Local Prosecutors Receive Awards at the 3rd National Project Safe Neighborhoods Conference

Over 1,100 prosecutors, law enforcement personnel, and community leaders attended the 3rd National PSN Conference in Kansas City, MO, June 15-17, 2004. The National District Attorneys Association’s President Robert P. McCulloch (Prosecuting Attorney, St. Louis County, Clayton, MO) addressed the participants and discussed state and local prosecutor’s role in reducing violent firearms crime.

One highlight of the conference was the Outstanding Local Prosecutor’s Office Award given to the Plymouth County, MA, District Attorney’s office. District Attorney Timothy Cruz was recognized for the outstanding contribution his office has made in aggressively addressing the gun violence problems in his jurisdiction. D.A. Cruz assigned two local prosecutors to focus on firearm-related prosecution. A local task force comprising federal and state prosecutors, federal, state and local law enforcement, and parole and juvenile probation officers was created to track local gun crime and to develop practical strategies to address firearms crime. The task force, in cooperation with the Brockton Police Department, created a five person undercover unit called Impact Shift that focused on identified high crime areas within the community. The task force worked to fast-track gun prosecution, and prioritized local firearm cases involving gangs. Law enforcement was provided with laptop computers to facilitate quick access of information in the field and surveillance cameras to assist with field investigations. The group adopted some of the lessons learned from the Brockton Police Department, created a five person undercover unit called Impact Shift that focused on identified high crime areas within the community. The task force worked to fast-track gun prosecution, and prioritized local firearm cases involving gangs. Law enforcement was provided with laptop computers to facilitate quick access of information in the field and surveillance cameras to assist with field investigations. The group adopted some of the lessons learned from nearby Boston’s Ceasefire, a Weed and Seed initiative that focused on addressing the participants and discussed state and local prosecutor’s role in

Montana Exile: Catch and No Release

Montana, like many western states, has experienced a recent increase in firearms-related violent crime, often in tandem with the widespread use and manufacture of methamphetamine. Unfortunately, relatively soft state gun laws have left Montana prosecutors dealing with repeat offenders for increasingly serious gun crime. In addition, Montana state prosecutors face two somewhat unique challenges: (1) with the...
exception of convicted firearms violators, most convicted felons automatically have their rights and gun use privileges restored at the completion of their state sentence; and (2) given the pervasive sports-gun culture throughout the state, state prosecutors must educate prospective jurors that the purpose of a firearms trial is to hold firearms offenders accountable rather than make all guns usage illegal.

Responding to these unique challenges, Yellowstone County Attorney Dennis Paxinos developed a hard-hitting approach to investigating and prosecuting gun offenders in his jurisdiction, which includes the urban community of Billings. Using Project Safe Neighborhoods’ resources, this process was expanded to a multi-agency approach entitled Catch and No Release. The program focuses on identifying, investigating and indicting specific gun offenders. By taking a federal and state multi-agency approach and coordinating information obtained from each agency (local law enforcement, probation and parole, DEA, FBI, ATF), Yellowstone County has created a proactive prosecution strategy focusing on known offenders and firearms related problems. By adopting a zero tolerance policy regarding repeat and violent offenders, the program reports increased gun crime prosecution in both state and federal court. The program has prompted increased coordinated training for law enforcement personnel and the creation of a central database of gun offenders and arrests accessible by both law enforcement and prosecutors. Armed with strong regional statistics regarding the indigenous firearms problems, Yellowstone County prosecutors have been able to educate the local judiciary and community regarding the spread of illegal firearms and drugs throughout the district.

The backbone of this program was the development of an incident referral form and a target database, enabling prosecutors to spot patterns in violent gun crime offenders and offenses and connect crime rings statewide. The referral form, prepared shortly after an arrest, helps prosecutors document each new case and direct attention to additional information or investigation needed for the case to proceed. The referral form includes information listing which agencies are involved; the type of gun confiscated, including its model and serial number; and specific federal prosecution criteria, i.e., whether the arrestee is a prohibited person, on supervision, subject to a restraining order or a drug user or addict. It also includes notations as to whether the apprehended gun was brandished or discharged.

Information from individual referral forms is then added to a central database that serves as the collection point for all information accumulated on the case and the subsequent disposition of any legal proceeding. This database enables prosecutors and law enforcement to see at a glance any patterns regarding a suspect’s associates, co-defendants, victims, witnesses or otherwise involved persons. The database also allows law enforcement to add special notes regarding statements the suspect might have made, his or her physical condition at the time of arrest, and other relevant information.

To facilitate the investigation of firearms and drug cases, members of local law enforcement agencies are given a pocket-sized checklist prompting them to ask arrestees specific questions relating to suspected drug involvement. These questions include whether any drugs confiscated during the arrest were for personal use or sale, the number of times a week the suspect uses drugs, how much he or she spends per week on drugs, whether the suspect has ever been in a drug treatment program, and whether a blood sample would show the suspect used drugs that day. Depending on the suspect’s answers, a federal charge for being an addict in possession of a firearm may be added to the suspect’s local charges. Whether or not federal charges are added, the suspect’s answers often benefit state prosecution.

In addition to state prosecution, certain violent or repeat offenders may be charged with other federal firearms charges under a “reload” policy whereby they are subsequently prosecuted in federal court. Offenders qualifying for this enhanced prosecution are typically charged with the federal offense of being a felon in possession, addict in possession, or probation violator caught with a firearm. Once convicted on federal charges, the offender is permanently prohibited from possessing a firearm.

Catch and No Release has reportedly fostered strong partnerships between state and federal agencies. It has also created unprecedented intelligence sharing between local ATF law enforcement and probation and parole officers to identify potential gun crime and drug violators, track them both on the street and through the court system, and identify potential co-defendants.

**Upcoming APRI Courses**

*Hitting the Mark* was designed for experienced firearms prosecutors. It provides a policy approach to firearms and firearms-related drug and gang prosecution. This course will be conducted around the U.S. four times in 2004-2005, reaching up to 300 prosecutors. *Combatting Gun Violence: Fundamentals of Firearms Prosecution* will be held twice during this period. The Fundamentals course provides inexperienced firearms prosecutors with an opportunity to hone their trial skills through practical trial advocacy exercises focusing on suppression issues, cross-examination of expert witnesses, and opening and closing statements. Additional details including specific dates and locations will be available on APRI’s website found at www.ndaa-apri.org.