Message from the Director

Welcome to the inaugural edition of Swift & Certain, the quarterly newsletter of APRI's Gun Violence Prosecution Program (GVP). The title of this publication comes from the Attorney General's words guaranteeing criminals swift and certain prosecution for their gun crimes.

The National District Attorneys Association (NDAA) and American Prosecutors Research Institute (APRI) are working with the U.S. Department of Justice, Bureau of Justice Assistance (BJA) to support the nation's state and local prosecutors in their efforts to reduce gun violence in neighborhoods and communities. In the coming years, APRI will offer training programs, provide technical assistance, and produce and disseminate new resource materials to support prosecutors in their work. APRI will also contribute to training programs offered by the Department of Justice, the International Association of Chiefs of Police, and the Bureau of Alcohol Tobacco and Firearms.

Each issue will highlight promising practices from gun violence reduction initiatives across the country and chronicle prosecutors' successes and challenges. Swift & Certain will also alert readers to upcoming APRI gun prosecution training courses, new publications and other events.

For more information on APRI’s training programs and gun crime reduction strategies, please visit our new GVP website at http://www.ndaa-apri.org/apri/programs/gun_violence/index.html or call APRI at 703-518-4394. The GVP staff is always available to answer any questions you may have on the prosecution of a gun crime or implementing a successful gun violence reduction initiative.

– Michael Kaykendall, Program Director, Gun Violence Prosecution Program

APRI Launches the Fundamentals of Firearms Prosecution Course

With support from the Bureau of Justice Assistance (BJA), APRI conducted its first Fundamentals of Firearms Prosecution course on May 29-31, 2002 at the Ernest F. Hollings National Advocacy Center, Columbia, SC. Fifty-five attendees from prosecutors’ offices around the country participated in the training. I had the great honor of addressing these front line professionals along with Newman Flanagan, Executive Director, NDAA and Richard Wainstein, Director, Bureau of Justice Assistance (BJA).

During the three-day course attendees learned about Project Safe Neighborhoods (PSN), successful gun violence reduction strategies, relevant legal issues, responding to classic defenses, working with the ATF and the police, case intake and cross-designation. The Fundamentals course included a trial advocacy segment and attendees also visited a working crime laboratory. By all accounts, the inaugural training was a great success.

During my tenure at BJA, and my work with the Texas Governor’s Criminal Justice Division, I have strived to implement four principles that are central to PSN: local control, innovation, partnership, and training. The idea of local control is simple: locals know how to solve their communities’ problems better than officials in Washington. The federal government’s role in PSN is not to dictate how to implement gun violence reduction strategies, but to empower states and communities to solve the problem of gun violence. This idea of local control is one of the key features of PSN. PSN encourages each locality to examine the problem of gun violence and develop a solution that will work for that community.

Throughout the criminal justice community, there is a need to change the way we do business. All levels of government need to foster an atmosphere where it is okay to be innovative, creative, and take risks. The old method of doing business, where law enforcement was isolated from the community, is no longer regarded as the most effective method of enhancing community safety. Instead, local jurisdictions are developing innovative ways to connect the police and prosecutors with the community. This connection has proved invaluable in reducing crime and making each community feel that its neighborhood is a safe place to live.
Despite an overall decline in the number of gun homicides over the last 15 years, gun violence in America remains extremely high. Two-thirds of the 15,000 people murdered each year die at the hands of armed criminals. Over the past five years, individual cities and states have begun responding to this epidemic by implementing programs that focus on partnership between all law enforcement agencies, community outreach and vigorous prosecution of gun crimes.

Richmond, VA was one of the first cities to implement a community gun violence prosecution program. Richmond designed “Project Exile” to bring together the community and law enforcement to focus on enforcing existing gun laws and getting guns out of the hands of criminals. All parties recognized that some cases that had been prosecuted under state law could be more effectively prosecuted under federal law, which imposed harsher penalties. So Richmond formed a coalition between federal and local law enforcement to collaborate on forum selection and establish a mechanism to review all gun crime cases. “The growth potential comes from bridging the gap between the locals and the feds. Effective partnerships will make the difference,” said David Hicks, Commonwealth’s Attorney, City of Richmond.

Richmond also made deterrence a central component of Project Exile. James Corniey, former Assistant U.S. Attorney in Richmond and now the U.S. Attorney for the Southern District of New York, articulated the connection between gun violence prosecution and the need for deterrence: “Drug dealers don’t have to have a gun. And if [they] associate a cost with that gun, you may be able to break the link between drugs and guns. That’s a very important thing to focus on, because crack does not fly through windows and kill little old ladies. Bullies do.” By keeping the focus on deterrence and aggressive enforcement of gun laws, Richmond was able to reduce its homicide rate from a high of 160 in 1994 to 69 in 2001. The Project Exile success story is detailed in an APRI monograph entitled, “Combatting Gun Violence: An In-Depth Look at Richmond’s Project Exile.”

Gun violence reduction is a priority for all levels of government. In 2000 President Bush expressed his intention to support programs like Project Exile nationwide. In May 2001, he announced a $75 million community gun violence prosecution program authorizing the hiring of up to 600 state and local prosecutors and 113 new Assistant U.S. Attorneys to prosecute gun crimes. This program is a central component of a national initiative to make our streets safer by enforcing gun laws, known as “Project Safe Neighborhoods” (PSN). A key element of this effort is the reduction of gun violence by ensuring that serious gun offenders receive hard time.

PSN was officially launched on January 23, 2002, at the Ernest F. Hollings National Advocacy Center in Columbia, South Carolina. The leaders of the key partners in this initiative were there to demonstrate their support: Attorney General John Ashcroft; Newman Flanagan, NDAA Executive Director, and Kevin Meenan, NDAA President; Brad Buddles, Director, Bureau of Alcohol, Tobacco and Firearms (ATF); and Mary Ann Vivenece, Vice President of the International Association of the Chiefs of Police (IACP). The 300 participants represented state and local prosecutors’ offices, the U.S. Attorneys’ Offices, and local police departments.

During the conference, the Department of Justice announced that 300 prosecutor offices would receive grants to hire new attorneys under the community gun violence prosecution initiative. This list of grantees can be found on PSN’s website, www.projectsafeneighborhoods.gov. Since the January program, community gun violence prosecution programs have been implemented or enhanced in many jurisdictions. APRI visited some of these jurisdictions and identified many promising gun violence prosecution practices. For example:

Agreement by all the law enforcement partners that some cases currently prosecuted under state law can be more effectively prosecuted under federal law;

Early involvement of ATF to insure proper case work-up for federal prosecution;

Accessibility of the local prosecutor’s office at all hours of the day and night to answer an arresting officer’s questions;

Formation of case review committees to screen all illegal gun arrests for possible federal prosecution;

Cross-designation of local prosecutors as Special Assistant U.S. Attorneys to institutionalize the lines of communication between the local and federal prosecutors’ offices; and

Innovative outreach efforts to involve the community, including an extensive media campaign to increase public awareness and to send a deterrent message to would-be armed criminals.

Contact APRI for a copy of the Richmond monograph. We will soon be publishing a second monograph examining community gun prosecution initiatives in Texas, Colorado; Baltimore, MD; and Seattle, WA. Check our website for ordering information.

The key players must adopt an approach that includes all law enforcement agencies and involves the community. Jurisdictions need to form collaborations and partnerships. It is not one agency that solves problems, but individuals and communities working together. Partnerships among all three levels of law enforcement—local, state and federal—are crucial and will determine the success of the program.

One of the most essential components of PSN is training. Training will increase the effectiveness of all of those involved and make our programs more successful. APRI’s Fundamentals course is a prime example of effective training because it gives prosecutors the necessary skills to perform their jobs more efficiently. On behalf of BJA, I would like to thank associations such as NDAA/APRI who provide critical training of effective training because it gives prosecutors the necessary skills to perform their jobs more efficiently. On behalf of BJA, I would like to thank associations such as NDAA/APRI who provide critical training.