Police, Prosecutors, and Corrections Officials Aim to Expand Gun Crime Prosecution Program

Local police, prosecutors, and corrections officials in Washington State are working to expand a program that targets “the worst of the worst” gun offenders for strict federal prosecution.

The program, called the FireArm Crime Enforcement Coalition (FACE), was created a decade ago in King County (Seattle). Officials from the participating agencies consider it so successful that they are working to export it to other counties statewide, said Commander Terry Morgan of the Redmond, Wash. Police Department, who has been a key promoter of FACE since its inception.

Expansion is trickier than it sounds, Commander Morgan said, because establishing a FACE program is not something that can be accomplished by a single agency; it takes cooperation by the various police agencies in a county, the county prosecutor, the local U.S. Attorney, local jail officials, the state Department of Corrections, and others to get an effective FACE program up and running.

CROSS-DESIGNATION OF LOCAL PROSECUTOR AS ASSISTANT U.S. ATTORNEY

The key element of FACE is the cross-designation of a local prosecutor as an assistant U.S. Attorney. This prosecutor focuses entirely on cases involving firearms violations—primarily illegal possession of a firearm by a convicted felon or other person who is barred by federal law from owning a gun. The FACE prosecutor reviews all of the gun cases and decides which cases... continued on page 4
I’VE NEVER BEEN A BIG BELIEVER IN THE NOTION that the state of the economy drives crime rates in U.S. cities. I think that’s often overblown. You hear people say, “If they had a job, they wouldn’t be committing these crimes.” But joblessness has gone from 4.6 percent last year to 5.5 percent as of June. That’s rough for the people who lost their jobs, but I don’t think it can account for the double-digit increases in crime we’re seeing in many parts of the country. When somebody gets laid off from GM, they don’t go out and start committing crimes.

However, we are seeing that in certain ways, economic factors are driving some of the crime rates, and it’s happening across America. For example, the price of scrap metal has skyrocketed, and we’re seeing instances of people stealing anything made of metal—even manhole covers—and taking it to scrap metal yards. In Miami and a lot of other places, we’re also seeing thefts from construction sites—copper pipes, air conditioning equipment, and so on. Not only is this a crime, but it’s also wasteful. In the process of stealing $30 worth of copper out of the walls in a home, thieves can cause $3,000 worth of damage that must be repaired. These petty thefts in some cities are driving up the burglary rates.

The other thing we’re seeing, as the economy turns downward and condos and homes are foreclosed on, is that vacant homes are being burglarized and stripped. There’s no security system turned on, there’s no one at home, and often there’s nobody next door to notice what’s going on, so these homes are more vulnerable to being stripped for whatever the burglars can take out of them.

The housing crisis has also produced a new industry of scam artists. In Miami, in some of the newly-built high-rise buildings that are not fully occupied, you have con artists who are able to get into the building—because there’s less security when they’re not fully occupied—and they actually take out the door locks, put in their own locks, and then they rent these apartments for ridiculously low rates. They take a nice apartment overlooking Biscayne Bay that normally goes for $4,000 a month, and they “rent” it to some unsuspecting victim for the bargain rate of $1,000. They collect $1,000 for the security deposit plus $1,000 for the first month’s rent, and they’re gone. Of course eventually the real owners come in and ask the tenants, “What are you doing here?”

The bad economy also has a direct effect on police department budgets, because tax revenues are down. I’m fortunate in Miami because we have a mayor, city manager, and commission members (city council) who are committed to keeping the police force strong and making it stronger, but we are the exception. All across Florida, we’re seeing police departments having to cut their budgets, and that’s going to have an impact on crime.

PERF SURVEY AND SUMMIT TO EXPLORE CRIME ISSUES

So my perspective is that the downturn in the economy contributes to increases in crime in certain limited ways, but there isn’t a big general correlation that causes anyone who is hurt by a recession to start committing criminal acts.

Other police chiefs may have different perspectives. To explore this issue, PERF currently is conducting a survey of police agencies about this. You may have already received this survey. We’re asking for your crime statistics for January-June 2008, and for your views about the factors that you think are driving your crime rates, whether it’s the slow economy or other factors. As with previous crime surveys PERF has done over the last few years, we’re also asking about the anti-crime initiatives you’ve undertaken, including any new efforts in response to economic conditions, and we ask which programs you think are working best.

This survey is part of the groundwork we’re doing to prepare for a Violent Crime Summit that PERF will hold in Washington, D.C. on October 7–8. This is part of PERF’s Critical Issues in Policing series supported by Motorola.

Because we’re soon going to have a new President and a new Congress, the survey asks for your views about the most important things the federal government should do to help local police do their jobs. We’re going to have representatives of the Obama and McCain campaigns at our Violent Crime Summit, along with other federal officials, and we’d like to reach some consensus about what we should ask of the new President and the new Congress next January.

To get the ball rolling, let me tell you the top 3 things I would like to see next year from Washington. First, we need to restore the federal ban on assault weapons and close the gun show loophole. I refer you to a story last weekend in the New York Times entitled “The Long War of Genaro García Luna,”* which describes the terrible situation facing the top police official in Mexico. Mexican police officers and soldiers are trying to shut down the flow of drugs to the United States, but they’re getting killed in large numbers. Even their family members are getting killed. And the guns that the drug traffickers are using to kill the Mexican police are coming from the United States.

The article notes that the drug traffickers have huge stashes of guns and ammunition, including what they call “cuernos de chivo”—which means “the goat’s horn,” and is slang for AK-47s. According to the New York Times article,

The vast majority of weapons in the [drug] cartel’s arsenals (80 to 90 percent, according to the Mexican government’s figures) are purchased in the United States, often at loosely regulated gun shows, and smuggled into Mexico by the same networks that smuggle drugs in...
PERF Hopeful that Supreme Court Gun Ruling Will Not Affect Laws in Most Jurisdictions

PERF expressed disappointment in the U.S. Supreme Court’s June 26 ruling in District of Columbia v. Heller, in which the court struck down an ordinance in Washington, D.C., that banned handgun possession. But certain language in the court’s ruling gives PERF reason to believe that the decision will not have a sweeping impact on gun control laws in other jurisdictions.

PERF joined with other major police organizations in a friend-of-the-court brief urging the court to uphold the D.C. law. But by a 5-to-4 margin, the justices said the District law violated the Second Amendment. The most significant aspect of the decision was the court’s interpretation of the Second Amendment, which states: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”

The court interpreted those words to mean that “the Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home.”

However, Justice Antonin Scalia, writing for the majority of five justices, added: “Like most rights, the right secured by the Second Amendment is not unlimited….Nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.”

The D.C. city council moved quickly to respond to the ruling, approving a new, slightly less stringent gun control law on July 15. The new legislation generally allows residents to apply to register only revolvers; most clip-loaded semiautomatic weapons remain banned. And the new law includes strict requirements that firearms be kept at home, unloaded and either equipped with a trigger lock or disassembled. Under the new law, gun owners can load and use their revolvers only if they reasonably believe they are in imminent danger of attack in their home. Gun registration applicants will be subjected to background checks in order to screen out felons, the mentally ill, and other disqualified persons.

PERF urges court to clarify ban on guns for domestic violence offenders

PERF also has joined a friend-of-the-court brief in another gun control case that the Supreme Court has agreed to review, U.S. v. Hayes. This case has to do with a federal law that bars gun possession by felons or, in the case of domestic violence, by persons convicted of misdemeanor-level offenses. The U.S. Court of Appeals for the Fourth Circuit held that the domestic violence provision applies only to persons convicted of violating laws that specifically mention that victim’s relationship (such as spouse) to the offender. In other words, a man convicted under a generic battery law would not be barred from owning a gun, even if the victim was in fact his wife; the law would have to specifically make a crime of battery against a spouse.

Nine other federal appeals courts have ruled otherwise, in a less restrictive way that allows gun dealers to refuse to sell firearms to misdemeanants convicted of domestic violence, even if the conviction was not under a law specifically written as a domestic violence law. The Supreme Court commonly accepts cases in order to end such conflicting rulings among federal appeals courts, and establish uniform interpretation of the laws throughout the nation.

The Bush Administration urged the Court to accept the case and to reverse the 4th Circuit decision, saying, “Although the … prosecution must establish, as a matter of fact, that the defendant had a domestic relationship with the victim…, nothing in the statute requires the government to establish that a domestic relationship was included in the formal definition of the predicate offense.”
should be prosecuted under federal law, which often carries stricter penalties than comparable state laws.

“Basically, the worst of the worst are taken federally,” Morgan told Subject to Debate, “many under the Armed Career Criminal Statute, which has a mandatory sentence of 15 years to life.”

Andrew Colasurdo, the FACE prosecutor, explained that even cases that remain in state court often result in stricter penalties. The defendants, facing the threat of federal prosecution, plead guilty to additional state charges or more serious charges, or are sentenced at the high end of state sentencing ranges. Over the last four years, about 600 cases have been impacted by the FACE program, including more than 100 cases that were prosecuted in federal court.

The stricter prosecution is only the first aspect of FACE, Morgan said. The program has two other elements:

- **Police training:** For several years FACE included a training program for police officers on how to produce the best possible cases for FACE prosecution. The training was conducted by prosecutors, federal ATF agents, and state crime lab officials. The training element was supported by federal funding from the Project Safe Neighborhoods program, and this aspect of FACE was discontinued when PSN funding ran out. But local officials are trying to resurrect it, particularly as they try to take FACE statewide. To save money, officials are exploring the idea of creating an Internet-based version of the FACE training.

- **Crime prevention and recidivism reduction:** The last part of the program, called “Behind the FACE,” aims to prevent offenders who have been convicted of firearms offenses from committing new offenses when they are released. This involves work at a state prison, the McNeil Island Corrections Center, and at the King County Jail.

At McNeil Island, the program focuses on inmates who are within a few months of release who would qualify under the Armed Career Criminal Act if found in possession of a firearm upon release—in other words, “people who have a lot of serious crimes in their background,” Morgan said. These prisoners are subjected to two days of programming. On the first day, they are given information about many social services that are available to them—housing assistance, help from faith-based groups, job counseling, and other resources.

On the second day, “they are brought into a room and we have a panel that consists of law enforcement, ATF, a prosecutor, a community corrections officer, a state game agent, and the chaplain, and each person on the panel does a short presentation,” Morgan said. “The law enforcement officers talk about how there’s a huge emphasis on making arrests and prosecuting for gun-related crimes. The prosecutor and the ATF agent explain the federal laws and the state laws. The community corrections officer explains that they’re basically trying to help the offenders, but the Department of Corrections is also working with law enforcement to keep convicted felons from owning firearms. Then there’s a question and answer session.”

The prison chaplain plays a key role in both days of the Behind the FACE program, trying to create a positive message that emphasizes inmates’ obligations to their families and communities.

“We try to avoid an ‘us-versus-them’ dynamic,” Morgan said. “It’s hard to believe, but I am convinced after sitting on a number of these panels that many of these inmates do not even realize that they have lost their firearm rights, nor do they have any idea of the potential consequences of getting caught with a gun. Many of them do not understand that they can no longer hunt with a firearm, and that is the reason for the state game agent’s participation.”

The Washington Department of Corrections is working to expand the FACE program to the Washington Corrections Center for Women and to the Monroe Correctional Complex.

The King County correctional system has a similar program at two adult facilities and one juvenile facility, Morgan said. More than 70 percent of the inmates in the county system have convictions or other conditions that have resulted in the loss of their right to possess a firearm. Like the state DOC program, the county program gives inmates information about the laws governing illegal possession or use of firearms, and warns them that violations will be handled strictly, so it is in inmates’ interest to avoid guns following their release.

**EXTREMELY LOW RECIDIVISM**

The Behind the FACE program at McNeil Island, in existence for four years, was the subject of a recidivism study by the Department of Corrections about 18 months ago, and early indications point to a startlingly low rate of reoffending by participating inmates. Of the more than 200 inmates who had gone through the program at that time, only two had been arrested for new crimes in Washington State. Even allowing for some missing information, such as offenders who committed crimes in other states or were arrested by federal authorities, “this is still an amazingly low recidivism rate, especially for a group of offenders who all have multiple serious and violent offenses in their past,” Morgan said. Further evaluation is under way of inmates who have participated in Behind the FACE since the first study was done.

“We feel that these types of efforts are a hugely underutilized tool for reducing recidivism,” Morgan said. “Jails and prisons have a very difficult job simply to house inmates humanely and to provide for the safety of the inmates and their staff members. To take on programs like Behind the FACE shows a real commitment to community safety and to integrating corrections, community corrections, law enforcement, and prosecution into one very effective partnership.”
PERF to Evaluate Impact of Immigration Policies
In New Project Supported by Carnegie Corp.

PERF will explore the impact of local police agencies’ immigration policies in a major new project with support from the Carnegie Corporation of New York.

The project will explore how immigration enforcement policies by local police can affect relationships between the police and immigrant communities. PERF also will study promising strategies by police departments to work collaboratively with immigrants to address crime and fear.

The Carnegie Corporation has a long history of working to help integrate immigrants into the U.S. community and to ensure their access to social, economic, and democratic opportunities in the United States. The PERF project received funding as part of a “Strengthening U.S. Democracy” program at Carnegie.

The 18-month project will begin by conducting case studies in three communities where new, stricter immigration enforcement policies have had a substantial impact on immigrant communities, and where police have increased their efforts to work with immigrant groups. In each site, PERF will solicit the views of people on all sides of the issue, and will design ways to measure the effects of immigration policies on the community and the police department.

In a second phase of the project, PERF will hold a national Summit on immigration policy, with participation by a wide range of individuals and groups. At the Summit, police chiefs and other local policymakers will sit down with national leaders, advocates, and federal government representatives to talk through the issues identified in the case studies and the implications for federal and local immigration policies. Specifically, the topics will include police-immigrant relations, crime in immigrant communities, intended and unintended consequences of local immigration enforcement, homeland security issues, the impact of immigration policies on local businesses and the economic climate, and the impact that one jurisdiction’s policies can have on neighboring communities.

PERF will then produce a publication detailing the findings of the case studies and the outcomes from the national Summit.

PERF expects to select the case study sites in the next few months, and to hold the Summit in the spring or summer of 2009.

The FACE program has been supported by many key officials and groups that are now involved in efforts to expand it to additional counties in Washington State, Morgan said, including Redmond Police Chief Steven Harris, Seattle Police Chief Gil Kerlikowske, King County Sheriff Sue Rahr, King County Prosecutor Dan Satterberg, State Secretary of Corrections Eldon Vail, Assistant DOC Secretary for Community Corrections Karen Daniels, the Washington Association of Sheriffs and Police Chiefs, the King County Police Chiefs Association, and the Washington Association of Prosecuting Attorneys.

“We have a lot of work to do to create any kind of uniform program across the state, but we have put the concept out there and we’re trying to gain support for it,” Commander Morgan said. “If we can’t have a designated prosecutor in every county, we’d like to have one at least in every region of the state. The idea is, let’s not lose everything that we’ve gotten from the FACE program and Project Safe Neighborhoods. Let’s take the best things from it and apply them statewide.”

For additional information about the King County FACE program, contact Commander Terry Morgan of the Redmond, WA Police Department at (425) 556-2523. E-mail: tmorgan@redmond.gov.

Save the Dates!

SUNDAY, NOVEMBER 9
PERF’s Town Hall Meeting
San Diego, Calif.
Held in conjunction with International Association of Chiefs of Police Conference and Exposition, Nov. 8–12

MARCH 26–28, 2009
PERF Annual Meeting
Ritz Carlton Washington Hotel
1150 22nd Street NW
Washington, DC 20037
Special meeting rate of $205 for hotel. Mention PERF when you call 800-241-3333.
The Metropolitan Police Department (MPD) in Washington, D.C. has signed a unique agreement with the U.S. Army Reserve in which they will work together to recruit, hire, and train people for both organizations.

The partnership is “a very significant and important step for us,” said MPD Chief Cathy Lanier at a signing ceremony with Army Reserve leaders on July 14 at the MPD’s Police Academy. “It will help make our force stronger and our city safer.”

The MPD needs to recruit nearly 1,000 new officers over the next three years, said MPD Assistant Chief Joshua Ederheimer, and the Army Reserve agreement will help make that possible. For its part, the Army Reserve benefits from having “citizen-soldiers” who have good jobs, Ederheimer added. The police and the Army share a culture of service and sacrifice, he said; police officers and soldiers understand and accept the fact that they are placing their own lives at risk to protect their fellow citizens.

The MPD is the first law enforcement organization to sign such a memorandum of understanding with the Army Reserve. The agreement enables Army Reserve recruiters to refer recruits signing on as military police to civilian jobs with the MPD. Conversely, the MPD can refer its members for Army Reserve jobs.

Army Lieut. Gen. Jack Stultz, chief of the Army Reserve, said the agreement will help the Reserve and the MPD fill critical shortages in personnel while taking advantage of the training and experience base that each organization provides.

The concept of joint recruiting, which the Army Reserve has also tested with private-sector organizations such as the Inova Health System and the American Trucking Associations, helps employers realize the “upside” of hiring Army Reservists—even in the face of reserve deployments, General Stultz said. “Don’t look at the Reserve as a drain on your force,” he said at the signing ceremony. “Look at it as value added.”

The benefit of a formal agreement is that it allows employers like the MPD to find and tap into the Army Reserve’s talent base while providing an avenue for Reservists to link up with employers.

Approximately 50 other joint recruiting agreements are in the works and nearly 150 additional employers have expressed interest, the Army Reserve said.

Assistant Chief Ederheimer said that many reservists in the Washington, D.C. area remain stateside, and the MPD has been advised that new reservists who are sent overseas will be deployed only for one year, “so it’s a long-term benefit for us.”

Military service and civilian policing share skill sets, officials said. For example, civilian police experience gives officers strong negotiating skills, as well as interrogation and crime scene investigation skills, Stultz said. And Army experience gives police recruits an ability to “think on their feet, work within a command structure, and show flexibility when it’s needed.”

The Army Reserve provides for 93 percent of the U.S. Army’s total military police force, officials said.

The MPD offers a variety of benefits to National Guard, Reserve, and active-duty military personnel, including the following:

- Members of the National Guard and Reserve are entitled to an additional 15 days of paid leave per year for the performance of military service.
- A member of the Reserve or National Guard who is called to active duty in Iraq or Afghanistan is entitled to the difference in compensation between active-duty military pay and salary as a D.C. government employee.
- The 60-hour post-secondary educational requirement for police officer positions is waived for applicants who have served three years of active duty in the U.S. military.
- An employee called to active military service with the National Guard or Reserve is entitled to maintain health benefits and family health benefits as long as the employee continues to pay his or her portion of the insurance premium.

PERF’s 2008 Violent Crime Summit
To Focus on Policing Agenda for Next President

What police executives hope to see from a new President and a new Congress next January will be the focus of a Violent Crime Summit that PERF will hold on October 7–8 in Washington, D.C.

The Summit, sponsored by Motorola as part of the Critical Issues in Policing series, will begin with a presentation of findings from PERF’s 2008 survey of law enforcement agencies. In this survey, we will ask police and sheriffs’ departments for their crime statistics for the first six months of 2008.

We will be very interested in these results, because violent crime increased sharply in 2005 and 2006, but then seemed to stabilize in 2007 after police departments launched a variety of initiatives to reduce violence. As of 2007, however, violent crime remained very volatile; even though overall crime totals were down in the jurisdictions surveyed by PERF, 42 to 48 percent of the police and sheriffs’ departments were continuing to see increases in homicides, robberies, and aggravated assaults.

The survey also asks law enforcement agencies for their views about the causes of crime and about countermeasures they are taking. And because economic conditions are affecting police operations, the survey asks for details about any effects that the economic downturn has had on crime or on police budgets, and any steps that police have taken to minimize problems related to the economy.

Finally, the survey asks respondents for their views about how the next President and the incoming Congress could best support the work of local police, both in terms of funding and in terms of new laws or policies.

The results of this survey will serve as a jumping-off point for participants at the Summit to discuss Violent Crime in late 2008, and what they would like to see coming out of Washington in 2009.

The Summit will be held at the Newseum, an interesting new museum about journalism located on Pennsylvania Avenue between the Capitol Building and the White House. (See www.newseum.org for details.) Summit participants may wish to stay at the Crystal Gateway Marriott in nearby Arlington, Va., where a pre-summit reception will be held. This hotel is convenient to Reagan National Airport, and offers access to Washington’s Metrorail system from the hotel lobby.

Following are details:

Pre-Summit Reception
Tuesday, October 7, 6:30 to 8:30 p.m.
Crystal Gateway Marriott
1700 Jefferson Davis Highway
Arlington, VA 22202
703-920-3230
Refer to PERF for special $209 rate

Violent Crime Summit
Wednesday, October 8, 7:30 a.m. to 4:30 p.m.
The Newseum
Freedom Forum/First Amendment Center
6th Street entrance, 7th floor
555 Pennsylvania Ave. NW
Washington, DC 20001
Transport from hotel to Newseum provided in a.m.

There is no registration fee for attending the Summit; again we are grateful for the support of Motorola for the Critical Issues in Policing series.

To find out more about the Summit, contact Emily Milstein-Greengart of PERF at Milstein-greengart@policeforum.org or call Emily at 202-454-8322.

The Police Executive Research Forum is a nonprofit association of progressive police professionals dedicated to improving services to all our communities. Subject to Debate, published by the Police Executive Research Forum, welcomes input from PERF members and other interested parties. Please submit articles, ideas and suggestions to Craig Fischer, PERF, 1120 Connecticut Ave., NW, Suite 930, Washington, D.C. 20036. Phone: (202) 454-8332; fax: (202) 466-7826; e-mail: cfischer@policeforum.org. Contributors’ opinions and statements do not necessarily reflect the policies or positions of the Police Executive Research Forum. ISSN 1084-7316. Subscription price: $35/year.
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Washington, D.C. Metropolitan Police And U.S. Army Reserve Announce Joint Recruiting Program

PERF’s 2008 Violent Crime Summit to Focus on Policing Agenda for Next President

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