And so grandmothers and other children who saw a young person with a gun were encouraged to call the police, and they could come out and perhaps intervene before something dangerous happened. There are a lot of little things that can be done to reduce gun violence in America.

We are not going to eviscerate the Second Amendment. I don't think we should and I would resist that and I don't think the American people want that. But we have got a lot of tools now, we really do, and some tough penalties, also, that work.

Senator Craig, I appreciate your leadership on this issue over a period of years. There is hardly anyone here in the body, I am sure, who knows it more than you do, and I thank you for conducting this hearing.

Senator CRAIG. Well, thank you for your commitment, involvement and the raw experience. You have the kind of experience out there in the application of these laws that few of us have and that is appreciated on this Committee.

Obviously, Mr. Curtis, advertising pays, or at least an informational flow going out to the elements of our community that might be most reactive to it. It sounds like it is paying off in Kansas City.

Let me ask this question of the rest of you. We have Pennsylvania, Virginia and Utah. Have you utilized television? Have you been able to actually advertise on television to communicate a similar kind of message to that that they did in the Kansas City area?

Captain SPANN. We have just begun our media outreach program. However, we have utilized a number of the PSAs and news broadcasts to get the information out to local groups, but not on the media yet.

Chief MOOK. Yes, sir, we have done most of our advertising through Virginia Exile and it is such an important effort to the community. Most of the advertising dollars were raised by the community, so it wasn't that government had to spend the money on it. It has been very effective.

Senator CRAIG. Don?

Mr. TOTARO. Senator, we are now in the process of doing just that. We have looked at some of the public service announcements. We are talking to our local stations to see if they will air those. So that is something we are absolutely looking forward to.

Senator CRAIG. Excellent.

Professor Ludwig, I am curious about some of your observations. I hope we have available some of your studies. I am curious to read some of your findings or your observations in relation to Project Exile and your reaction to it.

Let me ask this question of you. I make the general assumption that when there is a spike in crime that there is a public reaction to that, and therefore a reaction in the law enforcement community that usually follows. So as that occurs, while Project Exile was implemented and used in the Richmond area, and you mentioned

other areas had crime and it declined, my guess is—and I may guess wrong and you can respond because you have studied it—there were other kinds of efforts underway in response to that spike in crime.

If that is true, was there an effort to evaluate the pieces of the process? Here we had in Richmond the use of the Federal firearms laws, the sorting out, if you will, and trying to identify those individual actions that could be taken into Federal court versus State, and the frustration we have heard because Newport News is down the road a bit and is subject to the same laws, at least from a State level.

In your examination and studies, was there a comparative attempted to be drawn between what was used and implemented, or are you suggesting this was simply a cultural phenomenon, a spike and a decline?

Mr. LUDWIG. That is a terrific question. I think in order to understand the crime decline that we saw in Richmond and throughout the United States in the 1990's, it is useful to have some understanding of why crime increased so dramatically from the mid–1980's through the early to mid–1990's.

Most explanations for that surge in crime center on some combination of growing crack use and distribution, the growing involvement of youth in the crack distribution system, and the growing involvement of guns in crack distribution and the eventual proliferation of guns to other youth as well.

With that said, there remains some debate about exactly why crime has plummeted so dramatically in the United States during the 1990's. Some of the explanations rest with the petering out of that cycle of crack, kids and guns. Whatever the cause, and so what we have seen is a substantial decline in crime not just in Richmond, but in almost every major city in the country.

The FBI crime data that we have available seems to suggest that what happened in Richmond is not unique to anything specifically that Richmond did. Put differently, there are two possible explanations for what we see in the data for Richmond. In principle, it could be that crime dropped so dramatically because the crack problem simply changed in the early to mid–1990's.

The other possibility is that crime could have plummeted dramatically because each individual city across the United States implemented their own particular intervention that happened to be effective. What we do know is that what happened in Richmond is not unusual from what we saw in other cities that had the same prior experience.

In order to determine whether what Richmond did specifically seemed to have some effect, we looked at whether the decrease in homicide in Richmond was concentrated among adults because, as you know, under the Federal statutes that form the heart of Project Exile in Richmond, it is primarily adults who are eligible for Federal firearm prosecutions and not youth.

What we saw in Richmond is that the decline is not disproportionately driven by changes in adults. That finding suggests to me in that something else seemed to be responsible for most of the decline in homicides in Richmond rather than the Project Exile program, per se.

Senator CRAIG. In your observation of what is now underway across this country with the community effort and the diversity within it and the resources being applied, do you believe, based on your experience and your studies, that this is an effective use of public resources?

Mr. LUDWIG. I think that the allocation of resources to Project Safe Neighborhoods will have some effect in reducing homicide in the United States. In my opinion, the effect will be much more modest than most people believe, based on common wisdom about Richmond.

In my judgment, I think the impact of the Project Safe Neighborhoods spending could be enhanced by reallocating some of those resources from a focus on prosecution and extending and making more severe the prison penalties associated with gun violations and instead doing more to enhance the certainty or the probability that gun violators are apprehended, prosecuted and imprisoned. And one way to do that is through allocating more resources to targeted police patrols that focus on getting illegally carried guns and the people who carry guns illegally off the street.

Senator CRAIG. I am a bit confused by that answer because I understand what you are saying, I understand the premise of what you are saying, but how do you keep them off the street once you have taken them off the street?

One of the great problems we have is this, if you will, a professional, seasoned, hardened criminal who accelerates his or action to the point of using a firearm in the commission of a crime, ultimately killing someone, and, of course, then a felon, and that revolving door of State versus Federal application of the law and the severity of the penalty. Visit with me a bit about that.

Mr. LUDWIG. Certainly, you are absolutely correct, Senator, that increased police patrols and increased arrests without incarceration of gun offenders would be meaningless and would have no effect on crime, or little to no effect on crime.

The question, then, is if we have a given amount of resources available should we either extend prison penalties for gun violations or increase the chances that you are caught and imprisoned for some period of time? The research seems to suggest that it is more effective to increase the chances that you are caught.

So, for instance, when Project Exile went into effect in February of 1997, in Richmond, the federal prison penalties for the types of gun violations that formed the heart of the Project Exile prosecutions were much more severe prison penalties than those in place under Virginia State law. But the penalties in place under Virginia State law were not nothing; these state penalties did not entail zero time in jail for those types of violations.

Our research suggests that extending the prison sentence from what was in place in the State of Virginia under State laws at the time to what was in place under the Federal laws did not have a very dramatic effect on gun crime in Richmond. The extension of prison penalties that was really at the heart of Project Exile in Richmond, and that did not seem to have a dramatic, or even discernible, effect on crime in the city.

On the other hand, in research from Kansas City, from Indianapolis, and most recently, and I think most convincingly, from Pitts-

burgh, there is evidence suggesting that when you use the State laws for those gun violations in place at those States in those times and increase the chances that people who carry guns illegally will be apprehended, prosecuted and punished under State law, that is a more effective use of scarce resources than enhancing the penalty that people serve when they are caught.

Senator CRAIG. Well, okay, that is an interesting statistic and observation. My guess is—and I don't have time to pursue this further today—that there are some out here and some who have been on the panel who will disagree with that observation. Time is going to tell because there are very aggressive efforts underway across this country now with this program.

I think I agree with you, Professor. The opportunity to observe, to look at where we are headed and its impact over an extended period of time is probably more likely today than it has been in the past. So we will probably have you back in times to come to draw conclusions from a greater and more extended body of information as we proceed down this path.

Gentlemen, thank you very much for your time before the Committee and the testimony you have offered today.

Let me also ask unanimous consent that the statements of the Ranking Member, Senator Leahy, be made part of the record, along with another member of the Committee, Senator Joe Biden. They will become a part of the record.

I must announce that the record will stay open for a period of a week for any additional information or questions that might come.

Thank you all. The Committee stands adjourned.

[Whereupon, at 12:04 p.m., the Committee was adjourned.]

[Question and answers and submissions for the record follow.]

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June 2, 2003

Senator Orrin G. Hatch, Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510-6275

Dear Senator Hatch:

You have asked for a response to the question posed by Senator Kohl regarding a National Integrated Ballistics Information Network. I certainly agree with the proposal's intent that the nation would like better means for tracing the source of bullets that injure and especially those that kill. One resource that we should be making much better use of, as I indicated in my testimony at the hearing, is better tracing of the gun involved, since the crime guns are often captured. This is an area where ATF has certainly built up important capability that is largely under-utilized by the nation's law enforcement system. Being able to go the next step of tracing the bullet to the gun would certainly be an important improvement. A national ballistics information network certainly sounds attractive, but there are some important questions of feasibility that should be addressed before mandating such a network. These include the following issues:

1) How stable is a gun's signature after repeated firings?
2) How vulnerable is a gun's signature to distortion through further reaming by its owner?
3) How easy is it to detect a particular gun's signature in a database of millions (tens of millions after a few years) of gun signatures?
4) What can we learn from the experience of the states that have already established such an information base?

These are the kind of critical technical issues that warrant investigation by a disinterested organization like the National Research Council. If the answers to these questions support the creation of the ballistics network, that would certainly seem to encourage moving forward with such a proposal.

Furthermore, in considering this proposal, the Congress must consider the nation's willingness to track a gun from it original owner to subsequent owners. This might be necessary to be able to track the bullet to the current gun's owner, who might be several transactions downstream from the original owner.

I hope these observations are helpful in assessing this very interesting proposal.

Yours truly,

Alfred Blumstein

Response to Senator Kohl's written questions for the May 13, 2003 Senate Judiciary Committee Hearing on Project Safe Neighborhoods

Jens Ludwig
Georgetown University
June 2, 2003

Senator Kohl:

Considering Project Safe Neighborhood's emphasis on the importance of technology, and the fact that ballistics is currently being used in firearms investigations, how would the expansion of a nationwide ballistics database contribute to these efforts?

Jens Ludwig's response:

One of Project Safe Neighborhood's (PSN) stated objectives is to "intensify federal gun law enforcement using state-of-the-art technology and intelligence gathering techniques such as crime mapping, tracing of seized guns and ballistic technology to help connect bullets and casings to the guns that fired them."

A nationwide ballistics database would substantially enhance this effort by allowing law enforcement to identify the first legal purchaser of any gun that is used in a crime for which a bullet or casing is recovered. Without a nationwide ballistics registry, law enforcement will only be able to identify the first legal purchaser of crime guns that were first purchased in states that develop ballistics registries on their own initiative. In practice this is likely to mean that the vast

majority of bullets and casings recovered at crime scenes across the country could not be connected to their first legal purchaser.

To learn more about the actual effectiveness of such a registry in practice, there would be value in commissioning a definitive assessment of the viability of ballistics fingerprint recognition technology. There would also be considerable value in studying the effects of ballistics fingerprint registries in the states that have experimented with such systems to date.

While a nationwide ballistics database might enhance law enforcement's ability to identify across- or within-state gun traffickers and dishonest federally licensed firearms dealers (FFLs), two factors are likely to affect the utility of this investigative tool:

1. First, if legislation requiring a nationwide ballistics registry applies only to new guns sold from the date of the new law forward, then guns already in circulation prior to that point cannot be connected to bullets and shell casings recovered at crime scenes. Fortunately in practice this factor itself is unlikely to substantially impede the utility of a nationwide ballistics registry beyond the first few years of such a registry's existence, because previous research suggests that crime guns are disproportionately new guns. For example, trace data from the Bureau of Alcohol, Tobacco and Firearms suggests that around one-third of guns recovered in homicides were less than three years old; by comparison, the number of new handguns sold each year equals around 3% of the total stock of handguns in private hands (ATF, 2000, Cook and Braga, 2001). More generally the median "time to crime" between first retail sale and recovery at a crime scene

is 5.7 years, with nearly 80% of all crime guns having been first purchased within 10 years of their use in crime (ATF, 2000). Put differently, assuming that the ballistics fingerprint technology is viable then within the first decade of a nationwide ballistics registry's existence the system should be able to connect the bullets found at crime scenes with the crime gun's first legal purchase in the vast majority of crime cases.

2. A more important factor affecting the utility of a nationwide ballistics fingerprinting system stems from the fact that sales of used guns, what Duke University professor Philip Cook and his colleagues have termed the "secondary market" (Cook, Molliconi and Cole, 1995), is largely unregulated. Within several years of its existence a nationwide ballistics registry may, technology permitting, enable law enforcement investigators to connect bullets found at crime scenes with the crime gun's first legal purchaser. This connection is possible because the ballistics registry will allow law enforcement to link crime bullets to crime guns, and licensed firearms dealers are required to maintain records that include those who purchase firearms from them. However in most states private citizens who are not "in the business" of selling firearms can resell their guns in the secondary market without conducting background checks on buyers and without keeping records on the purchaser's identity, and are also not required to report stolen guns to the police.

As a result of the largely unregulated secondary gun market, a nationwide ballistics registry could at best enable law enforcement to identify the crime gun's first- but not last owner. Identifying the crime gun's first owner is still of considerable utility, because in around one-fifth of cases the

crime gun's first purchaser and the possessor at the time of the crime are the same person (Cook and Braga, 2001). It may also be the case that some first legal purchasers or licensed firearms dealers show up repeatedly in ballistics investigations, which would help law enforcement identify traffickers or rogue dealers. So while a nationwide ballistics registry might facilitate law enforcement investigations of gun crime under the country's existing apparatus for regulating firearms, the value of such a registry would be enhanced further by some mechanism for following the flow of guns through the secondary market.

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UNITED STATES SENATE
Committee on the Judiciary

Questions From Committee
Written Response

PROJECT SAFE NEIGHBORHOODS: AMERICA'S NETWORK AGAINST GUN VIOLENCE

Public Hearing
May 13, 2003
Room SD-226, Dirksen Senate Office Building

Submitted by
The Honorable Donald R. Totaro
District Attorney, Lancaster County

K. Kenneth Brown, II
Assistant District Attorney, Lancaster County

Pursuant to a letter from Senator Orrin G. Hatch, Chairman of the United States Senate, Committee on the Judiciary, dated May 30, 2003, I was asked to provide a written response to the following question from Senator Herbert Kohl, in order to complete the hearing record from testimony presented on May 13, 2003 regarding "Project Safe Neighborhoods: America's Network Against gun Violence:"

> Law enforcement and prosecutors must be given the tools they need to fight crime and enforce the law. That is why I introduced S.469, the TRACE Act, a bill that would expand ATFE's National Integrated Ballistics Information Network to require collection of all new handgun ballistic fingerprints. As you know, ballistics information can provide leads to solve cases by connecting guns to the crimes they are used in.
>
> Considering Project Safe Neighborhood's emphasis on the importance of technology, and the fact that ballistics is currently being used in firearms investigations, how would the expansion of a nationwide ballistics database contribute to these efforts?

Project Safe Neighborhoods is a program that focuses on the prosecution of hardened criminals who, despite prior felony convictions, continue to carry firearms. The Lancaster County Office of District Attorney wholeheartedly supports increased enforcement of the current federal firearms laws, so that felons who carry guns or carry guns while dealing drugs in our communities will be fully prosecuted and serve substantial jail sentences. Senate Bill 469, the Technological Resource to Assist Criminal Enforcement Act, is intended to provide resources to the Department of Justice in order to enhance ballistics technology by implementing what is commonly called "ballistic fingerprinting."

From research conducted by this office with regard to the topic of ballistic fingerprinting, I recognize there are experts who question the accuracy and reliability of the science underlying

the concept of collecting ballistic signatures. As noted by White House Press Secretary Ari Fleischer in October 2002, ballistic signatures, unlike human fingerprints, may change over time, which would effect the accuracy of any signature comparison. Moreover, the marks on a spent shell casing that can be used to identify a particular firearm are left by parts that are easily replaceable in many types of weapons. In that same briefing, however, Mr. Fleischer indicated that the concept embodied in the TRACE Act should be explored.

As a prosecutor, we must be concerned that unless the science surrounding this concept is generally accepted in the scientific community, the TRACE Act will potentially create yet another argument which a criminal defense attorney could use to attack the government's case in a criminal prosecution. However, I do not profess to possess the expertise needed to determine general acceptance in the scientific community, and would on that matter defer to appropriate law enforcement agencies such as ATFE.

In conclusion, this office supports the President's position that the concept embodied in the TRACE Act should be explored. Implementation would be appropriate if it is determined to be generally accepted in the scientific community, and deemed beneficial to the Project Safe Neighborhoods Program by the United States Department of Justice.

Committee on Judiciary
Full Committee Hearing
"Project Safe Neighborhoods: America's Network Against Gun Violence"

Tuesday, May 13, 2003 – 9:30 a.m.

Senator John Cornyn – Opening Statement

Mr. Chairman, thank you for recognizing me. I want to make a few comments regarding Project Safe Neighborhoods and a similar program we started in Texas while I was Texas Attorney General—a program called Texas Exile. I will keep my statement as brief as possible.

I first want to commend Chairman Hatch. I have great respect for him and appreciate his efforts to keep this important initiative in view.

In 1999, while I was serving as Texas Attorney General, we conducted a series of discussions across the State of Texas addressing crime issues and the role of government in protecting its citizenry. From that discourse, a consensus emerged that various law enforcement agencies, federal, state and local, needed greater corroboration and cooperation in enforcing existing gun laws.

We looked at various programs across the country and took particular interest in a program in Richmond, Virginia, where the US Attorney's Office, the Bureau of Alcohol, Tobacco and Firearms, the Department of Justice, local

and state police and Richmond's Commonwealth Attorney's Office worked together to devise a solution to their crime problem: Project Exile.

Consequently, a program called "Texas Exile" was born. In September 1999, then Texas Governor George W. Bush and I introduced Texas Exile, funded by a grant of $1.6 million from the Governor's Criminal Justice Division. From this grant, $1.28 million funded eight prosecutors to crack down on criminals who use guns, and $360,000 funded a public awareness campaign. My commitment as Attorney General was to work in conjunction with local, state and federal law enforcement agencies to promote and enforce Texas Exile. The program continues to be funded today and has brought great success.

What is Texas Exile?

Texas Exile is a crime-control initiative that utilizes existing state and federal gun laws designed to get to the root cause of gun violence - criminals who illegally use and carry weapons. Texas Exile does so, without infringing on the rights of law-abiding citizens.

Generally, the following people cannot possess firearm(s) or ammunition:

- convicted felon and/or on felony probation or parole (**Deferred adjudication is not a conviction)*

- person under felony indictment
- drug dealer or trafficker
- person with misdemeanor domestic violence conviction
- fugitive from justice
- alien unlawfully in the United States

No one may possess the following items unless they are properly registered:

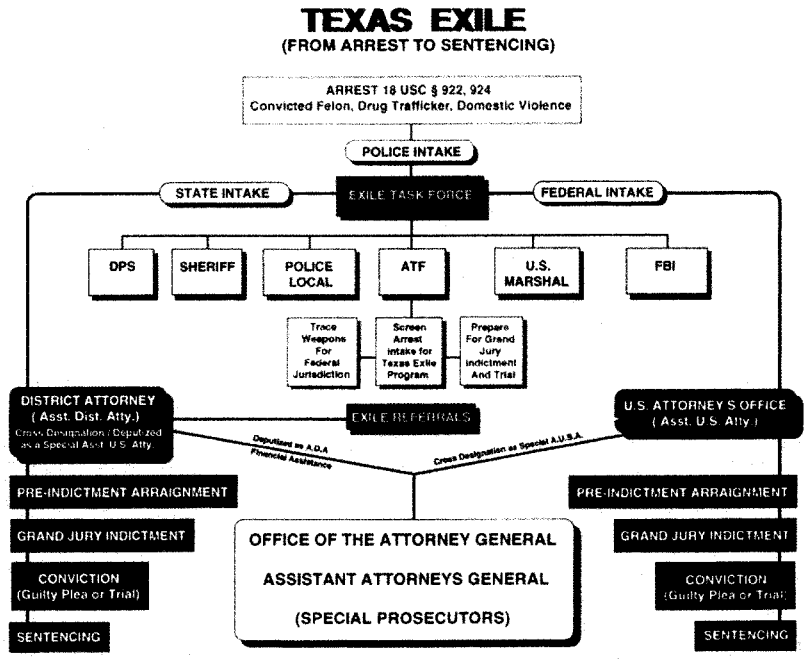
- sawed-off shotgun
- sawed-off rifle
- silencer
- machine gun/fully automatic weapon

No one can legally possess the following items:

- stolen firearm or ammunition
- firearm with altered or obliterated serial number

Concept

When law enforcement reports a crime where a weapon was used or possessed, the District Attorney's Office and the U.S. Attorney's Office confer to decide whether the prosecution should proceed in state or federal court depending on the applicable penalty provisions. (See following chart.)



The program simply opens up the federal system to state prosecutors so that criminals with weapons will receive maximum jail time. The advantage of such a system is that habitual violent offenders are essentially exiled from city streets, and potential offenders are discouraged by the threat of harsh prison terms.

By taking advantage of stiffer bond rules and federal sentencing guidelines, Texas Exile ensures the prosecution of those felons and drug

traffickers caught with guns. The goal is to create a legal system where the violent criminal or drug trafficker carrying a weapon will face swift and certain prosecution with harsh penalties. Breaking the link between guns and drugs is the key to Texas Exile. In addition, homicides can be prevented before they occur by enforcing the laws prohibiting weapons possession by felons and persons convicted of a crime of domestic violence or persons subjected to a family restraining order.

Results: Current Texas Exile Status

As of May 2, 2003	
INDICTMENTS	2,020
CONVICTIONS	1,478
GUNS CONFISCATED	2,482

1,252 defendants have been committed to the Bureau of Prisons for a total of 7,646 years (91,749 months). The average sentence since January 2000 is now 73 months.

The following chart shows the success of Texas Exile in various cities.

Exile City	Indictments	Convictions	Guns
Austin	143	113	149
Beaumont	132	94	125
Brownsville	38	26	28
Corpus Christi	133	97	162
Dallas	170	123	526
El Paso	22	14	13
Ft Worth	54	42	56
Houston	423	340	555
San Antonio	180	136	170
Tyler	60	43	74

Other Facts

- Texas leads the nation in the prosecution of federal gun crimes.
- Texas had a 82% increase in prosecution of federal gun crimes over last year.
- During 2000, Texas indicted twice as many defendants for violating federal gun laws than any other state.
- During 2000, Texas indicted more defendants for violating federal gun laws than the states of New York and California combined.
- Judges have sentenced these defendants to an average of 75 months in federal prison.

Project Safe Neighborhoods

I believe that our success in Texas speaks for itself and foreshadows success for Project Safe Neighborhoods introduced on May 14, 2001 by President Bush and U.S. Attorney General John Ashcroft. As a comprehensive national strategy that will create local partnerships to effectively enforce existing gun laws, the program contains many of the facets of the Texas Exile Program.

The President's plan will provide more options to prosecutors, allowing them to utilize local, state, and federal laws to ensure that criminals who commit gun crime face tough sentences. Project Safe Neighborhoods gives each federal district the flexibility it needs to focus on individual challenges that a specific community faces.

I urge my colleagues to support this important initiative.

Testimony of

Alfred Blumstein

H. John Heinz III School of Public Policy and Management
National Consortium on Violence Research (NCOVR)

Carnegie Mellon University

before the

U. S. Senate Committee on the Judiciary

on

Project Safe Neighborhoods and Gun Violence

May 13, 2003

Testimony of Alfred Blumstein, Carnegie Mellon University

Senator Hatch, Senator Leahy, and Members of the Committee:

Thank you for inviting me to this session on the issue of gun violence and the efforts to deal with it through Project Safe Neighborhoods. I am honored by the opportunity to appear before you as you consider one of the continuing problems confronting our nation.

As background to my own involvement in these issues, I have engaged in a variety of criminological research since my involvement as Director of Science and Technology for the President's Commission on Law Enforcement and Administration of Justice in 1966. I have been involved in practical policy matters as the chairman for over eleven years of the Pennsylvania Commission on Crime and Delinquency (PCCD), the state's criminal justice planning agency, which manages Federal criminal justice funds in Pennsylvania. I also served as a member of the Pennsylvania Sentencing Commission for ten years between 1987 and 1997. Most recently, since 1996, I have been the Director of the National Consortium on Violence Research (NCOVR), a research consortium that has been particularly concerned with issues of gun violence. Attached to my testimony is a short biographical statement for your information.

Some Background on the Gun Violence Problem in the U.S.

As this Committee knows too well, the United States is by far the leading nation in suffering from gun violence. In 2001, we suffered 15,980 murders, not counting those of September 11, 2001. Of these, 63.4 percent or over 10,100 were by firearms[1]. In the last few years, we have been elated that our homicide rate has finally dropped over 40 percent to a level below 6 per 100,000 from a high of just under 10 as a result of the steady decline of the 1990s[2]. In contrast, however, most of the countries we compare ourselves with are much lower: The average of the EU member states is 1.7 and Norway, Switzerland, and Belgium are around 1.0. But, we can be comfortable that Russia, a country whose prison incarceration rate we recently exceeded, is still well ahead of us with a rate over 20[3].

However advanced we are in murder, it is well known that we are especially the leader in *gun* murders. Frank Zimring developed a table that contrasts our murder rate with that of England and Wales, our closest comparison country. Our rate is 8.5 times theirs for all murders, only 3.7 times for non-gun murders, 63 times for gun murders, and 175 times

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[1] These data are from the Uniform Crime Reports, 2001, published by the FBI in October 2002.

[2] *The Crime Drop in America* (Alfred Blumstein and Joel Wallman, eds., Cambridge University Press, 1999) discusses the variety of factors that contributed to that decline.

[3] These data are from Gordon Barclay and Cynthia Tavares, "International comparisons of criminal justice statistics 2000"; Home Office Statistical Bulletin, Issue 05/02; July 12, 2002

for handgun murders[4]. Thus, the U.S. has a powerful incentive to reduce the rate of gun violence, and especially that associated with handguns.

Considerations in Reducing Handgun Violence

In contrast to the great complexity of dealing with the nation's drug problem, where so much of what we do can be seen to be counter-productive, one would think that there should be some reasonably straightforward approaches to the problem of gun violence based on what we have learned over the past decade of research:

- We know that young people carrying handguns hands can be very dangerous[5]
- We know that a growing presence of illegal guns stimulates more gun carrying as a defensive response, and that a declining presence of such guns can stimulate less gun carrying as a result of the reduction of the threat[5]
- We know that most crime guns were obtained illegally, either through their own straw purchaser or through an illicit dealer, and not largely through burglary[6]
- We know that in any jurisdiction a small number of dealers can account for a large share of the crime guns[7]
- We know that many crime guns are relatively new[6].
- We know that a strong commitment to tracing of crime guns captured by the police in any community can be very helpful in understanding the flow of guns in local secondary markets and can help identify licensed dealers and straw purchasers who are disproportionately involved with the marketing of crime guns[6]
- We know that aggressive police patrols in high gun-use areas – as reflected in "shots fired" calls to 911 – can be effective in suppressing gun carrying and use. Jacqueline Cohen has analyzed such operations by the Pittsburgh police and shown striking suppression effects[8].
- We know from deterrence theory that more certain and more severe sanctions should reduce crime, but we are still uncertain about the magnitude of those effects for different types of crimes and different types of offenders. Also, we know that improvement in the certainty is more important than improvement in

[4] Data from Franklin Zimring and Gordon Hawkins, Crime is Not the Problem: Lethal Violence in America; New York, Oxford: Oxford University Press. (1997) at 109. The ratios are based on rates from 1980-1984, but the story is not likely to be very different today.

[5] See, for example, Chapter 2 in Blumstein and Wallman, supra note 2.

[6] See "Crime Gun Trace Analysis Reports: The Illegal Youth Firearms Market in 27 Communities". Bureau of Alcohol, Tobacco, and Firearms; (February, 1999)

[7] See, for example, Andy Newman, "New York Dealers are Among Sellers of Guns Tied to Crimes"; *New York Times*, April 18, 2003

[8] See Jacqueline Cohen and Jens Ludwig, "Policing Crime Guns" in Jens Ludwig and Philip J. Cook, *Evaluating Gun Policy*. Washington: Brookings Institution Press (2003)

the severity – that is, increasing the risk of punishment through more effective policing and prosecution is more effective than increasing the sentence length[9].

All of this suggests that there are a few basic approaches that any community should consider:

- Crime-gun tracing and follow-up to identify the illicit secondary markets and to prosecute those involved
- Aggressive police pursuit of illegal gun carrying, especially in those neighborhoods with high rates of gun crimes and shots fired
- Deterrence of illegal gun carrying and especially use by enhancing the sanctions, with an emphasis on increasing the certainty that the sanctions will be imposed

When we have this limited range of options, then it becomes critical that we develop some coherent research program to evaluate the various versions of these approaches to come to an understanding of how well they work, how they interact with each other, and how that effectiveness varies with the crime and cultural context of different communities. This calls for a coordinated national program of research and evaluation to develop such knowledge.

My understanding of Project Safe Neighborhoods (PSN) is that no such coordinated program has yet been organized. Rather, each U.S. Attorney's office is mandated to link up with a "research partner," to evaluate its local effort, but that those individual program and evaluation efforts are largely independent and unconnected. That may result in some important local knowledge, but the size and the effect of each of those efforts is likely to be too small to generate much measurable effect. That is likely to be the case in all but the handful of jurisdictions with large gun-violence problems, and so we will miss the opportunity to generate the level of knowledge that is needed to provide the guidance for the future. I believe that the efforts to combat gun violence would be much better served if could devote at least a significant part (at least 5-10 percent) of the annual $300 million committed to PSN to the organization of such a program. Only with that kind of coherent program of evaluation will the nation be able to move forward with increasing effectiveness in combating the gun-violence problem.

That will require a central research planning and analysis office that will get agreement of the program actors (usually the U. S. Attorneys offices or the local agencies to which they allocate action funds) on a coherent multi-site action plan. That research coordination office will work with the action agencies in developing consistent research designs, measurements to be taken, and development of analysis protocols to ensure rich and completes assessment of the major approaches being taken. With PSN funding, NIJ could be the contracting agency to fund and oversee the operation of such an office.

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[9] See Alfred Blumstein, Jacqueline Cohen, and Daniel Nagin, eds. "*Deterrence and Incapacitation: Estimating the Effects of Criminal Sanctions on Crime Rates*", Report of the Panel on Deterrence and Incapacitation, (1978), National Academy of Sciences, Washington, D.C.

Some Other Observations about PSN

This need for a coherent research program overlaying the PSN activities seems quite central in using the efforts to become more effective. A number of other considerations would also seem relevant:

- The funds for PSN are allocated to U.S. Attorneys' offices on the basis of their population. This seems to miss the point of the need based on the level of gun violence there. Some measure of gun violence (e.g., gun homicides, gun robberies, gun suicides, or some weighted sum of these per capita) would seem so much more appropriate.
- The resources for crime-gun tracing at both the local level and at ATF must be increased to accommodate the increased load that is likely to result.
- There are important technical issues that must be pursued nationally in support of the PSN efforts. For example, one of the continuing questions that arose during the Washington-area sniper shootings was the feasibility and utility of a national ballistics identification system. That assessment must be done nationally, by the National Academy of Sciences, for example.
- There will have to be regional and national coordination of the information derived from the crime-gun tracing information to identify the prime and consistent violators.
- We are still woefully ignorant of the mix of factors contributing to gun violence and how that mix varies across locality. The violent-injury reporting system being developed by CDC will be most important in developing such knowledge. We are tracking SARS around the world very carefully, but are doing so little in tracking violent injury, which kills so many more people in the United States.

Summary

Let me summarize the major points of my testimony. First, I agree that gun violence is an important issue to be addressed. While I accept some of the benefits of the decentralized strategy, I think this is an area where coordination to gain improved knowledge will be very useful, and I don't think we are pursuing that effort sufficiently. Also, while intensified prosecution after the crime has occurred is useful, I think the program could pay much more attention to deterring the carrying of guns on the street and pursuit of the markets supplying the illicit guns on the street should become more prominent aspects of the program.

Thank you for the opportunity to testify on this important issue. I will be happy to answer any questions.

ALFRED BLUMSTEIN

ALFRED BLUMSTEIN is a University Professor and the J. Erik Jonsson Professor of Urban Systems and Operations Research and former Dean (from 1986 to 1993) at the H. John Heinz III School of Public Policy and Management of Carnegie Mellon University. He is also director of the National Consortium on Violence Research (NCOVR), funded by a five-year, $12 million grant from the National Science Foundation.

He has had extensive experience in both research and policy with the criminal justice system since serving the President's Commission on Law Enforcement and Administration of Justice in 1966-67 as Director of its Task Force on Science and Technology.

Dr. Blumstein was a member of the National Academy of Sciences Committee on Research on Law Enforcement and the Administration of Justice from its founding in 1975 until 1986. He served as Chairman of that committee between 1979 and 1984, and has chaired the committee's panels on Research on Deterrent and Incapacitative Effects, on Sentencing Research, and on Research on Criminal Careers. He was a member of the Academy's Commission on Behavioral and Social Sciences and Education from 1994-2000. In 1998, he was elected to membership in the National Academy of Engineering.

On the policy side, Dr. Blumstein served from 1979 to 1990 as Chairman of the Pennsylvania Commission on Crime and Delinquency, the state's criminal justice planning agency. He served on the Pennsylvania Commission on Sentencing from 1986-96.

His degrees from Cornell University include a Bachelor of Engineering Physics and a Ph.D. in Operations Research. He was awarded an honorary degree of Doctor of Laws by the John Jay College of Criminal Justice of the City University of New York.

He was President of the Operations Research Society of America (ORSA) in 1977-78, he was awarded its Kimball Medal "for service to the profession and the society" in 1985, and its President's Award in 1993 "for service to society." He was president of the Institute of Management Sciences (TIMS) in 1987-88 and was President of the Institute for Operations Research and the Management Sciences (INFORMS) in 1996. He is a Fellow of the American Association for the Advancement of Science (AAAS).

Dr. Blumstein is a Fellow of the American Society of Criminology, was the 1987 recipient of the Society's Sutherland Award for "contributions to research," and was the president of the Society in 1991-92. At the 1998 meeting of the ASC, he was presented with the Wolfgang Award for Distinguished Achievement in Criminology.

His research over the past twenty years has covered many aspects of criminal-justice phenomena and policy, including crime measurement, criminal careers, sentencing, deterrence and incapacitation, prison populations, demographic trends, juvenile violence, and drug-enforcement policy.

Testimony of
Charles L. Curtis
President of the Kansas City Metropolitan Crime Commission
before the
Committee of the Judiciary
United States Senate

"Project Safe Neighborhoods: America's Network against Gun Violence."

May 13, 2003

Introduction

Chairman Hatch and distinguished members of the Committee, my name is Charles Curtis. I am the President of the Kansas City Metropolitan Crime Commission. Thank you for holding these hearings on "Project Safe Neighborhoods: America's Network against Gun Violence."

I would like to take this opportunity to tell you about the Kansas City Metropolitan Crime Commission, and our role in Project Safe Neighborhoods. This encompasses an effort that began in 2000 and has yielded some impressive results. These results include awareness among felons of strict enforcement of our Federal gun laws and a concurrent reduction in violent crime among felons.

The Kansas City Metropolitan Crime Commission

The Kansas City Metropolitan Crime Commission was established in 1949 as a watchdog group to improve law enforcement in our community. It is composed of a Board of 40 business and civic leaders.

In recent years, the Crime Commission has raised funds for our local Tips Hotline and a program that supervises those sentenced to community service. However, a new program was brought to our attention in 2000 by the U.S. Attorney for Western Missouri.

Operation Ceasefire

The U.S. Attorney noted that Kansas City, Missouri suffered from a high murder rate. Our city ranked number four in the nation for murders on a per capita basis. Because of this high rate of violence, the U.S. Attorney suggested that local law enforcement join Federal prosecutors to enforce the Federal law and strict sentencing guidelines for convicted felons who continued to carry firearms.

He explained that Richmond, Virginia and Milwaukee, Wisconsin had implemented this program and they felt it had reduced violent crime in their neighborhoods. The Kansas City implementation of this program – named Project Ceasefire -- emphasized three items.

1. Cooperation between Federal and local law enforcement as well as cooperation among officials in both the Missouri and Kansas sides of our metropolitan area.
2. Not only enforcement of the no-gun law for felons, but aggressive publicity of this fact to prevent felons from carrying guns.
3. Independent research and tracking of the impact of this publicity.

The U.S. Attorney asked the private Crime Commission for help with the second and third points – publicity of Ceasefire and tracking of its impact. As you may have heard in earlier testimony, the Ceasefire program has sentenced nearly 400 gun-carrying felons to Federal prison. However, we have more than 12,000 felons under some form of supervision in the Kansas City metropolitan area. In addition to strict enforcement of the law, we wanted felons to stop carrying guns.

We developed an advertising campaign to warn felons that strict penalties awaited them if they violated this law. The purpose of the advertising was to persuade the felon not to carry a gun. In addition, we wanted to reach his mother, wife, girlfriend and others so they would also discourage this dangerous practice.

Operating Ceasefire Funding

The Board of the Kansas City Metropolitan Crime Commission began a fund-raising effort to build a war chest to advertise the penalties of Project Ceasefire. Several months of fundraising from private companies and foundations enabled us to launch a multi-media campaign.

The campaign used television advertising, billboards and signs on buses. We also prepared brochures in English and Spanish for parole officers to review with their parolees. The television commercial we used was originally created in Milwaukee by Steve Laughlin, the president of ad agency Laughlin/Constable. The television commercial featured well-known defense attorney Johnnie Cochran. After explaining off-camera that a good attorney could get you off if you weren't read your rights or if the prosecution didn't have credible witnesses, he concluded with this line: "But if you're a

felon and you carry a gun, even I can't get you off." He leaned into the camera as he said this line so you could see if came from Johnnie Cochran.

The billboards and bus sides featured a gun and the line: Felons with guns burn five years in Federal Prison.

These ads ran in 2001 and 2002.

Research Methodology

The Crime Commission assigned the task of tracking the results of the advertising campaign to two professors from the University of Missouri – Kansas City. Alexander M. Holsinger, PhD. and Kenneth J. Novak, Ph.D. from the UMKC Department of Sociology/Criminal Justice & Criminology conducted interviews with the general population and the offender population before and after the campaign ran to determine awareness of the program. They also analyzed the crime statistics from the police departments of Kansas City, Missouri and Kansas City, Kansas.

Even before the formal research was completed, we received anecdotal stories indicating the message was getting through. A suspect who confessed to a robbery told detectives he "went to his friend Leon to ask him if I could borrow his gun. He said, 'Sean, you know if you take this gun, it's gonna be five years if you get caught.'" A defendant who confessed to passing bad checks denied having a gun. He told the detective that he was a convicted felon and not even Johnnie Cochran could get him off if he carried a gun.

Research Results

In their final research results, the Professors reported the following:

- Murders in Kansas City, Missouri declined 23% to a 30-year low.
- "Awareness of Ceasefire was strongly related to the belief that felons, caught with a firearm, would serve 5 years or more in prison."
- "80% of the offender population had been exposed to some form of the Ceasefire campaign."
- Of those who had been exposed to Ceasefire, 91% answered 'five years' to the question 'how much time do felons with guns get?'"
- "Ceasefire exposure was the <u>only</u> significant predictor of a felon's belief that those caught with a gun will serve time."

Crime Statistics

The report also included this analysis of crime statistics from 2001 to 2002:

- In Kansas City, Missouri, violent crimes by non-felons increased by 23%, while violent crimes by felons increased only 7%.

- In Kansas City, Kansas, violent crimes by non-felons increased by 58% while violent crimes by felons decreased by 18%.
- Metro wide, the report concluded that Project Ceasefire has prevented 22 homicides and 50 violent crimes.

Conclusion

We have just launched our third year of Ceasefire advertising. Television commercials and billboards will again remind felons that they can burn five years in federal prison if they are caught with a gun. It's our hope that the anecdotal information and research data that has been so promising thus far will continue.

Thank you again for this hearing and for giving me the opportunity to share with you our experiences advertising Project Ceasefire and its role in Project Safe Neighborhoods.

STATEMENT OF

TODD P. GRAVES
UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATE SENATE

CONCERNING
"PROJECT SAFE NEIGHBORHOODS"

PRESENTED ON

MAY 13, 2003

Thank you Chairman Hatch, Ranking Member Leahy and Members of the Senate Judiciary Committee for the opportunity to testify before you today. My name is Todd P. Graves. I am the United States Attorney for the Western District of Missouri.

It is an honor to have an opportunity to speak to this committee regarding the Project Safe Neighborhoods initiative and our version of that anti-gun crime initiative, which, in Kansas City, we call Project Ceasefire.

The United States Attorney's Office for the Western District of Missouri works with several other organizations to fight gun crimes in our community. It has been a top priority of ours since 1999, when we realized that a problem with gun crimes was brewing. During that year alone, assaults with a firearm reached 1,990 in Kansas City. Shortly after the release of that statistic, several organizations banded together to form Project Ceasefire, and since then we have actively been prosecuting felons who illegally carry firearms to see that they are held accountable

for their actions.

In addition to the United States Attorney's Office, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the Kansas City Crime Commission, the University of Missouri-Kansas City, and the Kansas City, Missouri, and the Kansas City, Kansas Police Departments also are contributing resources to Project Ceasefire in order to reduce gun crimes in the metropolitan area. Collectively, the organizations' hard work is achieving the ultimate goal. Since 1998, when 1,990 firearm assaults were reported in the Kansas City area, the frequency of the same type of crime has dropped to 1,191 in 2002. That means that nearly 800 fewer firearm assaults are occurring on our streets every year. At the same time, prosecutions are increasing. In Kansas City, the federal prosecution of gun crimes increased 26 percent, while the murder rate dropped 23 percent to its lowest level in three decades. The Kansas City Star recently noted that homicides in the city at a 30-year low. And this reduction translates into real people -- 27 people are living today that would have been murdered the preceding year.

Since Project Ceasefire's inception, the United States Attorney's Office in the Western District of Missouri has aggressively prosecuted and convicted 350 gun criminals in Kansas City. More than 300 of those defendants have already been sentenced to hard time in federal prison. And let me make this clear: these are not first-time offenders. These are criminals with extensive histories of crime in Kansas City. The criminals we go after are strictly repeat offenders. In fact, of the 350 convicted defendants under Project Ceasefire so far, collectively, they have more than 930 prior criminal felony convictions under their belts.

Our program is not only putting these criminals behind bars. Project Ceasefire also aims at educating the community as to the consequences felons face if they carry a firearm. The way in which we get that message across is through a successful Project Safe Neighborhoods media campaign for Project Ceasefire. The Kansas City Crime Commission, which consists of 40 volunteer board members, has collected $1.4 million in private money to help fund the Project Ceasefire advertisements, which are intended to increase awareness in the community. The main point of the advertisements is this: "Felons with guns burn five years in federal prison." It's plain and simple.

Evidence of the media campaign's success has been found through studies conducted by the University of Missouri-Kansas City. The University's extensive research consists of survey results collected mainly from felons at the Missouri State Probation and Parole offices. The results show that 78.9 percent of offenders have been exposed in some way to the Ceasefire campaign, and 73 percent of offenders have seen the Project Ceasefire advertisement with Johnnie Cochran. In turn, 73.6 percent of offenders that took part in the University's study said they believe it is "very likely" that a person with a prior felony would be charged with a crime if caught with a gun.

More importantly, KCPD statistics also show the partnership in Project Safe Neighborhoods is effective. The department recently reported decreases in nearly every category of crime from 2001 to 2002. Examples include a 29 percent decrease in homicides, a 15 percent decrease in robberies, and a 17 percent decrease of auto thefts. This is in contrast to recent rises

in crime nationwide. Not all communities are able to tout the same decreases as Kansas City.

For example, St. Joseph Missouri's daily newspaper recently reported that their violent crime rate has increased for the third straight year. St. Joseph, which is the fourth or fifth largest city in the Western District of Missouri and is approximately 35 miles from Kansas City, does not yet have a Project Safe Neighborhoods campaign. Last year alone, violent crimes in St. Joseph increased six percent, according to the St. Joseph News-Press.

Since Project Ceasefire was created in Kansas City, violent crimes have been on a steady decline. Again, the Kansas City Star reported homicides at a 30-year low in 2002. The Kansas City Police Department reported decreases in crime across the board. Project Ceasefire has a direct impact on our community's crime rate. It is an invaluable program that brings our community together to effectively fight gun crimes in our neighborhoods.

Mr. Chairman, thank you for your time and attention. I would be pleased to attempt to answer any questions you may have at this time.

Statement of Senator Patrick Leahy
Ranking Member, Senate Judiciary Committee
"Project Safe Neighborhoods: America's Network Against Gun Violence"
May 13, 2003

The Committee today holds what has been billed an "oversight" hearing of the Department of Justice, to examine the Department's implementation of Project Safe Neighborhoods. I introduced the legislation in the last Congress that authorized this program – the 21st Century Department of Justice Appropriations Authorization Act – and I look forward to learning about its progress. Despite my interest in this program, however, I do not think this hearing is the best use of the limited time this Committee devotes to exercising its oversight power.

More than two months have passed since Chairman Hatch committed to holding an oversight hearing with FBI Director Mueller to discuss the Bureau's use of the Foreign Intelligence Surveillance Act ("FISA"), in response to urgent bipartisan requests. We are still waiting for this hearing, and I am disappointed that the Chairman has pushed to eliminate the sunset provision in the USA PATRIOT Act before the Committee has fully inquired about how the FISA amendments included in that Act are working.

More recently, the Chairman declined a request that Senators Grassley, Specter and I made for an oversight hearing on the Los Angeles FBI espionage case and its implications for security within the FBI. Security lapses have been a chronic problem for the FBI. The Hanssen case was a stark example of that, and the Los Angeles case seems to be another. It is difficult for me to understand why we cannot find time to come to grips with issues that are jeopardizing our security and hampering our premier domestic intelligence and law enforcement agency. We do not have many duties that are more important than that.

This morning would have been a perfectly good time to hold either of these urgent FBI oversight hearing. Or we could have held a hearing with the Attorney General himself, who has made himself available to this Committee for only three hours – divided among three witnesses – so far this year. Project Safe Neighborhoods is an important initiative, but it is new enough that an oversight hearing would likely have been more productive at a later point in this Congress.

That being said, Project Safe Neighborhoods represents a rare instance of agreement among people with differing views on the gun control debate. In Vermont and around the nation, I hope it will help prosecutors and law enforcement officers make our communities safer.

I do believe that it is important, however, that Project Safe Neighborhoods be conducted in conjunction with – and not at the expense of – other important crime-fighting programs. Without substantial funding for the COPS program and first responders generally, I fear that the tremendous gains in crime prevention made during the Clinton Administration will be reversed. According to the FBI's Uniform Crime Report, the crime rate grew by 2 percent in 2001, with a 3 percent increase in murders, and grew by an additional 1.3 percent in the first half of 2002. We

have of course seen similar increases in unemployment and the Federal budget deficit during this Administration. As we celebrate National Police Week, and mourn those who have lost their lives while protecting the public, we in Congress must ensure that we do all that we can to promote and protect all of our law enforcement officers and other first responders. Project Safe Neighborhoods can and should play a role in this effort, but it cannot be the entire effort.

In conclusion, although there may be more timely matters that this Committee could be investigating, I hope this hearing provides a useful update on the progress of U.S. Attorneys throughout the nation in implementing this program. I appreciate that a number of U.S. Attorneys have taken the time to appear before the Committee, and I value their testimony and the testimony of all of today's witnesses.

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Statement of Senator Herb Kohl
Judiciary Committee Hearing
"Project Safe Neighborhoods"
May 13, 2003

Herb Kohl

Mr. Chairman, thank you for convening this hearing. Project Safe Neighborhoods (PSN), and similar programs discussed by the witnesses, are worthwhile efforts to help keep guns out of the hands of criminals and to prosecute those who have committed gun crimes. I am pleased that this program has been at work in my home state of Wisconsin. Under Operation Ceasefire, law enforcement in Milwaukee has teamed up with three new federal prosecutors dedicated solely to prosecuting gun crimes. Wisconsin has also received $1.3 million in grants for local jurisdictions to create and implement programs related to gun crime prevention, education, and enforcement. While I have long supported strong enforcement of the gun laws, I feel that enforcement is only one part of a broader strategy to reduce gun violence.

Advancements in technology continually provide police officers and prosecutors with vital tools to solve crime and prosecute criminals. For example, the science of ballistics testing has given police the ability to solve multiple gun crimes simply by comparing bullets and shell casings found at the scene of a crime to a gun seized in a seemingly unrelated incident. This comparison is possible because every gun has a unique "fingerprint" it leaves on spent shell casings and bullets after it is fired. Today, ballistics technology equipment allows firearms technicians to acquire digital images of the markings made by a firearm on bullets and cartridge casings; the images then undergo an automated initial comparison. If a high confidence match emerges, experts compare the original evidence to confirm a match. Once a match is found, law enforcement can begin tracing that weapon from its original sale to the person who used it to commit the crime.

In fact, ballistics technology is already used by law enforcement and prosecutors. Last fall, law enforcement officials used ballistics testing to match the bullets and shell casings found at the scenes of the sniper shootings in the nation's capitol region, and later to other deadly shootings across the country. The bullets and casings were also linked to the gun that the accused assailants had in their possession when they were arrested. This ballistics information has provided vital evidence to prosecutors and will help keep the snipers behind bars.

As you may know, in February, I introduced the Technological Resource to Assist Criminal Enforcement (TRACE) Act. The TRACE Act would dramatically expand the scope of ATFE's current ballistics database, the National Integrated Ballistics Imaging Network (NIBN), by mandating that all guns manufactured or imported be test fired before being placed into the stream of commerce. The images collected from the test firing would then be collected and accessible to law enforcement - and law enforcement only - for the purpose of investigating and prosecuting gun crimes.

I see great potential for ballistics technology to augment the efforts of Project Safe Neighborhoods by helping to solve more gun crimes. While I am pleased to hear about the reduction in gun crimes throughout your districts, I believe we can do even better by providing law enforcement with the technological resources they need to do their job as best they can. Expanded ballistics testing will help solve more gun crimes, prosecute more criminals, and ensure that more communities are protected from violence.

Thank you.

Project Safe Neighborhoods and Gun Violence

Testimony submitted to
United States Senate
Committee on the Judiciary

May 13, 2003

Jens Ludwig[1]
Georgetown University

Chairman Hatch, Ranking Member Leahy, and Members of the Committee:

Thank you for inviting me to testify today. It is an honor to appear before this committee as you consider the role of Project Safe Neighborhoods in reducing gun violence in the United States. My testimony is divided into two sections: a summary of the conclusions, and supporting analysis.

Summary of major conclusions

- Funding additional law enforcement efforts to combat gun violence is in principle a good use of scarce government resources. Such efforts are important in part because of the substantial costs of gun violence to American society, estimated to be on the order of $100 billion each year.

- The impact of Project Safe Neighborhoods (PSN) will depend on how program funds are used. PSN is designed to provide local law enforcement partnerships with flexibility in deciding how to best allocate their resources to reduce gun violence. PSN funding may be used by many local grantees to secure longer prison terms for those who commit firearm violations, following the model of Richmond, Virginia's Project Exile. However a more productive use of resources may be to increase police patrols against illegal guns. This perspective is consistent with the belief held by many scholars that for a given level of criminal justice resources, more criminal behavior will be deterred by an increase in the certainty rather than severity of punishment.

- PSN is modeled in part on Richmond's Project Exile, which is essentially a prison sentence-enhancement program that has been perceived to be a dramatic success. Launched in February, 1997, Project Exile diverts eligible gun cases to the federal courts. In practice most of the diverted cases are for "felon in possession" offenses. The desire to expand upon Project Exile is based upon the program's perceived success: It is widely believed that Project Exile is

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1 Associate Professor of Public Policy, Georgetown University and Affiliated Expert, Johns Hopkins Center for Gun Policy. Much of this testimony is based on collaborative work with Professor Steven Raphael of the University of California at Berkeley. All errors and opinions are my own and should not be taken to represent the views of Georgetown University, Johns Hopkins University or the University of California at Berkeley.

responsible for reducing Richmond's gun-homicide rate by 40% from 1997 to 1998.

- Project Exile is almost surely not as successful as has been claimed. My analysis with Professor Steven Raphael of crime data from the Federal Bureau of Investigation suggests that almost all of the observed decrease in Richmond's homicide rate following the launch of Project Exile would have occurred even in the absence of the program. This conclusion is based on a very strong empirical regularity observed in city-level homicide data: cities with the largest increases in homicide during the 1980's and early 1990's also experienced the largest declines during the late 1990's. Richmond happened to be among the handful of cities that experienced unusually large increases in homicide rates during the 1980s. Consequently, nearly all of the reduction in murder rates experienced by Richmond following Project Exile may be attributed to this large increase in gun homicides occurring before Exile's implementation. We also find nearly identical results for trends in other felony crimes.

- Prosecuting gun cases could still have modest effects. Funding prosecutors to handle gun cases is not necessarily a bad idea, since the incarceration of those arrested for firearm violations is likely to have some effect on crime. However the impact on crime is likely to be modest. Put differently, Project Exile may be a useful component of a larger crime-fighting portfolio, but does not appear to be a "silver bullet" for reducing gun violence.

- Increased funding for policing against illegal guns might yield larger reductions in gun crime compared to lengthening prison sentences for gun violators. The best available studies suggest that police patrols targeting illegal guns may be a more cost-effective way to reduce gun crime compared to funding additional prosecutors and longer prison sentences for firearms violations. If these findings are correct, then reallocating at least some resources within PSN's budget from prosecutors to targeted policing programs may increase the program's overall effect on gun crime. More generally, any increase in resources for such targeted police patrols from whatever funding source may be a cost-effective way to reduce gun crime.

Supporting Text

1. The costs of gun violence to American society are enormous. The impact of gun violence on American society extends beyond victims and their families. The threat of firearm injury affects all Americans and changes the way we live our lives in a variety of ways. This threat thus reduces everyone's quality of life in the United States to at least some degree. The best available estimates suggest that the costs of gun violence to American society are on the order of $100 billion per year, or about $1 million per firearm injury. These costs are much more evenly distributed across the population than crime-victimization statistics would suggest. While the victims of gun crime are disproportionately young, low-income residents of urban areas, the large majority of Americans support additional government efforts to reduce gun crime, even if they required additional government revenues (Cook and Ludwig, 2000, Ludwig and Cook, 2001).

2. Stepped-up law enforcement could in principle be a cost-effective way to reduce crime. Additional law enforcement spending draws resources away from other pressing social problems.

However, given the substantial costs of gun violence to American society, additional spending to combat gun violence could principle could yield social benefits that exceed the costs of such programs. Whether a given law enforcement program to combat gun crime yields benefits in excess of costs in practice will depend on the specific design and implementation of the program.

3. Project Safe Neighborhoods (PSN) seeks in part to expand on the perceived success of Richmond's Project Exile. As the Department of Justice explains PSN: "Project Safe Neighborhoods expands on existing programs such as Project Exile (Richmond, VA) and Operation Ceasefire (Boston). Project Exile in Richmond focused gun prosecutions in federal court under federal law. Under Project Safe Neighborhoods, criminals who use guns will be prosecuted under federal, state or local laws -- depending on where those laws are the toughest" (PSN, 2003). The assumption behind this approach is that stiffer prison sentences will reduce gun crime by deterring those who might carry guns illegally, and incapacitating those people and guns that have been involved in illegal gun carrying. This strategy appears to be an important component of PSN, as evidenced by the substantial share of PSN resources devoted to hiring additional prosecutors devoted to gun cases.

The heart of Project Exile consists of the coordinated efforts of Richmond law enforcement and the regional U.S. Attorney's office to prosecute in federal courts all felon-in-possession of a firearm ("FIP") cases,[2] drugs/gun cases,[3] and domestic violence/gun cases, regardless of the number.[4] Exile also includes training for local law enforcement on federal statutes and search and seizure issues, a public relations campaign to increase community involvement in crime fighting, and a massive advertising campaign. The advertising campaign is intended to send the clear message of zero tolerance for gun offenses and to inform potential offenders of the swift and certain federal sentence.[5]

Project Exile in Richmond was effectively a sentence enhancement program since the federal penalties for these firearm offenses were more severe than those in effect in Virginia at the time Exile was announced in 1997. The disparity between the federal and state systems may be particularly dramatic for FIP convictions, for which the federal penalty is five years with no chance of early release, and in fact most of the additional federal convictions secured under Exile in Richmond appear to be FIP cases. In addition to the differences in prison terms, gun offenders diverted into the federal system are denied bail at a higher rate than those handled in state courts, and serve time in a federal penitentiary that is likely to be located out of state.[6] Both aspects of the program are thought to impose additional costs on offenders. In sum, the primary criminal-justice change introduced by Project Exile appears to be an increase in the prison penalties for carrying guns by those with prior felony convictions.

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2 U.S. Code Title 18, 922(g) (1).
3 U.S. Code Title 18, 924 (c).
4 In principle the local U.S. Attorney for Richmond also has the option of prosecuting those who sell a handgun or ammunition to juveniles [U.S. Code Title 18, 924 (x)] although in practice federal prosecutors rarely take such cases, in part because the penalty for the first conviction of this offense is simply probation.
5 For a detailed description of Project Exile, see the summary statement of the U.S. Attorney's Office for the Eastern District of Virginia (http://www.vahv.org/Exile/Richmond/PE-R005.html).
6 Schiller (1998).

4. Project Exile in Richmond has not been as successful as is widely believed. Project Exile has been declared a dramatic success by observers from across the political spectrum including the National Rifle Association, Handgun Control, and Virginians Against Gun Violence, as well as news outlets such as the *New York Times* and the *Washington Post* and even President Bush.[7] These claims for Project Exile's success stem from the 40 percent reduction in gun homicides that were observed in Richmond from 1997 to 1998.

Despite this widespread acclaim, some skeptics have questioned the effectiveness of Project Exile due to the fact that homicides increased in Richmond in the last 10 months of 1997 following the program's announcement in February of that year. In fact, the Richmond homicide rate *increased* by 40 percent between 1996 and 1997.

In my own research on Project Exile with Professor Steven Raphael of the University of California at Berkeley (Raphael and Ludwig, 2003), we argue that critiques of Exile focusing on the increase in homicide rates during the last 10 months of 1997 may be misplaced, given that the number of federal gun convictions in Richmond did not show any appreciable change between 1996 and 1997. At the same time, claims that Exile was successful based on the reduction between 1997 and 1998 in Richmond are also misguided, since Richmond had an unusually high murder rate in 1997 and, more generally, crime declined throughout the U.S. over this period.

Our study argues that the reduction in Richmond's gun homicide rates surrounding the implementation of Project Exile was not unusual, and that almost all of the observed decrease is likely to have occurred even in the absence of the program. This conclusion is based on a very strong empirical regularity observed in city-level homicide rates: cities with the largest increases in homicide rates during the 1980's and early 1990's also experienced the largest decreases during the late 1990's. Richmond happened to be among the handful of cities that experienced unusually large increases in homicide rates during the '80s. Consequently, nearly all of the reduction in murder rates experienced by Richmond following Project Exile may be attributed to this large increase in gun homicides occurring prior to Exile's implementation. We also find nearly identical results for trends in other felony crimes.

Why might we expect an inverse relationship between changes in homicide rates during the late 90s and comparable changes occurring during the late 80's and early 90's? One possibility might be that the underlying factors causing the large increases in homicide rates during the 1980s such as the violence associated with the introduction of crack cocaine ran their course, and hence murder rates were bound to decline (Blumstein, 1995). Another possibility might be that the incapacitation effects associated with the massive increase in incarceration rates that the U.S. has experienced may have disproportionately affected areas (or cities) with high crime rates (Levitt, 1996). A third source lies in the possibility that many homicide victims may themselves be among the population of potential

7 See for example "Have Gun? Will Travel," by Elaine Shannon, Time Magazine, August 16, 1999, 154(7); and "Remarks by the President on Project Safe Neighborhood," The White House, Office of the Press Secretary, May 14, 2001.

perpetrators.[8] To the extent that this is the case, a rash of homicides would be followed by a reduction in homicide rates, as the pool of likely offenders is reduced. Regardless of the underlying causes, the implication of this empirical regularity for evaluating the impact of Project Exile is clear: almost all of the city's decline in crime around the time of Exile would have been expected on the basis of the city's prior increase in homicide rates, even if the program had never been implemented.

In principle comparisons of crime trends across cities may yield misleading inferences about Exile's effects if unmeasured factors specific to Richmond would have driven the city's rates up even further in the late 1990's in the absence of the program. We address this potential omitted-variables problem in part by examining how the gap between adult and juvenile homicide arrest rates change in Richmond over time compared to other cities. Typically only adults are eligible for the "felon in possession" prosecutions that appear to form the heart of the Exile intervention in Richmond. Juveniles typically do not have prior felony records and should be largely unaffected by the program, thereby serving as a within-city control group against which one would compare adult homicide arrest rates. Since both adults and juveniles should be exposed to many of the same city-specific factors that affect local crime rates, the extent to which the decline in adult arrest rates exceeds the decline in juvenile arrest rates provides an alternative estimate of the impact of project Exile.

In fact, we find that adult homicide arrest rates increase relative to juvenile arrest rates in Richmond during the period surrounding the program's implementation. In contrast, adult arrest rates decline on average in relation to juvenile rates in other cities. These findings taken together call into question the empirical evidence commonly offered as evidence of Exile's impact.

Our study also presents a more general analysis of the relationship between federal prosecutions of gun cases and gun homicide. This approach has the advantage of allowing data from the federal courts to identify the exact Exile "dose" experienced by Richmond and other cities that adopted Exile-like programs in each year. For the years 1994 through 1999, we matched information on the annual number of felon-in-possession and felony-gun-use cases prosecuted by each U.S. Attorney's office to the cities corresponding to each U.S. Attorney district. We then use standard panel data techniques that allow us to control for unmeasured city fixed effects, and test for contemporaneous and lagged effects of the number of felons prosecuted in the federal system on city-level gun homicide rates. Consistent with our findings for Richmond's Project Exile, this analysis yields little evidence of a reduced-form relationship between the number of federal firearm prosecutions and city-level murder rates.

5. Our study does not suggest that prosecuting gun violators is necessarily unproductive or counter-productive. Previous research suggests that increases in imprisonment have some effect on crime (Levitt, 1996), although the average effect may decline with expansions in the prison population if the rate of criminality declines for the marginal inmate (Donohue and Siegelman, 1998). On the basis of these prior studies we may expect an increase in prosecutions for firearms

8 There appears to be considerable overlap between the populations of potential offenders and victims: the large majority of both groups have prior criminal records (Kennedy, Piehl and Braga, 1996, McGonigal et al., 1993, Schwab et al., 1999, Kates and Polsby, 2000).

violations to have some effect in reducing crime. However the expected magnitude of this crime reduction is far smaller than what has been claimed for Project Exile, and would be too small to be detected in Richmond using available data.

6. Reallocating PSN resources from prosecutors to policing may increase the program's impact on gun crime. Based on existing data we cannot rule out the possibility that Project Exile's sentence-enhancement strategy for firearm violations led to a reduction in crime that is too small to be detected by available data and methods. On the other hand a growing body of research yields at least suggestive evidence that police patrols targeted against illegal gun carrying may be a more cost-effective way to reduce gun crime compared to enhanced prison sentences. Re-directing PSN resources from prosecutors to targeted policing, for example by expanding the element of PSN devoted to other "promising strategies for reducing gun violence," may enhance the program's ultimate impact on gun crime.

The suggestion that targeted policing may be a more cost-effective way to reduce crime than enhanced prosecutorial resources and prison sentences is motivated by policing studies in Kansas City,[9] Indianapolis,[10] and particularly Pittsburgh, the site that offers the strongest evidence in support of this strategy. Pittsburgh implemented a program that targeted high-crime parts of the city for stepped-up anti-gun patrols during the high-crime periods of Wednesday through Saturday evenings. The main finding is that during the targeted nights of the week, the target neighborhoods experienced much larger declines in gunshot injuries and citizen reports of shots fired compared with the experience in control areas (Cohen and Ludwig, 2003).

The innovation of the Pittsburgh evaluation compared to earlier research is to provide

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9 The widely cited Kansas City Gun Experiment added patrol resources to one high-crime neighborhood of the city to search pedestrians and motorists for guns. Analysis by Lawrence Sherman and his colleagues suggests that gun seizures increased by 65 percent in the target neighborhood during the program, while gun crime declined by 49 percent. In contrast there was little change over this period in either outcome in a comparison neighborhood several miles away (Sherman, Shaw and Rogan, 1995). However it is important to recognize that this program was not an "experiment" in the true sense of the term. There were just two neighborhoods involved, and they experienced different levels and trends in firearm offenses even before the policing program was put into place. These pre-intervention differences should make for caution in drawing inferences from differences in crime rates after the program ws put into place.

10 A policing program similar to that launched in Kansas City was implemented later in Indianapolis, where one area of the city was targeted for stepped-up vehicle stops for minor violations, while in another area police focused on stopping the most suspicious people within these communities. The results are somewhat puzzling: the number of gun seizures increased by around half with vehicle stops but changed very little with person stops, yet the latter area experienced a decline in gun crimes both in absolute terms and in comparison to other parts of the city (McGarrell et al., 2001). Whether this reflects the relatively greater efficacy of patrols targeted at "people" rather than simply "places," or instead spurious differences in crime across parts of Indianapolis that would have happened over this period anyway, remains unclear.

evidence that at least for gunshot injuries, the control neighborhoods of the city provide a reasonable estimate for what would have happened in the targeted neighborhoods had the program not been enacted -- the necessary condition for determining the intervention's effect. Following the launch of the program, there was little difference in injury or shots-fired trends between target and control neighborhoods on days in which the new anti-gun patrols were not scheduled (Sunday through Tuesday). Second, the target and control neighborhoods have similar trends in gunshot injuries before the policing program was implemented. However the target and control neighborhoods did have significantly different experiences with reports of shots fired even before the program was in effect, so confidence is higher in the results for gunshot injuries than for shots fired.

Given the substantial costs of gun violence to society and the relatively modest cost of Pittsburgh's policing program, such interventions may easily generate benefits to society in excess of their operational costs. Of course stepped-up police patrols against guns may generate other costs, impinging on civil liberties and straining police-community relations. In Pittsburgh, at least, the police appear to have been mindful of these concerns, and quite restrained.

If this body of research is correct, then for a given level of funding, PSN's overall impact on gun crime may be enhanced by redirecting some program resources from prosecution and longer prison sentences to targeted policing. PSN currently allocates resources for strategic planning efforts such as crime mapping, which is an important element in targeting patrols at the highest-risk places and times. The program also includes resources to support "promising strategies for reducing gun violence." There may be value in expanding these components of the program to support enhanced police patrol activity against illegal guns.

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JENS LUDWIG

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Ludwig's research focuses on social problems in the areas of poverty, education, and crime. His research has been funded by grants from the William T. Grant, Annie E. Casey, Joyce, Smith Richardson and Police foundations, as well as by the U.S. Department of Justice's National Institute of Justice, the U.S. Department of Housing and Urban Development, the Joint Center for Poverty Research and the National Consortium on Violence Research.

In the area of gun violence he is co-author with Philip J. Cook of *Gun Violence: The Real Costs* (Oxford University Press, 2000), and co-editor of *Evaluating Gun Policy* (Brookings Institution Press, 2002). He has also conducted studies of underground gun markets, concealed gun-carrying laws, defensive gun use, Richmond's Project Exile sentence-enhancement program, policing programs targeted against illegal guns, and an evaluation with Philip Cook of the Brady Act published in the *Journal of the American Medical Association.*

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STATEMENT OF

PAUL J. MCNULTY
UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING
"PROJECT SAFE NEIGHBORHOODS"

PRESENTED ON

MAY 13, 2003

Chairman Hatch and Members of the Committee:

Good morning. It is an honor for me to appear before this Committee to testify about President Bush's Project Safe Neighborhoods (PSN) program, an initiative designed to reduce gun violence in America.

I bring a unique perspective to this proceeding. As the Principal Associate Deputy Attorney General at the Department of Justice in the early days of this Administration, I had the privilege of chairing the working group that designed Project Safe Neighborhoods. Now, as United States Attorney, I am implementing this initiative in a "real-world" setting in the Eastern District of Virginia.

I am fortunate to be in a federal district with a great record of accomplishment in combating gun violence. EDVA is the birthplace of Project EXILE, a program that is firmly

established in Richmond and was a major part of the design of Project Safe Neighborhoods. Before I describe a bit more about Project EXILE and how it works in Virginia, I would first like to explain how we designed Project Safe Neighborhoods.

The Development of PSN

To begin, a working group quickly identified two principles to guide the development of this initiative. First, we would rely on existing "best practices," understanding that law enforcement agencies throughout the nation had already implemented many outstanding gun violence reduction programs. We did not want to re-invent the wheel with our program, so we purposefully set out to identify those programs that could serve as the foundation for PSN. There were several, including Project EXILE in Richmond; Project Achilles, the ATF initiative from the late 1980s and early 1990s that targeted gun violence; Project Triggerlock, in the early 1990s that created gun violence task forces and expanded the concept of federal gun prosecutors; and Operation Ceasefire, a gun violence reduction initiative in Boston, among other places.

Second, we were well aware that a successful initiative had to recognize the primacy of state and local law enforcement in the struggle against violent crime. Since state and local criminal justice systems varied greatly, we did not want to create a "one size fits all" program. It had to be flexible enough to serve the specific needs of different communities.

To "ground-truth" our program design, and strengthen our adherence to our guiding principles, we convened a sub-working group of leaders from major prosecution and law enforcement organizations. We worked with them throughout the development of PSN to ensure that our design offered their constituents the most effective program possible. These organizations included the International Association of Chiefs of Police; the Major Cities Chiefs; the Police Executive Research Forum; the National District Attorneys Association; the National Organization of Black Law Enforcement Executives; and the National Sheriffs Association.

The Five Elements of PSN

The working group eventually settled on five elements that would make up Project Safe Neighborhoods. These elements were designed to promote interagency coordination to combat gun violence and to deter criminals from carrying firearms through effective law enforcement action. I would like to briefly walk through the five elements and describe how we are implementing them in Eastern Virginia.

Partnerships

Partnership is the bedrock of Project Safe Neighborhoods. It is essential that strong partnerships exist among federal, state and local law enforcement and prosecution agencies. Such partnerships were already in place and strong when I arrived as United States Attorney in Eastern Virginia. But I have made it my personal goal to reach out to every local prosecutor and chief law enforcement official in the district to ensure that we did everything possible to fight gun violence in a united way.

In January 2002, we convened a "Summit on Gun Violence" in the district. Every chief of police, sheriff, and Commonwealth Attorney as well as appropriate state and federal officials were invited to participate in this day long summit. A meeting like this was unprecedented in Eastern Virginia. Our task was to develop a strategic vision for reducing gun violence in the district. A vision that everyone could embrace and have a stake in its success.

We are now in the process of developing regional leadership teams to continue to develop and guide our enforcement strategies.

Strategic Planning

The second element of PSN requires our partners to establish strategic plans to reduce gun violence. This is where I can describe the crown jewel of our gun-violence reduction strategy in Eastern Virginia, Project EXILE. I hasten to add, however, that we actually have five strategies throughout the district. Each one reflects the particular requirements of a given locale.

In the mid-1990's, Richmond was routinely ranked among the five American cities with the worst per capita murder rates. Carrying a gun in Richmond was considered to be commonplace among criminal elements. Something had to be done, and it was. Project EXILE linked federal and local prosecutors, ATF agents, local police, state troopers and FBI agents together to review every local gun arrest to determine whether it should be prosecuted federally or locally. A massive public awareness program was launched that let everyone know that gun crime in Richmond meant swift and certain punishment - 5 years of hard time in federal prison.

The strategy worked. The number of homicides went down 40% and armed robberies were reduced by 30% within one year. Over 500 criminals were convicted in that first year.

We did not want to tamper with the success of Project EXILE in Richmond. Instead, we wanted to re-invigorate this program and offer it as a "best practice" for other jurisdictions in the district to modify and adopt. We created Regional Advisory Groups in each of the four divisions in the district. These groups are made up of federal and local prosecutors, state and local police and ATF. They meet regularly to review their strategic plan and the accomplishment of program objectives.

In addition to Richmond, we have created a strategic plan for the four other distinct regions within our district: Northern Virginia, Petersburg, Newport News and the Peninsula, and South Hampton Roads. In addition, we have identified areas that need attention. For example, we realized the need to reach beyond our major metropolitan areas into the many rural areas of Eastern Virginia. As a result, we have implemented Project Far Fields. Every county in Eastern Virginia is assigned to an Assistant United States Attorney who makes regular contact with local law enforcement officials and prosecutors. Together they track the local gun violence trends and work out immediate remedies to problems as they emerge, rather than waiting for a crisis.

Training

The third element of PSN, training, ensures that our partners are kept abreast of legal and program developments that enable them to do their part to implement the strategic plans. In

addition to the national training opportunities provided by the Department of Justice, federal prosecutors in Eastern Virginia regularly train local law enforcement officials and prosecutors about federal firearms law.

Our district-wide training program has three tiers, presentations at police academies for new recruits, presentations at in-service training programs for experienced officers, and "roll-call" training. For example, in the Richmond Division, our Project Safe Neighborhoods coordinator gives cadets an overview of PSN and instructs them on how to assemble good firearms cases - from evidence collection and retention to the questioning of defendants and witnesses at the scene of an arrest. In September 2002, we teamed with ATF in our Alexandria Division to conduct roll-call training on PSN and federal firearms laws for Prince William County patrol officers and Fairfax County substation commanders. The ATF has conducted follow-up roll-call training with several Fairfax County substations since that time.

Outreach

The fourth element of PSN is community outreach and public awareness. A hallmark of Project EXILE's strategy was to saturate the community with a powerful message that gun crime would result in five years of federal prison time. As the program continued, gun carry rates among criminals dramatically dropped. We even heard targets on wire taps discussing the fact that they would not carry a gun because "a gun means five." Project Safe Neighborhoods seeks to replicate this success with a similar saturation program to get the message out. The United States Attorney for the Western District of Virginia, my colleague John Brownlee, and I have

pooled our PSN resources to develop a statewide outreach program that will be kicked off next month in Richmond and Roanoke, and then soon thereafter in Norfolk. We are concerned that the message of Project EXILE - the certainty and severity of punishment for gun crimes - has not been heard by those too young to understand several years ago. We want the community to know that we are back, and we want the criminal element to know they will do hard time in federal prison if they use a gun in Virginia.

Accountability

The final program element of PSN, accountability, is the one that I am certain will make the most significant, long range difference to the success of the initiative. Accountability will ensure that our programs have measurable outcomes. As I travel around my district, I am frequently told by law enforcement professionals that this is the most important of the PSN elements. We must be able to demonstrate the success of our programs. By adding this element to PSN, we intended to show leadership in this area and to make resources available to document the impact of PSN over time.

Similar to our approach in the outreach element, the United States Attorney for the Western District of Virginia and I have also pooled our resources for this element. Our combined grant was awarded to the Crime Analysis Unit of the Richmond Police Department. This arrangement benefits both districts by allowing statewide assessment of the PSN program.

We are very pleased with the results so far. Our research team is gathering information from each region in Virginia to identify gun-violence hot spots. They are also pulling together cutting edge technology that uses data mining and predictive analytics to examine gun-related violent crime. This enables us to more completely understand and even predict violent crime. We may then be able to anticipate and prevent violent crime through the deployment of personnel and other violence prevention strategies.

Early PSN Success

To date, we are very pleased with the initial results of Project Safe Neighborhoods. Nationwide, federal gun prosecutions have increased by 32 percent since the program began. In 2002 alone, federal gun crime prosecutions increased by 20.2 percent - the highest increase since the Justice Department began recording this information in 1990. Also in 2002, some 10,634 defendants were charged in the federal system for violating gun statutes - the largest number ever prosecuted. As of January of this year, 7,747 criminals with guns have been convicted - the largest number ever convicted in a single year. The conviction rate for federal gun crime prosecutions was nearly 90 percent in 2002. More than half of these gun criminals were sentenced to more than five years in a federal prison. These numbers are not merely paper statistics. They translate into armed criminals off our streets and safer communities.

The results of PSN are equally impressive in Eastern Virginia. We are currently on pace to realize nearly a 20% increase in gun prosecutions in FY 2003 over the previous year. That is an impressive increase, especially in light of the substantial shift of resources to anti-terrorism

prosecutions that occurred in our district immediately after the attack on America in September 2001. Our prosecutions will continue to increase, as the four new gun prosecutor positions provided by Project Safe Neighborhoods are hired and get to work.

Conclusion

It is much too soon to evaluate the success of Project Safe Neighborhoods. But I can assure this Committee that it has already established unprecedented coordination among law enforcement officials throughout the nation. All 93 United States Attorneys have implemented PSN in their districts. I know I speak for all my colleagues when I say that we understand the importance of this initiative and welcome the interest of Congress. I would be pleased to answer any questions you have on this subject. Thank you for your attention.

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STATEMENT OF

PATRICK L. MEEHAN
UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING
"PROJECT SAFE NEIGHBORHOODS"

PRESENTED ON

MAY 13, 2003

Mr. Chairman, and Members of the Committee, good Morning. I am delighted to have this opportunity to speak with you about the successes we have had, and the challenges we still face, in fighting gun crime in the Eastern District of Pennsylvania. In many ways, the nine-county district is a microcosm of America. The district is anchored in one corner by Philadelphia, our nation's fifth largest city. But between the quiet suburbs and rural farmland in the other 8 counties, there are other cities, small and medium, Allentown, and Reading, and Easton, that have suffered for years from the violence triggered by the illegal use of firearms. In my district last year, there was more than 1 murder a day, more than 3 rapes a day, more than 26 robberies and 33 aggravated assaults a day.

Before I became the U. S. Attorney in September of 2001, I was the district attorney in Delaware County, just south of Philadelphia. As a state prosecutor, I was heartened when President Bush targeted gun violence as a top domestic priority. As a new *federal* prosecutor, I was inspired when Congress supported that priority with the impressive resources of Project Safe Neighborhoods. I reached out to the nine county district attorneys in my district and obtained

commitments from each of them to be partners in an unprecedented district-wide effort to substantially reduce firearms violence.

Over the past 18 months, with my partners on board, my office has moved aggressively to implement Project Safe Neighborhoods by taking a number of critical actions.

First, we more than doubled the size of the Firearms Section in the U.S. Attorney's Office from 5 prosecutors to 12 full-time prosecutors.

Second, because of the PSN funding for state prosecutors, all nine county district attorneys immediately agreed to cross-designate at least one assistant district attorney to handle firearms cases in federal court as a special assistant United States attorney. Within months, each district attorney at least doubled the number of prosecutors assigned to the program. We have trained each of these state prosecutors in federal practice and provided them with senior federal prosecutors as mentors. Which means that, in my district, we now have 40 prosecutors participating in Project Safe Neighborhoods.

Third, we established a PSN task force - with federal and state law enforcement, and community leaders - in each of the nine counties. Each task force has developed and implemented a strategic plan to target the most violent offenders and organizations in the particular county.

Fourth, working with the FBI and other agencies, we have established a Hobbs Act Armed Robbery Task Force. This task force, one of only a few of its kind in the country, focuses exclusively on those gangs that commit Hobbs Act -- or commercial -- armed robberies.

Fifth, we are training local law enforcement officials in federal law and practice, and assisting them in refining police practice to strengthen the evidence in the gun cases brought into

federal court.

Sixth, we have used a PSN grant of $170,000 to get our message out. We have created a powerful videotape on our PSN efforts and used it to speak to community groups, law enforcement organizations, even prison inmates.

Last year, my office indicted the greatest number of firearms cases – 230 – and the greatest number of defendants – 316 – in our office's history. We are targeting the most violent criminals. Let me give you an example or two of the stories behind the numbers.

Ken Coffie's criminal record of 10 prior convictions included 5 armed robberies and an armed carjacking. We convicted him of being an armed career criminal in possession of a gun, and he is now serving a sentence of 19 years and 7 months.

Robert Baynard had a gun with him when he was stopped for DUI. Baynard had 26 prior convictions for burglary. He pled guilty in federal court to being an Armed Career Criminal in possession of a gun, and he was sentenced to 15 years in prison.

Our task forces have focused not just on violent individuals like Coffie and Baynard, but even more importantly, on violent organizations and gangs that use firearms to commit crimes. For example, in the past eight months, investigations by the Berks County Task Force have targeted two violent "crack" cocaine distribution organizations that have terrorized neighborhoods in the city of Reading. One of these organizations, involving 14 members, was operating close to an elementary school. So far, 21 members of the two organizations have been indicted, all but two are in custody, and 12 have pled guilty and face sentences of up to life in prison.

We have also charged six gangs, including 17 defendants, with committing 32 Hobbs Act

armed robberies. In one case, United States v. Jeremy Fontanez, seven defendants were charged with committing 12 armed robberies across the length of the district, in Montgomery, Lehigh, Bucks, Delaware, and Philadelphia Counties. Based on further investigation, the Lehigh County District Attorney's Office has also now charged four of these defendants with committing a thirteenth armed robbery of a bar in Allentown, during which Fontanez murdered a patron and critically wounded another. Upon conviction, Fontanez faces a mandatory life sentence in federal court and the possibility of the death penalty in state court. This case illustrates another huge benefit of the PSN program - in investigating and prosecuting these cases, we have obtained the intelligence needed to solve several unsolved murders.

I do want to use this occasion to say that we have been quite pleased with the level of support that Congress has provided for all aspects of the PSN initiative -- most importantly, for the state prosecutors cross-designated as federal prosecutors, but also for the grants for community outreach, task forces, training, and media coverage. Similarly, we have found that the existing federal laws on gun crimes -- particularly the statutes on felons in possession and armed career criminals -- provide us with powerful tools for fighting gun crime.

The PSN partnership between federal and local law enforcement has made a real difference in my district. For example, last year, in Philadelphia, there was an 11% drop in gunpoint robberies. Numbers like that are more than mere coincidence.

Defendants and defense attorneys have certainly recognized the power of the program. They practically beg not to be charged federally. Two weeks ago, a Reading newspaper ran a series of stories on the effectiveness of Project Safe Neighborhoods. One article started, "A defense attorney's worst nightmare might involve the federal government taking over the

prosecution of a case." A defense attorney was quoted saying that, "[t]he penalties are a lot more drastic in federal court. If you get someone on possession of a gun they could get 15 years. That can be more time than some homicide cases in county court."

I want to conclude by saying that the enthusiastic participation of the nine district attorneys remains the linchpin of our program. I am committed to continuing to work closely with the district attorneys and the task forces to make a real difference in the lives of the citizens in the Eastern District of Pennsylvania.

NEWPORT NEWS POLICE DEPARTMENT
An Internationally Accredited Agency
Dennis A. Mook, Chief of Police

PROJECT SAFE NEIGHBORHOOD REMARKS
TO U.S. SENATE JUDICIARY COMMITTEE
MAY 13, 2003
By Chief Dennis A. Mook

Mr. Chairman, members of the Committee, good morning and thank you for allowing me to address this body today.

My name is Dennis Alan Mook. I am the chief of police for the city of Newport News, Virginia. Newport News is approximately 175 miles south of Washington and is located in the southeastern corner of Virginia, one of the 7 cities known as the Hampton Roads area. The cities of Hampton Roads serve a population of approximately 1.6 million.

Newport News is a diverse, urban city with a population of 182,000 residents. For perspective, Newport News is known, among other things, for making aircraft carriers and submarines for the United States Navy.

I am in my 30th year as a police officer and my 10th year as a chief of police. For almost all of my adult life I have worked, either directly as a police officer or indirectly as a supervisor or manager, on the streets of the inner city. I have witnessed dramatic changes in our culture in many respects during my career. Specifically, in regard to this committee hearing today, I have witnessed dramatic increases in gun violence in the streets of the cities of Hampton Roads. These changes are not much different than that which is experienced in other medium and large cities across the United States.

Thirty years ago the proliferation of guns like we have today was not evident. Additionally, those who used guns in crimes used them more as a threat than for actual use. That has changed. Now, for example, I see street robberies in which the victim willingly gives up his or her property and then is shot anyway. Increasingly, drug dealers commit robberies and home invasions with gun violence involved. Individuals are robbed and shot as though it was normal behavior. This is an alarming trend that has increased in frequency over the past 15 years.

Another aspect of how violence has changed over the years is the increase in threats by offenders against their victims, their victim's families, their victim's friends and witnesses to the crimes. It is apparent that the tactic to threaten those who are victimized, as well as their families and witnesses, has been

successful. More and more offenders cannot be brought to justice do to fear experienced by those who have the knowledge of their illegal acts. Additionally, those who are arrested often walk free due to witnesses not appearing in court or simply changing their testimony due to those threats.

In Newport News, we have experienced this type of intimidation. Several dozen dangerous criminals had repeatedly terrorized certain neighborhoods in our city. That had happened for several years. In fact, one offender had been arrested over 50 times for felony crimes but had never been convicted due to the reasons I just stated. Our citizens had been intimidated into becoming prisoners in their homes and repeated victims of crimes.

Why did this happen? After all, the Newport News Police Department is nationally known for its innovative policing strategies in problem solving and community policing. The Newport News Police Department is a professional, internationally accredited police agency that stresses the suppression and prevention of crime through partnerships with our community members. We are aggressive but respectful of our citizens. We are staffed with some of the finest men and women anywhere. So why were we not able to stop or deter these serial violent offenders?

The reason is that we tried to attack the issue in a traditional manner. By that I mean we acted as a singular agency in partnership with citizens, the business community and other agencies in local, state and federal government to improve the quality of life and reduce crime. We demonstrated community policing at its best. But that approach was not enough. It was not enough because our strategies always focused on one criminal justice system or the other. Either the state system or the federal system was used to prosecute but not both.

It was only after we changed tactics and utilized the philosophy of taking advantage of the attributes of both criminal justice systems simultaneously did we see real results. We partnered with the United States Attorney's Office in Newport News, the Norfolk office of the Bureau of Alcohol, Tobacco and Firearms and the Newport News prosecutor's office to form the Violent Crimes Task Force. Only then were we able to start to achieve success. Each criminal justice system, its laws and procedures, has certain strengths that make it advantageous to use for certain specific aspects of criminal investigations and prosecutions.

In the formation of the Violent Crimes Task Force in June, 2001, detectives re-opened, reviewed, re-constructed and re-investigated hundreds of closed cases involving violent crimes. Virtually all of the cases had ended with no arrests or dismissed charges due to repeated intimidation of witnesses and victims. The Task Force carefully chose and targeted 35 individuals who, in our opinion, were repeat, violent criminals responsible for over 300 crimes. To date, the Task Force has been able to arrest and have prosecuted successfully or are ready to

try all 35 individuals in federal and state courts. Eight of these individuals have been charged in 6 different murders. The others have been charged with numerous counts of maiming, robbery, firearm and drug violations. All 35 of the individuals used illegal firearms at the time of their crimes. All but one of these already tried have received significant prison sentences ranging from 24 months to 143 years.

As a result of this partnership, reluctant victims and witnesses were brought before a federal grand jury, assured anonymity and safety, and testified to the crimes they observed. It was only through the use of the combination of federal firearms statutes as well as state laws for murder and other serious crimes, that these serial offenders were brought to justice. Neither system, in and of itself, possessed all the attributes to make this effort successful. Additionally, none of the agencies alone possessed the resources to successfully accomplish the task at hand.

This violent crime reduction effort in Newport News resulted in a dramatic reduction in homicides in Newport News, 42% in fact, for 2002. All violent crime fell by 12% in the target area during the 12 months following the implementation of the initiative.

Project Safe Neighborhood provides exactly the right ingredients and the right approach to assist localities in conducting gun violence reduction programs. Unlike Newport News, many localities cannot commit sufficient resources to a large, long-term program and need assistance through grants. Additionally, because of the complexity of the problems, it is difficult to create the sort of partnerships that are essential for an effective effort. A program such as Project Safe Neighborhood is tailor-made for these efforts.

Project Safe Neighborhood provides for the flexibility to choose federal or state prosecution to help ensure longer and more determinate sentences for criminals who possess or use guns illegally. Additionally, with the proper authorization, local law enforcement officers can arrest violators of federal statutes.

Coordinating federal, state and local resources can enhance prosecutions significantly and help ensure their success, through services ranging from forensic analysis to tracing the origin of suspect firearms.

The involvement of the federal criminal justice system sends a message to citizens that law enforcement will do whatever is necessary to stop the violence. This message gives citizens confidence to come forward with information and cooperation. This aspect of the program has particular significance.

By strengthening the partnerships among citizens, local governments, local police, federal law enforcement, state prosecutors as well as federal prosecutors,

a balanced approach in enforcement, prevention and intervention can be accomplished.

It is said that information is the life-blood of law enforcement. Project Safe Neighborhood provides that avenue for vital information, at every level, to be shared efficiently among law enforcement which results in an increase in effectiveness.

Project Safe Neighborhood provides for the resources to create a program that reinforces the message that the community will not tolerate gun violence and will, together, do everything to prevent it. It removes serious violent offenders from the streets and out of our neighborhoods. Additionally, it increases the risk faced by potential offenders because resources are focused more efficiently on enforcement and prosecution.

In conclusion, Newport News saw a gun violence problem that seemed as though it could not be solved. Only by innovative and creative partnerships, commitment of necessary manpower, resources and money, as well as the tenacity of local and federal law enforcement officers and prosecutors, did we make a difference in the lives of our citizens by taking the most violence-prone serial criminals off the streets and out of the community.

Other localities with similar problems may not have the resources available nor the willingness of their United States Attorney's Office or local prosecutor to achieve similar results. The Project Safe Neighborhood program provides the needed assets for a successful strategy to the gun violence reduction issue as well as generate those resources and incentives for the essential partnerships that have to be formed in order to remove serial, violent offenders from the streets of America today.

Thank you and that concludes my remarks.

Dennis A. Mook
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Testimony
of
Russell Edward Spann
West Valley City Police Captain
and
Commander
ATF-Project Safe Neighborhoods Gun Task Force

Before

The United States Senate
Committee on the Judiciary

"Utah's Project Safe Neighborhoods:
A Federal, State, and Local
Partnership Aimed at
Reducing Gun Violence:

Washington, D.C.

May 13, 2003

Senator Hatch, Distinguished Committee Members, and Ladies and Gentlemen. I am honored to appear before this Committee to testify about our efforts to reduce gun violence through Utah's Project Safe Neighborhoods Program.

In overview, I express my appreciation to President Bush and Attorney General Ashcroft for their foresight in conceiving this very important program. I thank Senator Hatch for his leadership in bringing this program to Utah. I also thank the Honorable Paul Warner, United States Attorney for Utah, for his dedication and success in uniting Utah law enforcement and prosecuting agencies at all levels throughout Utah. The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), as the host agency for the PSN Law Enforcement Task Force, provides guidance, resources, and training all of which insures this program is successful. Finally, I am grateful to the Department of Justice, Bureau of Justice Assistance, for their tireless dedication to grant programs, which have made Project Safe Neighborhoods accessible to law enforcement agencies throughout the country. Continued federal funding is critical to the survival of the Project Safe Neighborhoods Initiative.

I am a Captain with the West Valley City Police Department and presently serve as the Commander of the ATF-Project Safe Neighborhoods Gun Task Force in Utah. Over the past 26 years, I have worked in a variety of law enforcement assignments, including, undercover narcotics, SWAT operations, investigations, and patrol. In 2002, I was Venue Commander for the Winter Olympic Ice Hockey Games. I have also served in a number of Task Forces at the Federal, State, and Local levels. I am pleased to inform you that cooperation between law enforcement agencies in Utah has been achieved at the highest attainable levels. The Project

Safe Neighborhoods Task Force thrives on that cooperation.

For me, gun violence is a very personal issue. In May, 1991, I was shot during a SWAT entry of a drug dealer's home. Another officer on the same raid was also shot, and survived only because he was wearing a bulletproof vest. In August, 1997, West Valley Police Detective Robert Idle was shot 7 times by a parolee. Remarkably, Detective Idle survived. On June 3, 1999, Murray Police Officer Russ Huff was shot 4 times by an armed parolee fleeing from a bank with methamphetamine and a stolen, forged check. Officer Huff survived. In August, 2001, Lehi Police Officer Joe Adams was shot and killed while attempting to arrest a drug suspect with an outstanding misdemeanor warrant. On July 6, 2001, Roosevelt Police Chief, and my dearest friend, Cecil Gurr was murdered by a meth user. On November 19, 2002, West Jordan Police Officer Ron Wood was shot and killed by a juvenile with a .40 caliber semi-automatic pistol during a foot pursuit.

The most shocking aspect of these deaths is that the murder guns were either stolen or used in previous crimes. In each one of these murders, the shooter illegally possessed the gun when he pointed it at a police officer.

Memories of these officers' sacrifices haunt me, and fuel my determination to make the Project Safe Neighborhoods Program succeed. The common denominators in each of these tragic examples are guns and drugs. The lethal combination of rim fire rage, gunpowder, and methamphetamine in Utah homes has a synergistic effect on domestic violence. Nationally, domestic violence murders account for 11% of all homicides. In Utah, more than 45% of all homicides are domestic violence related. NIJ reports that Salt Lake County has one of the

highest per capita consumption rates for methamphetamine, and that meth is the number one drug of choice for Utah women. Add to that fact that 65% of all domestic violence in Utah is meth-related, and the proliferation of domestic gun violence is self-evident.

The Project Safe Neighborhoods Gun Task Force is Utah's best hope of interdicting gun violence generated by these risk factors. This Task Force is unique from several perspectives. Unlike many specialized task forces that receive information and open a confidential investigation, our Task Force embraces the local police officer and invites him to participate throughout the investigation. Often times, the local officer who develops the information, also participates in the arrest of the gun violator. We view our Task Force as a nurturing relationship with state, county, and local law enforcement. Our Task Force officers mentor the local officer who originally detects gun crime or gun-related violence. This officer retains ownership of the case and thus has a vested interest in its outcome in court. Each case has, and will create a long-term partnership between the Task Force, the local agency, and the individual officer.

The mission of the Project Safe Neighborhoods Task Force is expressed through three different priorities. They hold equal importance in reducing gun violence in Utah. One priority is Message. Through our sister Media Outreach Programs funded by BJA, we have developed a message that will educate the public about gun violence risk factors and how to report gun crimes before they escalate into violence. This educational process has made the general public and potential jurors aware of the serious nature of illegal gun trafficking and gun possession.

Another priority is Training. I am proud to inform this Committee that the Utah Project Safe Neighborhoods Task Force has trained almost 1,000 federal, state, county, and local police officers through the State during its first year of operation. Training includes basic recognition,

reporting, gun tracing, and federal laws and penalties. The message of the Project Safe Neighborhoods Task Force is amplified through each of these officers who attend our training.

The third priority is Enforcement. The Utah Project Safe Neighborhoods Task Force subscribes to the "One Gun-One Crook" enforcement theory. The federal indictments that Mr. Paul Warner outlined for you are replete with examples where a single offender with one gun was responsible for horrific gun violence. Our experience demonstrates that the federal approach is the only sensible approach to these violators. Local police departments are frustrated with repeat offenders who are arrested numerous times on drug, domestic violence, and felony crimes but who rarely spend time in jail, even if convicted. In one southeastern Utah case, a drug user was arrested 10 times for a number of crimes including, drug use, domestic violence threats, and burglary. In State Court, he received a sentence of 6 months for the combined charges. A single ATF-Project Safe Neighborhoods Task Force gun possession case involving the same defendant could result in a 36-month sentence which will eliminate this public safety threat from the community. The effectiveness of a federal, "One Gun-One Crook" strategy is expressed in the following numbers. Since January of this year, 112 of the 199 gun cases screened at the U.S. Attorney's Office named offenders who currently are, or previously have been on probation or parole from the Utah State Prison.

We treat every case we work with a local agency as a long-term partnership. The Task Force has a demonstrated ability to reach each one of the 110 police agencies in Utah, many of whom lack the resources to conduct sophisticated gun trafficking cases. During the first year alone, the Task Force has already worked cases with 62 of these agencies in every geographic region of the state.

Finally, this Task Force has the ability and the resources to follow guns and their traffickers across any jurisdictional boundary. Two stolen firearms in possession of two different felons were tracked to three different Utah counties. Ten guns stolen during one burglary in one Utah county were tracked to Texas, New Mexico, and two different counties in Utah.

I reaffirm my belief that the National Project Safe Neighborhoods Program, and the Utah Project Safe Neighborhoods Gun Task Force is this nation's best hope of reducing gun violence. Indeed, every case of "One Crook with One Gun" may ultimately become one finger on one trigger causing one more senseless death. We are dedicated to the initiative that removes any gun from any crook's hand. Your continued support of this program will help us in that mission.

Thank you. I would be honored to answer any questions you may have.

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

PROJECT SAFE NEIGHBORHOODS: AMERICA'S NETWORK AGAINST GUN VIOLENCE

Public Hearing
May 13, 2003
Room SD-226, Dirksen Senate Office Building

Submitted by
The Honorable Donald R. Totaro
District Attorney, Lancaster County

I. INTRODUCTION

I would like to thank The United States Senate Judiciary Committee for the opportunity to address an issue that is of vital concern to Lancaster County, Pennsylvania. In the 16 years I have served as a county prosecutor, I have seen a tremendous increase in crime involving drug dealers and gang members who possess guns to protect their turf or their product.

Society must continue to identify those factors which cause individuals to commit crimes of violence, and work together to eliminate such factors. At the same time, those who are responsible for ensuring that our communities are protected must continue to work aggressively to ensure there are adequate resources and laws on the books to serve as a deterrent and to remove violent offenders from our streets.

Current penalties for many criminal offenders in the Commonwealth of Pennsylvania who possess firearms are completely inadequate. For example, a drug dealer who possesses a firearm is one of the most dangerous predators on our streets. However, if that armed drug dealer possesses less than two grams of cocaine at the time of his arrest in Pennsylvania, no mandatory sentence applies and he may be looking at a county sentence or even probation.

The United States House of Representatives has previously concluded that to remove violent offenders from our streets, and to serve as a deterrent to others, each state should do more to protect society from violent firearm offenders. As one example, on April 11, 2000, the House voted 358 to 60 to pass *Project Exile: The Safe Streets and Neighborhoods Act of 2000* (HR 4051), a federal program that would provide financial incentives of $100 million over five years to assist states in adopting tougher illegal-gun laws, requiring at least five years in prison without parole for violating those laws. This legislation was not enacted into law.

However, with the implementation of Project Safe Neighborhoods (PSN), and the distribution of federal grant funding, the Lancaster County District Attorney's Office and other counties within the Eastern District of Pennsylvania have partnered with United States Attorney Pat Meehan to aggressively prosecute firearm offenders under federal law. Project Safe Neighborhoods has provided local prosecutors with critical resources to attack violent crime.

II. PROBLEMS WITH THE EXISTING STATE SENTENCING STRUCTURE

Despite the serious threat posed by criminals possessing firearms, the Pennsylvania legislature has refused to enact mandatory sentences for several firearm related offenses. In the example of the drug dealer concealing a firearm on or about his person, there is no mandatory sentence and guidelines promulgated by the Pennsylvania Commission on Sentencing are utilized to assist a Judge. However, these guidelines are merely recommendations. According to the Pennsylvania Commission on Sentencing, the offense gravity score for a Violation of the Firearms Act where a drug dealer carries a loaded firearm without a license is a "5". With no prior record, the standard minimum sentence ranges from probation to 9 months in prison. Such a low sentence depreciates the seriousness of this offense. For the controlled substance charge, the recommended sentence without enhancement is as low as 3 months in prison.

Because of the significant potential for serious bodily injury or death to occur when drug dealers possess firearms, the penalty should reflect the magnitude of the offense. Without a mandatory minimum sentence, the Court is always free to impose a sentence at their discretion, eliminating any attempt at deterrence.

III. THE NECESSITY OF PROJECT SAFE NEIGHBORHOODS

Lancaster County, better known for rolling farmland and the Amish, is located approximately 65 miles west of Philadelphia. The population of Lancaster County is 470,658. The county seat of Lancaster City has a population of 56,348. In 1999, Lancaster County saw a significant increase in the number of crimes committed with firearms. There were 10 firearm related murders. Several shootings involved drug dealers, who did not hesitate to protect their turf by engaging in the exchange of gunfire. One shoot-out took place across the street from an elementary school in Lancaster City, while children were playing outside. Another shooting occurred near that same school, and resulted in the death of an innocent bystander.

One factor in the escalating gun violence was our proximity to New York City. The Lancaster County Drug Task Force and the Lancaster City Bureau of Police noticed a significant increase in drug dealers traveling from New York to Lancaster to distribute drugs. The profit margin for their drugs is much higher in Lancaster, and as previously illustrated, the laws in Pennsylvania do not serve as a deterrent. A few months in jail is a simple cost of doing business.

Even when there is no exchange of gunfire, many drug dealers are arrested while in possession of a firearm. Lancaster City residents live in fear, with some who feel they are a hostage in their own home. Police face constant danger.

Because sentencing provisions in Pennsylvania are so lenient in this regard, and prosecutors do not have the resources to protect their citizens against the most dangerous of criminals, I began to explore other options to attack the problem. One program I examined was the federal Project Exile program in Richmond, Virginia, where local prosecutors facing lenient state sentences partnered with the U.S. Attorney to prosecute firearms offenders in federal court.

I noted that Federal law provides a strict mandatory minimum sentence of 5 years in prison for drug dealers who possess firearms, as well as for other firearms offenses.

I then read testimony from Governor Jim Gilmore of Virginia, provided to Congress on April 6, 2000, in support of *Project Exile: The Safe Streets and Neighborhoods Act of 2000* (HR 4051). Governor Gilmore noted that before the enforcement of 5 year mandatory minimum sentences, gun violence plagued Richmond, Virginia for several years. Citizens lived in fear in parts of the city. The toll on the community was large.

The Governor then testified that with the enforcement of 5 year mandatory minimum sentences through referrals to the United States Attorney, and through subsequent changes in Virginia law, violent crime rates in Virginia were at their lowest level in nearly a quarter century. In 1997, there were 139 murders in Richmond. In 1998, that number decreased to 94, with a 40 percent reduction in homicides by firearm. In 1999, there were only 74 murders, with firearms being used even less frequently. Through March of 2000, there had been only 16 homicides, with the gun carry-rate among criminals down approximately 25 percent. [1]

In addition to an actual reduction in homicides, it was clear anecdotally that drug dealers understood the message. In interviews, drug dealers commented specifically on Project Exile. Violent gang members acknowledged abandoning the use of guns, for fear of a minimum sentence of 5 years. Drug dealers admitted to police that they were more willing to provide important information on serious crimes, to avoid the stiffer sentences being imposed. This cooperation resulted in the police solving several previously unsolved homicide cases. [2]

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[1] This information was obtained from a News Release issued by the Commonwealth of Virginia, Office of the Governor, dated April 6, 2000, as well as a Transcript of the Testimony to the Crime Subcommittee of the U.S. House of Representatives.

[2] This information was obtained from a Project Exile Executive Summary, dated April 1, 2000, prepared by United States Attorney Helen F. Fahey, United States Attorney's Office For the Eastern District of Virginia.

Armed with this information, I met with the former United States Attorney for the Eastern District of Pennsylvania on May 23, 2000, to seek federal prosecution of these violent offenders. Unfortunately, although I was advised that we would become a part of their federal Operation Ceasefire program, all referrals from our office to the U.S. Attorney for federal prosecution were declined. To be perfectly candid, I was not surprised, given the fact that Lancaster County is the western-most county in the Eastern District of Pennsylvania, with Philadelphia serving as the center of operations. Historically, there had been very little communication or joint cooperation between the Lancaster County Office of District Attorney and the United States Attorney for the Eastern District of Pennsylvania. Because the severity of Lancaster's crime problem did not approach that of Philadelphia in terms of numbers, it was believed that the focus of the U.S. Attorney was on Philadelphia and surrounding counties, not recognizing that the increase in violent crime experienced in Lancaster County was having a significant impact on the citizens of this county. To be fair, Lancaster County shared in this problem, by overlooking the fact that the services of a federal agency could assist in dealing with local problems.

In July of 2001, our relationship with the United States Attorney's Office for the Eastern District of Pennsylvania changed drastically. After receiving his appointment from President George W. Bush, but before he took office as United States Attorney, Pat Meehan convened a meeting of all District Attorneys within the Eastern District of Pennsylvania. At that meeting, Mr. Meehan advised county prosecutors that a program named Project Safe Neighborhoods was being developed by President Bush and United States Attorney General John Ashcroft, with an intent to refer local firearm cases to federal court in an effort to combat gun violence. Mr. Meehan further advised that federal grant funding would be made available for the counties to

hire additional prosecutors, devoted to the prosecution of firearm offenses in federal court. He strongly encouraged each District Attorney to apply for that funding, so the Assistant District Attorneys could be cross-designated as Special Assistant United States Attorneys. Despite my skepticism, I supported the efforts of Mr. Meehan with the hope that our most violent of criminals would now receive the appropriate federal sentences we cannot obtain in state court.

I subsequently applied and was approved for federal grant funding to hire an attorney who would work with the United States Attorney in gun prosecutions. With this commitment of federal funds for three years, the County Commissioners authorized the creation of a new attorney position. I promptly moved forward by hiring a new prosecutor, and assigning an experienced prosecutor to the gun position. My expectation was that this gun prosecutor would work with federal authorities to prosecute a limited number of gun offenders in federal court, while continuing his responsibility of prosecuting other firearm cases in county court.

It did not take me long to discover that the Project Safe Neighborhoods Program was serious in referring local firearm cases to federal court. Whereas I initially questioned the commitment of the United States Attorney's Office, I now regretted the fact that I did not apply for the four prosecutor positions eligible under the grant funding proposal. Despite establishing only one position through federal grant funding, I chose to cross-designate a total of four Assistant District Attorneys as Special United States Attorneys for the prosecution of firearm offenses in federal court, because of the success of the program.

To date, over twenty (20) local cases have been adopted for federal prosecution by the United States Attorney for the Eastern District of Pennsylvania. The majority are being prosecuted in federal court by cross-designated Assistant District Attorneys, while the remainder

are being prosecuted by Assistant United States Attorneys. In one particular case, a repeat offender who was facing a five year sentence in state court received a federal sentence of 15 ½ years. In another case, a persistent street criminal in Lancaster received a federal sentence of 51 months in prison rather than the possibility of a 15 month recommended sentence in state court.

The Project Safe Neighborhoods Program has generated significant attention by the local media, as have specific cases. Additionally, with the assistance of the United States Attorney's Office, this message has been reinforced within the confines of the Lancaster County Prison. A visit to the prison by an Assistant United States Attorney was videotaped, and will be replayed to new inmates to remind them of their fate if they re-offend with a firearm. Further, with the cooperation of our county Probation Department, all convicted criminals are now provided with a form they must sign before they are released from parole or probation, identifying the federal consequences of a former convict who possesses a firearm.

Because of this public exposure, lengthy federal sentences, and the reality that these sentences could be served a great distance from Pennsylvania, defendants are now asking to plead guilty in state court pursuant to a negotiated plea that greatly exceeds the standard range of the state sentencing guidelines. Furthermore, the Program is beginning to serve as a deterrent. One cooperating defendant, recently sentenced in state court, advised an Assistant District Attorney that he will continue to sell drugs when he is released from prison. However, he will not carry a gun. In addition, a comparison of Lancaster City robberies committed with firearms between 2001 and 2002 is very promising. In 2001, there were 119 robberies committed with firearms. In 2002, there were 73. Through the first three (3) months of 2003, there have been only fourteen (14) robberies with firearms.

IV. CONCLUSION

Because a major public safety initiative from the Pennsylvania legislature does not appear imminent, to break the link between guns and drugs and to help end the wave of gun violence that has infected our communities, the implementation of Project Safe Neighborhoods is the only resource available to county prosecutors to ensure swift and substantial punishment for violent criminals. The Project Safe Neighborhoods message is clear, concise, easily understood and unequivocal, serving as a deterrent to others.

Our partnership with the United States Attorney from the Eastern District of Pennsylvania has been unprecedented, and has allowed the Lancaster County District Attorney's Office to aggressively prosecute violent criminals. This success would not have been possible without the commitment of United States Attorney Pat Meehan and his staff. Our partnership has provided a deterrence to those who may otherwise possess firearms while engaging in violent criminal behavior. This enforcement does not penalize the drug addict who is in need of treatment, the sportsman, or the law abiding citizen who carries a weapon for protection. Project Safe Neighborhoods is designed to remove the most violent of criminals from our streets.

The imposition of mandatory minimum federal prison sentences for criminals who possesses firearms is a valuable tool in protecting the safety of our streets. The Lancaster County District Attorney's Office stands in full support of Project Safe Neighborhoods.

Respectfully Submitted,

Donald R. Totaro
District Attorney

Testimony
of
The Honorable Paul M. Warner
United States Attorney
for the
District of Utah

Before

The United States Senate
Committee on the Judiciary

"Utah's Project Safe Neighborhoods:
A Federal, State, and Local
Partnership Aimed at
Reducing Gun Violence"

Washington D.C.

May 13, 2003

STATEMENT OF

PAUL WARNER
UNITED STATES ATTORNEY FOR THE DISTRICT OF UTAH

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING
"PROJECT SAFE NEIGHBORHOODS"

PRESENTED ON

MAY 13, 2003

Good morning, Mr. Chairman and Members of the Committee. And thank you, Chairman Hatch, for that kind introduction. I have the honor of being the United States Attorney for the District of Utah, and I greatly appreciate the opportunity to testify before the Committee on the critical subject of reducing gun violence through Utah's Project Safe Neighborhoods (PSN).

With your permission Mr. Chairman, I will summarize the major points I would like the Committee to understand, and I request that my entire statement be made a part of the record.

Before I begin my more specific remarks on Project Safe Neighborhoods and reducing gun violence in Utah, I would like to say, Senator Hatch, that few people serving here in Washington are as well attuned to the issue of gun violence as you are, and that few have done as much as you have in providing the leadership to address it. Over three years ago, Mr. Chairman, you had a vision and a name for an anti-gun violence program. That name -- Project CUFF (Criminal Use of Firearms by Felons) -- resulted in over two hundred restricted persons

successfully prosecuted in Utah under federal gun laws. Maybe even more importantly, Project Cuff was the beginning of PSN in Utah.

As you are undoubtedly aware, the United States has a violent crime rate among the highest in the industrialized world. Nationally, there were 12,658 murders in 1999, two-thirds of which were shooting deaths. For every fatal shooting, there were roughly three non-fatal shootings. A teenager in the United States is much more likely to die from a gunshot wound than from natural causes.

While Utahns have enjoyed a relatively low crime rate, gun violence continues to pose a real threat to the safety of our citizens. Firearm-related robberies constituted nearly one third of all robberies in Utah. In 2000 there were 43 homicides involving a firearm. In 2001, the number of firearm-related homicides reached a new all time high of 69. On one particularly deadly weekend in March of this year, six victims of domestic violence were killed. As recently as a few weeks ago, a man was caught on the roof of a local shopping center waiting for a clear shot at his ex-wife with a high-powered hunting rifle. Inner-city gang and drug cultures have claimed the lives of many, including some of our finest police officers. Consequently, there is a need in Utah to vigorously enforce existing gun laws in order to combat the problem of gun violence.

This need has been recognized and is now being addressed through initiative Project Safe Neighborhoods. As you all know, PSN is a nationwide initiative to reduce gun crime in America by networking both new and existing local programs that target gun crime, and then providing them with the tools and resources necessary to succeed. President Bush and Attorney General Ashcroft have made this project a top criminal justice priority. On May 14, 2001, President Bush announced Project Safe Neighborhoods and instructed every United States

Attorney in each of the 94 federal judicial districts across America to serve as the "agent of change" to make this national initiative a success. To succeed in this mission, each United States Attorney, with the support of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, committed to working with local prosecutors and law enforcement agencies to organize an initiative consisting of federal, state, and local officials. The message would be "zero tolerance" for gun violence. Project Safe Neighborhoods was developed with three distinct objectives: first, aggressive federal and state prosecution of gun crime; second, community and media outreach to get the message to criminals that they will "do hard time for gun crime"; and third, development of data-driven research on gun violence in order to refine the efforts of each project and provide a basis for accountability.

I am pleased to say that because of your support Mr. Chairman and the success of Project CUFF, Utah was ahead of the curve in its response to the ever increasing threat of gun violence. The District of Utah's gun violence reduction program, however, has successfully made the transition from Project CUFF to Utah Project Safe Neighborhoods.

In response to the President's 2001 mandate, I directed that a project be organized to reduce gun violence in Utah. I appointed Assistant United States Attorney Brett Tolman, who received the Attorney General's Award in 2001 for his efforts on Project CUFF, to be Utah's Project Safe Neighborhoods Coordinator. As far as I am aware, Utah's project is unique in scope to all other districts. Utah Project Safe Neighborhoods is being applied on a statewide basis and not just to the larger metropolitan areas. Consequently, the state and local response has been tremendous. What started originally as a few ATF officers and a couple of federal prosecutors, has now grown into a task force of over 45 individuals representing nearly three dozen federal,

state, and local organizations. Having personally attended the monthly Project Safe Neighborhoods meetings, I am in awe at the energy and dedication of our many federal, state and local partners.

Within the gun unit in my office, there are currently nine prosecutors dedicated to prosecuting gun violence in the federal system. Four of the nine are Special Assistant U.S. Attorneys from different state and local offices who have been cross designated to bring cases federally. In addition to my office, as well as the Utah Attorney Generals Office, nearly a dozen different county attorneys offices, and several city prosecutors offices have united to aggressively prosecute gun violence. I am particularly proud of these prosecutors. To date, 1,665 cases involving violations of firearms laws have been screened by my office. Over 800 cases have been indicted by a federal grand jury under Project CUFF and Project Safe Neighborhoods. Last year alone, my office brought 300 firearms cases. This number made Utah a national leader in the fight against gun violence. So far this year, my office has prosecuted 126 cases—an increase over last year of nearly sixty (60) percent. The individuals being prosecuted are either restricted persons or individuals who have or will pose a direct threat to the safety of others.

The success achieved so far under Utah Project Safe Neighborhoods could not have been realized without the energy and enthusiasm of our law enforcement partners. The law enforcement side of Utah Project Safe Neighborhoods includes the first ever ATF-run task force with over a dozen full-time officers from various federal, state, and local offices. This group of officers is housed in ATF's Salt Lake Office, and led by a local police captain with over 20 years of experience. The list of law enforcement agencies that are contributing, on at least a part time basis to our project, includes officers from the Federal Bureau of Investigation, Bureau of

Immigration and Customs Enforcement, four county sheriffs departments, over twenty different metropolitan and rural police departments, Utah Adult Probation and Parole, the Utah State Bureau of Criminal Investigations, and the Utah Department of Public Safety.

In addition, the PSN Task Force is pleased to have the involvement of many community leaders from local schools, hospitals, churches, and businesses. These partners have proven vital in our community outreach and data research efforts.

There are many aspects of Utah Project Safe Neighborhoods I could address, including our media campaign that is underway, the development of our PSN Website, or the results of our data research. However, since I am a prosecutor and have been for over 25 years, I would like to focus my remarks on the impact of taking a "zero tolerance" approach to prosecuting firearms offenses. One of the primary focuses of Utah Project Safe Neighborhoods is to aggressively investigate and prosecute firearms offenses. Our prosecution guidelines are in line with Attorney General Ashcroft's announced priorities: first, to target and disrupt violent organizations and offenders, including armed career criminals; second, to dismantle illegal gun trafficking; and third, to aggressively prosecute prohibited persons found in possession of firearms.

Let me take just a moment to give you examples of what is being done in each of these three categories. In recent years, Utah has unfortunately seen a rise in the number and types of inner city violent gangs. One particular gang, the King Mafia Disciples (KMD) was organized in 1992, and despite aggressive state prosecutions, continued to operate even from within Utah correctional institutions. Since its inception, members and associates of KMD have been documented as engaging in acts of violence including murder, arson, robbery, aggravated robbery, and distribution of controlled substances. Guns and drugs have constituted a major

focus of this violent organization. Unfortunately, past experience and research have revealed that state penalties have proven ineffectual in deterring or disrupting the gang's operations.

I am pleased to inform this Committee that through joint efforts of Utah Project Safe Neighborhoods and the Metro Gang Task Force, real and substantial steps have been made to dismantle the KMD gang. Using federal RICO and firearms statutes, my office has successfully prosecuted 8 of the 10 leaders of the KMD gang. The remaining two are being tried in federal court as we speak. The average sentence has been nearly 16 years in federal prison, with several receiving sentences of over 20 years. Other violent organizations are currently being investigated and will face similar charges. The impact of these prosecutions at the street level has surprised even seasoned officers and members of the task force. Intelligence gathered from informants reveals that gang members are aware of the "new" program and fear that they may be targeted for federal prosecution.

A corollary of the violent gang problem is firearms trafficking. Such trafficking enables the most dangerous members of our communities to acquire a firearm. The harsh reality is those most likely to use a firearm in the commission of a crime are often able to get their firearms without risking a background check. A major emphasis of Utah Project Safe Neighborhoods is disrupting illegal gun trafficking. Two recent investigations by the Utah PSN Task Force confirms a startling reality. The impact of a single firearm, trafficked illegally, can be devastating.

In December, 2001, a small firearms dealer in a rural area of Utah was burglarized. Fifteen (15) handguns were stolen. Through the combined efforts of several federal and local officers, working together under Project Safe Neighborhoods, the two individuals responsible for

the burglaries have been apprehended and face federal firearms charges. To date, ten (10) of the fifteen (15) firearms have been recovered. Tragically, these recoveries have served only to underscore the threat posed by illegal gun trafficking. Two of the handguns were used by teenagers in drive-by shootings -- one in Salt Lake City, Utah, the other in Omaha, Nebraska. Another firearm was used as the murder weapon in the killing of a local police officer by a juvenile gang member who later turned the same weapon on himself. Four of the recovered handguns were purchased by undercover officers from convicted felons. The remaining three were recovered from gang members and drug dealers. Of the ten (10) firearms recovered, all ten (10) were found in the hands of prohibited persons and far too many became crime guns.

In yet another investigation, ATF officers and PSN Task Force members became suspicious of a woman purchasing a large number of handguns from several pawnshops. Follow-up revealed illegal firearms trafficking. In this case, the trafficking began with a girlfriend making straw purchases for her boyfriend who was a convicted felon. Every firearm purchased was a handgun. At one point, the girlfriend purchased 22 firearms in a three-month period of time. All known purchases were made in cash. During one of these transactions the girlfriend, after having asked the store clerk to buy "all of the Hi Points," purchased, using $1,200.00 cash, nine (9) Hi-point handguns. So far, two of the firearms have been recovered. They were located within a 10-mile radius of each other and just outside of Los Angeles, California. Both were found in the possession of prohibited persons and both were used in the commission of crimes. One of the firearms was pointed at a police officer during a bust of a known drug dealer.

I can tell you in all candor, we are only now beginning to see the devastating ripple effects of illegal gun trafficking. Project Safe Neighborhoods could not have come at a more

critical time. The ability to attack gun trafficking at the earliest point possible may mean the difference in whether a child, a spouse, a neighbor, or a even a police officer lives or dies.

The final area of our focus is on prohibited persons. The impact of prosecuting convicted felons, drug users, domestic violence convicts, and illegal aliens in possession of firearms can be considerable. Permit me to share with you a recent case that best illustrates what is being accomplished through our federal, state, and local partnerships.

On July 6, 2001, Roosevelt City lost a beloved public servant, and the State of Utah lost its then longest standing police chief. Chief Cecil Gurr was violently gunned down in the parking lot of a local convenience store by a convicted felon armed with an SKS assault rifle.

State and local authorities apprehended the shooter not long after he fled the scene. Although the state responded quickly and was working hard to build its case against the shooter, it became apparent in their investigation that there was another who also bore responsibility for the Chief's death. All indicators were that a separate individual had given the SKS assault rifle to the shooter with instructions to use the gun to make good on a drug deal gone bad. Chief Gurr was in the wrong place at the wrong time.

The local prosecutor's office was overwhelmed with its homicide investigation of the shooter, and the small police force was working overtime to put together a solid case. The question became: "What about the individual who provided the gun?"

Deputy Keith Campbell of the Uintah County Sheriff's office, a PSN partner, began to enlist the resources of many to build a federal gun case against the individual that provided the SKS assault rifle used to kill Chief Gurr. Deputy Campbell and other members of PSN began a coordinated response which would include the efforts of multiple state, local, and federal law

enforcement agencies to build an airtight case against the provider of the firearm. Local FBI agents were used to track down and interview dozens of witnesses in other cities and states. ATF agents preserved and analyzed critical firearm and ammunition evidence. Local police officers—trained on federal firearms laws—were utilized to perform and record countless interviews. Additionally, probation and parole officers were employed to locate and interview individuals that had prior dealings with both the shooter and the provider of the gun. Finally, more than one crime lab was used in analyzing evidence linking the two perpetrators together.

The result was a solid case done thoroughly and quickly using federal, state, and local cooperation. The shooter, prosecuted by the local DA's office, received life in prison without possibility of parole, and the provider of the SKS assault rifle received the maximum ten (10) years in federal prison for his role in the killing of Roosevelt's Police Chief.

This is but one example of the impact Project Safe Neighborhoods can have in any community. In the end, PSN assisted the city of Roosevelt to receive swifter and broader justice for the slaying of their revered police chief. This investigation now serves as a model in our district of what can be accomplished when state, local, and federal authorities work together.

In conclusion, Mr. Chairman, Utah's Project Safe Neighborhoods is working. This program is not anti-gun, but anti-gun violence. The goal of the Utah PSN Task Force is straightforward and clear—to disrupt gun violence strategically and comprehensively, using all available enforcement and prosecutive tools and uniting federal, state, and local efforts. This program is unique to all others—being a partner in Project Safe Neighborhoods means making an impact in one's own community. Regardless of whether a partner is from a rural town or

downtown Salt Lake City, Project Safe Neighborhoods has provided a means of disrupting and deterring gun violence.

Thanks to your leadership and the support of the Department of Justice, we have the tools and resources to maintain this cause. Thank you, Mr. Chairman, and I would be pleased to answer any questions from the Committee.

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