Project Safe Neighborhoods Extends Outreach to Prisoners

Some federal prosecutors are taking bold steps to educate state prison inmates regarding the dire consequences of continuing to use firearms once they return to society. In the Eastern District of Pennsylvania, several assistant U.S. attorneys (AUSAs) have taken the unusual step of speaking directly to "at risk" inmates in the hopes of encouraging them to forgo firearms involvement upon their release. These AUSAs recently compiled a guide for prosecutors interested in a prison outreach program to decrease gun violence through inmate visitation and education. An overview of these innovative practices may be of interest to other prosecutors looking for new ways to prevent gun crimes and violence.

RULE NO. 1: Make Sure You Want to Do This.

The physical confines of the prison environment may be intimidating or uncomfortable. Be prepared: a "lockdown" may occur during your visit, which could extend it well beyond your scheduled departure time. Also, the presence of female prosecutors may cause unanticipated behavioral responses among inmates and provoke inappropriate comments. Making prison visits in tandem with a male prosecutor can help to defuse this situation. Being straightforward and courteous with inmates goes a long way to develop trust and receptivity to your message. Never forget, however, that the last time an inmate encountered a prosecutor, he wound up in prison, and therefore not every inmate will be pleased to see you. Know your gun crime prison population and, if possible, use current events to make your points real to your audience. If possible, know the names of locals who have been convicted federally for gun crimes and refer to their mistakes liberally.

RULE NO. 2: Coordinate the Entire Event with Prison Officials.

Any presentation you make must be cleared and coordinated with prison officials. Discuss with them the length and content of the presentation, the number of people accompanying you, the number of people you are comfortable speaking to at one time, and all security issues involved. Request to see the area where you will be speaking in advance. Make sure corrections officers assigned to you are respected by the inmate population. This will make your audience more receptive to your message and not provide secondary distractions.


If you are comfortable and can arrange it, an effective forum for this kind of presentation is a "town meeting" format inside the cellblock or prison pod. If you can videotape your presentation, it can be incorporated into future presentations for new and soon-to-be-paroled inmates. Videotaping must be approved by prison officials, and your equipment is subject to security checks. Be aware that a camera may limit inmate participation. A videotaping consent form should be given to each participant several days in advance, and a corrections officer should explain its content to each participating inmate and collect signatures. Set up your video equipment in advance to avoid unnecessary distractions.
RULE NO. 4:
Get the “Lay of the Land.”

To engage inmates, locate yourself in the middle of the assembled group with a corrections officer standing on the periphery. If an inmate wants to discuss his personal case, immediately tell him you are ethically prohibited from doing so. However, if inmates warm to the topic and have compelling questions, answer as many of these questions as possible. Your answers may find their way beyond the inmate population and hopefully have a strong impact on the outside community.

RULE NO. 5:
Establish a “Baseline” Right Away.

At the beginning of your presentation, tell the inmates who you are. If your experience includes criminal defense work, this will assist you in putting everyone at ease.

RULE NO. 6:
Tell Them Why You Are Here: Project Safe Neighborhoods.

Even though many inmates have heard about “Project Safe Neighborhoods” or “PSN,” it is important to reinforce that state and federal prosecutors are working closely together to ensure that no defendant illegally possessing a firearm falls through the cracks. Let them know that federal/state cooperative efforts against gun violence crime are here to stay. PSN is a well-funded and strongly supported national priority, and the public is pushing for harsher gun crime penalties.

RULE NO. 7:
Underlying Reasons for Being Here.

Tell the inmates your goal is to help them understand the consequences of future illegal gun usage before they experience the harsh reality of federal prosecution, and that their future freedom beyond prison walls depends on their decisions to make better choices regarding gun possession and use.

RULE NO. 8:
“Let’s Talk About the Law.”

Present a clear and concise review of federal law and sentencing, emphasizing a few key points:

- A prior felony conviction from any state—even an old conviction—counts.
- All that matters is that their sentence was in excess of one year, even if they only served a portion of their sentence.
- A gun does not have to be loaded for federal conviction; even possession of ammunition qualifies.
- It is unnecessary to pull a gun out, brandish it, or use it in any way.
- If they are caught with a gun and even a small quantity of drugs, they qualify for federal prosecution even without a prior record.
- If they are delivering drugs from a car or selling from their home, they qualify for federal prosecution if a gun is found anywhere in the car or home.

If convicted, they will receive a mandatory 5-year sentence, with stacked drug time. If they qualify as an armed career criminal (i.e., they have 3 prior drug felonies or violent crime convictions and are caught with a firearm or ammunition) they will receive a mandatory minimum sentence of 15 years in federal prison, usually far away from their homes and families.

Let them know that if they have a gun and decide to rob the corner convenience store, under Robbs Act Robberies, they face a mandatory minimum of 5 years in federal prison. If they brandish the gun during the robbery, they have raised the sentence to a minimum of 7 years.

If there is a second offense involved in the robbery, add another 25 years.

Educate your audience that judges react harshly to “straw purchasing,” i.e., encouraging family or friends to purchase guns for others. Altering or obliterating a serial number from a firearm is yet another way to increase a federal sentence.

RULE NO. 9:
What to Expect if the Case Goes Federal.

“Frequent flyers” in state court become accustomed to making bail—remind your audience that bail is not an option in the federal system and that approximately 80 percent of federal defendants are detained pretrial. The timeline in federal court between indictment and trial date is typically several months or longer, and the conviction rate for gun cases exceeds 90 percent. Furthermore, parole has been eliminated in the federal system; only by “substantially cooperating” with the court will a defendant persuade a federal judge to consider reducing a sentence.

Editor’s Note: These suggestions are based on the experience and notes of Eastern District of Pennsylvania Assistant United States Attorneys Robert Reid and Mark Miller. APRI gratefully acknowledges their contribution to this article.