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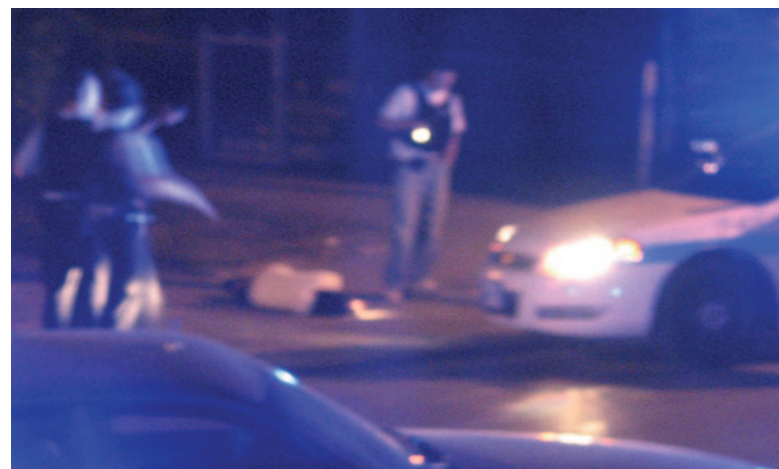
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CRITICAL ISSUES IN POLICING SERIES

Guns and Crime: Breaking New Ground By Focusing on the Local Impact



POLICE EXECUTIVE
RESEARCH FORUM

CRITICAL ISSUES IN POLICING SERIES

**Guns and Crime:
Breaking New Ground
By Focusing on the Local Impact**

May 2010



POLICE EXECUTIVE
RESEARCH FORUM

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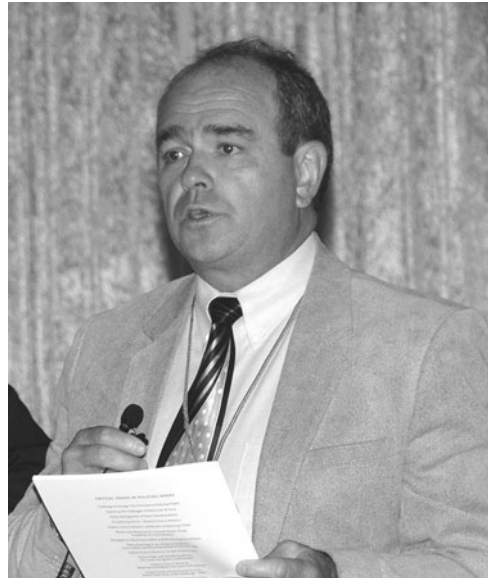
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Motorola Vice President
Rick Neal

Acknowledgments

THE ISSUE OF GUN CONTROL AND THE ROLE OF guns in violent crime is not an easy one to take on. As Chief Charlie Deane of Prince William County, Va. notes in this report, gun violence is considered “the third rail” of politics. “If politicians touch it, they don’t last long,” he said. And as we learned in this project, gun crime is a tremendously complex issue, with dynamics that vary from one jurisdiction to the next.

So I would like to thank all of the police leaders and ATF officials who worked with PERF to take on this difficult issue. ATF played a special role in this project, helping us to survey all of their Field Divisions and sending many of their officials from Washington and across the country to our Summit in Washington, where their knowledge was critically important. Thanks to ATF Acting Director Ken Melson, to all of the special agents in charge of ATF field divisions, and to the other top ATF officials who worked with us. You’ll see many of them quoted in this report.

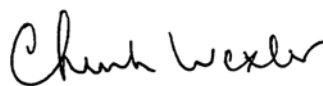
And once again, we are grateful to PERF’s members for providing the backbone of our work, as they take the time to give us the information we seek and to share their wisdom and experience at our Summits.

As always, PERF is grateful to the Motorola Foundation for helping PERF to address the issue of gun crime in this 15th volume of the Critical Issues in Policing Series.

For more than a decade, Motorola has supported PERF’s efforts to advance police departments’ work on their toughest issues, such as use of force, crime reduction strategies, immigration enforcement, gang violence, special threats such as suicide bombers, and recently, the impact of the economic crisis

on policing. I want to especially thank Greg Brown, President and CEO of Motorola; Eugene Delaney, President, Enterprise Mobility Solutions; Mark Moon, Executive Vice President and General Manager; Gino Bonanotte, Vice President for Finance; Rick Neal, Vice President for Government Strategy and Business Development; Eileen Sweeney, Director of Corporate and Foundation Philanthropic Relations; and Karen Tandy and Matt Blakely of the Motorola Foundation.

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Executive Director
Police Executive Research Forum
Washington, D.C.



PERF's Gun Summit:
What We Hope to Accomplish

WHAT WE KNOW:

- Guns affect crime in our cities in different ways, and police are responding with many different initiatives.
- However, little work has been done to obtain national information about police programs on gun crime.

Introduction

By Chuck Wexler

THIS REPORT SUMMARIZES THE RESULTS OF A project that the Police Executive Research Forum undertook to explore issues of gun crime in the United States.

There are several dynamics that led PERF to think that we needed to do some work on the issue of gun crime:

- It seems that the United States has become anesthetized to gun violence. While the 1999 Columbine school massacre in Colorado resulted in widespread demands for action to prevent such tragedies from occurring, it seemed that more recent incidents (Virginia Tech, Northern Illinois University, the nursing home rampage in Carthage, N.C., to name just a few) no longer prompted many calls for reform, because people no longer expect that any reforms will be made.
- Even though violent crime in the United States has declined sharply since the 1990s, our nation still endures far higher homicide rates than do other countries—for example, 46 killings per day in the U.S. compared to only 8 killings per day in the entire European Union, which has a population 60 percent larger than the United States.
- Prospects for reform at the federal level seem bleak. In 2009, Washington showed little or no appetite for taking on gun crime issues.

In an effort to “get off the dime” on the issue of gun violence, PERF decided to investigate what is happening *at the local level* on these issues. We wanted answers to questions like these: Are all cities facing the same types of gun violence, or are there significant local differences? In the views of local

police executives, what are the most important factors that contribute to their gun problems? What have local police departments done to prevent gun violence? Are there police initiatives that seem especially effective in reducing shootings? What do police chiefs want most from their local, state, and federal governments to help them reduce gun violence?

PERF began by conducting a pair of surveys: one to local police departments, and the other to all of the Field Divisions of the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Next, we conducted case studies in a number of cities. And finally, we convened a Gun Summit in Washington, D.C. on November 12. We invited local chiefs and ATF officials to share with us and each other their stories detailing exactly how gun crime is damaging their local communities, and what they have been doing about it.

And in order to ensure that we would not just have police talking to each other in a sort of echo chamber at our Summit, we also invited representatives of two major gun rights groups and the Brady Center to attend. I know there are people who will ask, “How could you invite ‘those people’ to the table?” And my answer is the same as when I worked in the Middle East: “You don’t make peace with your *friends*.” So yes, we invited everyone to the table in order to get all sides talking to each other, with the common theme of reducing gun violence across the country. Instead of the same old stale arguments that have been circulating in Washington for years, we hoped to identify new perspectives and new approaches to getting a job done—the job of reducing gun homicides and other shootings.

This report aims to provide a good summary of all of PERF’s work in this project.

What we found is that there are, in fact, many local variations in gun violence and gun laws, some of which create enormous problems for the police. For example, St. Louis Police Chief Dan Isom told us that in Missouri, gun offenders often receive a suspended imposition of sentence, which means that if they complete their probation, a conviction does not appear on their record. So offenders can repeatedly be arrested for gun crimes, and if they are arrested for another type of crime, they don’t receive tougher charges because technically, they don’t even have a conviction on their record. Another law in Missouri allows people age 21 or older to carry firearms in their cars, Chief Isom noted.

Many police chiefs stood up at the Summit to explain that, because their local laws are weak, their best option for handling serious gun offenders is to work with ATF and their U.S. Attorney to obtain federal charges. At the same time, however, chiefs and ATF officials agreed that “going federal” is a limited option, because federal prosecutors, courts, and prisons have limited capacities.

Police chiefs made it clear that local law enforcement agencies often end up dealing with the aftermath of weak federal laws as well as weak state laws. And many states preempt any possibility of local legislation, by passing statewide legislation that prohibits local governments from acting in this area on their own.

In my view, police chiefs and other law enforcement executives cannot let the federal government off the hook; we must continue to push for reasonable laws that help in the prevention of gun crimes and the investigation, prosecution, and sentencing of those who use guns to terrorize our communities.

At the same time, we must open a new front in the battle against gun crime. There is plenty of work to be done to tighten state and local laws that undermine police efforts against gun criminals.

The following pages provide a wealth of information from police chiefs, ATF officials, and others who have a great deal of real-world experience fighting gun crime.

PERF's Surveys of Local Police and ATF Field Divisions Show Complex Patterns in Gun Crimes, Laws, and Investigations

TO PREPARE FOR THE SUMMIT ON GUNS AND Crime, PERF conducted a survey of all 270 primary police agencies serving cities of 100,000 or more people to explore the nature of their gun-related crime problems and the strategies they have undertaken to reduce shootings and crime. Nearly two-thirds of these agencies (164) completed the survey.

In addition, PERF conducted a survey of all 25 field divisions of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), in order to gain their perspectives on the nature of the gun problem.

As expected, the first survey found that gun crime is an extremely serious problem for local police. Among the 164 police departments that completed the survey, there were more than 162,000 violent gun crimes reported in 2008, including

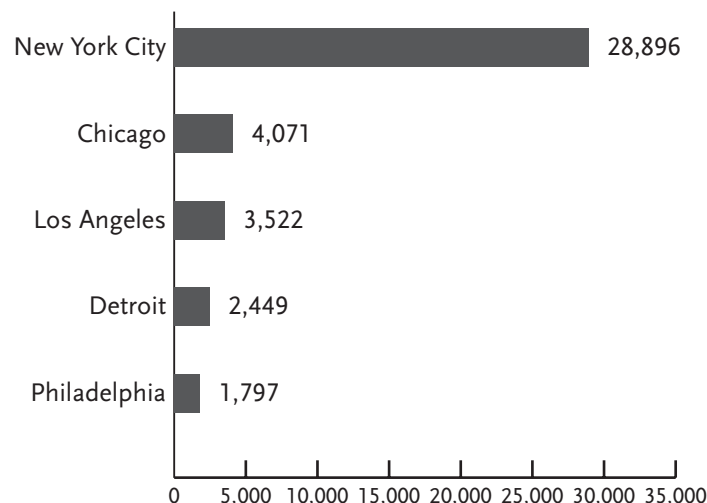
5,180 gun homicides and nearly 90,000 robberies committed with firearms.

The police in those 164 jurisdictions reported making almost 88,000 arrests for illegal possession or carrying of weapons in 2008. By far, New York City reported making the largest number of weapons arrests, at 28,896. (See figure 1.)

Other findings include the following:

Factors contributing to gun crime: Local police linked gun crime most closely to drug and gang issues. Nearly two-thirds of responding agencies ranked each of those two factors as “very important” in causing their local gun crime. More than half of the agencies said that use of guns in robberies was a very important factor. Use of guns in domestic violence situations was cited as very important by 8 percent of responding agencies.

Figure 1. Top 5 Agencies in PERF Survey with the Most Weapons Arrests in 2008



Increases in criminals’ use of certain types of guns: The expiration in 2004 of a 10-year-old federal law banning semiautomatic “assault weapons” has received a great deal of attention in Washington. PERF’s survey revealed significant support for the proposition that the expiration of the law has caused problems for local police. Thirty-seven percent of the police agencies responding to PERF’s survey reported that they have seen noticeable increases in criminals’ use of assault weapons.

However, an even larger number of agencies—53 percent—reported seeing increases in large-caliber handguns, such as .40 caliber weapons.

And 38 percent of the police departments reported noticeable increases in criminals’ use of semiautomatic weapons with high-capacity magazines, holding 10 or more rounds (magazines holding more than 10 rounds were also banned by the expired assault weapons law).

Gun availability: When police departments were asked whether they had noticed any change in the availability of guns in their jurisdiction over the last year, most said they had not noticed any

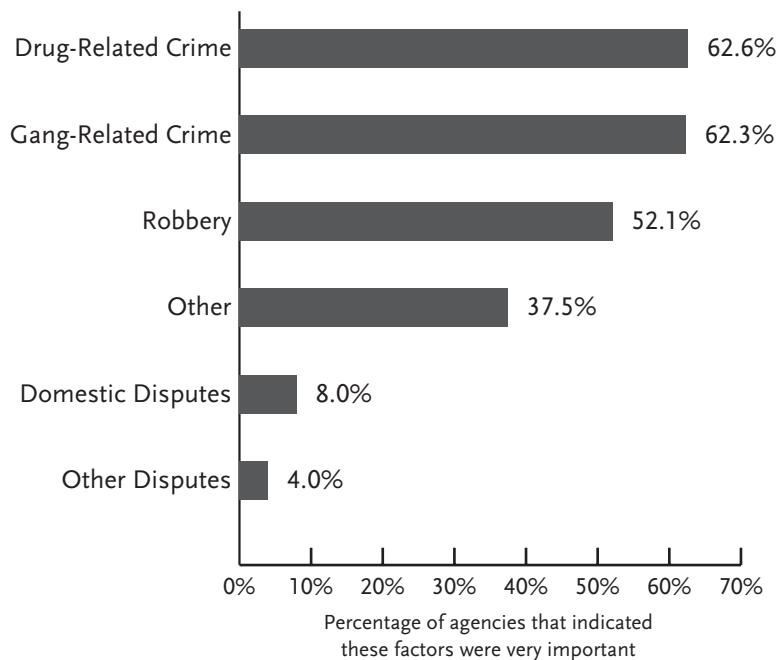
change. However, a substantial minority, one-third of the departments, said that gun availability had increased “somewhat” or “substantially.” Only 8 percent said that guns had become less available.

Wide variation in state and local firearm controls: The PERF survey found that most cities do not have strong state and local firearms regulations:

- Fewer than half (38 percent) reported having state or local laws requiring background checks of persons buying firearms through **private sales** (as opposed to buying a gun from a federally licensed firearm dealer).
- Thirty-five percent of the jurisdictions require **registration** of firearms.
- Thirty-one percent of the jurisdictions require a **permit** to purchase a gun.
- Twenty-nine percent of the jurisdictions require gun owners to **report to police any loss or theft** of their guns. (These types of laws are intended to prevent a common scenario in which people

Figure 2. What Are the Biggest Factors in Your Local Gun Crime?

What the 166 police agencies in the PERF Survey Said



buy guns legally from licensed dealers, and then give or sell the firearms to felons or others who cannot legally own a gun. If the guns are used in a crime, recovered by police, and traced to the original buyer, that person may simply lie, telling the police that the firearms were lost or stolen. Requiring gun owners to report losses or thefts of firearms makes these violations more difficult, because police will be alerted if a person repeatedly reports losses or thefts in order to protect himself against problems later if the guns are used in crimes.)

- In 21 percent of the jurisdictions, **gun dealers are inspected** by local police.

Cities with strong gun regulations: PERF identified a number of jurisdictions with strong state or local regulations governing gun ownership (defined as including handgun bans, permit requirements that give police authority to deny applications for gun purchases, gun registration requirements, and/or regulation of private sales). Examples of jurisdictions with strong regulations are Newark, N.J.; Los Angeles; Chicago; Detroit; Boston; and Washington, D.C.

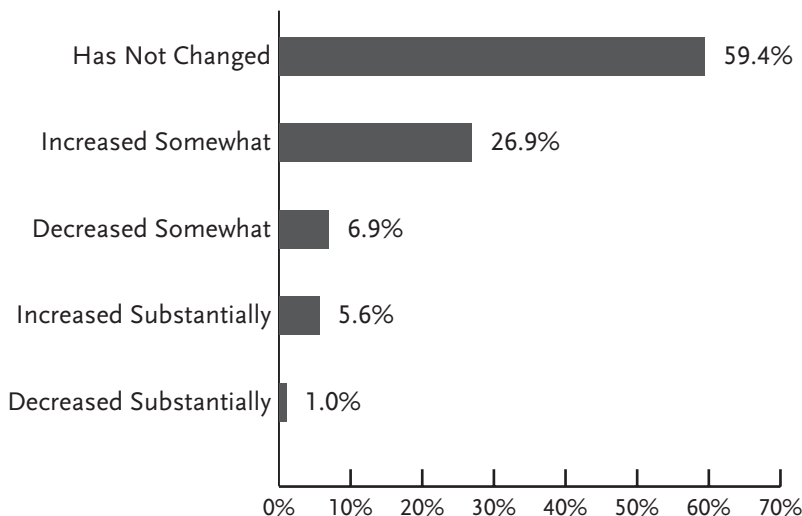
Cities with weak gun regulations: PERF also identified jurisdictions with weak controls (defined as no gun registration requirements, no regulation of private sales, no permit requirements for possession, no theft reporting requirements, and no local authority over licensed dealers). Examples of jurisdictions with weak regulations are Louisville, Ky.; Dallas; Milwaukee; St. Louis; Fort Wayne, Ind.; and Charleston, S.C.

Open carrying of firearms: More than half of the police agencies in PERF’s survey said that open carrying of firearms is permitted in their jurisdiction.

Concealed carry: When PERF asked local police whether state or local law regulated the carrying of concealed and loaded firearms:

- 58 percent said permits are required and are given to all legally entitled applicants. This is called a non-discretionary “shall issue” policy.
- 36 percent said permits are required and are awarded at the discretion of the police (a discretionary “may issue” policy).
- 4 percent said that concealed weapons are prohibited, and no carry permits are issued.

Figure 3. How Has Local Gun Availability Changed in the Past Year?
What the 166 police agencies in the PERF Survey Said



Most agencies reported that their concealed-carry laws have little impact on their ability to reduce gun crime. However, the agencies that have some discretion to deny permits were somewhat more positive about their local laws; 30 percent of the “may issue” agencies said the laws facilitated crime reduction, compared to only 16 percent of the agencies operating under “shall issue” laws.

Local investigations of private sales: As noted above, 38 percent of the local police agencies surveyed by PERF said that their state or locality requires background checks of people buying firearms through private sales. Among those jurisdictions, 28 percent said they “frequently or regularly” investigate cases involving potentially illegal sales; 40 percent said they “occasionally” investigate potentially illegal sales; and 32 percent “never” investigate potentially illegal sales. Among the agencies that never investigate such cases or do so only occasionally, most cited resource constraints as a reason for not conducting investigations more often.

Special units devoted to gun crime: More than half of the local police agencies surveyed (57 percent) said they have special units for crime gun enforcement or investigations. Of those agencies, 89 percent work with federal or state agencies; 66 percent conduct investigations or surveillance of known offenders or high-risk subjects; 62 percent focus directed patrols on areas of high gun crime; 61 percent investigate gun trafficking; and 34 percent monitor gun dealers for unlawful sales.

Most effective strategies: When local police in cities with high levels of gun crime (defined as cities with rates of gun crime ranking in the top half of the sample) were asked to name the strategies that they use frequently and find very effective:

- 49 percent cited submitting information on felons with guns to the U.S. Attorney’s Office for federal prosecution.
- 46 percent cited directed patrols or special units focusing on gun crime hot spots.

- 41 percent cited multi-agency and community partnerships.
- 39 percent cited targeting known gun offenders through investigation, surveillance, and warrants.
- 38 percent cited removing guns from the scene of domestic violence calls.
- 38 percent cited local gun trafficking investigations with ATF.

Survey of ATF field divisions about crime gun patterns: Local jurisdictions afflicted with gun crime often say the problem is difficult for them to solve on their own, because strong state or local regulations can be undermined by the supply of guns coming from out of state. The extent to which crime guns are supplied from local or distant locations, or from in-state or out-of-state sources, has important implications for local enforcement and prevention efforts. PERF’s surveys tried to explore this issue.

In this context, it is important to understand that there are “primary” and “secondary” gun markets in the United States. The primary market consists of sales by licensed gun dealers; these sales are subject to controls, including mandatory background checks of purchasers to ensure that guns are not sold to convicted felons and certain other categories of people, such as persons with histories of mental health problems.

The secondary market consists of sales of guns by private parties at gun shows, flea markets, and other person-to-person transactions that are not subject to federal background checks and record-keeping requirements.

Guns often are sold legally in the primary market, but then are resold to criminals in a secondary market.

PERF’s survey of ATF field divisions revealed different patterns regarding the movement of guns through these channels. Most ATF field divisions reported that in their jurisdictions, crime guns originate primarily in-state. However, there were exceptions.

Most crime guns in New York and New Jersey come from out of state, but not so in California: In New York State, according to ATF, a study of 5,407 gun traces found that only 31 percent (1,663) of the crime guns in New York State were originally purchased from a New York firearms dealer. The rest had come from out of state, primarily from Virginia (502 guns), Georgia (395 guns), Florida (380 guns), and North Carolina (358 guns).

Similarly, only 24 percent of the crime guns recovered in New Jersey were originally purchased in New Jersey—488 out of 2,069 guns traced by ATF. The rest came from other states, especially Pennsylvania (314 guns), North Carolina (183 guns), Virginia (182 guns), and Georgia (141 guns).

Across the entire state of California, 73 percent of 15,766 guns traced by ATF came from within the state. However, agents from the Los Angeles ATF office reported that trafficking from other states, particularly Arizona, Nevada, and Washington, also contributes to the illegal gun supply in their city. Other gun trends identified in the PERF survey of ATF field divisions include:

- An increase in gun trafficking to the Southwest Border,
- An increase in the illegal possession of guns by very young persons, and
- An increase in thefts of guns from homes.

ATF's views about working with local and state police, and vice-versa: PERF asked the ATF field divisions about the ways in which they work with local and state police. The ATF divisions noted that they sponsor or participate in joint task forces, which often involve personnel exchanges, co-located units, and deputizing task force officers.

In addition, ATF helps local police with tracing of crime guns, ballistics matching, targeting serious offenders for federal prosecution, joint operations, and checking gun dealers' compliance with regulations and investigating "problem dealers."

When asked what local police could do to complement ATF efforts, the most common response, cited by nearly two-thirds of the ATF divisions, was "participate in task forces and other joint investigations." One-third of the field divisions urged that local police trace all crime guns.

For their part, 64 percent of the local police agencies responding to PERF's other survey said that they trace *all* recovered guns under all circumstances. Another 17 percent said they trace guns when needed on a case-by-case basis, and 13 percent said they trace all recovered guns that are associated with a crime.

Local police expressed overwhelming support for their operations with ATF; 93 percent said they conduct gun trafficking investigations with ATF, and nearly all said that these investigations were "effective" or "very effective."



Police Chiefs and ATF Officials Define the Issues and Describe Successful New Initiatives to Reduce Gun Crime

AT THE PERF GUN SUMMIT, POLICE EXECUTIVES and ATF officials provided a great deal of information about the challenges they face every day in trying to reduce gun violence. Because state and local gun laws vary widely, law enforcement officials had a wide range of stories to tell.

The officials also described many innovations they have implemented to deal with their local gun problems.

Following are excerpts from the comments made at the Summit:

Prince William County, Va. Chief Charlie Deane:

The Gun Issue Is Seen as the Third Rail of Politics

All of us in this room know that we deal with the same types of gun crimes every day. And discussions like those we will have today can give us some ideas about how to do things better. But it isn't easy, because the gun issue can be very polarizing. Politicians often don't want to talk about gun violence, because it's seen as the third rail of politics: If politicians touch it, they don't last long. The gun issue seems almost like a religion to some people. There are people who think they should be able to carry concealed weapons anywhere they want to go. Even asking whether mentally disturbed people should have a right to carry guns can set off a highly emotional debate.

Prince William County, Va. Chief
Charlie Deane, Vice President of PERF

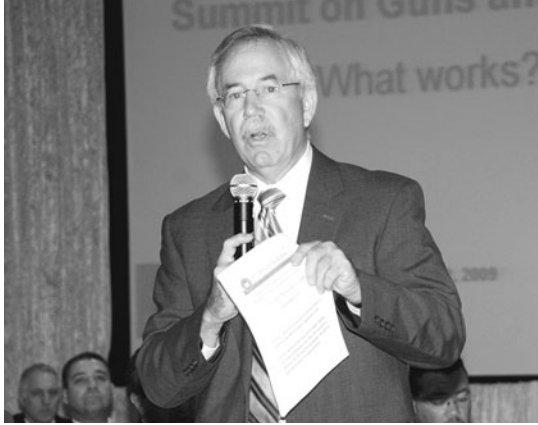
But today we will focus on what we can do as police chiefs to curb gun violence.

ATF Acting Director Kenneth Melson: ATF Has Many Partnerships with Local Police

Chief Deane is absolutely correct; gun issues are very polarizing. Nobody knows that better than ATF. But one thing is clear—we've got to stop gun violence. We've got to keep guns out of criminals' hands, and that's what ATF does. We're focused on that mission, which I think is a mission that everyone in the country can agree on.

We know that the first step is partnerships, and that partnerships work. ATF developed the Violent Crime Impact Teams, or VCIT, in 2004 as a law enforcement team approach to target and remove the worst of the worst criminals from violence-plagued communities. Today VCITs are active in 31 cities and are made up of more than 100 state and local officers, ATF special agents, intelligence experts, and other federal agencies. We would like





FAR LEFT: ATF
Acting Director
Kenneth Melson

LEFT: Chicago
Superintendent
Jody Weis

to expand the VCIT program to other locations that are experiencing firearms-related violent crime.

The violence along the Southwest Border continues to create havoc in those communities and is being fueled by the insatiable hunger for firearms by the Mexican drug trafficking organizations as they fight to gain control over each other. In 2008 ATF developed Project Gunrunner on the Southwest Border as a concentrated subset of our overall national firearms trafficking efforts. ATF is committed to stemming the flow of firearms from legal commerce to illegal markets and the hands of violent criminals throughout the country. ATF would like to develop Firearms Trafficking Teams throughout the country, but this strategy is dependent on obtaining additional resources.

ATF is becoming more proactive and intelligence-driven. One amazing tool we use is Integrated Ballistic Identification Systems (IBIS), which produces digital images of spent ammunition that is either recovered from crime scenes, or from the test firings of crime guns. The digital images go into our National Integrated Ballistic Information Network (NIBIN).

The technology is very exciting and a tremendous investigative tool for matching ballistics from one crime scene to another. We have 1.3 million images in the NIBIN system. We have had over 30,000 hits, which means we made connections between 60,000 violent crimes—links that never would have been made if we didn't have NIBIN. It allows law enforcement to connect multiple shootings and identify conspiracies. Currently 174 law

enforcement agencies across the country are using this ground-breaking law enforcement tool, but that is still not enough. We in the law enforcement community need to recognize that NIBIN is to firearms crime what fingerprints were to personal identification over 100 years ago. NIBIN has been in existence for over 10 years and there have been many versions deployed to the field during that time. ATF needs to update the NIBIN infrastructure to ensure that all machines are capable of communicating with each other in an effective and efficient manner. ATF will do that if we are granted additional funding.

eTrace is another intelligence-driven way in which we reduce gun crime. ATF developed eTrace simply as a way to let law enforcement agencies send gun tracing requests to us and receive trace results electronically. We have 2,777 law enforcement agencies in 28 countries using eTrace. That sounds like a lot, but it's not everybody. We should be tracing *all* crime guns. Last year we traced 300,000 guns, but that wasn't all the guns that were recovered. Tracing not only gives you leads in your own investigations, but also gives you a pattern of where the crime guns in your jurisdiction are coming from, who is buying the guns, and how they are traveling.

ATF also makes sure federally licensed gun and explosives dealers are complying with regulations that help law enforcement. If the industries comply with federal regulations, ATF can successfully trace weapons and reduce the criminal use of explosives. That gives us a tremendous advantage in maintaining public safety.

Chicago Superintendent Jody Weis:

The Number of Guns in Chicago is Amazing, Despite Very Strict City Laws

Our homicide numbers are very encouraging; the homicide rate is down more than 10 percent for 2009, and close to the lowest number of homicides since 1965. But we're still averaging nearly five shootings per day. So the violence that we face in our city is extraordinarily challenging.

The number of guns in Chicago is amazing, especially when you consider that we've had very strict laws in Chicago for a long time. The city banned the sale of handguns almost 30 years ago. And yet we recover more guns than LA and New York put together. When we do gun turn-ins, we recover five or six thousand weapons, and more than 80 percent of those are handguns.

We have a lot of gang members, and that contributes to our gun problem. Another problem is that although we have strong gun laws, they're not being enforced as robustly as they could be. About 60 percent of weapons charges get dismissed in court—either through plea agreements or in some other way. That's having a very detrimental effect.

Most of our homicide victims have criminal histories—almost 80 percent this past year. And 95 percent of the offenders have a criminal history. It's a circle of violence: today's victims can become tomorrow's offenders.

But we're very hopeful about a new state law providing that gang members caught with loaded guns, on a public way, on their person, or in their

vehicle, will now be ineligible for probation. If that law had been in effect this past June, it would have saved one of our officer's lives. We're encouraged that this can be a new tool to go after gang members running around Chicago with a loaded gun.

Los Angeles Police Captain Justin Eisenberg:

Weak Laws in Arizona and Nevada Undermine California's Gun Laws

California has very strict gun laws, which are very effective, for the most part. We have waiting periods, we have background checks, and we are now regulating and monitoring the sale of ammunition. But Californians can simply cross the border into Arizona and Nevada, go to a gun show, get their guns, come back to the city of LA, and effectively circumvent the system. That compromises our effectiveness.

New Haven Chief Jim Lewis:

When Shooting Victims Don't Cooperate, Approach Shootings from a Different Angle

We're seeing a spike in two age groups being arrested for firearms violations. We've seen a 20-percent increase in violators between the ages of 16 and 21. And we've also seen an increase of 130 percent for people over age 31 who are arrested for firearms. We think this is because 10 to 15 years ago, there was a major crackdown in New Haven, so a lot of people who were sent to prison then are coming out now and are getting right back into the game.

RIGHT: Los Angeles Captain Justin Eisenberg

FAR RIGHT: New Haven Chief Jim Lewis



We've also found that it's a frustration to work the street-level shootings. The victims don't cooperate; most of them are themselves convicted felons, and most of the shootings are drug-related. We were spinning our wheels trying to clear the shootings. So we changed our strategy. Now we take a look at the shootings every week and determine where they are being committed, and then we go out and hit those areas with traffic units, and make lots of traffic stops. Because of that, our gun arrests are up 19 percent this year. And we bring our narcotics unit into the areas, and often are able to arrest shooters on narcotics charges.

The result is that shootings are down 11 percent and homicides are down 48 percent.

James Cavanaugh, ATF Special Agent in Charge, Nashville Field Division:

Burglaries of Gun Dealers Result in Increased Shootings and Murders

Theft of guns is a big issue for crime guns. When you talk about the supply of guns to gangbangers and criminals, you really have to take a look at gun thefts. The theft of guns from licensed dealers is a federal crime, so when we get a report of a gun store burglary where 100 guns are stolen, we track those very carefully at ATF. That's a full-court press for us, because I can tell you that those 100 guns will be going into criminal traffic. They're not going to home protection, they're not going to people so they can carry them legally—they're going to gangs.

One policy that I think might be a good idea is if Congress offered a tax credit to gun dealers to strengthen their gun storage—adding cameras and other security measures just to protect against theft. The big commercial gun dealers tend to be pretty secure, but some of the smaller gun dealers are not as hardened as they ought to be. We've had so many "smash and grabs." They drive a tow truck through the window, back up a pickup truck through the glass, break out 100 handguns, a few rifles off the rack. And the next thing you know, the shootings in that region are up and we start picking up those guns in connection to murders.

Gun thefts really do contribute to crime, and we can do better as a country by focusing on them.

St. Louis Chief Dan Isom:

Missouri's Very Weak Gun Laws Make Things Difficult for the Police

We worked on a gun violence project with PERF in one of the most violent areas of St. Louis, a neighborhood called Wells-Goodfellow. Like many of the other chiefs have said, the victims had rap sheets just as long as the suspects.

One thing we have to be aware of to give context to this whole problem is that we are looking at an urban problem. It's much less a suburban or rural problem. It really affects young minorities—Hispanic and black males. I think that the suspects devalue life, the victims devalue life, and the system also devalues life. When you look at the shooting



FAR LEFT: St. Louis Chief Dan Isom

LEFT: ATF Special Agent in Charge James Cavanaugh



Newark Police Director
Garry McCarthy

victims and suspects in these neighborhoods, you see 20 or 30 felony arrests, with eight convictions.

Often the convictions don't result in any jail time at all; they're getting probation on top of probation. This has caused a lot of us in cities to move toward federal prosecution, because we know on the state level it's a hit-and-miss prospect: they're arrested, they're convicted, and they come out multiple times.

In Missouri, there's a type of probation people can receive, and it has made it very difficult for us to establish a person as a convicted felon. I've heard other chiefs talking about the fact that a weapons charge in their state is only a misdemeanor offense.

But in St. Louis, a weapons violation can turn out to be *no offense at all*. An individual will get arrested for a weapons charge, which is a felony, and often they plead to that case and get an SIS—a suspended imposition of sentence. It means that if you serve out your probation, which everybody does, that conviction is *erased*. So if you're arrested again with another weapon, you don't have a conviction on your record, so you're not a felon in possession of a weapon. If you continue to get multiple SISs, you never become a convicted felon. These offenders will often show up for other crimes, and if they never have a conviction, then you're never able to put stiffer charges on them.

Another problem is that in Missouri we have a law that says if you're 21 or older, you don't need to register your gun, and you don't need a concealed-carry permit, so anyone of that age can carry a weapon in their vehicle.

So you get a non-felon riding in a car with someone who is a convicted felon, has an extensive record, and there are two guns in the car. The non-felon claims both guns are his. There's nothing we can do but let him go. Surely one of the guns belonged to the felon, but we have to let them go. It puts us in a very difficult position.

We've seen an increase in assault weapons in St. Louis, and that's evidenced by the rounds that are left at the scene. We're seeing 30 shell casings left at a scene. The other thing we're seeing is high-capacity pistols. Our incidents in which there are multiple victims have gone up considerably. We record our crimes by victim, not by incident, so our aggravated-assault-with-firearm numbers have gone up dramatically.

Newark Police Director Garry McCarthy:

We Worked With Local Prosecutor On a Tough Plan for Gun Offenders

We are currently implementing a new gun violence reduction strategy. First, the circumstances of how firearms reach the streets of Newark are going to be looked at. We're going to database our information and look for patterns and trends as to where the firearms are coming from. We know that 70 percent of the crime guns we recover come from out of state. I think it's because of our proximity to Pennsylvania. It's easier for criminals to get guns outside of New Jersey. We are beginning to do good analysis on those guns, as to whether they were obtained through multiple-gun purchases or straw purchases, etc.

Second, our detectives are responding to every single gun arrest like it was a robbery or a homicide. At the same time, every single gun arrest is getting enhanced for prosecution. We sat down with the country prosecutor and asked what we needed to give them in a package in order to get a good prosecution for a case.



Washington, D.C. Chief
Cathy Lanier

They basically gave us a checklist. We have special detectives that will respond to every single gun arrest, prepare a case folder, taking statements from the patrol officers, witnesses, pictures, collecting evidence like it was any other crime for the prosecution of those cases. And we made a list of the top 50 bad guys in Newark, based upon set parameters: at least two felony convictions, and being either the victim or perpetrator of gun violence (because we all know, perpetrator today, victim tomorrow and vice-versa.)

We got the prosecutors to give us a deal where every crime that these offenders are arrested for will be an enhanced prosecution with the goal of no plea-bargaining. So if one of them gets arrested for a minor offense, you're at least going to get something special out of that.

By putting all these things together, we've had almost a 50-percent reduction in shooting instances from 2006 to today.

But what concerns me are the number of rounds being fired and the high-capacity magazines. Ninety percent of our murders are by gunshot. So if you reduce the gunshots, you'd think you'd be able to reduce the murders. But we're in the strange situation that although we made an enormous reduction

in shooting incidents, we actually have an increase of 11 percent in our murder rate, because more rounds are being fired in particular incidents.

Washington, D.C. Chief Cathy Lanier:
Pretrial Release of Shooters Often Ends with Retaliation Shootings

One of our biggest challenges is stopping retaliation shootings. The only way to do that is to get the original shooter off the street quickly. This does not only mean a quick arrest, it means we need the shooter to be held pre-trial, or they will become the next victim. That happens all too often in Washington, D.C.

I can't tell you how many offenders' lives we could have saved had they just been detained after being arrested. It is very frustrating for us. We're trying to stop a cycle of violence, but sometimes in D.C., it's less than two hours before a retaliation shooting occurs.

New Bedford Chief Ronald Teachman:
Pretrial Detention Helped Reduce Shootings

One thing that we found very effective in Massachusetts—until our Supreme Judicial Court overruled it—was the expanded use of pretrial detention.



New Bedford, Mass. Chief
Ronald Teachman

Newport News, Va. Chief
James Fox



We had a law in Massachusetts that allowed the courts, after a hearing, to declare someone unlawfully carrying a gun a “dangerous person” and detain them for up to 90 days after their arrest. The customary practice had been to release them on personal recognizance or low cash bail. Immediately removing a potential shooter from the street for this extended period had a profound effect on de-escalating gang tensions.

This law was not applied to law-abiding folks who simply neglected to renew their license to carry. These were arrestees who were carrying a gun for the deliberate purpose of shooting people. These were defendants who generally had prior criminal records that would preclude them from ever being able to lawfully possess a firearm in Massachusetts.

What we found by applying pretrial detention to these offenders in New Bedford was a 44-percent reduction in shots fired, a 66-percent reduction in persons shot, and a 75-percent reduction in homicides from 2006 into 2008. We also saw a reduction in guns recovered. People just weren’t as cavalier about carrying them around illegally. Also, if one group knows that their adversary isn’t likely to be armed, they are less compelled.

Unfortunately, the Massachusetts Supreme Judicial Court struck down this practice. Despite the operative residual language of the dangerousness statute which read, “or any felony that by its nature involves a substantial risk that physical force against the person of another may result,” the court held that the unlawful possession of a firearm was a “passive and victimless crime.” Although the court recognized that someone could burn a vacant home or burglarize an unoccupied dwelling and still be considered dangerous (because arson and burglary were specifically enumerated), the judges did not find felonious possession of a firearm to be a predicate offense.

Since the court struck down pretrial detention for gun possession offenses, we’ve seen a 450-percent increase in homicides, and our shots-fired numbers are back to where they were before 2007. I think those statistics tell the story.

We are working diligently toward corrective legislation.

Newport News, Va. Chief James Fox:

Fewer Officers Have Been Killed Because of Improved Training and Equipment, But Think about the Violence Our Officers Face

We don’t talk about the cost to law enforcement because of the changes that have taken place with guns in our cities. When I started in policing 39 years ago, I didn’t have a ballistic helmet or a ballistic vest. We didn’t look like soldiers in Iraq. We didn’t have rifles. All of that has changed. Look at the way we’ve had to change how we do business in urban cities.

It’s true that law enforcement deaths have gone down—it’s because we’re better trained and we have more equipment. But think about the violence and the fear in our young officers who are out on the street.

John Frazer, Research and Information Director, NRA Institute for Legislative Action:

Violent Crime Is at a 35-Year-Low Despite Reductions in Gun Control

At a national level, despite having millions of guns sold every year, and overall regulations on firearms reduced over the past 20 years, violent crime is at a 35-year low, homicides are at a 43-year low, and fatal shootings of police officers are at the lowest point since the 1950s. Things are not perfect, but they are relatively better than they have been in a long time.

One of the important things to remember about gun trace data is that firearms can be traced for reasons other than being used in crimes—they can be traced from car accidents, or crimes not involving firearms at all. So it's hard to draw any firm conclusions based on them.



Paul Helmke, President, Brady Center to Prevent Gun Violence:

Look at Primary and Secondary Gun Markets

One of the crucial things is that it's hard to figure out where the guns come from. Guns start out in a legal market, but they fairly quickly get into an illegal market. One of the things we encourage every police department to look at is where the guns come from. If we had a better idea of where the guns are coming from and how they get to the gangbangers, then we could figure out some strategies to stop them.

One of the things that we used to get at the federal level was more data that traced the guns. A study in 2000 showed that approximately 60 percent of guns recovered at crime scenes came from only about 1 percent of all the dealers nationwide. There are also situations where gun dealers will “lose” a lot of their inventory each year, and not just from burglaries. The dealer who sold the gun to the D.C. sniper supposedly “lost” 25 percent of their inventory each year. It's tough to stay in business if you're really losing that kind of inventory.

I think one of the things we need to talk about long-term is establishing standards and best practices for gun dealers. A lot of studies have shown



ABOVE LEFT: John Frazer, Research and Information Director, NRA Institute for Legislative Action

ABOVE: Senior Vice President Lawrence Keane, National Shooting Sports Foundation

LEFT: Paul Helmke, President, Brady Center to Prevent Gun Violence



ATF Special Agent in Charge
Bernard Zapor

that gun dealers can cut down on illegal transactions if they just do things like put in cameras and not allow cell phone calls inside their stores, because that's usually an indicator of a straw purchase.

As for the secondary market, the so-called "gun show loophole" is the loophole in the Brady Bill that says that if you're not a federally licensed dealer, you don't have to do a background check. A gun show is a marketplace where a lot of people who are not federally licensed dealers set up shop and sell guns without doing the background checks. Obviously, if you have a felony record and you have a choice between buying a gun from somebody who's going to do a background check and someone who won't, you're going to go to the dealer who doesn't do the background check.

One of the differences for cities trying to regulate firearms is that sometimes states will pass legislation that preempts local legislation. State legislatures will step in and say they don't want local communities implementing anything more restrictive than what the state does, and many states don't do much of anything.

**Lawrence Keane, Senior Vice President,
National Shooting Sports Foundation:**
We Are Working to Stop Straw Purchases

We have an excellent working relationship and partnership with ATF, including collaborating on a program called 'Don't Lie for the Other Guy,' which

we've been doing for almost 10 years. It's a dealer awareness and public awareness campaign on straw purchasing.

There are two components. The first is to assist ATF in training federally licensed firearms retailers on how to be better able to identify and prevent straw purchases. We've distributed about 35,000 retailer education kits to FFLs [federal firearms licensees] all across the United States, and it has been very well received by the dealer community.

Every purchaser has to go through a background check, which we fully support. The dealer also has to use common sense, obviously. If they're suspicious about the sale, we encourage them, as does ATF, to not make the transaction. The "Don't Lie for the Other Guy" program includes a DVD that contains examples of common straw purchasing scenarios which ATF has identified.

The other part of the program is an awareness campaign, in which, working with ATF and the Department of Justice, we get the word out to the general public and would-be straw purchasers that it's a serious crime to straw-purchase a firearm, and that you can get up to 10 years in prison and a quarter million dollars in fines. We've accomplished this a number of ways, partially through public service announcements—television as well as billboards and other outdoor media.

We also hold press conferences in different cities with ATF, the U.S. Attorney's Office, sometimes with local law enforcement and local prosecutors, etc., to generate media attention. And when we can, we try to hold a seminar with ATF and the FBI for retailers in that area to come and ask ATF questions about record-keeping requirements, how to respond to different situations, etc.

**Bernard Zapor, ATF Special Agent in Charge
St. Paul Field Division:**

*Even Small-Time Gun Traffickers
Should Be Prosecuted*

A profile of a typical straw purchaser that we encounter in Wisconsin would be a mid-20s female with no criminal history, with a legitimate Wisconsin ID, who purchases anywhere from two to six handguns over a six- to eight-month period, and no more than two from a single firearms dealer. And never more than one at a time, so as to avoid a multiple purchase indication—they're aware of that.

But that trafficker is not going to show up in normal strategic analysis of firearms trafficking. That's a big problem. We have to modify how we do our intelligence-based trafficking analysis by making a micro-analysis that's applicable to a particular area. Then we know that our typical straw purchasers are different than those, say, in the Southwest.



We are trying to do a better job of marketing with the federal prosecutor's office to convince them that smaller straw purchasing cases, like what we get in Wisconsin, should have some priority with their office. It's understandable with the amount of jurisdiction that a U.S. Attorney covers that they might not immediately see the benefit in going after these firearms traffickers that seem very small on the surface. We are having more success.

ATF Assistant Director Larry Ford:

*We Have 600 Industry Operations Investigators
To Regulate 116,631 Gun Dealers*

There are roughly 2,500 ATF agents today. Thirty years ago, it was close to the same number. Our 600 inspectors are responsible for regulating 116,631 federally licensed firearms dealers (as well as an additional 10,760 federal explosive licensees). So you're talking about roughly 600 industry operations investigators to cover a population of 127,391 licensees that they are responsible for regulating.

What we find is that the more we're able to educate, the more compliance we have. Keep in mind that we revoke less than 1 percent of the licenses. We apply risk analysis principles to maximize the efficient use of our resource by identifying licensees for inspections within a one- to five-year window.

ATF Deputy Assistant Director Julie Torres:

*Relatively Few Gun Dealers' Licenses
Are Revoked*

We normally average 20 to 25 criminal investigations per year, and we usually revoke around 100 licenses per year out of the 11,000 inspections conducted yearly.

TOP: ATF Assistant Director
Larry Ford

BOTTOM: ATF Deputy Assistant Director
Julie Torres

Lawrence Keane:

*Gun Dealer Compliance
Has Improved Dramatically*

We meet with ATF every quarter, and we have gone over the statistics on revocations. For fiscal year 2009, ATF did about 11,400 regulatory inspections—not criminal investigations. Of those, they only moved to revoke the licenses of 30 dealers. If you're talking about criminal prosecutions of dealers, it's even less.

The rate of compliance has improved dramatically, and I don't want to put words in ATF's mouth, but I think they would say that's in part due to the educational message that has been communicated to the dealer community by industry and ATF collectively.

**Baltimore Commissioner
Frederick Bealefeld:**

*We Have a Gun Offender Registry,
Similar to Sex Offender Registries*

We adopted something that New York City does. It's called the gun offender registry. This gets down to affecting people's behavior, and not just the behavior of bad guy with guns, but also the way cops think. Like a sex offender registry, anyone convicted of a firearm offense—even 16-year-olds being tried as adults—must register within 48 hours of their conviction. We have their information in a database.

The important part of this program is the home visitation. The beat cop makes regularly scheduled visits, knocks on the door of the offender, and maintains regular contact. If he sees the offender out on a street corner with a group of guys, he will approach the offender first. The offender gets used to being approached over and over.

We think it does two things. First, it tells the cops about our priorities. If our priority is gun enforcement, it identifies the people in the neighborhood they ought to be speaking to first. Second, it reduces the chances of the offenders carrying weapons, because they know the cops will pull them up. So they don't carry guns around.

Because of this, a lot of the really petty things that were resulting in shootings in Baltimore are interrupted. And that, to a degree, is giving us a little bit of a break because these guys aren't walking around strapped all the time.

Boston Commissioner Ed Davis:

*We Need to Find Ways to Teach Kids
That Only Cowards Shoot Other Kids*

I think it's important to spend some time applying problem-solving principles to this problem, and to



TOP: Baltimore Commissioner
Frederick Bealefeld

BOTTOM: Boston Commissioner
Ed Davis



Cincinnati Chief
Thomas Streicher

think outside the field of law enforcement. I think it's important for the police profession to team up with partners city by city, instead of relying on Congress to solve this problem. We should start to look at the people who are most prone to this problem, inner-city gang kids who aren't players unless they have a cell phone in one hand and a gun in the other hand.

We have to go into the neighborhoods and convince the important people that only cowards pick up a gun and shoot other kids. *These are kids who live across the street from each other.* The only difference between the shooter and the victim is that one grew up on this block and one grew up on that block. We have to make a case to the community that this is stupid behavior and people need to stop it.

The reason I say that is that you have to look at the supply and demand of guns. The last figure I saw was that 2 million guns are manufactured per year in this country. And guns are a durable good that lasts up to 20 years or longer. So even if we were to put in supply-side regulations tomorrow, there'd be no change in the availability of guns in our lifetime.

So I think that while we continue our enforcement efforts, it's also important to look at problem-solving strategies to address the culture

ATF Special Agent in Charge
William D. Newell

of this problem—and start a conversation to stop it in the neighborhood, street by street and block by block.

James Cavanaugh, ATF Special Agent in Charge, Nashville Field Division:

A Federal Law on Gun Trafficking Would Help With Enforcement

One problem is that there's no federal gun trafficking statute. That's been a problem for years. We're only interested in narrowly focused, criminal gun traffickers. When we charge a gun trafficking ring, we have to charge them with causing the dealer to make a false entry into their records.

And because of the way the Gun Control Act is written, it is only a separate felony if a person goes out of their home state to pick up a firearm and then brings it back to the state where they reside. So if we're trying to bust a firearm trafficking ring that's bringing guns from Alabama to New York, it's not enough for us to catch them bringing the guns across state lines to Tennessee or Georgia. We have to follow them all the way until they go through the Holland tunnel into New York. So a federal gun trafficking statute would help us.



North Charleston, S.C. Chief
Jon Zumalt



Cincinnati Police Chief Thomas Streicher:
Gun Possession Arrests Have Become Routine

Thirty years ago, when I was a young cop, if you got a gun arrest, that was a really big arrest. You might not see another gun for six or nine months. Now making an arrest for a gun is like making a disorderly conduct arrest—it's a daily activity.

We're seeing more assault weapons being used now, and the victims are younger every day. We think part of that is because of a priority we've made of hitting the organized gangs in Cincinnati and arresting the heads of those groups. Younger kids are trying to come in behind them and take over. But they don't have the street savvy yet to protect themselves, so they're being killed by guys who are slightly older than them.

William D. Newell, ATF Special Agent in Charge, Phoenix Field Division:

Mexican Crackdown on Drug Cartels Is Increasing Gun Trafficking

Things changed along the Southwest Border several years ago when President Calderon was elected in Mexico, and for the first time he committed to taking the battle to the drug cartels. He mobilized the army and took a number of enormously positive

steps. But as a result, there has been an increase in violence in Mexico, both cartel-on-cartel and government-on-cartel. So the cartels have felt the need to arm themselves even more.

Acting Assistant Director Mark Chait, ATF:

We Are Eager to Work with Local Police To Stop the Proliferation of Gun Crimes

The cooperative effort between local police and ATF, or other federal and state agencies, is critical. We can't do this alone, and we want to share whatever information we have with local chiefs, because we do understand that firearm proliferation is occurring throughout the country. It is key that we come together to work on this.

The biggest trend we've seen is an increase in assault weapons being used in crimes, especially along the Southwest border of the United States, as we try to stop the flow of guns into Mexico.



North Charleston, S.C. Chief Jon Zumalt:

Police Get No Help from Our State Laws

In North Charleston, over 80 percent of the murders that take place are committed with

ATF Deputy Assistant Director
Mark Chait

Milwaukee Chief Ed Flynn Took on A Problematic Gun Retailer

At PERF's Gun Summit, Chief Ed Flynn described a successful initiative that the Milwaukee Police Department undertook to deal with Badger Guns, a local dealer with an extremely troubled history.

The effort was launched on June 11, 2009—two days after two Milwaukee officers were shot in the head, allegedly by an 18-year-old man who, just one month earlier, had obtained a .40-caliber Taurus handgun through a straw purchase at Badger.

CHIEF ED FLYNN:

Milwaukee has a population of 600,000, and we do about 2,200 to 2,500 illegal gun seizures a year. Gun crime has been a problem in Milwaukee for years. The 20-year average for homicides in our city has been 110. My first year there, we got it down to 71, and this year we're on track for the same pace as last year. So that's certainly positive, but nonetheless we get a lot of shootings, a lot of violence.

There is a gun store near the Milwaukee city line called Badger Guns, previously known as Badger Outdoors. Badger Outdoors was investigated by the ATF several years ago because it was the Number 1 crime gun seller in the United States of America. Nobody else came close. They've been a real problem for us. In the last two years, Badger Guns has been responsible for one-third of all the crime guns seized in Milwaukee.

Badger Sold the Guns Used To Shoot Six of My Officers

To bring the point home even more: In 21 months, guns legally bought at Badger Guns were used in the shootings of six of my police officers.

We finally had an "enough is enough" moment and tried a new kind of action. We had tried many times to do a straw-purchase sting at Badger, but it never succeeded; they're very cagey. So we parked our



Milwaukee Chief Edward Flynn

squads near their driveway and watched for the behaviors associated with the straw purchasing of guns. For example, a group of people arrive in a car, and one person goes into the store but keeps coming back outside to talk to people who stay behind in the car. Another sign of straw purchasing is a group arriving at a gun store and there's a female in the group who goes inside.

When the officers saw these kinds of behaviors that are associated with straw purchases, they used observable traffic violations to stop and question the occupants.

The operation ran Monday through Friday from 10 to 7, and Saturdays and Sundays from 10 to 4. On average we used six officers there on a daily basis—three on the day shift and three on the evening shift. We also deployed a portable pole cam for surveillance purposes.

Over a period of 15 weeks, we stopped 297 people and arrested 23 of them. Eleven were arrested for being felons in possession of a firearm, eight were arrested for concealed-carry, and we had one felony drug arrest. We seized 20 weapons, and ended up with a total of 51 convicted felons stopped in that period of time.

Absurdly, Gun Dealer “Plays the Race Card”

We also felt it was important to have a media strategy as well as a law enforcement strategy. It was our sense that data can help make a case, but compelling stories can help pass a law. So we invited a reporter from a local newspaper to watch how we did it.

We also felt that we needed the reporter to serve as a neutral party to observe exactly how we conducted ourselves. And we were glad we did, because sure enough, this owner of Badger Guns cynically decided to play the race card. He’s Caucasian, but he put a sign out in front of the store saying, “Racist Milwaukee Police Department Is Pulling Over African-Americans Leaving This Store.”

When the newspaper reporter wrote his story, he noted that he had seen four police stops—two black men, one Hispanic couple, and one white man. So obviously we were not targeting African-Americans. A local newspaper columnist who is African-American, Eugene Kane, wrote the Badger Guns owner was “way off base” in accusing the police of racism.

Aiming for New Legislation

The reporter did a major story on Badger Guns, and on the fact that in the first eight months of 2009, we had 143 crime guns seized that were traced back to Badger.

This drew a lot of attention to the issue statewide, and we used this to make some suggestions for new legislation.

Our challenge in law enforcement is to try to alter the mental calculations of criminals about whether it is more dangerous to carry a gun or not carry a gun. The overwhelming majority of gunshot victims in Milwaukee are career criminals, as are the overwhelming majority of their assailants. Our problem is that for a guy who’s actively in the criminal lifestyle in Milwaukee, his calculation is that it’s more dangerous *not* to carry a gun. If he doesn’t carry, he thinks he might get shot. If

he does carry a gun and gets caught—well in Wisconsin it’s only a misdemeanor to get caught with a concealed weapon.

Why is it only a misdemeanor? Because Wisconsin, like more than a few other states, is overwhelmingly rural. In these rural areas, access to firearms and carrying firearms are non-issues. But then you get to Milwaukee, where carrying a concealed weapon means that someone gets killed. Yet the state passes laws that forbid Milwaukee from passing ordinances that are stricter than state law on the issue of firearms.

So here’s how the DA and I have ended up being counterintuitive. I never thought the day would come that I would become an advocate for a law providing for concealed carry permits. But my sense is that right now we’ve got the worst of both worlds, because in Wisconsin, you are permitted to carry a weapon openly, and concealed carry is an endless misdemeanor. If you get a second arrest for *drug* violations in my state, it’s a felony. But a second arrest for carrying a concealed weapon, that’s just another misdemeanor. Third arrest? Another misdemeanor.

So my local district attorney and I have made an array of suggestions. We suggested that perhaps in exchange for strengthening all of our other gun laws, we could offer the possibility of enacting a law to establish a concealed-carry permit system. We’d like unlicensed concealed-carry to be a felony on a second conviction. We would like to make the state law regarding straw purchasing a felony; it’s a misdemeanor right now. We want to restrict convicted felons from being within 1,000 feet of a gun store. And we want a records check of people using a firing range.

Regarding private gun sales, we would advocate that licensed dealers be used as brokers. So if you’re a private citizen selling a gun to someone other than a family member, you would have to sell it at a licensed gun

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Philadelphia Deputy Commissioner
Kevin Bethel

handguns. In South Carolina, there is a lack of adequate consequences for the possession of an illegal firearm or the use of a firearm in a violent act. We have people who serve a year in jail for nonfatal shootings and don't get serious time until they murder someone. That's a common theme that we see in North Charleston.

For many of our violent crime and drug cases in the state courts, the firearm possession charge is only used as a bargaining chip, and has little impact on the sentence. However, in the federal system, a gun charge is an enhancement to the sentence, which is a good thing. The best help I get in my city is from ATF, and federal prosecution for possession of a firearm with a prior felony.

We have weak gun laws in South Carolina. Before 2005, in South Carolina an individual could

only purchase one firearm in a 30-day period. In 2005 the law changed; now you can buy as many guns as you want. This change allowed two defendants who worked for somebody in New York City to come into one of our pawn shops and buy 36 guns in a three-week period—sometimes buying as many as 7 at a time—and sell them in New York. South Carolina is a source state for guns.

Several years ago, another problematic legal change occurred: the age for legal possession of a firearm was reduced from 21 to 18. This eliminated the secondary gun possession charge for those age 18 to 21, which was a felony. So this took away our only opportunity for a felony possession of a firearm when the suspect had a prior felony conviction. In our state you can be arrested for some traffic offenses that are felonies. But you can be arrested for illegal possession of a handgun 100 times, and no felony. Tell me if that makes sense.

Despite these obstacles, violence is dropping in our city. Frankly, it's just because of the police. We've reached out to cities across the country for ideas, and we've implemented some pretty effective programs to drive down violence. But the state of South Carolina isn't doing anything to help us.

>> *continued from page 21*

dealer, and a background check would be done on the buyer.

**A Suggestion for Gun Manufacturers:
Stop Selling to Problem Dealers**

We also have a suggestion. There are some firearms manufacturers who are major suppliers to law enforcement—I think Glock,

Smith & Wesson, a couple of others. I would like to see if we could negotiate with them that they would stop supplying licensed firearms dealers who have a history of selling large numbers of crime guns that ultimately are used to shoot police officers. If dealers risk losing their supplies of high-quality guns, they might think twice about selling the Tauruses and Ravens to the people who shoot police officers.



**Philadelphia Deputy Commissioner
Kevin Bethel:**

*Federal Prosecution Helps,
But It Can Only Handle a
Small Fraction of Offenders*

What we see is that guns come in from out of state (straw purchased), and then gang members loan them, they rent them, they hold a certain number of guns and move them around. So everybody doesn't need their own gun, because they've got two or three guns for a group of 20 or so members. They move that gun around as they need it.

In Philadelphia we have a great relationship with ATF. But our U.S. Attorney can only take 700 cases a year. Of those, only about 250 or so are going to be firearms-related. The rest are going to go to white-collar crime and other areas. We could give them at least 1,000 gun cases that meet the threshold, that have all the elements you need for successful prosecution, but the reality is that they can't even begin to take all of those. And that doesn't even include juvenile cases, which the feds won't touch.

We have a gun court, but what does that gun court mean if you're not going to keep the offenders in jail? If we've arrested someone for illegal firearm possession with 10 priors and the feds can't take him, then our system should be taking that guy. Unfortunately, it often doesn't. These offenders are frequently cycled right back out and just put under 'direct supervision' probation.

**James Cavanaugh, ATF Special Agent in
Charge, Nashville Field Division:**

*We Used Threat of Federal Prosecution
To Get Guilty Pleas*

We started hitting Memphis violent gun crime a few years back, and we had similar problems to St. Louis: Tennessee state gun laws are very lax; you get a \$62 fine.

Because offenders get virtually no penalty in state court, everybody wanted to go to ATF and the U.S. Attorney. But we couldn't take everybody. We were taking about 400 federal gun violations in Memphis every year, and we wanted to take more but couldn't.

So we got with the U.S. Attorney, the District Attorney, and the Memphis PD, and said, "Look, we're going to give these offenders a Hobson's choice from now on. It's not going to be a free walk on gun charges." When we divide the gun charges up every week, deciding whether to take the cases to state or federal court, we started giving offenders with a prior felony conviction "the state offer." The DA gives them a letter that says they are a felon with a gun charge, and explains that they can plead to one year in state prison, or we'll give it to the feds, who'll give you five years. Once we made the defense bar believe that we really were going to take it federally if they didn't plead to a year, we started getting some guys a year of jail time for a misdemeanor. But a year was better than a \$62 fine!

Tennessee gun laws have been somewhat strengthened since we began that process. Still, it always pays to compare the state and federal penalties in each firearms case and leverage them for the benefit of public safety.

Richmond, Calif. Chief
Chris Magnus



Providence Chief Dean Esserman:
*Federal Prosecutions Help,
But Less So with the Young Offenders
We See Today*

ATF has been extraordinary for us in Providence. We have an agreement between the state prosecutor and federal prosecutor that all eligible firearm cases will be taken federally. We know that this is a small percentage of all cases, but we wanted to send a message to those on the street who don't know that it's a small percentage. So 24 hours a day, seven days a week, when there's a gun arrest in the city of Providence, there's a joint interview between the detective and an ATF agent. And word on the street has been dramatic, because people know it.

But if I had to look for a common denominator across gun violence over the past few years, it is that all my cops are talking about how much *younger* everyone involved is. Today's suspects are much younger than those of a few years ago. So the federal prosecution strategy has not been working nearly as well because of these juvenile offenders.

I feel like I'm in war college, where the first thing they tell the generals is, "Stop fighting the last war. Pivot, and look at the one you're fighting now."

Newark Police Director Garry McCarthy:
*We Need Gun Courts Like New York's
To Give Gun Possession Cases a Higher Priority*

The high-capacity magazines, without a doubt, are making an enormous difference in the number of murders that we're experiencing. In northern New Jersey in the past six weeks we've had six shooting incidents. Those six shooting incidents resulted in five murders. That's way out of proportion; the historical average is that only two out of 10 shootings resulted in fatalities. It's because we're

seeing a lot more shots fired by offenders with these high-capacity magazines.

New Jersey just upgraded gun possession to a secondary crime which carries a sentence of three to five years. That's significant. But the problem is that when we start the prosecution of those cases, we have to work hard to make sure that they get the attention they deserve.

When I was with the NYPD, they created gun courts to deal with this problem. They had a tough law—a mandatory minimum of one year in jail for gun possession—but what would happen is that you'd have a judge sitting on a bench with a murder case, a rape case, a robbery case, and a gun possession case to deal with. He's busy and he has too much on the docket, so of course he wants to get rid of the gun possession case.

To deal with this, New York created separate gun courts to handle these cases, and the average jail time went from 0 to 365 days immediately, because that judge was only hearing gun cases. Something along those lines would help us in New Jersey, because the same dynamics exist.

Richmond, Calif. Chief Chris Magnus:
My City Has a Strong Culture of Guns

We have too many guns in our city. On New Year's Eve many of our residents will go out and shoot



Atlanta Chief
Richard Pennington

their guns into the air. In years past, we had many thousands of rounds that were shot up into the air.

We also have a phenomenon called “community firearms.” Gang members and others who are using guns simply hide them in public spaces and share them. When we do our annual Easter egg hunt for kids in one of the major parks, we have to do a sweep beforehand for firearms.

Richmond can average one or more shootings per day even though it’s not a very large geographic area. There is a real “no snitching” culture in some neighborhoods that’s hard to break through.

In some areas, residents become so numb to this type of violence that in a lot of cases they don’t even call the police when they hear gunshots anymore. We have installed ShotSpotter to help us respond to gunfire more quickly, so at least we know where shots are coming from. This technology gives us a fighting chance to make a car stop or check out people who might be fleeing the scene. It’s been pretty good for us so far, but it’s expensive, which is a downside. It involves sensors that triangulate where gunfire is coming from, and it’s incredibly accurate—it can pinpoint gunfire locations down to a matter of feet. We’ve used this in combination with closed-circuit TV, and we’ve already caught over a dozen shootings on camera, which gives us an opportunity to solve some of these crimes.

We are not having the same level of success with federal help as some other jurisdictions, frankly. We’re close to Oakland, which gets the lion’s share of federal resources. When we go to the U.S. Attorney with firearms cases, the offenders have to meet a minimum threshold of prior charges. But because so many of our suspects are juveniles, that just isn’t realistic. We have only a handful of gun cases on a yearly basis that end up being tried federally.

Most of our cases are tried at the state level. Under California state law, many firearm charges, even possession of an assault weapon, are known as “wobblers,” meaning they can be tried as either a misdemeanor or a felony. The reality is that because of budget cuts, our District Attorney has faced major cutbacks and gun prosecutions are not always a priority. Many of these cases are plea-bargained out and many gun charges are handled as misdemeanors.

Another problem is that criminals know to separate the clips from the guns. That makes a big difference in how they’re charged. Separating the clip from the gun can bring the potential charge down to a misdemeanor.

On top of that, California is struggling with state and federally mandated release of thousands of inmates from state prison and local jails. Those offenders are returning to the communities they came from, which for us means a lot of returning felons in Richmond. The bottom line is that there’s not room in the county jail or state prison for most of these firearms offenders.

Given the fact that ATF and federal resources are limited, and that state courts aren’t putting the kind of emphasis we’d like on these cases, I’m curious to know more about the “gun court” model. We know that dedicated courts for drunk drivers and domestic violence offenders have been very effective.

Atlanta Chief Richard Pennington:

*I Also Had Problems with
“Celebratory” Shootings*

When I first took over as police chief in New Orleans, we had the same problem as in Richmond, California: My first New Year’s Eve there, they parked the police cars and stayed in the precinct between 11:30 p.m. and 12:30 a.m. I had never heard of that before. That night I heard two or three hundred rounds of AK-47s going off in the city. The next day there were bullet holes in the roof of the Louisiana Superdome. And that had been happening every year.

So the next year I put together a program saying my officers would patrol the streets during New Year’s, and whenever they would respond to the scene of a shooting, they would recover all the shell casings. We had a pretty good system of matching the casings to the guns.

The next year, a lady standing in the French Quarter was struck by an AK-47 bullet in the top of her head falling out of the sky, and it killed her instantly. That night alone there were three other people who were hit by bullets as a result of shooting these AK-47s into the air. So we embarked on another campaign to address the problem. We made commercials explaining that when those bullets go up into the air, they have to come back down. The shootings did go down dramatically over the next several years.

Indio, Calif. Chief Bradley Ramos:

Our Problem is a Lack of Jail Space

We have a district attorney in our county who is very aggressive, but our problem is that we don’t have enough jail space. So what happens is that we have a catch-and-release pattern with the district attorney. He prosecutes everybody, but many offenders don’t do any jail time, due to jail overcrowding.

Indio, Calif. Chief
Bradley Ramos

When I came to Indio eight years ago, we had a very high homicide rate relative to our population. Most of it was gang-related. We put together a regional gang task force that was able to essentially eradicate the gang problem in our community, but we displaced it to other communities. Now we’re in the process of working with ATF, the FBI gang impact team, and the U.S. Attorney’s Office to go after a RICO prosecution of four of the displaced gangs that operate in our community.

We’ve been aggressive on the regional level to reduce our gun crimes and our violent crimes. We’ve also used our traffic team to go into hot spots and increase traffic enforcement, along with our specialized units and patrol officers. So we have a focused effort targeted at people who we believe have weapons.

Los Angeles Captain Justin Eisenberg:

*Our New Strategy Prevents
Gang Retaliation Shootings*

We have a very focused gang effort. We invest a lot in gang intervention and prevention. We have traditional enforcement, things we would normally do, like gang injunctions targeted on the city’s most active gang members. But the new strategy is a large investment in intervention/prevention. We looked at the 13 worst gang-impacted areas in the city, and we now call them Gang Reduction Youth Development zones. Intervention and prevention workers,



who are former gang members, enter those zones after shootings. These workers have “street cred,” sort of a “license to operate” in their communities, and they have been vetted by the city. It has really taken off last year and this year.

This seems to really work. We’re looking at a tremendous reduction in homicides this year. We’re down 18 percent this year in total homicides, and we’ve seen an almost equal reduction in shootings. We characterize it as a “violence interruption strategy.” We can make strategic arrests, we can use suppression tactics in an area and all the rest, but we were still dealing with retaliation shootings. The gang intervention workers give us a way to stop those shootings. It has helped us break that cycle of violence. Our detectives’ first priority is to prevent the *next* homicide.

We also have a new state law, modeled after a Los Angeles city ordinance. We have long conducted inspections of ammunition sales records in Los Angeles. Our city has 17 federally licensed firearm dealers, and at those locations, when ammo is sold, the purchaser of that ammunition gives a fingerprint and identification. We routinely inspect the ammunition sales records to verify that the customers are not people who are prohibited from owning a gun. The new state law is modeled after the city law that allowed us to do that. The value of the state law is that people can’t just cross into a nearby city to buy their ammo without giving their fingerprint.



**Detective Superintendent Paul Rumney,
Greater Manchester Police, UK:**

*We Have Reduced Shootings
By Focusing on Helping At-Risk Youths*

My department created a program called Xcalibre to address escalating gang violence. Because of the falling age of gang members—sometimes just 13 or 14 years of age—we realized that we couldn’t solve the problem simply through enforcement.

So we established a coordinated strategic and tactical response from all the agencies that have power and influence to protect young people: housing, education, probation, the National Health Service, child social services, and the courts in particular. Xcalibre has primarily been invested in prevention: finding out where the vulnerable are within society, in particular the vulnerable youths whose family dynamic makes them likely to end up either as a gang member or as a target of gun violence.

We go to the houses of at-risk youths and give the youths and their parents a letter explaining that they have been identified as being at-risk of becoming a gang member or a target of gun violence. This can be based on their behavior, their tattoos, their clothing, their affiliation, or their stop-checks by Xcalibre officers. The letter states that we will take robust action to prevent this child from becoming involved in gang activity.

It’s not just a police issue. School services will show up at the address, if necessary, and provide a taxi that will collect the youth and take him to school, monitor his behavior in school, and take him home. It’s preventing these individuals from becoming the victims of gang-related violence. So the investment is at the front end—prevention. Less now is required in enforcement, and we’re saving millions because of it.

Not only that, but the media have started to give us a reasonable run now. Previously, Manchester was dubbed “Gunchester,” and the impact on public confidence in policing was devastating to us—so

Detective Superintendent Paul Rumney,
Greater Manchester Police, UK

Police Chiefs Clash with Gun Industry Leaders Over Firearm “Microstamping” Technology

One controversial topic that came up at the PERF Guns Summit was “microstamping” technology, in which firearms manufacturers would engrave microscopic codes—numbers, letters, or other identifiers—on the firing pins of guns. When the gun is fired, the firing pin would stamp the code onto the cartridge case. The goal would be to give police a means of quickly tracing cartridge cases at crime scenes to the particular guns that fired them.

In 2007, California Gov. Arnold Schwarzenegger signed into law a measure to require microstamping technology to be applied to new models of semiautomatic pistols sold in the state after January 1, 2010. As of April 2010, that requirement had not taken effect, however, because of questions about patenting of the microstamping technology. Bills have been introduced in other states and the U.S. Congress to pursue microstamping.

A 2007 study at the University of California-Davis found that microstamping technology “is feasible, but does not work well for all guns and ammunition tested.” The researchers tested six different brands of semi-automatic handguns equipped with microstamping technology, along with two semi-automatic rifles and one shotgun.

The study produced “a wide range of results depending on the weapon, the ammunition used, and the type of code examined.”

For example, the UC-Davis researchers tested Smith and Wesson .40-caliber handguns, and after firing approximately 2,500 rounds, letter and number codes on the face of the firing pins “were still legible with some signs of wear.” But other types of codes tested, such as bar codes, “were badly worn.”

The researchers estimated that engraving firing pins would cost about \$8 per gun in the first year, falling to less than \$2 per firing pin in subsequent years.

Following are some of the exchanges on microstamping between police chiefs and gun industry officials at the Summit:

Baltimore Commissioner Frederick Bealefeld:
Microstamping Is Not Just a Game-Changer; It's “Game Over” and Criminals Lose

Microstamping represents “game over” to law enforcement and forensic examinations. God bless the forensic people at ATF, but right now the way we do NIBIN/IBIS, the reality is that major city police departments have a difficult time keeping up with lab checks. I run about four months behind on ballistic comparisons—just comparing shell casings between crime scenes, let alone the actual guns.

But microstamping would mean that a detective at a crime scene could pick up a shell casing and *in an instant* get the number off the back.

The industry says that the UC-Davis study shows we're not ready yet. But the study said

that the numerical identifiers on the cartridge casings were readable. If you fire extensive numbers of rounds, there could be blurring, but they likened it to having partial license plate tags.

The important thing is, we're not talking about complicated striations of mechanical tool marks on a cartridge that have to be fed into a machine. With microstamping, if there are visible numbers on the back of the shell casings, a detective would have them in an instant.

Imagine that I could go to scene where shots were fired, and pick up those cartridge casings, and quickly know where that gun belongs. Not within hours but *minutes*, I could have detectives knocking on the door of that house and saying, “Your gun was just used down the street at a shooting.”

It's not science fiction. We're not going to have it today or tomorrow, but police officers in this country could have it in the future if we stopped talking and got to moving.

**Lawrence Keane, Senior Vice President,
National Shooting Sports Foundation:**
The Technology Does Not Work Reliably

The industry is opposed to mandatory microstamping because *all* of the independent peer review testing done to date, not just the UC-Davis study, indicates that the technology is premature and it does not work reliably—leaving aside the fact that it can be easily defeated in mere seconds using common household tools.

The industry's position is and has been that this subject requires a federal study of the technology, which we supported. The National Academy of Sciences put out a study that also indicated that the technology needed to be studied further. You're talking about a sole-source patented technology that is being advanced by the patent holder, who, of course, stands to become quite wealthy if his technology is mandated.

Commissioner Bealefeld:
Most Criminals Are Not Adept at Gunsmithing

The detractors say that microstamping can be easily defeated by gunsmithing, that you could take an emory board and file off these markings from the firing pin. But “gunsmithing” in Baltimore amounts to a hacksaw and electricians' tape. These guys do not know how to gunsmith; very few of them even know how to safely operate the weapons that they have.

The detractors will also say that microstamping would only apply to new guns, and not the guns that are already out there. Fine, but is that any reason not to start? If we don't start now, we'll be in the same position two years from now, just talking about these same strategies. This one tool could change everything.

Lawrence Keane:
*Asking Manufacturers to Incur Costs
Of Unproved Technology Is Unfair*

If the technology was proven to work reliably, we could have a discussion about whether the gun industry would support it. But we know from independent peer review testing that it doesn't work reliably. We support a federal study so that it could be looked at and the technology advanced. But it would raise the price of a firearm by at least \$200 a gun. To ask the manufacturers to incur this cost—which is substantial—when it's been shown by independent testing not to work is unfair.

Commissioner Bealefeld:
In the UC-Davis study, the numerical markings by and large held up. This will work. You talk about American technology. We're shooting rockets to Mars and we can't put numbers on the back of a firing pin that will leave a mark on a cartridge casing? To think that American technology cannot do that is preposterous.

Lawrence Keane:
How many engineering degrees do you have?

Commissioner Bealefeld:
I don't have a single engineering degree, but what I do have is experience at thousands of crime scenes in Baltimore where cartridge cases are present. In an instant, we could make people safer with this technology.

ATF Assistant Director Larry Ford:
*We Did Not Receive Funding to Do a
Microstamping Study*
At ATF, we've been asked to do the study on microstamping, but the challenge we're facing is that it's gone unfunded. We don't have additional money for purchasing the necessary technology to be able to carry out the study. ATF has limited resources and we received no additional resources to conduct the study.

New York City Deputy Chief
John Donohue



much so that trying to get witnesses in gang-related matters was just impossible.

We've also put Xcalibre officers working in the schools that are most affected by gang-related activity. And we've set up hotlines so information can be given anonymously by both pupils and teachers that feeds into the police systems and Xcalibre. So if tensions are particularly high in a school, we will know about it and will be able to act on it.

We also plan ahead of time for events when we know we're likely to get spikes in gang activity: funerals, family-related birthdays, issues around schools. One big problem for us is that young females who flip from gang to gang without any loyalty can "call-in" gang-on-gang activity just out of mischief. But we're managing that a lot better now by looking into what the gang members say on Facebook and by actually taking these young females out of those areas and relocating them through the juvenile courts.

The results of the investment are tangible. In 2007, we had 146 firearms discharges; in 2009, we've only had 45 firearms discharges so far. The amount we've had to spend on investigating gang-related murders has dropped from £12 million to £330,000. Last year we had the lowest level of homicides we've had in a while: just 39. A bad year for us would be about 70; we average about 55. The resident population in Greater Manchester is 2.5 million, but actual population in terms of business, tourists, and transient population is as high as 6 million people.

Of course the reason that we do not have the same levels of handgun violence in the UK is that handguns are outlawed there. Following a series of high-profile shootings in schools, the government took a bold decision and decided the handguns were going. The gun lobby in the UK is not as strong as it is here. Nonetheless, that was a politically difficult decision for the government to take at that time. But we're a better place because of it. So any handguns in the UK are illegally held, and if you get caught in

Greater Manchester with a handgun, you're looking at a minimum of six years in prison because of it.

New York City Police Department Deputy Chief John Donohue:

We Work with the Clergy on Gun Buybacks

We have had a robust gun buyback program. The seven gun buybacks we've held throughout the course of the year have netted over 4,000 firearms, half of which were handguns.

When deciding where to have the programs, we targeted neighborhoods where gun violence is most prevalent. We held them at churches, temples, and synagogues, and we got a lot of support from clergy, as well as the district attorney's office. With their support, we were able to double the amount of money we were able to give to people who were turning in firearms.

We also have a traditional gun buyback program in which someone can walk into any police precinct and turn in a handgun. But the volume of guns recovered in that traditional program has declined over time. Today, it's the well-advertised and targeted programs we have in partnership with the clergy that are getting people out and receiving large volumes of guns.

I can't say that there's any direct correlation between the number of guns turned in and gun violence. The percentage of murders committed with handguns is in the mid-50 to low-60 percent range and is relatively consistent over the last several

years. However, the number of murders, and homicides committed by handgun, in New York City has decreased significantly and almost consistently since 1991.

Boston Commissioner Ed Davis:

Gun Buybacks Are About Engaging the Community

The research is pretty negative regarding these gun buyback programs; it says we're not getting the crime guns off the streets. However, if we get *any* guns off the streets and that saves some lives, it's worth it.

And the more that we can reach out and engage the community through programs like this, the more trust we can build, and the more likely it is that they will reach out to us when something serious happens. I think gun buybacks work well in that way.

Chicago Superintendent Jody Weis:

Criminals Steal Guns, and Buybacks Make It Harder to Find Guns to Steal

Our philosophy is that buybacks get guns off the street. No, we don't have a lot of criminals turning in their weapons. But we have a lot of weapons stolen in Chicago. And because many of the weapons are owned illegally to begin with, people are not reporting that their guns are stolen—they weren't supposed to have them in the first place. So our philosophy is that if we can get as many weapons as



Minneapolis Chief
Tim Dolan

we can off the street and out of the houses so they can't be stolen by criminals, or used by children, it's a good investment.

North Charleston Chief Jon Zumalt:

Buybacks Build Support for Other Community Programs

What North Charleston gained from our gun buyback program is trust. Our city historically had a lack of trust between the community and the police. But we had a community panel that helped put together this gun buyback project, and it was a success. So now some of these community members are out helping us with efforts to prevent retaliation violence and other kinds of projects. We gained a lot of trust in our community by doing the gun buyback program.

Minneapolis Chief Tim Dolan:

The U.S. Is Saturated With Guns; We Need to Look at the Culture of Violence

Let's look at the big picture. We know that there are gun crime prevention efforts that work; we can see that in the U.K, or right across our border in Canada. When you look at their numbers of homicides that are gun-related, it speaks for itself. Or look at the price of a gun on the street. I was talking to Chief Bill Blair of Toronto about this, and he said that the price of a Taurus handgun in Toronto is \$1500 on the street. You can buy that gun in Minneapolis for \$100 or \$200.

In the United States we are saturated with guns. That barn door has been open way too long. We're trying to close the door after the cows are out. So yes, we need to go after the regulation of guns. But we need to do more with a holistic approach, looking at this culture of violence that we are dealing with, and take these kids who are living in a gun culture and put them on the right track. That's what we're trying to do in Minneapolis.

Looking for Common Ground On a Polarized Issue

THE MAJOR PURPOSE OF PERF'S GUNS SUMMIT was to explore the variations in cities' particular problems with gun violence, and the different ways that police departments, the ATF, and state and federal prosecutors have responded to those problems.

In addition, PERF hoped to find some common ground on gun issues among law enforcement agencies, gun owners' rights groups, and gun control interests.

Following are a number of comments that were made at the Summit about the search for consensus:

**Paul Helmke, President,
Brady Center to Prevent Gun Violence:**

*Enforcing the Laws on the Books
Requires Giving Enforcement Agencies
The Resources They Need*

Since the Supreme Court decision a year ago, my hope has been that we could move to the middle ground. The Supreme Court said that near-total gun bans like D.C.'s were off the table, but it also said that "any gun, anywhere, anybody, any time" is also off the table. Justice Scalia said that the right is not unlimited: you can have restrictions on who buys guns, what kind of guns they are, where they take them, how they're sold, where they're stored.

That's the middle ground we should be looking at. This isn't Second Amendment trench warfare anymore. It should be about finding out what works.

I think we can agree that illegal trafficking needs to stop. I think we need to focus on problem dealers, look at multiple sales, and we need to strengthen ATF and give it the appropriate resources. People advocate enforcing the laws on the books, but ATF

and local police and prosecutors don't get the money they need to enforce the laws on the books.

**John Frazer, Research and
Information Director,
NRA Institute for Legislative Action:**
We Need to Look at Prosecution Policies

I think the obvious area for common ground is that everyone agrees that it would be good to further reduce violent crime with firearms. I think we also can all agree that the problem isn't on the police end. We know from the media that there is no shortage of people being arrested. We have to look at issues of prosecution policies.

I think one thing that's striking is how many chiefs have talked about the statistics on the number of previous arrests and convictions that their suspects and victims have. There are reasons that people are out there with eight prior felony convictions. So I think we'd agree that we need to look at prosecution policies and programs to address the culture of violence.

**Lawrence Keane, Senior Vice President,
National Shooting Sports Foundation:**
*We Call for Mandatory Minimum Sentences
For Illegal Straw Purchases of Guns*

On the issue of straw purchasing, the industry's position is that there ought to be a mandatory minimum sentence for anyone who is convicted of illegally straw-purchasing a firearm. With the current penalties you could get include up to 10 years in jail, but we've heard from ATF special agents in the field

Cambridge, Mass. Police Commissioner
Robert Haas



that it rarely ever happens. The U.S. Attorneys won't prosecute the cases or the judges don't give particularly long sentences. That's a frustration for the industry: we want to see those people incarcerated. They should suffer severe criminal penalties when they engage in that conduct.

**SAC James Cavanaugh,
ATF Nashville Field Division:**

*Most Gun Dealers Are Honest,
But a Bad Dealer Can Really Hurt Us*

To get an agreement on the need for mandatory minimum sentencing for straw purchasers would be huge. It would knock down a lot of the traffic.

I can tell you from 33 years in the ATF that most of the gun dealers are not bad dealers; they help us get the traffickers. With most of the gun dealers, if somebody comes into their shop and tries to buy 12 SKS rifles, I guarantee you they'll go into the back room and call ATF. In my experience, most straw gun traffic is not complicit with the dealers.

But a bad gun dealer is like a bad cop. He can really hurt us, because he can really pump the guns out.

Boston Commissioner Ed Davis:

*The Issue Is Not About Taking People's Guns;
The Issue Is Finding What's Reasonable*

I think it's great that National Shooting Sports Foundation and the NRA are at the table here. We need to continue the conversation with both of these organizations about what can work and what is acceptable.

There may have been some aggravation in this discussion today simply because the law enforcement representatives are literally stepping over the bodies in the street. But I think most law enforcement officials aren't on "one side or the other" of the gun debate. We're looking for reasonability. When

a kid from Newark can go to Georgia, buy a trunkload of 9 millimeters and bring them back to the city, that doesn't pass the reasonable test to me.

I was raised around firearms, I could shoot for almost as long as I can remember being able to walk. I think we really have to redefine the issue, so that it's not about taking guns away from people. I don't think any of us would be an abolitionist. The legal right to have guns isn't the problem. The problem is in inner cities, where they're using guns to kill each other. We have to have larger conversations about these issues.

James Cavanaugh:

*Shooting Innocent Victims
Is No Longer Considered Cowardly*

There's no longer a stigma to drive by and shoot a gun out the window at a bunch of people standing in the street corner. There's no longer a stigma in terms of how cowardly that act is. Fifty years ago, you'd be considered a back-shooting coward. But now you're not a coward; you're a hero. That's got to change.

Paul Helmke:

*We Do Not Have Many Federal Gun Laws,
And We Are Not Enforcing the Ones We Have*

One of the areas we can all agree on that wouldn't require much in the way of new legislation is the importance of background checks. Pretty much

everyone agrees that we don't want felons or people who are dangerously mentally ill to be buying guns, and the way to prevent that is by doing background checks.

But there are two problems with the current law. One is that we don't require background checks from the so-called private sellers. Some states have tried to close that loophole, but the problem is that people can always go to other states with looser restrictions. It happens in California—people just go to Reno or Arizona. On some of these issues you need a nationwide policy. And after all, it's unfair to federally licensed dealers that they have to conduct background checks, but their competition, the so-called private sellers, don't.

The second problem is that states need to do a better job of reporting the names of those who are barred from buying guns—the felons, the domestic batterers, the dangerously mentally ill. We learned after the Virginia Tech massacre that the killer should have been on the prohibited purchaser list, but Virginia hadn't sent in the name. Nationwide, we've only sent in about 10 to 20 percent of the names of the dangerously mentally ill.

Yes, we have to enforce the laws on the books. But we also have to be aware that there aren't that many laws on the books. At the federal level, the only real laws are the 1934 restrictions on machine guns, the 1968 list of prohibited purchasers, and the 1993 background check law. That's basically all you've got at the federal level. And if you don't have universally strong state laws like in California or New York, then you're going to see people getting

around those laws by going to other states with weaker laws. And most states have preempted local communities from doing anything.

What we heard today from a lot of police chiefs about enforcement is that if we're not funding it, and the criminal justice system doesn't have the capacity to handle all these cases, then prosecutors are going to plea-bargain the cases away.

Cambridge, Mass. Police Commissioner Robert Haas:

We Need to Change the Values Of the People Who Devalue Life

It is a new war and a new dynamic out there in terms of the kinds of violence we're experiencing in this country. And to continue to rely upon old strategies to fix it is not going to work.

We cannot incarcerate our way out of the problem. Mandatory minimums don't work; our prisons are overloaded right now, so even if you have mandatory minimums, where are you going to put these people?

There needs to be a new paradigm about changing behavior. It's not a supply and demand problem; it's not about the guns. It's about the disposition of the people who use guns for violence and who devalue life.

We have to think about how to deal with this problem in a new way, and explore partnerships with people we've never partnered with before, and take a holistic approach.



Conclusion

By Chuck Wexler

WHEN PERF DECIDED TO EXPLORE THE ISSUE of gun violence as a Critical Issue in Policing, our goal was to move the debate off center, to break the logjam that has blocked any action in Washington on issues of gun control and gun violence. For too long, politicians at the federal level have been able to ignore the carnage that is occurring in American cities, and no one is held accountable.

Because police chiefs are the ones who must deal with gun violence on a daily basis, it makes sense that they must be the ones to take the lead on this issue. So in conducting our gun violence surveys and convening the Guns Summit, we tried to identify critical information about what is happening on the local level to fight gun crime. This report details some significant differences in how gun crime is handled from one city to the next. And individual police departments have found many ways to reduce gun violence, often in spite of the fact that they have extremely weak laws that provide little support for their initiatives.

The preoccupation with gun legislation at the national level, while understandable, has the unintended effect of taking the focus off of local gun crime policies, which in many cases are just as significant or in some ways more significant in the day-to-day lives of the citizens of U.S. cities.

By inviting representatives of gun rights groups as well as the Brady Center to Prevent Gun Violence to our Summit, we aimed to find any points of consensus about next steps that might be taken.

We found that the National Shooting Sports Foundation (NSSF), a key gun industry group, would support mandatory minimum sentences for those who make “straw purchases” of guns and thus circumvent the federal law that bars felons, persons suffering from mental illness, and other high-risk categories of people from purchasing firearms.

Many police executives expressed support for mandatory sentences for this type of gun crime. James Cavanaugh, the legendary special agent in charge of the Nashville Field Division of ATF, said that such a measure would be “huge,” because it would knock down a lot of the illegal trafficking in guns. The Brady Center to Prevent Gun Violence also supports stricter penalties for straw purchases.

So mandatory minimums for straw purchases might be a good starting point for breaking the impasse. If Congress could approve such a measure—and with support from special-interest groups on both sides of the issue as well as police chiefs, it’s hard to imagine why not—we might take this issue off dead-center. Furthermore, a public debate on such a proposal would bring the issue of gun violence back into the news. We need to put an end to the apathy regarding the shootings and killings that happen every day in major U.S. cities.

PERF hopes that this report will serve as a basis for exploring the mandatory-minimum issue and for reengaging with the public, rejecting the argument that gun violence is inevitable.

About the Police Executive Research Forum

THE POLICE EXECUTIVE RESEARCH FORUM (PERF) is a professional organization of progressive chief executives of city, county and state law enforcement agencies who collectively serve more than 50 percent of the U.S. population. In addition, PERF has established formal relationships with international police executives and law enforcement organizations from around the globe. Membership includes police chiefs, superintendents, sheriffs, state police directors, university police chiefs, public safety directors, and other law enforcement professionals. Established in 1976 as a nonprofit organization, PERF is unique in its commitment to the application of research in policing and the importance of higher education for police executives.

PERF has developed and published some of the leading literature in the law enforcement field. A series of reports in the “Critical Issues in Policing” series—*A Gathering Storm—Violent Crime in America*; *24 Months of Alarming Trends*; and *Violent Crime in America: A Tale of Two Cities*—provides in-depth analysis of the extent and nature of violent crime and countermeasures that have been undertaken by police. In its 2009 book *Leadership Matters: Police Chiefs Talk About Their Careers*, PERF interviewed 25 experienced police chiefs about their strategies for succeeding as chiefs and working well

with their mayors, their officers, and their communities. PERF also explored police management issues in *“Good to Great” Policing: Application of Business Management Principles in the Public Sector*. And PERF produced a landmark study of the controversial immigration issue in *Police Chiefs and Sheriffs Speak Out on Local Immigration Enforcement*. PERF also released *Exploring the Challenges of Police Use of Force and Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches*, which serve as practical guides to help police leaders make more informed decisions. Other publications include *Managing a Multijurisdictional Case: Identifying Lessons Learned from the Sniper Investigation* (2004) and *Community Policing: The Past, Present and Future* (2004). Other PERF titles include the only authoritative work on racial profiling, *Racial Profiling: A Principled Response* (2001); *Recognizing Value in Policing* (2002); *The Police Response to Mental Illness* (2002); *Citizen Review Resource Manual* (1995); *Managing Innovation in Policing* (1995); *Crime Analysis Through Computer Mapping* (1995); *And Justice For All: Understanding and Controlling Police Use of Deadly Force* (1995); *Why Police Organizations Change: A Study of Community-Oriented Policing* (1996); and *Police Antidrug Tactics: New Approaches and Applications* (1996).

To learn more about PERF, visit www.policeforum.org.

We provide progress in policing.

About Motorola and the Motorola Foundation

MOTOROLA IS KNOWN AROUND THE WORLD for innovation in communications. The company develops technologies, products and services that make mobile experiences possible. Its portfolio includes communications infrastructure, enterprise mobility solutions, digital set-tops, cable modems, mobile devices and Bluetooth accessories. Motorola is committed to delivering next generation communication solutions to people, businesses and governments. A Fortune 100 company with global presence and impact, Motorola had sales of \$36.6 billion in 2007.

Today, Motorola comprises three business units: Enterprise Mobility Solutions, Home & Networks Mobility, and Mobile Devices.

Enterprise Mobility Solutions includes the mission-critical communications offered by our government and public safety sectors and our enterprise mobility business, including analog and digital two-way radio as well as voice and data communications products and systems. Motorola delivers mobile computing, advanced data capture, wireless infrastructure and RFID solutions not only to clients in the public sector, but also to retail, manufacturing, wholesale distribution, healthcare, travel and transportation customers worldwide.

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Mobile Devices has transformed the cell phone into an icon of personal technology—an integral part of daily communications, data management and mobile entertainment. Motorola offers innovative product handset and accessory designs that deliver “must have” experiences, such as mobile music and video—enabling seamless connectivity at work or at play.

The Motorola Foundation is the independent charitable and philanthropic arm of Motorola. With employees located around the globe, Motorola seeks to benefit the communities where it operates. The company achieves this by making strategic grants, forging strong community partnerships, fostering innovation and engaging stakeholders. The Motorola Foundation focuses its funding on education, especially science, technology, engineering and math programming.

For more information go to www.motorola.com.

APPENDIX

Participants at “PERF Summit on Guns and Crime: What Works”

November 12, 2009, Washington, D.C.

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UNIVERSITY OF CHICAGO CRIME LAB

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Sergeant Kevin Baggs
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Lieutenant Glenn Case
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Deputy Chief John Donohue
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Assistant Chief Alan Dreher
ATLANTA POLICE DEPARTMENT

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