

As of August 21 00 -sgm

### SUMMARY OF DISTRICT GUN VIOLENCE REDUCTION PLANS

This Appendix sets forth brief summaries of each of the 93 locally-based firearms violence reduction strategies that were developed and are being implemented in each federal judicial district as part of the National Firearms Violence Reduction Strategy. The evolving strategies were created by the local U.S. Attorney's Office and ATF Field Division Offices, in close collaboration with other federal law enforcement agencies, state and local law enforcement authorities, state and local prosecutors, elected leaders, and various other community stakeholders, including representatives of private businesses, researchers, educators, social services providers, community organizations, and members of the faith community. They contain both proven methods and promising new programs to reduce firearms crime and violence in particular communities.

In developing the local strategies, each jurisdiction assessed the nature and scope of its own gun violence problem; examined the legal tools available in the jurisdiction to address firearms violence, including federal and state firearms laws and sentencing provisions; reviewed and strengthened existing law enforcement efforts and other local prevention and intervention initiatives to combat gun violence; and developed additional strategies that responded to its particular gun violence problems.

Because each local strategy was created by and for a unique community, each strategy is individualized to the needs and circumstances of those communities. However, in each federal district, the strategy includes vigorous investigation and prosecution of both persons who misuse firearms in committing violent crimes and illegal traffickers of firearms. Many of the strategies use relatively new informational techniques, such as crime gun tracing and analysis and violent crime mapping, to identify and apprehend violent offenders and gun traffickers; and many use innovative enforcement methods, such as the "pulling levers" approach, to break the cycle of gun violence. Each strategy provides for regular coordination among federal, state and local law enforcement to ensure a comprehensive and aggressive attack on gun violence.

## NORTHERN DISTRICT OF ALABAMA

In early 1999, the Northern District of Alabama established Project I.C.E. ("Isolating the Criminal Element") to address the high level of gun homicides in the City of Birmingham. Project I.C.E. includes vigorous prosecution of substantially all federal firearms violations, identified through a partnership with the Birmingham Police Department, ATF, and the Jefferson County District Attorney's Office. Project I.C.E. also provides for intensive training of local law enforcement officers on federal and state firearms laws and procedures. A community outreach component of Project I.C.E. has included selected television, radio, and billboard advertisements, as well as bumper stickers and yard signs. Project I.C.E. is to expand to cover the entire district, with an appropriate balance between federal and state prosecutions. A coordinated referral mechanism, including a designated prosecutor in the district attorney's office who will participate in the referrals, and may be appointed as a Special Assistant U.S. Attorney to try cases in federal court, will be critical to this expansion. The cities of Birmingham, Gadsden, Huntsville, Talladega, and Tuscaloosa within the Northern District of Alabama have entered into agreements with the Bureau of Alcohol, Tobacco and Firearms to enforce a comprehensive crime gun tracing program under BATF's Youth Crime Gun Interdiction Initiative. Project I.C.E. is also complemented by Operation Safe Home, a cooperative federal, state and local initiative which targets violent crime in public housing complexes.

## MIDDLE DISTRICT OF ALABAMA

The firearms violence reduction strategy in the Middle District of Alabama is based on cooperation and communication among all members of the community, as well as traditional enforcement and prosecution efforts by federal, state and local law enforcement agencies. The plan includes federal and state firearms prosecutions, with selection for federal prosecution to be made by a case review group chaired by an Assistant U.S. Attorney and comprised of representatives from agencies that have regular contact with firearms cases, such as ATF, FBI, U.S. Marshal's Service, DEA, and selected state prosecutors and law enforcement agencies. The plan also involves outreach efforts to make educators, community leaders and organizations aware of the district's efforts to reduce violence associated with handguns. The district's plan will target illegal gun trafficking, as well as all incidents involving firearms on school campuses. It will initially concentrate on the Montgomery area, with the implementation of comprehensive crime gun tracing. A similar approach will follow in the Auburn-Opelika, Phenix City and Dothan areas. ATF will be providing training to law enforcement agencies throughout the district on firearms identification and crime gun tracing. ATF also conducts a Gang Resistance Education and Training ("GREAT") program in the schools in the district. In addition, ATF is working with a battered women's shelter to provide assistance when guns are present in domestic violence situations.

## **SOUTHERN DISTRICT OF ALABAMA**

The Southern District of Alabama is a large, predominantly rural district, where gun ownership is widespread. Alabama's permissive gun laws, crowded criminal dockets, and overcrowded prisons make it very difficult for state and local law enforcement to battle firearms violence. As a result, the U.S. Attorney's Office and ATF formed "FIST," a task force in which federal, state and local law enforcement collaborate to investigate and prosecute illegal traffickers of firearms, as well as other criminals involved in violent criminal activity and narcotics violations. FIST also seeks to develop public support for anti-crime efforts by educating the community about the district's gun problems, applicable gun laws, gun safety and FIST's own efforts. ATF's focused compliance inspections of federal firearms licensees who have a high number of firearms trafficking indicators associated with their businesses augment the district's criminal enforcement efforts.

## **DISTRICT OF ALASKA**

The District of Alaska's gun violence reduction efforts focus on Anchorage, where nearly half of Alaska's population resides. Particular firearms problems include illegal gun possession and use by gang members and others engaged in illegal drug dealing and related criminal activity. Alaska's three pronged strategy involves: (1) investigation and prosecution of firearms crime through the multi-jurisdictional Safe Streets Task Force, in which ATF and other federal, state and local law enforcement authorities participate; (2) use of technology and sophisticated data analysis, through comprehensive crime gun tracing and electronic crime mapping; and (3) "pulling levers" to deter further gun violence by repeat offenders under state or federal supervision.

## **DISTRICT OF ARIZONA**

The crime problem in Arizona is exacerbated by its border with Mexico and its position as a staging area for illegal drug importation and distribution, as well as alien smuggling, which has become increasingly associated with violent crime. In addition, firearms are trafficked to youth and juveniles, particularly in Phoenix and Tucson. Arizona's "Operation Cease Fire" currently has four components, each coordinated through the Arizona Law Enforcement Coordinating Council. The first component targets illegal trafficking in firearms, including "straw purchasers" from licensed dealers, criminal rings and non-compliant dealers who are the sources of firearms used in crimes. Comprehensive crime gun tracing and ATF compliance inspections will be used to identify offenders. The second component employs task forces, especially near the border with Mexico, and cooperation from Mexican officials, to identify and prosecute dealers, intermediaries and exporters who are supplying firearms to criminals in Mexico, who in turn are involved in drug and alien smuggling, robbing aliens attempting to enter the United States, assaulting Border Patrol and Customs officers, and other criminal activity. The third component employs focused federal/state/local deterrence efforts, with federal prosecutions used for armed offenders for whom state sanctions are inadequate. As part of this effort, training will be

provided to assure that local law enforcement officers are aware of possible federal sanctions, and public service announcements will be developed. The fourth component expands several ongoing successful anti-firearms violence programs in the district and assures coordination among them.

### **EASTERN DISTRICT OF ARKANSAS**

Drug trafficking and use, including that by gangs, is the major source of firearms-related violence in the Eastern District of Arkansas. The district's multi-faceted plan to reduce gun violence continues several proven, successful efforts, such as comprehensive crime gun tracing and investigating and prosecuting gang violence through the district's violent crime task force, METROCK. To address firearms trafficking, ATF and State and local law enforcement officers have established a Firearms Trafficking Task Force, whose work will be assisted by the new program to test fire every crime gun being implemented through cooperation between the Arkansas Crime Lab, FBI and ATF. The district will also continue to deter illegal firearms trafficking at gun shows through ATF undercover operations. ATF and the U.S. Attorney's Office will help educate law enforcement officers about resources and strategies for reducing firearms-related violence, and will provide local prosecutors with information about federal firearms offenses and sentences to encourage appropriate referrals. The district also plans to develop a partnership with Little Rock schools to educate school children about the dangers of firearms.

### **WESTERN DISTRICT OF ARKANSAS**

The Western District of Arkansas consists of 34 counties, covering almost 25,000 square miles, with a population of more than one million people. The district shares borders with Texas, Oklahoma, and Missouri. The district's gun violence problem consists primarily of firearms possession and use by career criminals, violent felons, gang members and drug dealers. Four communities have been identified as target sites for the firearms violence reduction strategy: Hot Springs, Texarkana, Fort Smith and Rogers. The district's firearms violence reduction strategy emphasizes increasing cooperation with state and local law enforcement, with the goal of prosecuting more firearms crimes federally, so that appropriate offenders receive longer prison sentences than are available under state or local law. To encourage state and local law enforcement to refer firearms cases for federal adoption, representatives of the U.S. Attorney's office are traveling throughout the district, informing state and local law officers of the various federal firearm statutes and the long prison sentences that can be meted out in the federal system, and actively soliciting adoptive firearms cases. The District participates in a firearms trafficking task force and, working with the Eastern District of Arkansas, it conducted a training program for local law enforcement called "National Guns First: Training for Law Enforcement Officers to help Reduce Illegal Trafficking of Firearms."

## NORTHERN DISTRICT OF CALIFORNIA

The Northern District of California encompasses several major metropolitan areas, including San Francisco, Oakland, Richmond, San Jose, and San Rafael. These cities share the same types of gun-related crime as is prevalent in other major cities: drug trafficking, drive-by shootings, and gangs. The State of California has among the most restrictive firearms laws in the Nation. California's laws generally mirror those of the federal system, and include prohibitions against short barreled rifles and shotguns, and assault weapons. California also has strict guidelines regarding the licensing of firearms dealers and manufacturers, as well as a law limiting the sale of firearms to one handgun per month to any individual. As a result of these strong state firearms laws, the U.S. Attorney's Office ATF have developed an effective, collaborative relationship with state and local law enforcement throughout the district, so that every gun case that should be prosecuted is prosecuted in either state or federal court. These investigative and prosecutorial efforts, which are known as "Triggerlock II/Project Exile," are supported by a marketing campaign to make the public aware of the gun enforcement program, and to encourage citizen reporting of illegal gun possession. As part of the Triggerlock II/Project Exile program, on February 14, 2000, the U.S. Attorney's Office, in cooperation with federal, state, and city agencies, as well as community organizations, initiated a gun/gang violence reduction program, entitled "Total Mission," in the Mission District of San Francisco. Total Mission is the first in a series of neighborhood-based coalitions that will incorporate a strategy of crime suppression, intervention, and prevention.

## CENTRAL DISTRICT OF CALIFORNIA

This district spans 40,007 miles with a population of nearly 18 million people, making it the most populous district in the country. It is comprised of seven counties that include a total of more than 175 cities. Violent crime problems vary considerably from city to city, and a response to gun violence throughout the district is part of the district's overall law enforcement strategy. The district is developing a variety of specific gun violence reduction strategies in response to the needs of particular communities. Each of the strategies involves a coordinated effort between federal, state, and local law enforcement and government agencies. The district's first initiative responsive to the President's directive is a comprehensive one designed to improve the quality of life in the City of Compton, through an intensive effort to enforce criminal laws and a concurrent drive to develop resources, programs, and facilities for the city's youth. "Kids First!," as the initiative is known, combines an aggressive and coordinated effort between federal and local law enforcement and prosecutors with an infusion of resources to develop and enhance youth programs, ranging from juvenile delinquency prevention to health, arts, and education programs. Since the commencement of "Kids First," the district has begun work with local authorities to develop additional gun violence reduction projects targeted at specific sections of the City of Los Angeles, the largest urban center in the district, and the San Fernando Valley. "Kids First" and the other gun violence reduction projects involve combinations of the following approaches: a co-located federal/state/local task force, comprehensive crime gun tracing, close coordination between federal and local prosecutors to assure that appropriate cases are referred for federal prosecution, training for

local law enforcement officers, HUD-sponsored support for local law enforcement needs, coordinated information management, close monitoring of probationers and parolees, aggressive deployment of the U.S. Marshals service to apprehend fugitives, and social and economic development projects.

### **EASTERN DISTRICT OF CALIFORNIA**

The overall crime rate and firearms violence are concentrated primarily in the same counties within the Eastern District of California: San Joaquin, Fresno, and Sacramento. The U.S. Attorney's Office and ATF are coordinating with local and state law enforcement authorities and with district attorneys to assure that federal prosecution occurs in all appropriate firearms cases, including domestic violence cases. The district's gun violence reduction strategy also includes: (1) Operation Peacekeeper in Stockton (based on Boston's Operation Cease-fire) which uses communications, street-level counselors, and intense uniformed law enforcement response to any gun violence by gangs, and which helped reduce the youth homicide rate in Stockton by 75% in 1998; (2) violent fugitive task forces in Sacramento and Stockton; (3) gang investigative task forces, including the Multi-Agency Gang Enforcement Consortium (MAGEC) in Fresno; (4) participation in Weed and Seed; (5) a School Gun Violence Committee; (6) gun interdiction and anti-trafficking training for local authorities; (7) use of NICS information to target violent offenders; and (8) a Domestic Violence Case Coordination Program, under which federal prosecutors and district attorneys screen firearms cases resulting from domestic violence incidents to select the most effective venue of prosecution.

### **SOUTHERN DISTRICT OF CALIFORNIA**

The firearms violence problems in the Southern District of California are primarily juvenile, gang and drug-related, but also involve a number of corrupt federal firearms licensees (FFLs) who sell to straw purchasers. These purchasers in turn sell guns to prohibited persons or traffic guns across the border into Mexico. Because the easy availability of guns to prohibited persons contributes significantly to the area's crime problems, the main objective of the district's gun strategy is to reduce criminal access to weapons. This will be accomplished by limiting the illegal sources of firearms through comprehensive crime gun tracing, targeting straw purchasers, and targeting FFLs who sell to prohibited persons or obvious straw purchasers, and those who engage in cross-border gun trafficking. The district intends to build upon several existing multi-agency task forces to enhance investigation of these persons; to implement a "zero tolerance" policy regarding the prosecution of these types of cases; to aggressively investigate and prosecute Brady false forms cases; and to provide gun interdiction training to local police officers, investigators and attorneys. The district's plan involves the cooperation and partnership of every law enforcement agency in the district.

### **DISTRICT OF COLORADO**

Although firearms crime has decreased in Colorado over the past two decades, even in growing urban areas like Denver, weapons offenses among juveniles have doubled. The areas

of highest gun violence, and therefore the focus of the district's initiative, are Metropolitan Denver and the Colorado Springs/Pueblo corridor. The district's short-term goal is to more aggressively pursue federal and state prosecutions of gun law violations, and to develop a public awareness campaign directed at changing the culture of gun violence in Colorado. To this end, under Colorado Project Exile, the U.S. Attorney's Office is working with state and local law enforcement to develop a coordinated intake mechanism to channel gun cases into the federal or state court depending upon which jurisdiction has the strictest sentencing laws for the particular crime. The district intends to more aggressively pursue prohibited person in possession cases, and crimes such as possession of a stolen firearm, possession of a firearm with an obliterated serial number, possession of a sawed-off shotgun, gun dealer violations, and Brady false forms cases. The district will also provide training to local law enforcement personnel in the investigation and prosecution of firearms cases. To address illegal trafficking, ATF participates in a gun task force in Colorado Springs, Denver and Aurora and a youth crime gun interdiction initiative in Metropolitan Denver that includes comprehensive crime gun tracing and analysis to identify traffickers and violent crime hot spots. Over the long term, the district intends to work with the private and non-profit sectors, as well as other local leaders, to implement violence prevention and education initiatives which will ultimately add gun violence to the list of conduct which society will simply no longer tolerate.

#### DISTRICT OF COLUMBIA

Although the District of Columbia has a comprehensive set of local firearms laws that prohibit the acquisition, possession and use of almost all firearms by non-law enforcement, illegal guns nonetheless continue to be present in the District in significant numbers, fueling an extremely high rate of homicides and non-fatal firearm assaults. Building on a 1995 program of the same name, the District's "Operation CEASEFIRE", a joint effort by the U.S. Attorney's Office, the ATF and the Metropolitan Police Department ("MPD"), implements a wide range of programs and strategies that include aggressive law enforcement efforts, prevention programs aimed at youth, and community participation. First, the U.S. Attorney's Office recently expanded its community prosecution program -- assigning a team of prosecutors to work with the police and community representatives -- to every police district in the city, thus enabling a district-by-district focus upon the city's gun problem. Second, the United States Attorney created a Gang Prosecution Section in order to increase the number of federal prosecutions of violent gangs. Third, the U.S. Attorney's Office will prosecute every violation of the federal felon-in-possession law in federal court (rather than in the D.C. Superior Court under D.C. law) and increase the number of federal prosecutions of armed drug dealers. Fourth, the District has a comprehensive crime gun tracing program under ATF's Youth Crime Gun Interdiction Initiative. Further, ATF has established a regional crime gun center to gather intelligence on illegal gun trafficking, increase prosecutions of illegal gun traffickers and support local and federal efforts to prosecute gun crimes. Fifth, the U.S. Attorney's Office will seek to increase enforcement of probation and parole violations and violations of pretrial conditions of release by those offenders at risk for engaging in additional criminal activity. At the same time, the District will work with city and faith community leaders to provide mentoring opportunities and alternatives to crime to those offenders seeking to change their

criminal lifestyles. Sixth, the District will expand school and community-based programs aimed at preventing youth participation in drug trafficking and gun violence, which will augment the existing ATF and MPD Gang Resistance Education and Training ("GREAT") program in the schools. Finally, the District will continue to implement a comprehensive media campaign to increase public awareness of gun-related crime and violence, and encourage the community to report illegal guns.

### DISTRICT OF CONNECTICUT

In recent years, gang task forces in Connecticut have dramatically reduced firearms violence in Hartford, New Haven and Bridgeport. These task forces have made particularly effective use of federal wiretap capabilities to dismantle organized drug gangs in these cities. These successes have generated a need for strategies to address the more decentralized violent crime patterns emerging in some locations. To assess this new threat, the U.S. Attorney's Office spearheaded a collaborative law enforcement review of murders, assaults, robberies and reports of "shots fired" in New Haven. The results were shared with a broad array of community representatives, who were invited to help develop new strategies to address firearms violence. The strategy developed as a result of this process includes a targeted deterrence approach, with weekly meetings between federal and state prosecutors, ATF, state probation officers and police officers at police substations to identify violent individuals at large, and to agree on proactive approaches for developing drug, gun or other cases against them. As part of this effort, a computer mapping program reflecting all shooting-related incidents and firearm recoveries is in the process of being implemented for use by the New Haven Department of Police Services and ATF. This component of the project will supplement the previously implemented comprehensive gun tracing project which is operating in the district's principle cities and is coordinated by ATF. In addition, targeted probationers and parolees are called to special "pulling levers" sessions where they are warned directly of the joint crackdown on firearms, and representatives of employment, substance abuse and educational programs offer them alternatives to violent crime.

### DISTRICT OF DELAWARE

Although the number of shootings has dropped dramatically in Wilmington, the city continues to experience a disproportionate share of the state's violence. Federal, state, and local authorities, including the Delaware Department of Probation and Parole, under the auspices of the U.S. Attorney's Office, have been meeting since August of 1999, and are implementing an initiative entitled "Make the Right Choice" to put chronic offenders on notice that both law enforcement and the community will not tolerate violent acts in Wilmington, and to encourage the chronic offenders to take advantage of various services such as drug counseling and employment counseling that are available in the community. This program is modeled generally on a program in the Middle District of North Carolina. ATF also has a firearms trafficking task force that focuses on the Wilmington area and is coordinated with the U.S. attorney's office.

## NORTHERN DISTRICT OF FLORIDA

The Northern District of Florida encompasses largely rural areas of the state, in which the gun violence problem differs somewhat from more urban areas. To develop the district strategy, the U.S. Attorney's Office, ATF, DEA, and other federal, state, and local law enforcement agencies coordinated closely. The district gun violence reduction plan addresses the use of firearms by drug dealers, the possession of guns by persons convicted of violent felonies, and the sale of guns by unlicensed persons at gun shows. Because Florida recently enacted statutory enhancements for crimes of violence and crimes involving the use of firearms, the strategy relies on coordination between the U.S. Attorney's Office and the State Attorney's offices to enable prosecutions in the state system. In addition, the U.S. Attorney's Office is working with ATF to reduce illegal firearms trafficking in the district.

## MIDDLE DISTRICT OF FLORIDA

The Middle District is the largest of the three districts in the State of Florida, covering 35 of the state's 67 counties with approximately 8 million of Florida's 13 million people. Two of the nation's fastest growing metropolitan areas and 5 of the nation's fastest growing counties are located in the district. The most prevalent gun problem is violent crime followed by international, interstate, and intrastate firearms trafficking. Operation HALT the Violence! is a local-state-federal partnership, which includes law enforcement, State Attorneys' and Statewide Prosecutor's Offices, and probation and parole, among others, to reduce firearm violence and illicit trafficking. HALT! is a 7-prong plan (the 7 Ps) designed to: identify the particular crime problems and those offenders causing the problem [**Problem Analysis**]; aggressively investigate and prosecute the most chronic offenders in federal and state court [**Proactive Enforcement & Prosecution**]; coordinate comprehensive police training to enhance expertise in investigating gun violence cases [**Police Training**]; notify offenders of the community's intolerance of violent acts and offer alternative opportunities to change their violent behavior [**Prevention Through Intervention**]; develop a strong public service advertising campaign [**Prevention Education**]; coordinate community partnerships and a multi-agency approach for the delivery of community resources [**Planned Response Through Partnerships**]; and, develop an on-going process to ascertain the effectiveness of the strategy and make changes as necessary [**Process of Evaluation**]. The objectives of HALT! are to reduce violent crime by: locating and seizing unlawfully possessed guns; swiftly prosecuting offenders of federal and state (10-20-Life) gun laws; and, preventing future access to guns by felons. Innovative policies are being developed with ATF to analyze and attack the problem of straw purchases, FFL violations, and other illicit trafficking in firearms, which account for as much as 75% of all guns used in crimes. A public awareness campaign will incorporate the National Citizens Crime Prevention Campaign's PSAs, Making Children, Families, and Communities Safer From Violence, which will include "Not One More" partnerships with our communities in a "Weed & Seed" style approach to gun violence. The district anticipates linking up with these programs, and others in place throughout the district, in broader community-outreach efforts once the initiative's law enforcement functions are underway.

## **SOUTHERN DISTRICT OF FLORIDA**

The Southern District of Florida encompasses nine counties, including Miami, Fort Lauderdale, and West Palm Beach, and is home to over 4 million residents. Law enforcement officials identify the easy availability of firearms to criminals as the most important factor contributing to firearms violence in this jurisdiction. The district's strategy therefore concentrates on keeping firearms out of the hands of criminals in order to reduce the district's worst firearms violence problems: tourist robberies, bank robberies, drug market turf battles, and carjackings. Federal, state and local law enforcement and government officials have worked with community groups and local churches to develop a number of new strategies designed to reduce firearms violence and reinvigorate existing programs. These include: (1) Operation Denial, to identify and prosecute serious felons in search of firearms, from the pool of applicants for firearms denied approval under the Brady Law; (2) Operation Pawntrack, which seeks to identify and prosecute felons attempting to pawn firearms; (3) the Gun Show Task Force, a joint effort by ATF and state law enforcement targeting illegal weapons sales at gun shows; (4) Project C.A.R.G.O., a public education program aimed at youth, featuring seminars about handgun injuries, and the distribution of gun locks with instructions on their proper use; (5) Operation Drug-Fire, to expand firearms crime evidence testing and the dissemination of the information, working with the Miami-Dade County Gun Squad to enhance prosecution of violent offenders; (6) the Robbery Information Clearinghouse, to facilitate the sharing of information between law enforcement agencies; (7) the Miami/Miami-Dade County Weed & Seed Gun Abatement Strategy, to prevent firearms violence through educational programs in schools and gun swaps, with the help of churches, non-profit organizations, and local law enforcement; and (8) the Youth Crime Gun Interdiction Initiative in Miami, to implement comprehensive crime gun tracing.

## **NORTHERN DISTRICT OF GEORGIA**

The gun violence reduction strategy in the Northern District of Georgia currently targets "hot spots" and chronic offenders in the city of Atlanta. Called "Operation FACE 5" ("*Illegal Firearms in Atlanta Can Equal 5 Years in Federal Prison*"), the strategy consists of a comprehensive partnership between a large number of federal and state law enforcement agencies, elected officials, probation and parole officers, community leaders, church and community organizations, media representatives and educators. The program focuses on vigorous investigation and prosecution of federal and state firearms laws through cooperation between the U.S. Attorney's Office, the local district attorneys' offices, ATF and local law enforcement; a public awareness campaign, a community support campaign and confrontations with chronic offenders. Comprehensive crime gun tracing, ballistics information, debriefing of offenders, educational outreach and conflict resolution in public schools, and academic analysis of crime and public health data are all important parts of the district strategy.

## **MIDDLE DISTRICT OF GEORGIA**

The Middle District of Georgia covers a broad geographic area, and encompasses the jurisdictions of 70 Sheriffs' Departments and over 100 police departments. Federal authorities

historically have vigorously pursued armed career criminal cases, and the state now has a very tough "two strikes and you're out law" to deal with repeat offenders. The district's strategy calls for extensive outreach to state and local law enforcement to encourage the referral of appropriate firearms cases for federal prosecution, and new initiatives based on information from an extensive study by the Mayor's Youth Violence Prevention Task Force in Macon. This study found a significant problem existed with young people possessing guns due to their association with illegal narcotics activity and with gang activity. The strategy calls for an adoption of the successful efforts produced in High Point, North Carolina, involving targeted deterrence and active law enforcement involvement with the community. The strategy will be focused on the cities of Macon and Athens. The objectives of this strategy are: 1) to prevent or reduce the number of assaults and deaths resulting from gun violence; 2) to reduce other gun-related crime; 3) to increase public confidence in law enforcement and encourage citizen involvement; 4) to identify and target repeat violent offenders; 5) to notify remaining offenders of the community's intolerance of future violence and offer alternatives; and 6) to achieve these objectives through the cooperative efforts of local, state, and federal law enforcement, with full support of the community.

#### **SOUTHERN DISTRICT OF GEORGIA**

The Southern District of Georgia encompasses 43 counties, and includes the city of Savannah. The metropolitan areas of the district report typical violent crime distributions, including homicides, rapes, robberies and aggravated assaults. To address the district's firearms violence problem, the U.S. Attorney's Office has committed to accepting for prosecution a substantial number of federal firearms violations under an initiative entitled "Project CEASEFIRE." The U.S. Attorney's Office and ATF will work closely with state and local law enforcement to ensure that appropriate cases are referred for federal prosecution, and have developed guidance for local officials to ease presentation of cases for federal prosecution. ATF will work with local law enforcement officials to encourage comprehensive tracing of all firearms recovered in the district. Federal law enforcement officials are also developing a firearms-focused outreach program for presentation in public high schools.

#### **DISTRICT OF GUAM**

The District of Guam's most significant violent crime problems are due primarily to convicted felons and illegal drug users (especially users of methamphetamine) who possess firearms. With limited federal investigative resources, federal authorities work closely with local investigators to ensure that all drug cases involving handguns are referred for federal prosecution. The U.S. Attorney's Office also works closely with the Guam Attorney General's Office to ensure that violent and career offenders are aggressively prosecuted. ATF is working with the Guam Police Department to encourage comprehensive crime gun tracing to identify firearms traffickers for investigation and prosecution.

## **DISTRICT OF HAWAII**

Hawaii's firearms laws are among the most stringent in the United States, and despite publicized individual instances of firearms violence over the years, gun crime in Hawaii is relatively rare. Although the state system is generally well-equipped to handle the firearms crime that occurs in the District, federal officials have identified ways in which federal authorities can assist local enforcement and improve enforcement efforts, including helping local law enforcement agencies develop the ability to trace all recovered crime guns. Federal authorities will continue to work collaboratively with their state and local counterparts.

## **DISTRICT OF IDAHO**

Federal authorities in the District of Idaho have joined with state and local leaders to develop a gun violence reduction program that combines aggressive prosecution and focused outreach. It draws on the entire range of resources within the district, from schools and law enforcement agencies to youth groups, business leaders and the faith community, and targets problem areas such as the nexus between drugs and gun violence, incidents of firearms in schools, the presence of gangs and hate groups. Among the programs components are: (1) continued prioritization of prosecutions involving drug traffickers and violent criminals who illegally possess guns; (2) pilot programs to trace guns retrieved from juvenile offenders; (3) enhanced gun violence reduction training for state and local law enforcement officers and prosecutors; (4) increased emphasis on crime gun tracing and the investigation of FFLs with significant trafficking indicators associated with their businesses and (5) expansion of our drug and alcohol abuse outreach effort to educate the public about gun violence, including support for the Governor's hotline for reporting guns at schools.

## **NORTHERN DISTRICT OF ILLINOIS**

The Northern District of Illinois's "Project Surefire" is an integrated firearms violence reduction strategy that maximizes the resources of federal, state and local law enforcement. The district contains the city of Chicago, which has a significant street gang and drug problem. Project Surefire focuses on dismantling specific criminal organizations identified through the effective use of shared intelligence, advanced crime mapping, comprehensive crime gun tracing techniques and a statewide implementation of the national ballistic information system. It includes enhanced prosecutions, a publicity campaign to deter would-be offenders, and work with community-based organizations to reduce violence. Resources are also dedicated to the increased monitoring of the regulated firearms industry to identify irresponsible firearm dealers and to eliminate straw purchasers of firearms. Chicago participates in ATF's "Cops and Docs" initiative, in which medical examiners and forensic officials provide ATF with bullets recovered from gunshot victims for analysis using the ballistics network. In consonance with the Chicago Police Department's Community Alternative Policing Strategy ("CAPS") and the education community, juveniles and young adults are being offered mentoring opportunities and options to deal with life issues in ways that do not involve violence.

## **CENTRAL DISTRICT OF ILLINOIS**

The Central District of Illinois includes the state capital, Springfield, as well as Peoria, Champaign-Urbana, and many large rural areas. Gun violence in the district arises primarily from drug-related gang activity and crimes committed by repeat offenders. Juveniles and young adults are increasingly involved in gang activity. Illinois and federal laws overlap significantly, enabling many gun cases to be prosecuted in either jurisdiction. Federal authorities coordinate with state and local law enforcement to screen and refer firearms cases to the most appropriate jurisdiction for effective and aggressive prosecution. The district's gun violence reduction strategy focuses on community outreach to strengthen current strategies targeting violent and recidivist offenders, drug traffickers, and gangs. As a part of this, federal authorities will re-train and update state and local law enforcement on federal firearms laws and will heighten efforts to follow up on all cases in which juveniles have been found in possession of firearms. In addition, the district is developing programs to debrief arrestees, strengthen the referral process, and increase law enforcement's focus on illegal transactions at gun shows. Recently, a gun initiative has been formulated for the Peoria metropolitan area (the district's largest) which will screen all firearms cases for an appropriate resolution in either state or federal court.

## **SOUTHERN DISTRICT OF ILLINOIS**

Most of the gun-related crime in the Southern District of Illinois occurs in the Metro-East St. Louis area, the Carbondale and Murphysboro areas of Jackson County, and in the cities of Mount Vernon, Centralia, and Cairo. The overwhelming majority of gun-related violence in these areas is associated with the distribution of crack cocaine in predominately poor neighborhoods and housing developments, and gang presence contributes significantly to the gun-related violence. The district's firearms violence reduction strategy continues the district's coordinated efforts under the Attorney General's 1994 Anti-Violent Crime Initiative, and targets the most violent firearms offenders for federal prosecution. Federal, state and local law enforcement and prosecutors will coordinate closely to identify offenders for federal prosecution. Automatic referrals of certain types of offenders will be a priority in the high violence areas identified in the district's strategy. In some counties, cross designations of Assistant States' Attorneys as Special Assistant U.S. Attorneys will permit gun violators to be prosecuted in either local or federal courts. Federal authorities will also conduct federal firearms training for state and local law enforcement, and are actively seeking information on persons wanted on warrants. The district's plan also stresses the importance of data collection, analysis, and sharing, and the Illinois State Police Resource Support Center and laboratory will be critical to that effort. Comprehensive crime gun tracing is also being implemented to assist in identifying gun traffickers. The district is also working with the Eastern District of Missouri in a collaborative effort similar to Boston, Massachusetts' Operation Ceasefire, focusing on youth who are at risk of committing to the criminal lifestyle.

## **NORTHERN DISTRICT OF INDIANA**

The Northern District of Indiana's "Operation Bull's-Eye" is a comprehensive and coordinated approach to reducing firearms violence that involves federal, state, and local investigators and prosecutors. The strategy includes coordinated decision-making among federal, state, and local law enforcement regarding the filing of firearms charges, and expansion of existing firearms enforcement training and technical support for state and local law enforcement. The district's plan also includes the use of sophisticated computer technology, including crime mapping, crime gun tracing, ballistics analysis, and computer networking of criminal intelligence information. Referral systems will ensure that state gun permits are revoked whenever a permit holder is convicted of a felony, and that NICS denials are referred to ATF for review and possible criminal charges. Public education efforts about Operation Bull's-Eye have been initiated throughout the district to deter gun violence. The U.S. Justice Department's Office of Justice Programs, in a joint effort with MTV, has provided area law enforcement agencies and school districts with interactive anti-violence CD ROMs for use in high school classes. The district's LECC program also conducted two school violence crisis management training seminars, which attracted over 300 school and law enforcement officials. ATF has also established a HIDTA-funded task force that focuses on firearms trafficking in Lake and Porter counties. These counties are in the northwest part of the district, closest to Chicago, as much of the trafficking moves across the state line.

## **SOUTHERN DISTRICT OF INDIANA**

Within the Southern District of Indiana, the city with the highest incidence of gun violence is Indianapolis. In 1998, as part of the Department of Justice-funded program, "Strategic Approaches to Community Safety," the U.S. Attorney's Office helped create the Indianapolis Violence Reduction Partnership (IVRP), a coordinated, multi-agency task force, which evaluated the city's homicides, as well as a wide range of data regarding the city's gun violence. This analysis led to the recognition that an overwhelming proportion of violent crime was committed by individuals with extensive criminal histories, and to the development of several gun violence reduction strategies for the district. Three of IVRP's key strategies are: (1) regular "lever pulling meetings" which communicate a message of intolerance to violence and the choices and consequences of violence to probationers and parolees; (2) increased coordination and communication among law enforcement agencies and the community; and (3) VIPER (Violence Impact Program Enhance Response) designed to reduce the level of violence by removing chronic violent offenders through increased arrest, prosecution, incarceration, and enhanced supervision while on probation or parole. Additionally, ATF traces all crime guns seized in Indianapolis/Marion County.

## **NORTHERN DISTRICT OF IOWA**

Although gun violence is relatively uncommon in the largely rural Northern District of Iowa, the number of firearms homicides increased by 40 percent from 1994 to 1998 (from 24 to 34), with many of the shootings arising in domestic relationships. Accordingly, two attorneys from the

Iowa Attorney General's office have been cross-deputized to prosecute domestic violence cases federally, and a federal, state and local drug task force works to develop firearms cases in the course of drug investigations. These efforts are being enhanced by additional training on federal and state firearms statutes and penalties at all levels of law enforcement -- federal, state, and local prosecutors, police, investigators, and judges. The district also plans to develop public service announcements to educate the public on the seriousness of federal sanctions, to implement comprehensive crime gun tracing, and to work with schools on violence prevention. At the suggestion of local officials whose input was sought at planning meetings, the district produced a colorful laminated card detailing federal gun laws. This "Quick Reference Guide to Federal Firearms Laws" is sized to fit in a patrol officer's ticket book or vehicle sun visor for ready reference. In coordination with the Southern District of Iowa, 8,000 of these cards were distributed in December 1999 to every law enforcement officer, probation agent, and local prosecutor in the state of Iowa.

### **SOUTHERN DISTRICT OF IOWA**

The firearm violence reduction plan in the Southern District of Iowa consists of two primary components: (1) The "Fast Track to Federal Prosecution" program, which is designed to encourage local law enforcement agencies immediately to identify and refer for federal prosecution the types of offenses and offenders for whom federal prosecution holds the greatest deterrent effect; and (2) the Domestic Violence initiative, which is designed to identify and prosecute prohibited domestic violence offenders who possess or seek to possess firearms. The "Fast Track" program began with the mass mailing of over 200 posters to city and county law enforcement agencies which summarized federal firearms laws and described the Fast Track program. Further, in conjunction with the Northern District of Iowa, thousands of laminated cards describing federal firearms offenses were distributed to state and local law enforcement officers in both districts to facilitate the "Fast Track" initiative. To implement the Domestic Violence initiative, two attorneys from the Iowa Attorney General's Office have been designated Special Assistant U.S. Attorneys and assigned to prosecute firearm violations associated with domestic abuse situations in addition to conducting extensive training programs for local law enforcement officers.

### **DISTRICT OF KANSAS**

The U.S. Attorney's Office in Kansas, in partnership with the U.S. Attorney's Office for the Western District of Missouri, ATF, and local and state agencies, formed a Kansas City Metro Task Force to prosecute firearms violations. Part of the focus is on violent offenders who commit multiple Hobbs Act robberies in the greater metropolitan area. Based on success in Wichita and Topeka, Kansas, the task force expects to have a significant impact in reducing armed commercial robberies. It will also concentrate on the prosecution of repeat firearm violation offenders. In the southern and western ends of the state, the U.S. Attorney's Office will work closely with ATF to target repeat violent offenders who are using or carrying guns during criminal activity. In addition, ATF works with state and local authorities in the district to trace

all recovered crime guns, and is in the process of establishing an intelligence group in the district that will analyze the tracing information and produce investigative leads.

#### **EASTERN DISTRICT OF KENTUCKY**

Through its Law Enforcement Coordination Committee, consisting of ATF and other federal agents, state police, county sheriffs and local police chiefs, the U.S. Attorney's Office for the Eastern District of Kentucky has determined that domestic violence is its major firearms violence problem. The district has therefore focused its firearms violence reduction strategy on prosecution, training, and prevention to reduce domestic violence. The U.S. Attorney's Office, together with ATF, will review every National Instant Criminal Background Check System (NICS) referral and referrals from state, county, and local police, and prosecute or notify the offender or judicial officer, as appropriate. The district will also seek to raise public awareness of the problem of domestic violence by publicizing prosecutions and by participating in training of victim rights' groups about such issues as reporting, investigating, and prosecuting domestic violence offenses. Additionally, the U.S. Attorneys' Office and ATF will present law enforcement training focusing particularly on federal offenses involving possession of firearms by prohibited persons and relevant state offenses.

#### **WESTERN DISTRICT OF KENTUCKY**

The majority of the district's problems with gun violence are centered in Louisville/Jefferson County, Kentucky's largest metropolitan area. Under "Project Backfire," a cooperative prosecution program between the U.S. Attorney's Office, the County Attorney, the Commonwealth Attorney, and ATF, the city's three prosecution offices will review all gun-related arrests to ensure the defendants are prosecuted in the most appropriate forum. The goal of the project is to eliminate the deficiencies of prior state court practice which permitted most gun offenders to escape jail time and to ensure the most serious cases are prosecuted in federal court. ATF traces all firearms used in crimes, and it will use this information to identify and eliminate gun dealers who are funneling guns through straw purchasers to criminals. The program also draws upon the efforts of the Mayor's Task Force to End Gun Violence, a group with included the U.S. Attorney, ATF, local police officers and prosecutors, gun dealers, school officials, emergency room physicians, academics and religious leaders, to find more comprehensive solutions to the problems of gun violence.

#### **EASTERN DISTRICT OF LOUISIANA**

In recent years, the murder rate in New Orleans has dropped substantially (428 in 1994 to just under 160 in 1999) but gun violence remains a major problem, particularly in economically-distressed neighborhoods where drug and gang crimes are prevalent. In New Orleans, "Project Exile" has compensated for the inability of state prosecutors to successfully detain and prosecute individuals who illegally possess firearms. To date, approximately 90% of all "Exile" defendants are detained and all but one have been convicted. The district is also focused on combating gun and other crime in public housing through the multiple-agency "Safe

Home Task Force". The district also places a strong emphasis on developing intelligence on gun trafficking patterns through crime gun tracing.

### **MIDDLE DISTRICT OF LOUISIANA**

From 1992 to 1996, Baton Rouge experienced a dramatic increase in the number of youth involved in violent crimes. During this period, the number of juveniles under 16 years of age arrested annually increased by 61 percent. In 1996, juveniles were responsible for 14 homicides, as well as numerous armed robberies, aggravated assaults, and other weapons violations. In response, federal, state and local law enforcement, city officials, community organizations, and others joined together to form the Baton Rouge Partnership for the Prevention of Juvenile Gun Violence. The partnership targeted repeat offender youth up to age 21 from two high-crime zip code areas of Baton Rouge. The partnership designed a comprehensive strategy with four specific goals: 1) implement a multi-agency law enforcement strategy to reduce gun-related and other violent crimes by juveniles and older youth through: intensive probation and law enforcement focus on the small group of violent and chronic young offenders; reducing illegal access to guns by investigating and prosecuting gun traffickers and straw purchasers; and expediting the judicial response to gun-related offenses, including expedited federal prosecution where possible; 2) implement an intensive intervention program to reduce the risk factors for the highest risk youth, their families, and the community; 3) implement a long-term prevention program that identifies youth who may be at risk for violence, and strengthens resources to serve those young people; and 4) aggressively investigate and prosecute gun-related offenses committed by adults, through "Project Exile/Baton Rouge," a collaborative effort by the police department, sheriff's office, ATF, and U.S. Attorney's Office, to combine swift and sure federal prosecution of firearms offenses with a public education campaign that warns criminals of the penalties if they are caught with an illegal gun. "Project Exile/Baton Rouge", which began on January 21, 1999, was responsible for the indictment of 102 adult offenders during its first 12 months. Examples of the types of charges brought against these individuals included Brady violations, felons in possession of firearms, possession of firearms with obliterated serial numbers, and possession of sawed-off shotguns. Sentences have averaged in excess of 5 years.

### **WESTERN DISTRICT OF LOUISIANA**

Forty-two of Louisiana's sixty-four parishes make up the Western District of Louisiana, and the district is home to over 2 million people. The district has several programs to address gun crime. The U.S. Attorney's Office and ATF have established a referral program to deal with gun crimes, including cases developed using Project Triggerlock, crime gun tracing, and referrals from the National Instant Criminal Background Check System (NICS). The district is currently focusing on prohibited persons in possession of firearms. Other programs include a gun recovery and enforcement initiative training program; assistance to law enforcement agencies to collect and utilize existing tracing data for guns that come into their custody; coordination with school resource officers to trace all guns taken off school campuses; use of On-line LEAD trace information to its full extent; ATF review of records of out-of-business firearms dealers and

cross check with the National Tracing Center data base; and aggressive enforcement of federal firearms laws.

### **DISTRICT OF MAINE**

The District of Maine is predominately rural, with three medium-sized metropolitan areas. Its violent crime problem is primarily related to domestic violence, drug-related organizations, juvenile offenders, and some gang activity. In addition, a significant number of felons unlawfully possess firearms in the state. The district will continue to rely principally on the task force approach to combat gun violence and other violent crime. Three violent crime task forces are located in the areas identified as having the most serious violent crime and firearms problems. The task forces include representatives from state and local police and sheriffs departments, ATF, U.S. Marshal's Service, the U.S. Attorney's Office, and the District Attorney's Office. In addition, the district is undertaking various training and prevention initiatives; seeking new and innovative avenues for funding task force operations and creating adequate information databases; and aggressively pursuing the use of crime gun tracing and mapping.

### **DISTRICT OF MARYLAND**

Despite an overall decrease in violent crime in Baltimore, the number of murders continues to exceed 300 annually. A recent analysis of homicides in Baltimore revealed drug trafficking as a key ingredient in the homicides and identified members of 325 "drug groups" as key actors in the homicides. Project "DISARM" is a federal/state/local comprehensive plan to reduce gun-related violence by seeking federal prosecution for gun-carrying felons, based on a collaborative case referral and screening process. The number of federal indictments under these plans increased by 72% from 1998 to 1999. Beginning in January 2000, the selective criteria for firearms offenses in Baltimore was reduced with the result that a 100% increase in federal indictments is anticipated in 2000, with over 290 indictments expected. DISARM also includes U.S. Attorneys participation in Baltimore Police in-service training and a multi-media public outreach program warning of the consequences of federal prosecution, including business cards, billboards, and radio spots. DISARM also accepts referrals in support of Operation Safe Neighborhoods—which draw heavily on the Boston, Massachusetts' "Cease Fire" model as a complement to these other federal prosecution initiatives. Baltimore participates in ATF's Youth Crime Gun Interdiction Initiative and uses crime gun tracing and other information to combat illegal trafficking in firearms.

### **DISTRICT OF MASSACHUSETTS**

In Boston, recent reductions in the violent crime rate and, particularly, the homicide rate, have exceeded the impressive national declines. Boston's successful attack on gun violence was driven by careful research and analysis. The research determined that a relatively small number of repeat, violent offenders, largely youthful, were responsible for a disproportionately large share of the gun violence in the city. By 1995, Boston Police had moved to a neighborhood

policing strategy and had formed the Youth Violence Strike Force, which permitted the police to devote significant resources to violence-troubled areas. ATF had formed a partnership with the Boston Police Strike Force, and the U.S. Attorney's Office was working with the Suffolk County D.A.'s office to ensure that firearms offenses were prosecuted in the most deterrent-effective manner possible. The state probation office had already joined with the police department to implement Operation Night Light. The religious community was actively involved in combating youth violence. And city-employed streetworkers were in place, on the streets, to help direct services to at-risk youths. In 1996, "Operation Ceasefire" -- a city-wide strategy to deter firearm violence among youthful offenders -- was established. The goal of Ceasefire was to communicate warnings to gangs that, if violence occurred, there would be swift, predictable responses with weighty consequences, including federal prosecution with lengthy sentences. This strategy of targeted deterrence was balanced by the offer of meaningful and realistic alternatives. For example, the Boston Jobs Project -- a federal/state/local joint effort, funded in part by the Departments of Justice and Labor -- provides at-risk young people with job training, placement, education and counseling services. And Boston police officers also now work with social workers located in police stations. Growing out of these existing, successful initiatives, the district plans to pursue the following prosecution programs: (1) felon-in-possession prosecutions of repeat, violent offenders; (2) gun dealing/trafficking prosecutions; (3) targeted gang/drug prosecutions; and (4) an anti-violence program in Western Massachusetts.

#### EASTERN DISTRICT OF MICHIGAN

In 1999, Michigan homicides began to increase, even though other categories of crime continued to decline. In response, the U.S. Attorney's Office for the Eastern District of Michigan formed a working group to address gun violence. This group includes ATF, DEA, FBI, the U.S. Marshal's Service, the Detroit Police Department, the Michigan State Police, the Wayne County Prosecutor's Office, the Wayne County Department of Community Justice, and the Southeast Michigan High Intensity Drug Trafficking Area. The working group analyzed Detroit's gun-related homicide problem and developed a strategy that includes aggressive enforcement against perpetrators, enhanced use of technology for crime analysis and investigation, crime prevention and intervention. In addition, the working group is engaged in an ongoing process to identify and deploy the resources necessary to implement both short- and long-term strategies. These strategies include: (1) a Homicide Task Force that targets individuals and groups who are responsible for drug-related homicides in the City of Detroit; (2) the Southeast Michigan Forensic Enhancement Initiative to improve and expedite the level of forensic services that are available to investigators and prosecutors; (3) "Operation Countdown," a collaborative effort between the Detroit Police Department, the Wayne County Prosecutor's Office, and ATF, to provide for the referral of appropriate cases for federal prosecution; (4) a program to increase the apprehension of fugitives wanted in the City of Detroit; (5) a data collection initiative to make technology an integral part of investigative techniques; (6) a strong prevention, intervention, and treatment component focused especially on youth; (7) activities to raise public awareness about and mobilize the community to address gun violence, including a billboard campaign and a gun violence youth education program; and

(8) use of the Crime Stoppers program, which provides an anonymous dial-in tip line enabling citizens to report criminal activity and receive cash awards. In the long term, the working group has proposed supplementing other strategies with the establishment of a Regional Crime Gun Center. This centrally located, multi-agency staffed, firearms clearinghouse would provide law enforcement with all available information about recovered firearms, including mapping information and firearm recovery trends.

### WESTERN DISTRICT OF MICHIGAN

The Western District of Michigan encompasses the state capital, Lansing, and other mid-sized cities such as Grand Rapids and Kalamazoo, as well as large suburban and rural areas. The district's gun violence reduction plan increases the emphasis on the referral of gun cases for federal prosecution. The U.S. Attorney's Office will prioritize various types of guns cases, including serious violations by federal firearms licensees and armed bank robberies (which increased by 80% during the first nine months of 1999). In addition, ATF will investigate federal firearms licensees who are suspected of selling handguns to straw purchasers, and federal authorities will conduct educational outreach to state, local, and tribal law enforcement to advise them that federal prosecutors will investigate and prosecute appropriate gun cases. To implement this plan, the U.S. Attorney has assigned one Assistant United States Attorney to serve as a Firearms Reduction Specialist. The Michigan Attorney General, the Mayor of Grand Rapids, the Kent County Prosecutor and numerous local law enforcement agencies have agreed to join the U.S. Attorney's Office as together they enter into a "Project Exile"-type initiative in the district's most populous county. The initiative will include the appointment of SAUSA's from both the Michigan Attorney General's office and the local prosecutor's office to assist in the prosecution process. The ATF has appointed two special agents to handle local criminal referrals and the FBI has committed resources from its Fugitive Task Force to supplement the effort. The initiative will have several components including: prosecution, advertising, education, the provision of free firearm trigger locks and possibly a firearms "buy back" plan that could include food or toy coupons in exchange for handguns.

### DISTRICT OF MINNESOTA

Since 1995, the number of homicides in Minneapolis, the state's largest city, has decreased by nearly 75 percent. However, gangs continue to be a problem, as are juvenile offenders and chronic violent offenders. Straw purchasers are also a concern, as ATF crime gun tracing data has shown that many of the firearms that end up in the hands of prohibited persons were obtained through straw purchases. Finally, gun violence is of particular concern in Indian Country. To deal with these issues, ATF and the U.S. Attorney's Office have joined forces with state and local law enforcement to form the Minnesota Criminal Gang Strike Force which, in the last three years, has investigated and prosecuted a number of violent gangs throughout the district under a targeted deterrence or "pulling levers" initiative. In addition, ATF and the U.S. Attorney's Office work closely with the Weapons Unit of the Minneapolis Police Department to investigate and refer for prosecution all cases involving the use of firearms. Collaboration between federal and local prosecutors is critical. State law requires a five year minimum prison sentence for any

felon convicted of using or possessing a gun in the commission of a violent crime. This and other state statutes give prosecutors numerous options to charge illegal gun possession and use in Minnesota. The U.S. Attorney's Office has taken advantage of these tough state laws to develop a close working relationship with local prosecutors, known as "Project SAFETY ON." Under Project SAFETY ON, federal and local prosecutors have agreed, through a formal Memorandum of Understanding (MOU), to work together to ensure that all criminals found in possession of a gun face either state or federal charges, as appropriate. Thus, while the state's five-year mandatory minimum law adequately addresses many offenders, the U.S. Attorney's Office encourages local authorities to refer for federal prosecution those cases where enhanced federal penalties are called for—e.g, cases involving repeat violent offenders, straw purchasers, gun traffickers, and the like. Project SAFETY ON will be supported by a media campaign, informing potential violators of the seriousness of federal and state firearms laws.

### **NORTHERN DISTRICT OF MISSISSIPPI**

Under "Operation Piecekeeper," the U.S. Attorney's Office for the Northern District of Mississippi has established a gun violence reduction task force with ATF and state and local law enforcement agencies, and school security officers. The task force's initial objectives are to investigate and prosecute cases involving the use of a firearm during the commission of a violent crime and during drug trafficking; possession of firearms by prohibited persons; straw purchasers and gun trafficking; and to train state and local law enforcement agencies about federal firearms laws, gun tracing and use of ballistics information. The task force's efforts are focused initially on the district's three largest cities -- Greenville, Tupelo, and Columbus. Its efforts will be expanded to other cities and counties in the future. The task force's efforts are intended to complement and supplement other federal and local initiatives, such as Project Triggerlock, Armed Violent Criminal Apprehension Program, Weed and Seed and OCDETF.

### **SOUTHERN DISTRICT OF MISSISSIPPI**

The Southern District of Mississippi's "Operation Jackson Ceasefire," launched in July of 1999, centers around a five-agency, full-time, co-located, ATF-led Jackson Gun unit the central mission of which is to gather evidence throughout the district's principal urban center of Jackson, Mississippi, to support a substantial increase in federal prosecutions of violent felons in possession of handguns within Jackson. The operation also emphasizes proactive investigations of illegal gun trafficking within Jackson, intensive training of all Jackson police officers in gun statutes, and the direct delivery of a message of deterrence to previously-convicted persons through 25 commercial billboards (featuring the message "You + Illegal Gun = Federal Prison") and through direct communications to state probationers. In addition, a district-wide initiative, called "Reducing Violence Through Gun Enforcement," will feature an intensive Law Enforcement Coordination Committee training of local law enforcement officers in gun-related issues and investigatory techniques.

## EASTERN DISTRICT OF MISSOURI

The Eastern District of Missouri has focused its gun violence reduction efforts on the city of St. Louis, which has one of the highest per capita homicide rates in the country. Federal firearms laws are vigorously enforced in the district, and the U.S. Attorney's Office and the ATF actively review state cases for federal prosecution due to relatively weak state laws and sentencing practices. The district's firearms violence reduction plan, "Operation Ceasefire," is modeled on Boston, Massachusetts' successful program of the same name and Richmond, Virginia's Project Exile, and includes coordination among federal, state and local law enforcement officials, public school administrators, clergy, gang outreach workers, probation and parole officers, and a number of social service providers. The plan includes: (1) application of intensive law enforcement resources to high-crime "hot-spots" through directed police patrols; (2) a consent to search initiative; (3) a "NightWatch" program whereby police-probation teams do nightly curfew checks on high-risk juvenile offenders; (4) identification of the 100 most violent offenders in the region for enhanced investigation and prosecution efforts; (5) comprehensive crime gun tracing; (6) targeted deterrence and focused gang outreach; (7) clergy outreach to high-risk youth; and (8) increased coordination between schools, clergy, courts, police and others addressing the problem of youth violence in the community. The district also has two active Weed and Seed programs, each with multiple sites, in both St. Louis and Southeast Missouri, and actively prosecutes gun cases from those sites.

## WESTERN DISTRICT OF MISSOURI

The vast majority of gun-related violent crimes in the Western District of Missouri occurs in Kansas City. Almost half of the offenders are under 24 years of age. Moreover, over 40 percent of the guns that find their way to Kansas City originate in another state. The district's five-part plan, which involves cooperation among federal, state, and local law enforcement and local government and community agencies, addresses illegal use, possession and sale of firearms. The plan includes: (1) a federal/state/local law enforcement task force that investigates and prosecutes firearm-related illegal conduct, including felons-in-possession and firearms used in the commission of a crime;

(2) ATF tracing of all handguns found at or related to criminal conduct; (3) investigating and prosecuting illegal sales and transfers of firearms; (4) informing felons about the prohibitions against their possession of firearms; and (5) encouraging and monitoring the apprehension of fugitives by the district's fugitive task force. Project Felon, the prosecution program, began on November 1, 1999. The Governor has recently pledged the assistance of the Missouri Highway Patrol to add troopers to the investigative effort. The Jackson County Prosecutor's Office has assigned a prosecutor who has been sworn in as a Special Assistant United States Attorney. As of March 31, 2000, fifty-one defendants have been indicted as felons-in-possession. Twenty-four defendants have pled guilty and one defendant was convicted after trial.

## DISTRICT OF MONTANA

Montana is one of our largest but least populated states, with most of the population centered around six communities. Although the state experiences a relatively low incidence of firearms violence, 72% of homicides and 50% of robberies involve firearms. In addition, firearms are often present in furtherance of drug trafficking offenses. The District of Montana emphasizes cooperative efforts among federal, state, and local prosecutors and law enforcement to ensure the appropriate and timely prosecution of offenders that violate gun laws or engage in firearms-related violence. Training efforts to apprise state and local law enforcement about federal firearms statutes and prosecution options are part of the district's plan, as are improved referral mechanisms to assure that appropriate cases reach the federal system. Montana state law presents special problems for prosecuting some federal firearms possession offenses. Although Montana law provides that certain types of offenders remain under state supervision for life, thereby precluding the restoration of civil rights, the law also automatically restores the right to possess a firearm upon termination of state supervision for a state offense. This severely undermines the prosecution of federal felon-in-possession offenses.

## DISTRICT OF NEBRASKA

The District of Nebraska's gun violence reduction program, "Project Impact," is a data-driven effort designed to reduce, interdict and prevent youth gun violence in Omaha. To develop and implement the plan, an unprecedented group of federal, state and local law enforcement and criminal justice agencies, local community service providers, members of the faith community, and grass roots community organizers collaborated with the University of Nebraska at Omaha, examined the issues that surround youth gun violence in Omaha, and created an action-oriented plan to address the problem. A Steering Committee oversees the work of seven different Project Impact teams. The Working Team consists of community members and command-level representatives from law enforcement and criminal justice partners responsible for implementing the strategies and plans developed by the Community and Incident Review Teams. The Community Team draws from the expertise of local service providers and grass root organizers, identifying community resources that can be used to reduce youth gun violence. The Incident Review Team includes law enforcement and criminal justice officials assigned to street-level responsibilities, who review violent incidents and craft strategies to interdict and prevent further violence. Three strategies developed by this team are: (1) "Operation Night Light," under which teams of police and probation/parole officers contact probationers and parolees during the evening or "off" hours to ensure their compliance with court orders; (2) "Offender meetings" at which law enforcement, criminal justice, and community representatives tell offenders that gun violence will be met with a strong and coordinated response, and offer resources for those individuals who want to turn away from violence; (3) "Operation Cease Fire," a coordinated response by all of the law enforcement agencies and criminal justice partners committed to Project Impact. The Juvenile Accountability Team consists of officials from juvenile justice agencies who work to advance inter-agency information sharing while promoting increased accountability for juveniles in the criminal justice system. The Omaha Public School/Probation-Parole Team/Task Force has three initial goals: (1) confirm that a youth is registered in school;

(2) verify attendance; and (3) ensure the school notifies the probation/parole officer when discipline occurs at school. The GIS Team is developing a geographical information system specific to Project Impact that allows data to be mapped and relationships between objects to be displayed and analyzed. Finally, the South Omaha Impact Team, a subset of the Community Team, represents a new effort with residents in South Omaha working together to develop focused interventions that are specific to the types of violent incidents occurring in South Omaha.

### **DISTRICT OF NEVADA**

The District of Nevada's gun violence problem is largely attributable to the easy availability of guns to criminals. Due to the widespread ownership of and active market for guns in the state, criminals obtain firearms through straw purchases, the use of false identification, and burglaries of residences and commercial gun dealerships. Las Vegas leads the nation in fugitive arrests, and experiences a steady influx of convicted felons from other states who are predisposed to carry firearms. To combat these problems, the district established an anti-gun violence program called Project EFFECT. At the center of the program is aggressive prosecution of appropriate felon-in-possession cases and other federal cases such as those brought under the Brady Act and Violence Against Women Act. All local firearms arrests throughout the state are submitted by police agencies to the ATF to be screened for potential federal prosecution. As part of the district's gun violence reduction plan, the U.S. Attorney's Office is also offering a series of multi-media presentations to educate the local police regarding the advantages of federal prosecution. Assistant United States Attorneys will attend round-the-clock roll calls in each police area command in an education effort that will ultimately reach every Southern Nevada uniformed police officer in person. The district's gun violence reduction strategy also emphasizes prevention, including a program based on educating the public at large, and felons and domestic violence offenders in particular, about the firearms laws. The district has developed -- and will be expanding -- a presentation for state prison inmates facing imminent release which has received positive feedback from state prison officials for its effectiveness. In addition, prosecutors and agents are working with the Nevada Division of Parole and Probation and other agencies to design a prisoner reentry program. The program will target individuals recently released from state prison into Las Vegas Weed and Seed sites and will provide community based services and monitoring to enhance the opportunities for successful transition into the community. Finally, because Nevada leads the nation in suicides per capita, the district hopes to draw upon the work of the recently established center for the study of suicide prevention at the University of Nevada, Las Vegas, and to develop strategies that might assist in preventing suicide.

### **DISTRICT OF NEW HAMPSHIRE**

Domestic violence incidents, the use of firearms during drug crimes, particularly in the District's largest cities, Manchester and Nashua, and possession and use of firearms by habitual offenders in the southern counties, are the gun violence problems of primary concern within the District of New Hampshire. The district is also concerned with the illegal purchase of firearms by non-residents in border areas of the state and the trafficking of these firearms to gangs in neighboring

cities, such as Boston, Massachusetts. The district's strategy will draw on existing resources, including networks established by the FBI and ATF with state and local law enforcement. Through these networks, each agency receives investigation and prosecution referrals. Operation Streetsweeper and Operation Triggerlock are initiatives that target violent crime and illegal gun use, respectively. Triggerlock was recently expanded to include cases involving attempted purchases of firearms by prohibited individuals and to focus on domestic violence cases in the southern part of the district. The goal of the strategy is to integrate these various programs, to coordinate multi-agency cooperation, and to focus all available investigative and prosecutive resources on firearms violence.

### DISTRICT OF NEW JERSEY

New Jersey's six major urban centers contain less than 12% of the state's population but accounted for more than 47% of the state's violent crime between 1988 and 1997. In 1997, firearms were used in more than half of the state's murders, 30% of robberies and 14% of aggravated assaults. In addition, street gangs derive income from illegal trafficking in guns and drugs. According to ATF, those illegally possessing or using firearms are largely males under 30 years of age, and the guns are typically trafficked into New Jersey via Route 95, from states with comparatively less strict gun control laws. Obliterated serial numbers are an increasing problem. New Jersey is fortunate to have strong state laws to complement federal laws in combating firearms violence. The cooperative approach to firearms violence in New Jersey includes crime gun tracing, investigation based on database information and local incident reports, and establishing working relationships among local police departments, county prosecutor offices, probation and parole officers, community leaders, and federal agencies to support vigorous enforcement of the firearms laws. Through a coordinated effort, all firearm offenses are prosecuted by the appropriate prosecuting authority. Under Camden's "Ceasefire" program, for example, felons found with guns are typically prosecuted in the forum where the offender faces the greatest penalty. The district is also emphasizing enforcement in public housing projects, enhanced law enforcement training programs, public outreach and education, and monitoring of trafficking indicators for federal firearms dealers in the state.

### DISTRICT OF NEW MEXICO

New Mexico has a serious gun violence problem that arises from street gangs, drug trafficking, the ready availability of firearms, illegal firearms trafficking, and violent juvenile offenders. New Mexico firearms laws are extremely limited, so federal firearms enforcement is critical. To date, the District of New Mexico has focused its gun violence reduction strategy on deterring illegal gun possession and reducing sources of illegal guns. The district plans to continue aggressive prosecution of Brady "false form" cases, but will expand its approach by working with local law enforcement agencies to ensure that appropriate felon in possession cases, and armed violent and narcotics trafficking cases, are referred to federal court. The district will work with local agencies to beef up supervision of probations and parolees, and to prosecute those who possess firearms. The district also plans to monitor federal firearms licensees more closely, use crime gun tracing to identify straw purchasers and interview all juveniles convicted of armed

delinquency to determine the sources of their guns. The district will implement a new educational and community outreach program to educate prospective offenders about the penalties for federal firearms violations, and establish a hotline for students and other citizens to report the illegal possession of guns.

### **NORTHERN DISTRICT OF NEW YORK**

The Northern District of New York's firearms violence reduction plan focuses on establishing Regional Gun Violence Task Forces, supported by joint state/federal prosecution teams, in the district's two largest metropolitan areas, Syracuse and the greater Albany area. The initiative is called "PROJECT S.A.F.E.," for Strategically Applied Firearms Enforcement. As ATF and other federal officers work with state and local authorities to investigate firearms trafficking and violent crime, teams of prosecutors will provide assistance on state and federal legal issues and determine whether the ends of justice are best served by prosecuting the case under New York or federal law. To allow for a flexible and efficient prosecution effort, the teams consist of an experienced Assistant District Attorney and an experienced Assistant U.S. Attorney, each of whom is cross-designated to prosecute cases in either state or federal court. ATF has committed to trace every crime weapon recovered by local law enforcement agencies to accurately determine the primary sources of illegal weapons in the district. The district will also focus efforts on training law enforcement, concentrating on methods through which each police agency may enhance its own ability to respond to crimes involving illegal firearms. A Community Education Steering Committee will also be formed in each area where a task force exists. Its goal will be to convey anti-gun violence, anti-gang, and gun safety messages to the community at large, and especially to youth.

### **EASTERN DISTRICT OF NEW YORK**

Much of the gun violence in the Eastern District of New York is attributable to street gangs, organized crime, and other criminal groups involved in criminal conduct such as drug dealing, extortion, and armed robbery. Moreover, many of the weapons used by these groups are illegally purchased or stolen. The principal areas in which these criminal groups are active include the Bedford-Stuyvesant, Bushwick, and East New York sections of Brooklyn, the Flushing and Corona sections of Queens, and the Park Hill section of Staten Island. The district's gun violence reduction strategy seeks to maximize the abilities of federal law enforcement and prosecuting agencies to work in close coordination with state and local law enforcement efforts. The hallmark of the district's strategy is the aggressive prosecution of violent organized crime groups and gangs, coupled with targeting and convicting firearms traffickers, "straw purchasers," armed career criminals, and persons prohibited from possessing firearms and ammunition. As part of this effort, the Parole Violations Partnership Program, involving the New York Police Department and ATF, helps identify parolees with at least three previous felony convictions who continue to possess firearms. Existing strategies will be augmented by new community outreach programs by the U.S. Attorney's Office, the Kings County District Attorney's Office and New York City Police Department. As part of the "Community ALERT" program, gang leaders and members in precincts that are experiencing an increase in violent crime will be subjected to

"lever pulling." ATF's recently created "Regional Gun Crime Center" in New York City will enhance the district's efforts to reduce gun violence.

### **SOUTHERN DISTRICT OF NEW YORK**

The district's most successful strategy to reduce firearms violence has relied upon the use of racketeering laws to take out whole groups of demonstrably violent offenders. The incarceration of these gang members has led to dramatically decreased murder and shooting rates in the neighborhoods where the groups operated. The district has supplemented this approach, in conjunction with the District Attorney's office, with targeted use of felon-in-possession laws, focusing on both offenders with violent pasts as well as places with high incidents of shootings. In addition, together with researchers at Harvard's Kennedy School of Government, the district is implementing the next stage of its firearms violence strategy in the Bronx, building upon previous success in that county. The team is identifying "hot" (actively violent) groups and "hot" areas (*i.e.* areas with high numbers of shootings), using both NYPD and ATF's databases, as well as street information from investigators and the U.S. Attorney's Office's mapping system. All crime guns seized by the NYPD are traced through ATF's National Tracing Center. The district has begun a new program tracing all crime guns seized federally. By analyzing the source of crime guns (by using both trace and informant information), authorities are targeting sources of supply, including complicit licensed dealers. As in the Eastern District, ATF is involved with the New York Police Department in a Parole Violations Partnership Program, to identify career criminals who continue to possess firearms.

### **WESTERN DISTRICT OF NEW YORK**

The Western District of New York began its "Project Exile" initiative on September 29, 1998 in Rochester. As part of Rochester's Project Exile, two Monroe County Assistant District Attorneys are assigned to the U.S. Attorney's Office to assist with prosecuting firearms cases. One Assistant United States Attorney and one part-time paralegal are devoted full-time to the program. A co-located multi-agency federal/state Firearms Task Force is working full-time on investigating firearms cases, and Project Exile is developing into a true community-wide effort. Participating law enforcement agencies have joined with Partners Against Violence Everywhere (PAVE), a community anti-violence organization, and with the City of Rochester Juvenile Justice Initiative, which includes prevention and early intervention programs such as Nightwatch, Ceasefire and Pathway to Peace. The project has a strong Community Board with wide community representation. Four city buses, posters, billboards, plastic supermarket bags and a TV media campaign are used to spread the Project Exile message throughout the community. Recently, HUD became a partner in the program. It appears that the Rochester Project Exile Program and Juvenile Justice Initiative are having a significant impact on violent crime in the Rochester community, as homicides have decreased by 35%, and exchanges of gunfire between armed criminals and the police have ceased. During the first year of the district's project, over 900 local and state law enforcement officers received training in crime gun tracing, search and seizure law, and the federal and state firearms statutes. With strong community support, the Project Exile initiative was expanded in the summer of 1999 to include Buffalo and Niagara

Falls. The initiative in Buffalo will have one Assistant United States Attorney, one Special Assistant United States Attorney, and one crime analyst devoted full-time to the program and will include a focus on crime mapping, a Project Exile media awareness campaign, and additional law enforcement training.

### **EASTERN DISTRICT OF NORTH CAROLINA**

The Eastern District of North Carolina comprises 44 counties and 2.8 million residents. The district's 10 most populous cities, including Raleigh, Wilmington, Fayetteville, Rocky Mount, and Greenville, and also covers an extensive rural territory. Together with ATF's Raleigh, Fayetteville, and Wilmington Field Offices, and with the assistance of state and local law enforcement and state government researchers, e.g., Center for Prevention of School Violence, North Carolina Child Fatality Prevention Team, North Carolina Governor's Crime Commission, and North Carolina State Center for Health Statistics, the U.S. Attorney's Office has identified significant local trends in murder, aggravated assault, robbery, rape, school violence, juvenile homicides and assault against law enforcement officers, all committed with firearms. A disproportionate number of violent crimes occur in Wilmington, where armed robbery was identified as the most prevalent firearms violence problem. A broad coalition of federal, state and local government and law enforcement agencies in addition to the U.S. Attorney's Office and ATF, including the DEA, FBI, North Carolina State Bureau of Investigation, North Carolina State Divisions of Probation and Parole, police departments, sheriff's office and prosecutor's office, HUD, and University of North Carolina at Wilmington, have developed a strategy to reduce gun violence in Wilmington. The Wilmington Initiative is based on a model project in High Point, North Carolina which was modeled after Boston's Operation Ceasefire. Multi-agency task forces already successfully operating in Fayetteville and Greenville will continue. Other components of the district-wide initiative include: (1) "Operation Denial," under which all NICS/Brady denials are investigated by ATF for possible referral for federal prosecution; (2) Project "GOOSE," the Guns Out Of School Enforcement project, in which students are educated about firearms injuries and violence, and ATF is notified of all discoveries of guns on school property, the weapons recovered by local authorities are traced, and cases are referred to state and federal prosecutors; (3) the Gun Tracing Enhancement Program, to improve the submission and quality of gun tracing data by local law enforcement; (4) the Gun Show and Flea Markets Enforcement Enhancement Program, under which complaints of citizens and licensed gun dealers regarding the activities of illegal gun sellers are investigated; and (5) the use of On-Line Lead, a real-time gun-tracing data system recently unveiled by the ATF.

### **MIDDLE DISTRICT OF NORTH CAROLINA**

The gun violence reduction strategy of the Middle District of North Carolina relies upon partnerships among numerous federal, state and local law enforcement agencies, community groups and organizations, public and private entities, and others. The initiatives underlying the strategy include Weed and Seed, the Strategic Approach to Community Safety Initiative (SACSI), and the High Point Violent Crime Reduction Strategy, among others. The district

analyzed a wide array of data from a variety of sources to understand its gun violence problem, which is mainly attributable to small neighborhood groups who use violence to promote criminal activity (i.e. narcotics violations) and involve chronic offenders, felons in possession and juvenile offenders. The strategy derived from this data-driven approach has six components designed to (1) identify the particular crime problem and those offenders causing the problem; (2) aggressively investigate and prosecute the most chronic offenders in federal and state court; (3) notify the remaining offenders of the community's future intolerance of violent acts and offer opportunities for them to leave their violent lifestyle; (4) coordinate the delivery of needed community resources; (5) develop and implement a comprehensive multi-agency response to further acts of violence; and (6) evaluate the strategy to see if it is making a difference, and adjust if necessary. As an example of the success of this strategy, since its implementation in late 1998, High Point has experienced an 86% reduction in gun homicides and a 49% reduction in all firearm offenses.

### **WESTERN DISTRICT OF NORTH CAROLINA**

The Western District of North Carolina encompasses Charlotte, the state's most populous city, as well as large rural areas and the Cherokee Indian Reservation. In collaboration with state and local law enforcement, as well as community leaders, federal authorities in the district have developed a strategy to address youth gun violence and the use of guns in violent crimes and homicides that is focused on three "Ps": Prosecution, Police Training, and Prevention. The district relies on the existing violent crime task force to identify and refer for prosecution repeat violent offenders and gang activity. The strategy also calls for continuing existing programs, including comprehensive crime gun tracing, debriefing of arrestees, prevention programs, inspection of all new in-state applicants for federal firearms licenses, an increased law enforcement focus on gun shows and flea markets, and expanded use of ballistics information. Through a collaborative effort among federal, state, and local law enforcement and community leaders, the district also is implementing the following strategies: 1) the "High Powered" Firearm Reduction Initiative to target criminal acts involving firearms in identified durable crime hot spot areas in Charlotte, under which identified individuals will be prosecuted and the results of the prosecutions will be disseminated within the community; 2) expanded federal investigative presence throughout the district to address gun violence; 3) law enforcement officer training in federal firearms laws, NICS compliance, and YCGII training and targeting; and 4) prevention and community education by law enforcement agencies, instructional classes within the community, and a "Kid with a gun, call 911" campaign.

### **DISTRICT OF NORTH DAKOTA**

Statistics suggest that North Dakota has a smaller incidence of gun violence than most states. Law enforcement officials believe that it is important for the citizens not to become complacent, however, and to do all they can to further reduce the gun violence in the state. Thus, although there has never been a documented instance of a shooting within a school in the state, the district's gun violence reduction plan is initially emphasizing school safety and

prevention of any violence that may occur in the schools of North Dakota. In August of 1999, in a collaborative effort between the North Dakota Attorney General, the Superintendent of North Dakota Department of Public Instruction, state and local law enforcement, and the U.S. Attorney's Office, the first "North Dakota Safe Schools Summit," was held, which is expected to be an annual event. The North Dakota Attorney General and the U.S. Attorney's Office also participated in a "Safe Futures Through Law-Related Education Seminar" presented by the State Bar. The Law Enforcement Coordinating Committee for North Dakota is working with ATF to develop a conference devoted primarily to firearms violence. ATF is addressing firearms crime that involves prohibited persons, narcotics, stolen firearms, FFL violations, and straw purchasers.

### **NORTHERN DISTRICT OF OHIO**

In the Northern District of Ohio, weapons possession offenses make up the largest category of gun crimes. In Cleveland, assaults and robberies are a significant gun crime problem. A statistical analysis indicates that the central cities are the greatest source of gun crimes; no major gun crime problems are identified in the outlying suburbs. Accordingly, the district is concentrating its gun violence resources and efforts on the five most populated cities and counties. Cleveland participates in ATF's Youth Crime Gun Interdiction Initiative, to detect and help interdict illegal gun trafficking. To complement the existing Triggerlock Task Force, the U.S. Attorney's Office has appointed an anti-violent crime coordinator to facilitate case screening, so that cases are subjected to federal prosecution or state prosecution as appropriate. This joint law enforcement program is operating in Cleveland and Youngstown under the name Operation Safe Neighborhoods. The district is also emphasizing enforcement of federal domestic violence laws, and will be expanding its community outreach efforts. Recently all local prosecutors and State judicial officers have been notified by the United States Attorney of the new disability provisions of the firearms laws relating to domestic violence and restraining orders. The ATF has focused law enforcement resources on illegal firearms trafficking at the numerous gun shows held in the Cleveland area. Gun shows continue to be identified as a major source of undocumented gun sales in the Northern District of Ohio.

### **SOUTHERN DISTRICT OF OHIO**

Violent criminal activity involving firearms in the Southern District of Ohio occurs primarily in the metropolitan areas of Columbus, Cincinnati, and Dayton. Illegal trafficking of firearms is also a problem, and primarily involves straw purchasers and unlicensed firearms dealing. The district's firearm violence reduction plan will therefore focus initially on Cincinnati and, once in place there, will be expanded to include Columbus and Dayton. The initiative will utilize comprehensive crime gun tracing and analysis, crime mapping, and coordinated law and regulatory enforcement efforts to identify hot spots for focus of law enforcement efforts and to identify offenders and illegal gun traffickers for prosecution. The plan further calls for intensified federal prosecution of individuals found illegally possessing firearms. The U.S. Attorney's Office, in conjunction with ATF, will offer training to local law enforcement officers throughout the district on the federal statutes available to combat those who buy or carry firearms

illegally, as well as those who commit violent crimes or drug offenses while armed. The U.S. Attorney's Office will coordinate with local prosecutors to determine which cases are appropriate for federal prosecution. The district is in the process of instituting an intensive prosecution initiative in Cincinnati. The U.S. Attorney's Office, ATF, the Cincinnati Police Department, the city's Public Safety Director, and County Prosecutor will participate in this initiative. The district's plan calls for further intensifying and expanding federal prosecution of individuals who illegally possess firearms.

#### **NORTHERN DISTRICT OF OKLAHOMA**

The U.S. Attorney's Office for the Northern District of Oklahoma has collaborated with ATF and other federal law enforcement agencies, as well as state and local law enforcement agencies and the Tulsa County District Attorney's Office to formulate a multi-faceted plan to reduce gun violence. The plan calls for the use of comprehensive crime gun tracing, crime gun information, and ballistics to identify violent offenders and illegal gun traffickers. The district has determined that many of the firearms used by gang members in the Tulsa area are acquired illegally at gun shows, and therefore will target such illegal dealings at gun shows. The U.S. Attorney's Office will coordinate with the local district attorneys to screen cases appropriate for federal referral. The district has a violent crimes task force that targets repeat violent offenders for federal prosecution. Additionally, the U.S. Attorney's Office has expanded a project in which hardened juvenile violent offenders are brought to court to watch the sentencing of federal firearms offenders. Federal judges, members of the Department of Corrections and the Gang Unit of the Police Department have participated in presentations connected to these sentencings, and the district now plans to take the presentations directly to the schools. The district is also initiating a media campaign oriented toward communicating the message that federal punitive sanctions are severe, and that the penalties are designed to deter and incapacitate violent offenders.

#### **EASTERN DISTRICT OF OKLAHOMA**

The Eastern District of Oklahoma is a large, predominantly rural district, with substantial gun violence and gun crime. Gun ownership is widespread. The State has a concealed weapon law that prohibits local communities from passing any "law or ordinance" to restrict the sale or use of firearms. The U.S. Attorney's Office and ATF have developed a two-tier plan to address firearms violence in the district. This plan is called Project E.V.I.C.T. (End Violence in Communities Today). Only one ATF Agent is assigned to cover the district. The lack of ATF Special Agents to handle firearms cases is a serious concern. Because federal law enforcement resources in the district are very limited, the plan relies heavily on federal authorities to work closely with all local District Attorney's Offices and state law enforcement offices, so that local investigative and prosecutorial resources can support and compliment federal efforts. First, the U.S. Attorney's Office and ATF Agents will educate law enforcement authorities and local prosecutors in each of the district's 26 counties to identify firearms cases that involve armed career criminals for review by ATF and the U.S. Attorney's Office and possible federal prosecution. The district plan's second phase calls for the U.S. Attorney's Office, ATF, local police agencies and community leaders to identify selected neighborhoods with recent violent

crimes involving firearms for targeted enforcement action. All career criminals within the neighborhood will be identified and warned they risk federal prosecution if they are arrested in possession of a firearm. These individuals will also be told of the communities resources that are available in the way of job training, drug rehabilitation and employment.

### WESTERN DISTRICT OF OKLAHOMA

The Western District of Oklahoma includes over half of the state's area and population. The district launched its version of Project Exile in February 2000. Through this effort the U.S. Attorney's office, the ATF, the State Attorney General's office, the District Attorney for the Oklahoma City metro area and the Oklahoma City Police Department are working even more closely than before to identify the gun cases where federal prosecution is advantageous and appropriate. Recent changes in state law will effectively increase sentences for armed robbery but have left sentences for other gun crimes unchanged. Using its crime mapping technology, the police department has identified the city's gun "hot spots" and efforts are underway to have the Oklahoma Criminal Justice Resource Center analyze offender characteristics and other trends from these areas with the goal of developing a "lever pulling" strategy later this year. Special attention is being given to Oklahoma City's Weed & Seed area, which is one of the "hot spots." A Project Exile publicity campaign will begin in May, 2000, and will include public service ads, billboards, and an "Exile of the week" feature story on a local TV station. The ATF has worked with the police department to greatly increase the tracing of crime guns and has established a liaison with the Oklahoma City Public Schools to ensure that all guns recovered at a school are traced.

### DISTRICT OF OREGON

The District of Oregon's integrated gun violence reduction plan implements on a statewide basis strategies that were successfully developed and deployed in Portland. The district has a task force that targets criminals who use firearms in violent crimes, and a Youth Gun Anti-violence Task Force, which targets particular violent gun offenders and interdicts the illegal supply of firearms to the criminal element. ATF and the U.S. Attorneys Office coordinate law enforcement efforts and charging decisions with state prosecutors in order to maximize the impact of legal tools available under federal and state law and to ensure the efficient use of scarce resources. Other elements of the district's strategy include: coordinating the seizure of illegally possessed firearms and the apprehension of gun criminals; using integrated teams of police and parole and probation officers to intervene and deter; having outreach workers serve as mentors for high-risk youth in their neighborhoods; engaging many assets of the local communities, such as public officials, community leaders, business owners, public school officials, the clergy, and private citizens, in an effort to provide youth with a full range of employment, extracurricular, and other opportunities; engaging front-line professionals in the development of crime reduction strategies that are "ahead of the curve"; integrating local research and academic expertise in the development of practical and effective crime reduction strategies; and establishing and funding a working group to address issues of ethnic disparities in the local criminal justice system, to review crime reduction strategies and programs for cultural relevance and appropriateness, and to

ensure that ethnic communities have a voice in the development of culturally appropriate crime reduction policies and strategies.

### **EASTERN DISTRICT OF PENNSYLVANIA**

In response to Philadelphia's extraordinary rate of firearms violence (the highest rate of homicide by firearm of the country's ten largest cities), the District developed a comprehensive plan of attack on firearms offenses, called "Operation Cease Fire". The U.S. Attorney's Office created a new Firearms Unit, staffed by three Assistant U.S. Attorneys and two cross-designated Assistant District Attorneys. The Unit is supported by an investigatory Task Force, consisting of ATF, U.S. Marshals Service, and state and local police. The Firearms Unit focuses on cases throughout the District, primarily felons-in-possession who are armed career criminals or have significant prior records; firearms traffickers; drug traffickers using firearms; and straw purchasers. In the first year of Operation Cease Fire, the District raised its number of federal firearms indictments from 62 in 1998 to 231 in 1999, charging 291 defendants. Operation Cease Fire includes a local/federal "alternative prosecution" program, aimed at increasing the disposition of firearms cases by the city courts, with appropriate sentences. In this program, the District Attorney's Office offers certain firearms offenders the opportunity to plead guilty to a sentence of incarceration considerably greater than what the state courts ordinarily impose, in lieu of referral for federal prosecution. Operation Cease Fire has also enhanced the identification and prosecution of gun trafficking organizations through systematic debriefing by the Philadelphia Police Department of all persons arrested with a firearm about the source of their guns, combined with ATF's crime gun tracing analysis. The District has also developed a public education campaign to warn potential offenders about the severity of federal sanctions for firearms offenses.

### **MIDDLE DISTRICT OF PENNSYLVANIA**

The Middle District of Pennsylvania consists of 33 contiguous counties in central Pennsylvania, extending from the New York state line on the north to the Maryland state line on the south. The district is larger but less populated than the other federal judicial districts in the state, with more than 370 state and local police forces. The district has historically emphasized working closely with state and local law enforcement to target violent offenders and firearms traffickers for federal prosecution. Its firearms violence reduction plan calls for the addition of three key elements: (1) preventing criminal recidivists and traffickers from illegally obtaining access to firearms through a federal/state collaboration to assure the referral of appropriate cases involving attempted firearms acquisitions; (2) promoting education, training, and information sharing regarding firearms violence through a three-phase training program that includes a mass distribution of firearms training materials to all police departments in the district, a one-half day police training seminar to provide more intensive training and updates on federal resources, and the promotion of the use of the national ballistic information system by all state and local police agencies which receive crime guns; and (3) prosecuting criminal recidivists and those who engage in firearms offenses or firearms-related violence in federal courts. The district is conducting outreach efforts to all state and local law enforcement agencies, district attorneys,

state parole officials, county probation offices, and county drug task forces to assure the referral of appropriate cases for federal prosecution.

### **WESTERN DISTRICT OF PENNSYLVANIA**

In Operation TARGET ("Taking Aim to Reduce Gun Violence and End Trafficking"), the Western District of Pennsylvania is combining a prosecutive focus on repeat violent offenders and violent drug traffickers with an innovative series of programs to attack illicit gun trafficking. The initiative is implementing a targeted deterrence approach to investigate and prosecute the most serious violent offenders in the community, as identified by a combined task force of federal, state, and local law enforcement. The faculty at Carnegie Mellon University is assisting the task force by providing important gun tracing data and crime mapping capabilities. At the same time, Operation TARGET has greatly expanded the district's investigation and prosecution of illicit gun traffickers. The United States Attorney's Office, in cooperation with the ATF, is using trace data and other investigative information to identify FFLs, employees of FFLs, and private individuals who are suspected of engaging in trafficking. The United States Attorney's Office and ATF have also launched a cooperative program to work with participating FFLs to detect illicit trafficking and deter straw purchases. In addition, Operation TARGET is employing a public awareness campaign to inform offenders of the serious consequences of violating federal and state gun laws and to educate the public, especially youth, about the effects of gun violence. ATF has funded a full-time City of Pittsburgh police officer to provide gang resistance information and training to middle school and high school students as part of ATF's national GREAT Program. Finally, Operation TARGET has brought together a broad base of partners outside of law enforcement -- including political, religious, corporate, and community leaders - - to further the initiative's enforcement goals and to connect them with specific prevention and education programs.

### **DISTRICT OF PUERTO RICO**

The District of Puerto Rico encompasses approximately 3,500 square miles, and is home to approximately 3.7 million people. It is the major port of entry for people entering the United States from most nations in the Caribbean and from South America. It is also the primary Caribbean drug transshipment point from South America to the United States mainland. As a result, Puerto Rico has a high incidence of violent crime related to drug trafficking or consumption. Many of the district's crime guns come from Florida, and many have their serial numbers obliterated. The district's gun violence reduction strategy emphasizes the use of crime gun tracing and ballistics technology as investigative techniques. The district also prosecutes aggressively all drug-related murder cases and other violent crimes involving firearms. The U.S. Attorney's Office is actively pursuing multiple defendant cases involving violent gangs.

### **DISTRICT OF RHODE ISLAND**

The District of Rhode Island has an active and aggressive program for investigating, prosecuting, and reducing violent crime throughout the district. The program includes a coordinated effort

with all major federal law enforcement agencies, as well as state and local police departments, to identify problem areas and develop solutions to those problems. The gun violence reduction plan draws upon various existing programs, including Operation Triggerlock and the state's gun court program. In addition, ATF and the U.S. Attorney's Office are focusing attention on investigating and prosecuting cases under the federal statute prohibiting false statements in connection with the attempted acquisition of a firearm. The district will investigate and prosecute all appropriate cases in which the would-be purchaser has a violent or drug felony conviction, a qualifying domestic violence order or misdemeanor conviction, or appears to be making purchases for resale to others likely to be involved in violent crime.

### **DISTRICT OF SOUTH CAROLINA**

South Carolina's firearms violence problem continues to be linked to narcotics trafficking, gangs activity, and domestic disputes. The state is also a source state for interstate firearms trafficking. South Carolina fights firearms violence in a number of ways. South Carolina has a "one gun a month" law, and the South Carolina Law Enforcement Division maintains a registry of state handgun purchase records, which allows ATF to identify illegal firearms markets. Together with federal prosecutors, ATF targets pawn shops with high numbers of crime guns traces for investigation and prosecution. The district is also encouraging comprehensive crime gun tracing, and use of ballistics information. The local ATF office has established a protocol with its counterpart in New York so that crime guns recovered in New York that were purchased in South Carolina are identified, and investigations are handled jointly. The U.S. Attorney's Office and the state prosecutor's office work closely together to promptly identify cases appropriate for federal prosecution. In response to a wave of domestic murders, the U.S. Attorney's Office has begun vigorously prosecuting cases involving possession of firearms by persons subject to a restraining order, and cases involving false statements made in the attempted purchase of a firearm by a prohibited person.

### **DISTRICT OF SOUTH DAKOTA**

The District of South Dakota is largely rural, and has a history of hunting and ready access to firearms. The state has not seen a dramatic increase in firearms violence and there has been little evidence of gang activity involving firearms. Many crimes involving firearms stem from the accessibility of firearms during an altercation or in connection with domestic violence. In addition, there is concern in the district about school violence and firearms safety, as law enforcement officials report an increase in events where younger individuals brandished firearms or students brought weapons to school. There have also been a number of incidents each year where minors are wounded or killed by firearms left unsecured in homes. Historically, both state and federal prosecutors have aggressively prosecuted firearms offenses. As part of its firearms violence reduction plan, the district is expanding upon its existing programs by enhancing prosecutions under 18 U.S.C. sections 922 (g)(7) and (g)(8), to address the issue of domestic violence involving firearms, and of offenses involving illegal transfers of handguns to minors. The district also is focusing efforts on preventing school violence, and promoting gun safety in the household.

## EASTERN DISTRICT OF TENNESSEE

The Eastern District of Tennessee is the largest of the three federal judicial districts in the state, and contains 41 of the state's 95 counties. Approximately 2.2 million people reside in the district, with roughly 67 percent of the population concentrated in three metropolitan areas: Knoxville, Chattanooga, and the tri-cities area of Bristol, Kingsport and Johnson City. A substantial portion of the district is rural. The leading sources of gun violence are inner-city drug dealers and loosely affiliated gang members. Incidents of gun violence include drive-by shootings arising from turf battles and retaliation, robbery and drug theft related shootings, and gun violence associated with protection of drug trafficking activities. In addition, armed bank robberies continue to be a significant source of gun violence in the Chattanooga area. The district's gun violence reduction plan continues and expands several successful approaches, including: (1) using task forces to coordinate federal, state, and local law enforcement efforts to screen all defendants arrested with firearms for potential federal prosecution and to trace all firearms obtained by local law enforcement; (2) holding bi-annual federal/state/local law enforcement intelligence analysis meetings in five regions within the district to identify violent organizations and violent individuals who need to be targeted for federal prosecution; (3) having bi-annual comprehensive violent crime surveys for all law enforcement agencies to help identify violent crime problems and direct resources to appropriate targets; (4) promoting information gathering and sharing about gangs and gang activities; (5) educating students about firearms and promoting zero tolerance for guns in schools through law enforcement efforts; (6) using ATF's firearms industry compliance efforts, crime gun trace analysis, investigative resources, and ballistics information to identify and investigate illegal traffickers of firearms and those who criminally misuse firearms; and (7) educating private and public groups on hate crimes and offenses under the Violence Against Women Act.

## MIDDLE DISTRICT OF TENNESSEE

The Middle District of Tennessee is home to the state's largest city, its capital and health care center, Nashville. The district has experienced incredible population growth, including a burgeoning immigrant population, which has contributed to an alarming increase in the violent crime rate. Three major interstate systems converging in Nashville have served as a pipeline for drugs and violent gang activity into the area. In an effort to address this problem, the U. S. Attorney's Office joined with Metro Police, ATF and other federal and local agencies in July 1998 to reduce homicides and other violence. As a part of this continuing initiative, three local police officers were assigned full time to ATF in an effort to reduce availability of firearms to criminals and to provide intelligence on illegal firearms trafficking. Every gun taken off the street by the Metro Nashville Police Department is traced through the ATF's gun trace system. As a result of this initiative, the homicide rate has been significantly reduced. Additionally, the district's gun violence reduction plan also includes: (1) Monthly meetings with local police captains and federal law enforcement officers to target and address violent crime issues; (2) A Persistent Offender Program which targets 50 of the most violent and repeat offenders in the Nashville area; (3) Regular meetings with local district attorneys to

ensure that offenders are being prosecuted in the most appropriate jurisdiction; (4) Educating private and public groups on reducing hate crime; (5) Educating students about firearms in schools; and (6) Using ATF's crime gun trace analysis, investigative resources, and ballistics information to identify and investigate illegal firearms traffickers and those who criminally misuse firearms.

#### **WESTERN DISTRICT OF TENNESSEE**

Recognizing the importance of inter-agency cooperation in battling violent crimes, including investigations of firearms violations, the Western District of Tennessee emphasizes the use of a multi-agency violent crime task force. In 1990, it formed a Triggerlock Task Force to assure federal prosecution in appropriate cases involving armed career criminals, felons-in-possession, and other adult criminals. In 1995, to combat the rising number of juvenile firearms offenders, the violent crime task force was reorganized and expanded to include "Operation Ceasefire," under which numerous local and federal law enforcement entities have been joined by representatives from the Juvenile Court System and Memphis City Schools. In 1998, the task force sought to adopt a data-driven approach to strategically target law enforcement and community resources, and the University of Memphis' Department of Criminology joined Operation Ceasefire. Comprehensive crime gun tracing has been undertaken through ATF's YCGII Program and debriefing of 100% of juvenile firearms offenders have been instituted, as well as crime mapping to identify "hot spots." The district also has a Safe Streets Task Force to investigate armed bank robberies, armored car robberies and armed carjackings. The district's gun violence reduction plan includes: (1) vigorous investigation and prosecution of firearms violations, including a Zero Tolerance Policy on Possessing Firearms in a School Zone; (2) strategic targeting of resources; (3) coordinated enforcement targeting the illegal purchase and sale of firearms, including cross-training for task force members; (4) collaboration with probation and parole officials to implement "lever pulling" to reduce recidivism; and (5) community involvement, including school-based gun violence and firearms safety education efforts.

#### **NORTHERN DISTRICT OF TEXAS**

The Northern District of Texas is geographically and demographically diverse, making a broad characterization of the gun violence problem difficult. Nevertheless, armed robbery is the most widespread form of gun violence in the district. Other sources of gun violence stem from drug trafficking organizations and from loosely-knit groups of neighborhood hoodlums engaging in opportunistic crime. The district's gun violence reduction strategy is based on the aggressive investigation and prosecution of federal firearms violations in all parts of the district, including an intensive prosecution program known as Safe City, USA. It also employs a zero tolerance policy with regard to probationers, parolees, and defendants on supervised release who unlawfully possess firearms. The district's plan also incorporates program initiatives in major cities to allow the detection, apprehension, and prosecution of those who commit firearms offenses. The programs include screening by ATF of local cases involving a firearm recovery or gun violence, crime gun tracing, debriefing of juvenile offenders apprehended with a firearm, community outreach, and law enforcement training. The district also has a violent crime

initiative, in which ATF and the Department of Housing and Urban Development target armed violent criminals in Dallas public housing.

### **EASTERN DISTRICT OF TEXAS**

The population of the Eastern District of Texas exceeds 2.6 million people, who live in 43 counties that span over 400 miles. Much of the violent crime in the district is attributable to drug-related violence including drive-by shootings, armed robberies, home burglaries, drug-related homicides, gang violence, and various property crimes. Federal authorities in the district have historically enjoyed an excellent working relationship with all local law enforcement entities in the district and the U.S. Attorney's Office has worked collaboratively with local district attorneys to vigorously prosecute firearms offenders. The district's firearms violence reduction strategy will initially focus its efforts in the Beaumont and Tyler areas, using existing task forces. Key elements of the plan include: (1) regular meetings with local district attorneys, ATF and FBI agents, and federal prosecutors to ensure that appropriate cases are referred for federal prosecution; (2) training on federal firearms violations for local prosecutors; and (3) collaboration between the state's four U.S. Attorneys and the state's Attorney General to discuss implementing a statewide firearms violence reduction education program. Two Special Assistant United States Attorneys have been hired to prosecute gun cases on the federal and state level in conjunction with the Texas Exile gun reduction program. Additionally, the district will explore creative options to target individuals that use or sell firearms illegally, and ATF is focusing enforcement efforts on illegal firearms trafficking at the large numbers of gun shows and flea markets that occur in the district.

### **SOUTHERN DISTRICT OF TEXAS**

The Southern District of Texas is one of the largest of the 94 federal judicial districts, covering over 14,000 square miles with a population in excess of 6 million people. The district has adopted a comprehensive, district-wide strategy with region-specific programs developed in conjunction with local law enforcement and community leaders in each region. The initiative's key elements include enhanced enforcement, focused intervention measures, and community prevention efforts. The goal is to have a sustained impact on gun violence through coordinated prevention and early intervention programs that reinforce enhanced enforcement of gun laws. The enforcement strategy is to prosecute felons in possession of firearms and other gun offenders under federal law, regardless of the arresting agency. Through Operation Texas Exile, the Texas Attorney General urged state prosecutors to coordinate intake procedures with U.S. Attorneys, and to ensure that ATF is consulted in all firearms cases at an early stage. The state funds two prosecutors who serve as Special Assistant U.S. Attorneys to prosecute the increase in federal firearms offenses. The community-based prevention and intervention component draws upon the established public safety programs of Weed and Seed, OJJDP's Comprehensive Strategy, and the state's Community Youth Development. The state will fund technical assistance to communities in the district to promote community awareness and participation through regional action plans. It is anticipated that gun violence prevention and early intervention strategies can be most effective when they are supported by existing regional

public safety plans. The district's LECC sponsors ATF training for local law enforcement agencies in gun tracing as part of the Youth Crime Gun Interdiction Initiative. LECC provides an additional education through a training grant from the COPS Office to deliver community policing training programs to school and college campus-based law enforcement agencies. The community technical assistance will be provided by Fox Valley Technical College.

### **WESTERN DISTRICT OF TEXAS**

Recently, the State of Texas initiated "Operation Texas Exile," which will provide two district attorneys and an assistant state attorney general to serve as Special Assistant United States Attorneys, acting as points of contact and coordinators to screen appropriate police referrals for federal prosecution, prosecute appropriate cases in federal court, as well as identify appropriate cases for state prosecution where state laws may be most effective. This project will complement the gun violence strategy of the Western District of Texas, which includes: (1) aggressively investigating and prosecuting convicted felons caught in possession of firearms; (2) adopting state narcotics cases that support filing charges of using or carrying a firearm during a drug trafficking crime; (3) working closely with state and local agencies to target identified violent gangs; (4) implementing a training program for state and local law enforcement officers about federal statutes and penalties that may be applicable to certain offenders, including firearms offenses, drug trafficking offenses, and circumstances that trigger enhanced penalties; (5) working with state district attorneys throughout the district to encourage referral of appropriate firearms prosecutions for federal prosecution where federal penalties are likely to be more effective than state penalties; and (6) identifying, investigating, and prosecuting cases in which violent offenders made false statements in the attempt to acquire a firearm.

### **DISTRICT OF UTAH**

Gun violence in Utah is most prevalent in the state's five most densely-populated counties – commonly known as the "Wasatch Front." Particular problems include an increasing number of assault weapons in the district, access to guns by prohibited persons, youth gangs, drug-related firearms users (particularly those involved in producing and selling methamphetamine), and increasing numbers of incidents of domestic violence committed by use of an illegally-possessed firearm. Through a cooperative agreement with the Salt Lake County District Attorney and the BATF, the District of Utah has initiated Project CUFF, Utah's new gun initiative. Gun violations are jointly screened by an Assistant United States Attorney, Special Assistant United States Attorney and a Bureau of Alcohol, Tobacco and Firearms agent. All appropriate cases are referred for federal prosecution.

### **DISTRICT OF VERMONT**

The District of Vermont's efforts to combat firearms violence in the state are shaped by two realities. First, federal law enforcement has a unique responsibility to combat the acquisition and possession of firearms by criminals in Vermont, because the state lacks any laws prohibiting the possession of firearms by persons prohibited under federal law. Second, the most pervasive form

of violent crime in the state results from domestic disputes. The district's strategy focuses on bolstering the resources available to combat violent crime and increasing the coordination between federal, state, and local law enforcement. The district's strategy will seek and deploy additional investigative resources and foster renewed collaboration among ATF, state, and local law enforcement.

### **DISTRICT OF THE VIRGIN ISLANDS**

Prosecuting firearms-related offenses -- both violent firearm offenses and regulatory offenses -- is a high priority for federal authorities in the District of the Virgin Islands. Although the Territorial firearms laws in the Virgin Islands are among the most restrictive of any U.S. jurisdiction, the Virgin Islands has experienced an increase in drug-related violent crime, which has created a significant demand among drug traffickers for firearms, particularly large capacity semiautomatic weapons. To combat this problem, in accordance with a 1995 memorandum of understanding with the territorial prosecutor, all territorial firearms-related offenses for which the U.S. Attorney's Office exercises concurrent jurisdiction are referred for federal prosecution. Despite its relatively small size, the U.S. Attorney's Office also has developed an extremely active public outreach effort, a part of which seeks to stem the tide of violent crime by taking a proactive, preventive stance and by providing positive role models. The district plans to expand its public outreach effort to emphasize the deterrence of violent firearms offenses. ATF and local HIDTA agents, in cooperation with the Virgin Islands Police Department, are initiating a strategy to identify and attempt to trace all crime guns seized by local law enforcement. The U.S. Attorney's Office has hosted a series of meetings between ATF and local law enforcement representatives in an effort to develop a federal-territorial task force devoted exclusively to the investigation of firearms-related cases, but such a task force has been hindered by the lack of territorial law enforcement personnel. Territorial chamber-of-commerce representatives have started forming a support network for the task force based upon the "Project Exile" model.

### **EASTERN DISTRICT OF VIRGINIA**

In 1997, in response to Richmond's rising homicide rates, the Eastern District of Virginia developed and initiated Project Exile. The goal of Project Exile was to reduce gun violence by changing the culture of violence in Richmond using a comprehensive, multi-dimensional strategy, which includes a law enforcement/prosecution effort as well as community outreach and education programs. The law enforcement/prosecution strategy sought to bring cases involving felons with guns, armed drug dealers, and armed domestic violence offenders in Richmond into federal court, to take advantage of the bond rules and sentencing guidelines that were stiffer than those in the state system. The project has fully integrated and coordinated local police, state police, federal investigators (ATF/FBI), and local and federal prosecutors, to promptly arrest, incarcerate, detain without bond, prosecute, and sentence the armed criminal. An essential component of the project has been an innovative community outreach/education effort through various media to get the message to the criminals about this crackdown, and build a coalition directed to the problem. The coalition has funded a creative advertising campaign, including TV and radio commercials, billboards, a city bus fully painted in black

with the logo "An Illegal Gun Gets You 5 Years in Federal Prison," business cards with this message distributed on the street by local police, and print advertising. The outreach program has been hugely successful, increasing citizen reports about guns and energizing the community to support police efforts. Because of demonstrated results in Richmond, in reducing gun homicides, the U.S. Attorneys' Office has expanded Project Exile to the Tidewater area of Virginia, and is committed to continuing Project Exile as long as the need exists. In 1999, new legislation was passed in Virginia to make state laws more comparable to federal laws on bond and gun offenses, and the District will work with the Commonwealth's Attorney to have appropriate gun cases prosecuted in local courts. The Eastern District of Virginia also has local/state/federal task forces which investigate cold homicide and violent drug gangs. These investigations have resulted in federal prosecutions of individuals responsible for scores of homicides in this District.

### **WESTERN DISTRICT OF VIRGINIA**

The Western District of Virginia has few large cities, a significant rural geography, and a location along a major firearms trafficking pipeline. The most serious gun violence problems in the district arise from illegal possession of firearms by felons, especially in connection with drug activity. Another significant problem is related to gun violence by persons who have been previously convicted of misdemeanor crimes of domestic violence. Using statistical analysis, the district has worked with localities to identify those communities that would most benefit from federal attention. In one such community, an Assistant Commonwealth's Attorney has been appointed a Special Assistant U.S. Attorney to handle firearms cases in federal court. This Assistant is responsible for a domestic violence unit in his office and will identify appropriate cases of possession of firearms by persons convicted of misdemeanor crimes of domestic violence for federal prosecution.

### **EASTERN DISTRICT OF WASHINGTON**

The Eastern District of Washington consists of 20 counties east of the Cascade mountain range, and shares 182 miles of border with Canada. Spokane is the largest city in the district, and federal investigation and prosecution of violent gang members has been a top priority in the Spokane area. Street intelligence suggests that this has had a noticeable impact, including causing some gang members to leave the area. The federal focus on gang members has also had the effect of increasing the number of state convictions for drug and firearms offenses by gang members. ATF recently committed to enhancing its existing collaboration with state and local gang units by assigning one of its agents to work directly with the city gang investigation unit of the Spokane Police Department. An increased emphasis on crime gun tracing in the district will enable law enforcement officials to target resources more effectively. In addition, to prevent school firearms violence, the U.S. Attorney's Office and ATF, in cooperation with state and local law enforcement agencies, the local prosecutors office, and school officials, formed a joint task force. The goal of the "Coordinated Response for Prevention and Intervention of Juvenile Violence in Spokane County Schools" is to maintain a violence-free school system by preventing school violence and ensuring swift accountability for violations.

## **WESTERN DISTRICT OF WASHINGTON**

Gun violence in the Western District of Washington stems predominately from street gangs and drug dealers engaged in drive-by shootings, gang rivalries, and methamphetamine trafficking. The communities most affected by this violence are the City of Lakewood near Tacoma and the Rainier Valley – White Center areas of Seattle. An integral part of the district's gun violence reduction plan is greater coordination with local authorities through the King County Violent Firearms Crime Coalition, whose mission is to measurably reduce the incidence of firearms crimes in King County. The Coalition includes representatives from the King County Sheriff's Office (KCSO), 13 KCSO contract cities, the King County Police Chiefs Association, youth and adult detention, Washington Department of Corrections, the King County Prosecutor's Office, ATF, FBI, and the U.S. Attorney's Office. The Coalition's program includes a multi-jurisdictional approach to the apprehension and prosecution of firearms violators, coordination with federal and state corrections, on-going training of law enforcement, prosecution, and corrections personnel, and community outreach and education. Seattle participates in the ATF's YCGII to ensure comprehensive crime gun tracing, and the district is encouraging an enhanced use of ballistics technology and information. Additionally, the U.S. Attorney's Office and ATF will be co-sponsors of the PERF gun investigation training course.

## **NORTHERN DISTRICT OF WEST VIRGINIA**

The largely rural Northern District of West Virginia has experienced firearms violence associated with illegal drug activity. There are also occasional incidents involving the use of guns in domestic violence disputes, and in schools. West Virginia is also a source state for gun traffickers, and has a significant problem with straw purchasers. In addition, state firearms laws are extremely weak, and provide no significant penalties for persons convicted of firearms violations in state courts. The district has implemented a multi-faceted approach to reducing gun violence which includes training, coordination, and prosecution. Through training, federal authorities hope to assist state and local law enforcement in more thorough investigations of firearms offenses, and encourage them to develop and present cases for federal prosecution. ATF will train all FFLs regarding compliance with the firearms laws, and FFLs with high trafficking indicators will be targeted for prosecution. Through enhanced coordination, the U.S. Attorney's Office, ATF, and state and local law enforcement will target career criminals and corrupt FFLs, to ensure that they are prosecuted and receive maximum available penalties. The U.S. Attorney's Office is also implementing a targeted deterrence effort, aimed at males age 18-25, and ATF is implementing comprehensive crime gun tracing.

## **SOUTHERN DISTRICT OF WEST VIRGINIA**

The Southern District of West Virginia has a significant number of convicted felons using firearms in property crimes or crimes of violence. The city of Beckley, West Virginia, has the fastest growing crime rate in the state and has become a hub for illegal narcotics traffickers. In addition, firearms trafficking from West Virginia to many northeastern cities is an emerging

problem. As part of the district's firearms violence reduction plan, the U.S. Attorney's Office for the Southern District of West Virginia and ATF are focusing new efforts on Beckley/Raleigh County and the West Side and East End of the city of Charleston. In particular, ATF and the U.S. Attorney's Office are cooperating closely with local law enforcement to identify potential federal firearms cases, educate investigators regarding the statutes under which federal prosecutions can be made, and expand comprehensive crime gun tracing. The district is identifying and investigating, for federal prosecution: prohibited persons in possession of firearms, such as felons and perpetrators of domestic violence, ; persons violating the law when procuring firearms; and persons illegally providing firearms to prohibited persons, particularly those ending up involved in crimes. The district is also performing community outreach for domestic firearms violence prevention. ATF plans to target pawn shops in Beckley engaged in illegal firearms trafficking.

### EASTERN DISTRICT OF WISCONSIN

Together with ATF, the Milwaukee District Attorney's office, and state and local law enforcement, the U.S. Attorney's Office for the Eastern District of Wisconsin is implementing Milwaukee "Ceasefire," designed to reduce the illegal possession and use of guns in Milwaukee. The first component of Milwaukee Ceasefire is a taskforce devoted to the investigation of all felony and misdemeanor firearms offenses. The task force also shares intelligence on illegal drug and firearms markets. Milwaukee has a comprehensive crime gun tracing program under ATF's Youth Crime Gun Interdiction Initiative (YCGII) which the district is working to extend county-wide. The second component is a substantial increase in the number of state firearms cases adopted for federal prosecution, to take advantage of the comparatively stiff sentencing and parole provisions of federal firearms law. Two full time Assistant District Attorneys are provided by the state and are cross designated as full time Special Assistant U.S. Attorneys. The third component provides four new Assistant District Attorneys to intensify prosecution of gun cases in the newly created State Speedy Trial Gun Court, which will handle state misdemeanor and felony gun cases within 60 days of initial appearance. The fourth component of Milwaukee's Ceasefire is a media campaign using television, radio, billboards, and buses to convey a deterrence message.

### WESTERN DISTRICT OF WASHINGTON

The key component of the gun violence reduction plan for the Western District of Washington is enhanced collaboration among all levels of law enforcement. Although federal, state, and local law enforcement officials within the district communicate regularly, and actively prosecute a wide range of firearms cases, federal authorities plan to enhance that cooperation. The U.S. Attorney's Office has engaged in outreach to all law enforcement agencies in the district to increase opportunities for appropriate federal "adoption" of firearms cases. The district also has conducted a training program for law enforcement officers to help reduce illegal firearms trafficking, and the ATF will provide statewide training on firearms violations. ATF will also encourage the metropolitan police departments to implement comprehensive crime gun tracing to more strategically target law enforcement resources.

## DISTRICT OF WYOMING

The District of Wyoming has high rates of domestic violence throughout the state, combined with high rates of firearms ownership. According to the state Division of Criminal Investigation and the ATF field office in Cheyenne, the majority of weapons offenses stem from drug investigations and crimes of domestic violence. Whereas federal sentences for firearms convictions carry relatively heavy penalties and require that most of the time sentenced be served, state firearms convictions typically carry shorter sentences, and require a smaller percentage of time to be served prior to release. As part of an arrangement with state and local prosecutors and federal, state and local law enforcement, the majority of firearms offenses are referred to the U.S. Attorney's Office, which will continue this practice. To address the scarcity of resources available to address firearms violations throughout the state, ATF is seeking to have local law enforcement officers assigned to the ATF field office to serve as liaisons between ATF and the local agencies on adopted cases, allowing ATF agents to focus on long-term, complex cases. ATF also plans to enhance its inspections of federal firearms dealers.

**APPENDIX B**

<b><u>NO.</u></b>	<b><u>ACTION ITEM</u></b>	<b><u>PAGE</u></b>
AI 1	The Departments of Justice and Treasury are forming a new, joint firearms enforcement coordination team.	11
AI 2	ATF and the Justice Department will work with counter-drug task forces, such as High Intensity Drug Trafficking Area (HIDTA) task forces, to enhance investigations and cases involving gun trafficking and violence.	18
AI 3	In all regions where firearms-related domestic violence is a prevalent source of gun violence, we will continue and expand our efforts to aggressively investigate and prosecute illegal acquisition and possession of firearms by domestic violence offenders, including, as appropriate, by working with battered women's shelters, the courts, social service providers, and state and local law enforcement, to ensure that the public is aware of the federal firearms laws, and how these laws and similar state provisions can be used to address domestic violence.	20
AI 4	ATF has appointed a Domestic Violence Coordinator to help oversee its efforts to address firearms-related domestic violence nationwide. The Domestic Violence Coordinator will review ATF's policies, practices, and authority with respect to firearms-related domestic violence; develop recommendations for future action; serve as a contact person to work with the Justice Department's Violence Against Women Office; and work closely with ATF's representative to the proposed Joint Firearms Enforcement Coordination Team to make sure that firearms-related domestic violence is appropriately addressed wherever it is a prevalent source of firearms violence.	20
AI 5	ATF will make sure that it has a mechanism in place in each Field Division to refer firearms-related domestic violence cases to the most appropriate jurisdiction for prosecution.	20
AI 6	ATF will work with the Justice Department to provide training for, and distribute templates to, state judges to make sure that domestic violence restraining orders are enforceable under the Brady Act.	20/21
AI 7	ATF will work with the FBI, the Violence Against Women Office and other parts of the Justice Department to provide training and support for state officials to encourage them to electronically enter qualified domestic violence restraining orders and misdemeanor domestic violence conviction records into law enforcement data bases accessible during a NICS background check.	21

AI 8	ATF will update and reissue this Policy Memorandum so that it addresses restraining orders as well as misdemeanor crimes of domestic violence and assures that ATF brings federal tools to bear in jurisdictions where local law is weak regarding firearms possession by domestic violence offenders. In particular, ATF will develop a pilot project to work with local police to forfeit guns where local officials are called to domestic violence scenes and remove a firearm but lack authority to keep and destroy it.	21
AI 9	In light of its promise as an efficient and effective means to reduce gun violence and offer offenders—particularly at-risk youth—an opportunity to break the cycle of violence, we recommend widespread adoption of the “pulling levers” and similar data-driven collaborative, problem-solving approaches wherever appropriate.	26
AI 10	To assure that state and local authorities have access to information about all persons in their jurisdiction who illegally attempt to buy firearms, federal authorities are developing a means quickly to notify state authorities of all NICS denials.	33
AI 11	ATF is conducting intensive inspections of the 1.2 percent of dealers that account for over half of all crime guns traced last year. If violations of law are found, it will take action against these dealers.	35
AI 12	ATF has taken action to require a subset of the 1.2 percent of dealers that account for the majority of crime gun traces—those whose guns fall especially quickly into criminal hands, signaling a high possibility of direct diversion—to submit information to ATF about the used guns they acquire, allowing ATF for the first time to be able effectively to trace used guns sold by these dealers.	36
AI 13	ATF has taken action dealers who fail to cooperate with crime gun trace requests to produce all of their firearms transaction records for the past year and on an ongoing basis. This will enable ATF to make sure that these uncooperative dealers follow the law and to revoke their licenses if appropriate.	36
AI 14	ATF will take additional steps to ensure that only licensees who are “engaged in the business” hold licenses. As part of the license renewal process, ATF will require an FFL to certify as to the number of firearms that the FFL bought and sold during the previous three years.	36
AI 15	ATF will propose an amendment to its regulations to require licensees to verify the status of transferee licensees by checking a website that ATF will establish and operate.	36

AI 16	ATF will further propose amending its regulations to require FFLs to periodically conduct an inventory of firearms in stock.	41
AI 17	ATF is developing regulations to require FFLs to identify and report to ATF inventory shortages and losses that occur in shipment, so that licensees will closely monitor their inventories and law enforcement can respond to thefts.	41
AI 18	To assist industry efforts to keep guns from falling into the wrong hands, ATF will supply manufacturers and importers that request it with information about crime gun traces of the manufacturer's or importer's firearms.	42
AI 19	The Administration will continue to work with responsible members of the firearms industry to encourage voluntary measures, such as a code of conduct and comprehensive training for dealers, to ensure that guns are not stolen or sold to criminals or straw purchasers.	42
AI 20	In a number of federal judicial districts, ATF has prepared debriefing forms to be used by local law enforcement authorities to determine the suspect's gun source, and is taking steps to encourage systematic debriefing by local and state law enforcement agencies. ATF is also in the process of designating agents in each field division to debrief armed career criminals, armed drug traffickers, and persons identified as particularly violent offenders, whenever they are arrested with a gun, in an effort to determine the source of illegally supplied firearms.	44
AI 21	The Justice Department plans to expand the ADAM questionnaire to gather additional information about how this population uses and acquires firearms through a new gun addendum. A regular, timely reporting of findings from the firearms addendum to ATF field divisions, local law enforcement agencies, and other public safety agencies will make a significant contribution to understanding the criminal use of firearms and developing strategic responses to illegal firearms markets.	44
AI 22	The Attorney General and the Secretary of the Treasury will issue a directive requiring comprehensive crime gun tracing by all federal agencies under their authority, and will recommend that similar directives be issued by all other cabinet officers having jurisdiction over federal agencies that recover crime guns.	45

AI 23	ATF is currently establishing two more gun centers, in Washington, D.C., and Chicago, Illinois, modeled on the New York Regional Gun Center. Funding permitting, ATF plans to expand the number of regional crime gun centers until there is one in every ATF division.	46
AI 24	This Administration will continue to work with gun manufacturers and importers to develop a voluntary system to enter gunprints of each firearm into NIBIN before the firearm is sold.	47
AI 25	ATF has proposed a rule to require serial numbers to meet minimum height and depth requirements that will make them more resistant to obliteration, and will continue to work to make serial numbers more resistant to obliteration.	48
AI 26	The Administration will also continue to encourage firearms manufacturers to commit significant resources for research and development of this and other gun safety technology for the mass market, and voluntarily to incorporate these safety devices on their firearms as soon as possible.	49
AI 27	We will also encourage the firearms industry to institute voluntary measures, such as a code of conduct for retail dealers, to ensure that firearms are transferred only to persons who have the knowledge and experience to handle them safely. Such distribution controls can help significantly in the effort to reduce gun accidents and suicides.	49
AI 28	The Department of Treasury will work with non-governmental organizations to promote a "parents asking parents" safety message program that encourages parents to ask each other about the accessibility of guns in homes their children visit.	50
AI 29	ATF will expand its firearms safety outreach activities through its Field Divisions.	50
AI 30	The Departments of Justice and Treasury will work with the Department of Health and Human Services and participate in the Surgeon General's National Suicide Prevention Initiative, as appropriate, to help develop a comprehensive understanding of firearms-related suicide and effective prevention strategies.	51

**Status in Congress of the Legislative Proposals Included in this Report**

Summary of Legislative Proposal	Corresponding Proposal in the President's Youth Crime Gun Enforcement Act	Status in Congress
Expand penalties for armed career criminals, including as predicates up to 2 convictions for violation of the felon-in-possession prohibition, and acts of juvenile delinquency that, if committed by an adult, would constitute serious drug trafficking offenses.	Sections 503 and 504	These proposals were adopted by the House as sections 612-613 of H.R. 1501. Narrower amendments to the Armed Career Criminal Act were passed by the Senate as section 210 of S. 254.
Strengthening penalties for gun kingpins.	Section 308	This proposal was adopted by the House of Representatives as section 606 of H.R. 1501
Increase penalties for firearms conspiracies.	Section 502	Adopted by the House as section 611 of H.R. 1501.
Include certain gang-related offenses as RICO predicates.	Section 501	Not adopted by House or Senate.
Tougher criminal penalties for FFL recordkeeping violations that aid gun trafficking.	Section 309	This proposal was adopted by the House as section 607 of H.R. 1501.
Increase existing penalties for those who transfer handguns to juveniles and those juveniles who unlawfully possess handguns in violation of the Youth Handgun Safety Act (YHSA).	Section 202	Different proposals to enhance penalties under the YHSA were passed by the Senate as section 851 of S. 254, and by the House as sections 401 and 402 of H.R. 1501.
Enact new criminal penalty for structuring transactions to avoid reporting multiple handgun sales.	Not included in YCGEA.	Not adopted by House or Senate.
Penalize individuals who transfer guns having reasonable cause to believe the guns will be used to commit a crime of violence or gun trafficking crime.	Section 305	Not adopted by House or Senate.

Summary of Legislative Proposal	Corresponding Proposal in the President's Youth Crime Gun Enforcement Act	Status in Congress
Extend the statute of limitations for National Firearms Act prosecutions.	Section 505	Not adopted by House or Senate.
Close the gun show loophole by requiring a Brady background check for all gun show transactions.	Sections 101-102	A similar proposal was adopted by the Senate as section 1635 of S. 254.
Close the state permit loophole under the Brady Act.	Section 301	Not adopted by House or Senate.
Limit handgun purchases by individuals to one a month.	Section 301	Not adopted by House or Senate.
Amend the definition of "engaged in the business" of dealing in firearms.	Not included in YCGEA.	Not adopted by House or Senate.
New straw purchase violation for FFLs.	Not included in YCGEA.	Not adopted by House or Senate.
Require common and contract carriers to report stolen or lost guns.	Section 303	Passed by House as section 502 of H.R. 1501.
Require multiple sales reports whenever a person buys 2 or more handguns from a single FFL within 30 days.	Not included in YCGEA.	Not adopted by House or Senate.
Allow law enforcement authorities to use the forfeiture laws to combat gun trafficking.	Sections 313 and 506	Narrower provisions passed the House as sections 610 and 614 of H.R. 1501.
Raise the minimum age for handgun possession from 18 to 21.	Section 201	Not adopted by House or Senate.
Prevent youth access to semiautomatic assault rifles and large capacity ammunition feeding devices.	Section 201	A narrower proposal was passed by the Senate as section 851 of S. 254.
Reinstate controls on the sale of ammunition.	Not included in YCGEA.	Not adopted by House or Senate.

Summary of Legislative Proposal	Corresponding Proposal in the President's Youth Crime Gun Enforcement Act	Status in Congress
Prohibit anyone under indictment on felony charges from possessing a firearm.	Not included in YCGEA.	Not adopted by House or Senate.
Keeping guns from convicted felons whose rights were restored under State law without individualized consideration.	Section 104	Not adopted by House or Senate.
Juvenile Brady - prohibiting possession of firearms by those who were adjudicated delinquent, as juveniles, for certain violent crimes.	Section 104	A narrower proposal was passed by the Senate as section 1601 of S. 254.
Require FFLs to report limited information to ATF about used guns.	Section 306	Not adopted by House or Senate.
Require manufacturers and importers to test fire cartridges and enter the gunprints into NIBIN.	Not included in YCGEA.	Not adopted by House or Senate.
Increase criminal penalties for transactions involving firearms with obliterated serial numbers.	Section 312	Passed by the House as section 609 of H.R. 1501.
Require a second "hidden" serial number on all firearms.	Not included in YCGEA.	Not adopted by House or Senate.
Allow FFLs to voluntarily submit records that are over 20 years old to ATF's National Tracing Center.	Section 307	Passed by House as section 503 of H.R. 1501.
Allow ATF up to inspect an FFL up to 3 times a year.	Section 304	Not adopted by House or Senate.
Terminate the licenses of FFLs who have been convicted of felonies.	Section 311	Adopted by House as section 608 of H.R. 1501.
Provide additional administrative remedies, such as license suspension and civil monetary penalties, for licensee violations.	Section 310	Not adopted by House or Senate.

Summary of Legislative Proposal	Corresponding Proposal in the President's Youth Crime Gun Enforcement Act	Status in Congress
Require FFLs to securely store their inventories.	Section 302	Not adopted by House or Senate.
Create a separate license for gunsmiths.	Section 507	Passed by the House as section 615 of H.R. 1501.
Licensing handgun purchasers.	Not included in YCGEA.	Not adopted by House or Senate.
Enact Federal child access prevention legislation.	Section 204	Not adopted by House or Senate.
Require a 72-hour waiting period for handgun purchases.	Section 103	Not adopted by House or Senate.
Require licensees to provide gun storage or safety devices with every firearms sold.	Section 203	A narrower proposal was passed by the Senate as sections 1001-1004 of S. 254.
Ban the importation of all large capacity ammunition feeding devices.	Section 401	A similar provision was passed by the Senate in sections 701-704 of S. 254.
Impose design standards on domestically-manufactured handguns.	Not included in YCGEA.	Not adopted by House or Senate.
Ban domestically manufactured .50 caliber sniper rifles.		

## **The History of Federal Firearms Laws**

Recognizing that no single law or initiative will end gun violence in America, this Administration has supported a comprehensive approach to address the problem. The following brief description of the federal firearms laws provides a context for the Administration's current gun violence reduction efforts.

### **A. Controlling the Firearms Market: The Gun Control Act of 1968**

Following the assassinations of President John F. Kennedy, Senator Robert Kennedy, and Dr. Martin Luther King, Jr., Congress passed the Gun Control Act of 1968 (GCA). The GCA, as amended over the years, continues to be the primary vehicle for the federal regulation of firearms. The GCA's stated goals are to "keep firearms out of the hands of those not legally entitled to possess them because of age, criminal background or incompetency, and to assist law enforcement authorities in the states and their subdivisions in combating the increasing prevalence of crime in the United States."<sup>1</sup> To achieve these goals, the GCA created the first comprehensive federal framework to investigate and prosecute firearms crimes. In particular, the GCA prohibited transfers of firearms to certain persons; required individuals engaged in the business of dealing in firearms to obtain a federal license; restricted the interstate transportation of firearms; and regulated the importation of certain firearms not suitable for sporting purposes.

Licensees' recordkeeping requirements allow some crime guns to be traced. Combined with other obligations and restrictions imposed on firearms dealers, manufacturers, and importers, these requirements also provide a basis for investigating illegal firearms trafficking.<sup>2</sup>

The GCA made it unlawful for certain persons to receive firearms, and made it a felony for a federal firearms licensee (FFL) to transfer a firearm, knowing or having reasonable cause to believe that the transferee is prohibited from receiving a firearm. Subsequent amendments made it unlawful for any person to knowingly transfer a firearm to a prohibited person, and made it unlawful for the following categories of prohibited persons to possess a firearm:

- Felons;
- Fugitives;
- Drug addicts or unlawful drug users;

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<sup>1</sup> S. Rep. 1501, at 823 [complete cite].

<sup>2</sup>The Enforcement Branch of the Alcohol and Tobacco Tax Division of the Internal Revenue Service initially enforced the GCA. On July 1, 1972, the Bureau of Alcohol, Tobacco and Firearms (ATF) was created as an independent Bureau within the Treasury Department.

- Persons adjudicated mentally defective or committed to a mental institution;
- Persons dishonorably discharged from the armed forces;
- Persons who renounced their United States citizenship;
- Illegal or nonimmigrant aliens;
- Persons subject to certain domestic violence restraining orders; and
- Persons convicted of misdemeanor crimes of domestic violence.

The GCA also prohibits anyone under a felony indictment from receiving or transporting firearms. In addition, with certain limited exceptions, juveniles under 18 years of age may not possess handguns. Finally, the GCA makes it unlawful for an FFL to transfer a handgun to anyone under the age of 21, or a long gun to anyone under the age of 18. Young people between the ages of 18 and 21 may still buy handguns from non-licensed sellers, and there are no age restrictions on the transfer of rifles and shotguns by non-licensed sellers.

### ***1. Requiring Federal Licenses Under the GCA***

One of the GCA's key provisions creates a licensing scheme that regulates the interstate movement of firearms. Persons engaged in the business of manufacturing, importing, or dealing in firearms must obtain a license from the Secretary of the Treasury. The license entitles the holder to ship, transport, and receive firearms in interstate or foreign commerce. The FFL must maintain records of all acquisitions and dispositions of firearms and comply with applicable state and local laws in transferring firearms.

### ***2. Controlling the Interstate Flow of Firearms Under the GCA***

The GCA helps individual states enforce their own laws regulating firearms possession and transfers by generally prohibiting the transport and shipment of firearms across state lines, except among FFLs. Before the GCA, differences among state controls over firearms commerce impaired the ability of states to enforce their own laws. The GCA's interstate prohibitions were intended to minimize the impact of different state laws, which had led to illicit commerce in guns between states with little firearms regulation and jurisdictions with strict controls. The GCA prevents gun traffickers from crossing state lines escaping state firearms restrictions.

### ***3. Regulating Imported Firearms***

When Congress passed the GCA, it was well known that the rifle used to assassinate President John F. Kennedy was a surplus Italian military rifle imported into the United States. In addition, so-called "Saturday night specials" – inexpensive and often imported handguns – were

associated with rising street crime. Accordingly, the GCA established a framework for "curbing the flow of surplus military weapons and other firearms being brought into the United States which are not particularly suitable for target shooting and hunting."<sup>3</sup> Under the Act, all imported firearms must be "generally recognized as particularly suitable for sporting purposes" before being approved for importation. Handguns are judged against "factoring criteria," which include overall length, frame construction, weight, caliber, and safety features. The factoring criteria have not been reexamined since they were established by ATF in 1968.

Domestically produced handguns do not have to satisfy the factoring criteria applied to imported handguns. If the same test were required for domestically produced handguns as for imported handguns, eight of the top 10 traced handguns in the United States in 1998 would have been barred.

### **B. The Early 1980s: Drugs and Guns**

In the early 1980s, very high levels of gun violence were associated with the burgeoning crack epidemic. In 1984, Congress enacted the Comprehensive Crime Control Act and the Armed Career Criminal Act, which enhanced the sentences of those convicted of using firearms in crimes of violence. In 1986, Congress extended these enhanced penalties to those criminals who use or carry firearms during serious drug offenses.<sup>4</sup> These amendments to the GCA imposed:

- A mandatory five-year prison term for using or carrying a firearm during a crime of violence or drug trafficking crime;
- A mandatory fifteen-year prison term for felons in possession of a firearm who had three prior convictions for violent felonies or serious drug offenses;
- A ten-year sentence enhancement for using a short-barreled rifle or shotgun, or a semiautomatic assault weapon, in a crime of violence or drug trafficking crime;
- A thirty-year sentence enhancement for using a machinegun, destructive device, or firearm equipped with a silencer during a crime of violence or drug trafficking crime; and
- A twenty-year prison term or life imprisonment for second or subsequent GCA offenses.

To take advantage of these stiffer penalties, in 1986 ATF developed the Achilles program

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<sup>3</sup> S. Rep. No. 1501, at 24 (1968).

<sup>4</sup> In 1998, Congress amended the GCA to provide for a mandatory seven-year enhancement for brandishing a firearm and a ten-year enhancement for discharging a firearm in the commission of a crime of violence or drug trafficking crime.

to concentrate on enforcing these new laws. The Achilles Program made firearms possession by violent criminals their "Achilles heel" by exposing them to lengthy prison sentences under the new firearms laws. ATF worked closely with U.S. Attorneys and state and local law enforcement officials to ensure that drug dealers and violent criminals were prosecuted in the forum where they would receive the greatest punishment for their crimes. These enforcement activities continue today.

### **C. A Step Backward: The Firearms Owners' Protection Act of 1986**

In 1986, Congress loosened several controls it had established in the GCA. The stated purpose of the Firearms Owners' Protection Act of 1986 (FOPA) was to ensure that the GCA did not "place any undue or unnecessary Federal restrictions or burdens on law abiding citizens,"<sup>5</sup> but it opened many loopholes through which illegal gun traffickers can slip. In FOPA, Congress:

- Allowed FFLs to temporarily conduct business away from their normal place of business, such as at organized gun shows.
- Narrowed the scope of those who "engage in the business" of dealing in firearms (and are therefore required to have a license) to include only those who devote "time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms." Significantly, FOPA excluded those who buy and sell firearms to "enhance a personal collection" or for a "hobby," or who "sell all or part of a personal collection." The complex definition effectively put gun dealers on an honor system to declare themselves, making it difficult to identify illegal dealers who claim that they are merely "hobbyists" or trading firearms from their personal collection.
- Made certain recordkeeping offenses committed by FFLs, formerly felonies, now misdemeanors.
- Prohibited ATF from conducting more than one warrantless compliance inspection of a licensee in any 12-month period.
- Required the government to prove either a "knowing" or "willful" state of mind for all GCA violations.
- Required any forfeiture proceeding of any firearm or ammunition involved in any violation of the GCA to be commenced within 120 days of seizure.
- Prohibited ATF from centralizing or computerizing firearms purchase records.

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<sup>5</sup> See Pub. L. 99-308.

- Permitted sales of ammunition without a license.
- Allowed a convicted felon to obtain firearms where the convicting jurisdiction automatically restored the felons' civil rights upon release from prison or completion of sentence.

On the positive side, FOPA finally banned the manufacture of machineguns for civilian use and made it unlawful for anyone, not just licensees, to sell firearms to prohibited persons.

A notable effect of FOPA was to direct ATF's enforcement efforts away from the legal and illegal firearms markets, toward creating programs that sought primarily to identify, prosecute, and punish violent criminals who used firearms in crime. For example, in the late 1980s, the Justice Department and ATF developed an intensive prosecution initiative known as "Triggerlock," which identified and prosecuted recidivist criminals under firearms laws that mandated long prison terms for repeat offenders.

#### **D. Reducing the Illegal Supply of Guns**

Despite Triggerlock efforts, firearms violence continued to escalate throughout the 1980s and early 1990s, with increasing public concern that criminals were becoming even more heavily armed. However, firearms enforcement efforts remained focused upon the criminal users of firearms, not the markets in which criminals acquired their guns.

Following President Clinton's election in 1992, the Administration and Congress again focused on the need to keep guns out of the hands of criminals and juveniles not eligible to possess firearms. In 1993, after a legislative battle that spanned seven years, Congress finally passed, and President Clinton signed, the Brady Handgun Violence Prevention Act. The Brady Act for the first time empowered FFLs and law enforcement to combat the practice of "lying and buying." Although the GCA made it illegal for felons and other prohibited persons to possess or acquire firearms, FFLs had no way to know whether a customer was lying about his background in order to get a gun. The Brady Act changed this by requiring that FFLs check with law enforcement officials before selling a firearm. In this way, the Brady Act eliminated the "honor system" in firearms purchases, requiring verification of statements made by prospective purchasers that they are legally entitled to obtain a firearm.

From its passage in late 1993, through November 30, 1998, the Brady Act required background checks for handgun purchases only. These background checks were done by individual state or local law enforcement officials, usually the local sheriff's office or police department. With the creation of the FBI's National Instant Criminal Background Check System (NICS), a computerized background check is now conducted to determine if a would-be gun buyer is legally permitted to acquire a gun. Depending on the individual state, an FFL may contact NICS directly or through their state point-of-contact. In its first year of operation, NICS denied firearms to more than 160,000 felons, fugitives, and other prohibited persons. Overall,

the Brady Act has prevented more than 470,000 prohibited persons from acquiring firearms from licensed dealers since 1993.

#### **E. Reforming the Federal Firearms Licensing System**

In a further effort to keep firearms out of the hands of criminals and regulate the illegal flow of guns, President Clinton directed a review of gun dealer licensing in August 1993. Recognizing that acquiring a gun dealer license was often easier than getting a driver's license, the directive sought to ensure that only those engaged in a legitimate firearms business be licensed. At the time, it was estimated that over 40 percent of the licensees conducted no business at all, but used their licenses to buy and sell firearms across state lines at wholesale prices, often in violation of state and local zoning or tax laws.

The Brady Act also changed the licensing procedures for FFLs by increasing the dealer licensing fee from \$10 per year to \$200 for three years. Subsequently, under the Violent Crime Control and Law Enforcement Act of 1994, licensees were required to submit photographs and fingerprints as part of their application, and to certify that their firearms business complied with all state and local laws, including zoning regulations. As a consequence of these reform efforts, the number of FFLs dropped from over 282,000 in 1993, to fewer than 104,000 in 1999.

#### **F. The Youth Handgun Safety Act and the Youth Crime Gun Interdiction Initiative**

Armed juveniles and school violence increasingly drew Congress' attention in the late 1980s. In response to several multiple school shootings, Congress enacted the Gun Free School Zones Act in 1990, which made it unlawful for anyone to possess a firearm in close proximity to a school.<sup>6</sup> In addition, that same year, the Gun Free Schools Act conditioned state receipt of federal education grant money on agreement to expel any student found to be in possession of a firearm on school property. The Act also requires grant recipients to refer any student who brings a gun to school to juvenile justice authorities.

Youth gun homicides escalated in the early 1990s, tripling from \_\_\_ to \_\_\_ between 1985 and 1993. In 1994, President Clinton signed into law the Youth Handgun Safety Act, which generally bans possession of handguns by people under age 18, and prohibits adults from transferring handguns to juveniles. Before this amendment, FFLs were prohibited from selling handguns to anyone under age 21, but there were no federal restrictions on the possession of handguns by juveniles or the transfer of handguns to juveniles by nonlicensees.

The Youth Handgun Safety Act does not apply to long guns. Since enactment of the Gun

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<sup>6</sup> The Gun Free School Zones Act was held unconstitutional by the Supreme Court in *Lopez v. United States*, 514 U.S. 549 (1995), because the Act lacked a sufficient connection to interstate commerce. Congress amended the Act to require that the firearm move in, or otherwise affect, interstate commerce.

Control Act in 1968, FFLs have been prohibited from selling long guns to persons under age 18. However, no federal law prohibits possession of long guns, including grandfathered semiautomatic assault rifles, by juveniles. Nor is it unlawful for an unlicensed individual to transfer a long gun to a juvenile.

In 1996, ATF created the Youth Crime Gun Interdiction Initiative (YCGII) to develop better information about how youthful offenders obtain firearms and to use that information to arrest illegal gun traffickers and reduce youth gun violence. YCGII provides for comprehensive crime gun tracing. The program is based in cities plagued by youth firearms violence problems. YCGII began in 17 cities and now operates in 37 cities.

### **G. The Assault Weapons Ban and Related Import Restrictions**

In September 1994, Congress passed the Violent Crime Control and Law Enforcement Act which made it unlawful, with certain exceptions, to manufacture, transfer, or possess semiautomatic assault weapons. Congress had been presented with significant evidence demonstrating that these weapons were "the weapons of choice among drug dealers, criminal gangs, hate groups, and mentally deranged persons bent on mass murder,"<sup>7</sup> and concluded these guns were so dangerous they had no place in the civilian marketplace. The 1994 Act also made it unlawful to possess or transfer large capacity ammunition feeding devices, generally defined as a magazine, belt, drum, feed strip, or similar device that can hold more than 10 rounds of ammunition.

The 1994 ban on semiautomatic assault weapons and large capacity feeding devices has several deficiencies. It only applies to assault weapons and magazines manufactured after September 13, 1994, thereby "grandfathering" thousands of weapons and magazines. Moreover, the ban's definition of assault weapons is too narrow and does not prohibit the manufacture, transfer, and possession of many weapons that have the ability to fire many rounds of ammunition quickly, without being reloaded.

In 1997, members of Congress and others expressed concern that certain rifles modified to evade the assault rifle ban were continuing to be imported into the country. Based on this concern, the intervening assault weapons ban, and the fact that nearly ten years had elapsed since the last comprehensive review of the importation of rifles, the Department of the Treasury conducted a study to determine if certain modified semiautomatic assault rifles met the sporting purposes test. In an April 1998 report, the Department concluded that modified semiautomatic assault rifles that had the ability to accept a large capacity military magazine were not sporting under the GCA and could not be imported into the United States.

### **H. State and Local Firearms Laws**

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<sup>7</sup> H. Rep. No. 103-489, at 13.

Through their independent efforts and in collaboration with the federal government, state and local governments play a crucial role in the effort to reduce firearms crimes and accidents. In some cases, state laws place more stringent controls on the use and possession of firearms than federal law. For example:

- In 1993, Virginia limited handgun sales to one per month per person, resulting in a significant drop in the percentage of guns that had been purchased in Virginia and used in crimes in New England.
- Maryland's ban on the production and sale of unreliable, inexpensive handguns has reduced the frequency with which the banned handguns are used in crime.
- In 1995, Nevada took a significant step toward preventing felons from possessing firearms by passing legislation that allows a private person who wishes to transfer a firearm to another person to request a background check on the transferee from the Nevada criminal history records repository.
- Connecticut recently amended its laws to provide that individuals adjudicated delinquent for committing serious juvenile offenses are not eligible to possess firearms or receive carry permits as adults.
- In 1992, Hawaii made it a misdemeanor to store or leave a firearm, loaded or unloaded, within reach or easy access of anyone younger than 16.
- California generally requires all firearms transfers to be processed through an FFL. It also recently passed other strong gun control measures, including provisions that limit handgun purchases to one every thirty days, require all assault weapons to be registered, and prohibit the sale or manufacture of unsafe handguns.

### **I. The Columbine Shooting and the Youth Crime Gun Enforcement Act**

A succession of tragic shootings in 1999 focused the nation's attention on the problem of gun violence. Over the last year, Americans witnessed multiple shootings at schools in Littleton, Colorado, and Conyers, Georgia; at a Jewish Community Center Day Camp in Los Angeles; at workplaces in Atlanta, Seattle, and Honolulu; and at a Baptist Church in Fort Worth, Texas. In addition to these horrific events, a one-man shooting rampage, apparently motivated by race-hatred, occurred in Illinois and Indiana, and several planned "Columbine-copycat" school shootings were detected and prevented. In December 1999, another school shooting occurred in a middle school in Oklahoma, in which four children were wounded. These events have convinced many people that much more needs to be done to combat youth gun crime and reduce gun violence in America.

Well before the Columbine shooting, President Clinton recognized the need to strengthen

our federal firearms laws as part of a comprehensive effort to reduce gun violence. The Administration developed a gun safety bill that was submitted to Congress in April 1999. The Youth Gun Crime Enforcement Act of 1999 (YGCEA) is intended to strengthen federal firearms laws and make it more difficult for juveniles and criminals to gain access to guns. These legislative proposals are discussed in greater detail in Appendix C. If enacted, these provisions will help close a number of significant loopholes in our system of regulating firearms.

**AGREEMENT**

**Preamble**

The manufacturer parties to the Agreement and the Department of the Treasury, the Department of Housing and Urban Development, and the undersigned state, city and county parties to the Agreement enter into this Agreement to reduce the criminal misuse of firearms, combat the illegal acquisition, possession and trafficking of firearms, reduce the incidence of firearms accidents, and educate the public on the safe handling and storage of firearms. Furthermore, the manufacturer parties to the Agreement enter into this Agreement as a continuation of their efforts to make their firearms as safe as practicable for their customers and the public. Accordingly, in consideration of the commitments set forth below:

1. The undersigned state, city, and county parties to the Agreement dismiss the manufacturer parties to the Agreement with prejudice from the lawsuits specified in Appendix A subject to any consent orders entered pursuant to paragraph VIII; and
2. The undersigned state, city and federal parties to the Agreement agree to refrain from filing suit against the manufacturer parties to the Agreement on an equivalent cause of action.

The parties agree that this Agreement constitutes the full and complete settlement of any and all claims that were raised or could have been raised in the subject litigation. The parties agree further that this Agreement does not constitute an admission of any violation of law, rule or regulation by the manufacturer parties to the Agreement, or any of their employees. Nothing in this Agreement shall be construed to be an admission of liability. The adoption of standards for firearms design and distribution in this Agreement shall not be construed as an admission by the manufacturer parties to the Agreement that practices they engaged in prior to the execution of this Agreement were negligent.

**I. Safety and design.**

A. Each firearm make and model sold by each manufacturer party to this Agreement shall be tested by ATF or an agreed upon proofing entity against the following standards. Existing makes and models shall meet these standards within 60 days of execution of this Agreement unless a longer period is specified in the standard. New makes and models shall not be manufactured and sold after the execution of this Agreement unless they conform to these standards.

**1. Standards applicable to all handguns:**

- a. **Second "hidden" serial number.** The gun must have both a visible serial number on the exterior of the frame or receiver, as well as a second serial number hidden on the interior of frame or receiver (e.g., under the grips) or visible only with the aid of an optical instrument.
- b. **External locking device.** As an interim measure, until the implementation of I.A.1.c, within 60 days of execution of the Agreement, each firearm shall be supplied with an external locking device that effectively prevents the operation of the firearm when locked.
- c. **Internal locking device.** Within 24 months of execution of the Agreement, each firearm shall have a built-in, on-board locking system, by which the firearm can only be operated with a key or combination or other mechanism unique to that gun.
- d. **Authorized user technology.** The manufacturer parties to this Agreement shall each commit two percent of annual firearms sales revenues to the development of a technology that recognizes only authorized users and permits a gun to be used only by authorized persons. Within 36 months of the date of execution of this Agreement, this technology shall be incorporated in all new firearm

designs, with the exception of curios and collectors' firearms. This requirement does not apply to existing designs currently in production.

If the eight firearms manufacturers and/or importers with the largest United States firearms sales volume agree to incorporate authorized user technology in all firearms, the manufacturer parties to this Agreement will incorporate authorized user technology in all firearms.

- e. **Child safety.** Within 12 months of execution of the Agreement, each firearm shall be designed so that it cannot be readily operated by a child under the age of 6. Such mechanisms include: making the trigger pull resistance at least ten pounds in the double action mode; or designing the firing mechanism so that an average five year old's hands would be too small to operate the gun; or requiring multiple, sequenced actions in order to fire the gun.
- f. **Minimum barrel length.** Each firearm make and model must have a barrel length of at least 3", unless it has an average group diameter test result of 1.7" or less at seven yards, 3.9" or less at 14 yards, and 6.3" or less at 21 yards. The average group diameter test result is the arithmetic mean of the results of three separate trials, each performed on a different sample firearm of the make and model at issue. For each trial, the firearm shall fire five rounds at a target from the specified distance and the largest spread in inches between the center of any of the holes made in a test target shall be the result of the trial.
- g. **Performance test:** A sample of each firearm make and model will be test-fired with "proof cartridges" (cartridges loaded to generate excess pressure as set forth in accepted specifications for proof cartridges) to ensure the integrity of the material. At least one cartridge shall be fired from each chamber. Following this test firing, the firearm will be examined for hairline cracks or other signs of material failure and

will pass this test only if there are no hairline cracks or other signs of material failure. Each firearm make and model shall also pass the following performance test: the gun shall fire 600 rounds, stopping only every 100 rounds to tighten any loose screws and to clean the gun (if required by the cleaning schedule recommended in the manual), or as needed to refill the empty magazine or cylinder to capacity before continuing. For any gun that loads other than with a detachable magazine, the tester shall pause every 50 rounds for ten minutes. The tester shall use the ammunition recommended in the user's manual, or if none is recommended, any standard ammunition of the correct caliber in new condition. A gun shall pass this test if it fires the first 20 rounds without a malfunction and the full 600 rounds with no more than 6 malfunctions and without any crack or breakage of an operating part of the gun that increases the danger of injury.

Malfunctions caused by failure to clean and lubricate, or by defective ammunition, shall not be counted.

- h. **Drop test.** Pass the more rigorous of: (a) the SAAMI Standard drop test in effect on the date the firearm is sold; or (b) the following test: The gun shall be test-loaded, set such that it is ready to fire and dropped onto a steel plate or equivalent material of similar hardness from a height of one meter from each of the following positions: (1) normal firing position; (2) upside down; (3) on the grip; (4) on the muzzle; (5) on either side; and (6) on the exposed hammer or striker (or, if no exposed hammer or striker, on the rearmost part of the gun). If the gun is so designed so that its hammer or striker may be set in other positions, it shall be tested with the hammer or striker in each such position (but otherwise ready to fire).

**2. Additional standards for pistols:**

- a. **Safety device.** The pistol must have a positive manually operated safety device as determined by standards relating to imported guns promulgated by ATF .

- b. **Minimum length and height standards.** The pistol's combined length and height must not be less than 10" with the height being at least 4" and the length being at least 6", unless it has an average group diameter test result of 1.7" or less at seven yards, 3.9" or less at 14 yards, and 6.3" or less at 21 yards. The average group diameter test result is the arithmetic mean of the results of three separate trials, each performed on a different sample firearm of the make and model at issue. For each trial, the firearm shall fire five rounds at a target from the specified distance and the largest spread in inches between the center of any of the holes made in a test target shall be the result of the trial.
- c. **Magazine disconnecter.** Within 12 months of execution of the Agreement, each pistol shall have a magazine disconnecter available for those customers who desire the feature.
- d. **Chamber load indicator.** Within 12 months of the execution of the Agreement, each pistol shall have a chamber load indicator painted in a prominent, contrasting color or a feature that allows the operator physically to see the round in the chamber.
- e. **Large capacity magazines.** No pistol make or model designed after January 1, 2000 shall be able to accept magazines manufactured prior to September 14, 1994, with a greater than 10 round capacity, and such models shall not be capable of being easily modified to accept such magazines. Nor shall ammunition magazines that are able to accept more than 10 rounds be sold by the manufacturer parties to this Agreement or their authorized dealers and distributors. See Part II.A.1.h, below.
- f. **Additional safety features.** Each pistol must have a firing pin block or lock.

3. **Additional standard for revolvers.** Each revolver make and model must pass a safety test. Each make and model must have a safety feature which automatically (for a double action revolver) or by manual operation (for a single action revolver) causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge. The safety device must withstand the impact of a weight equal to the weight of the revolver dropping from a distance of 1 meter in a line parallel to the barrel upon the rear of the hammer spur, a total of 5 times.

**B. Law enforcement and military exception.** An exception to a requirement of paragraph A may be granted for firearms manufactured or imported for sale to a law enforcement agency or the military if the law enforcement agency or military organization certifies to the manufacturer party to this Agreement that the exception is necessary for official purposes. Where a law enforcement agency authorizes or requires its officers to purchase firearms individually for official use, an appropriate certification from the agency will be permitted to apply to sales to a number of individual officers. The manufacturer party to this Agreement shall maintain the certification in its records and provide a copy to the Oversight Commission. Firearms sold to law enforcement or the military pursuant to this exception, which do not comply with the design standards of this Agreement, will be accompanied by a statement:

1. "On [date], [manufacturer parties to this Agreement] and [governmental parties to this Agreement] entered into an Agreement establishing certain design standards for firearms sold to civilians. Pursuant to that Agreement, we are obliged to inform you that this firearm does not comply with all of the design standards of the Agreement. We are further obliged to request that you not resell this firearm to civilians. This statement is not intended to suggest that there are any design flaws with this firearm, and you remain entitled to dispose of it in any lawful manner."

- C. **Warnings about safe storage and handling.** Within 6 months of execution of this Agreement, manufacturer parties to this Agreement shall include in the packaging of each firearm sold a warning on risk of firearms in the home and proper home storage. At a minimum, these warnings shall state in 14 point type, bold face:

**"This handgun is not equipped with a device that fully blocks use by unauthorized users. More than 200,000 firearms like this one are stolen from their owners every year in the United States. In addition, there are more than a thousand suicides each year by younger children and teenagers who get access to firearms. Hundreds more die from accidental discharge. It is likely that many more children sustain serious wounds, or inflict such wounds accidentally on others. In order to limit the chance of such misuse, it is imperative that you keep this weapon locked in a secure place and take other steps necessary to limit the possibility of theft or accident. Failure to take reasonable preventative steps may result in innocent lives being lost, and in some circumstances may result in your liability for these deaths."**

- D. **Illegal firearms.** The manufacturer parties to this Agreement shall not sell firearms that can be readily converted to an illegal firearm, that is, a weapon designed in a manner so that with few additional parts and/or minimal modifications an owner can convert the firearm to an illegal fully automatic weapon; nor shall the firearms be designed so that they are resistant to fingerprints.

## II. Sales and distribution.

In addition to complying with specific terms, the manufacturer parties to this Agreement will agree for themselves and as part of any distribution or agency agreement that they, and their authorized distributors and authorized dealers, including franchisees, shall commit to a standard of conduct to make every effort to eliminate sales of firearms that might lead to illegal firearm possession and/or misuse by criminals, unauthorized juveniles, and other prohibited persons ("suspect firearms sales"). Suspect firearm sales include sales made to straw

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**purchasers, multiple sales of handguns without reasonable explanation (excluding sales to FFLs), and sales made to any purchaser without a completed background check.**

**As specified in Part II.A.2 below, the manufacturer parties to this Agreement will take action against dealers and distributors that violate these requirements if the manufacturers receive actual notice of such a violation.**

**A. Authorized distributors and dealers.**

- 1. The manufacturer parties to this Agreement may sell only to authorized distributors and authorized dealers. In order to qualify to become an authorized distributor or authorized dealer, the distributor or dealer must agree in writing to:**
  - a. Possess a valid and current federal firearms license, and all other licenses and permits required by local, state or federal law, and certify on an annual basis, under penalty of perjury, compliance with all local, state and federal firearms laws.**
  - b. Execute in the presence of the purchaser the following elements of all firearms transactions at the premises listed on its federal firearms license: completion of the forms and related requirements under the Brady Act and the Gun Control Act and physical transfer of the firearm.**
  - c. Where available, carry insurance coverage against liability for damage to property and for injury to or death of any person as a result of the sale, lease, or transfer of a firearm in amounts appropriate to its level of sales, but at a minimum no less than \$1 million for each incident of damage, injury or death.**
  - d. Make no sales at gun shows unless all sales by any seller at the gun show are conducted only upon completion of a background check.**

- e. Within 24 months of the date of execution of this Agreement, maintain an inventory tracking plan for the products of the manufacturer parties to this Agreement that includes at a minimum the following elements:
- (1) Electronic recording of the make, model, caliber or gauge, and serial number of all firearms that are acquired no later than one business day after their acquisition and electronic recording of their disposition no later than one business day after their disposition. Monthly backups of these records shall be maintained in a secure container designed to prevent loss by fire, theft, or other mishap.
  - (2) All firearms acquired but not yet disposed of must be accounted for through an electronic inventory check prepared once each month and maintained in a secure location.
  - (3) For authorized dealers and franchisees, all ATF Form 4473 firearm transaction records shall be retained on the dealer's business premises in a secure container designed to prevent loss by fire, theft, or other mishap.
  - (4) If an audit of a distributor's or dealer's inventory reveals any firearms not accounted for, the distributor or dealer shall be subject to sanctions, including termination as an authorized distributor or dealer.
- f. Implement a security plan for securing firearms, including firearms in shipment. The plan must satisfy at least the following requirements:
- (1) Display cases shall be locked at all times except when removing a single firearm to show a customer, and customers shall handle firearms only under the direct supervision of an employee;

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- (2) All firearms shall be secured, other than during business hours, in a locked fireproof safe or vault in the licensee's business premises or in another secure and locked area; and
- (3) Ammunition shall be stored separately from the firearms and out of reach of the customers.
- g. Require persons under 18 years of age to be accompanied by a parent or guardian when they are in portions of the premises where firearms or ammunition are stocked or sold.
- h. Not sell ammunition magazines that are able to accept more than 10 rounds regardless of the date of manufacture, not sell any semi-automatic assault weapon as defined in 18 U.S.C. 921(a)(30) regardless of the date of manufacture, provide safety locks and warnings with firearms, as specified in Section I above, and sell only firearms that comport with the design criteria of this Agreement.
- i. Provide law enforcement, government regulators conducting compliance inspections, and the Oversight Commission, for purposes of determining compliance with conditions imposed as a result of this Agreement, or for any other authorized purpose, full access to any documents related to the acquisition and disposition of firearms deemed necessary by one of those parties.
- j. Participate in and comply with all monitoring of firearms distribution by manufacturers, ATF or law enforcement.
- k. Maintain an electronic record of all trace requests initiated by ATF, and report those trace requests by make, model and serial number of firearm, date of trace, and date of sale to the manufacturer of the firearm on a monthly basis, unless ATF, for investigative reasons, directs the licensee not to report certain traces.

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- l. Agree to cooperate fully in the oversight mechanism established in Section III of this Agreement, including providing access to all necessary documents, and to be subject to the jurisdiction of the court enforcing this Agreement.**
  
- m. Require all employees to attend annual training developed by manufacturers in consultation with ATF and approved by the Oversight Commission. The training shall cover at a minimum: the law governing firearms transfers by licensees and individuals; how to recognize straw purchasers and other attempts to purchase firearms illegally; how to recognize indicators that firearms may be diverted for later sale or transfer to those not legally entitled to purchase them; how to respond to those attempts; and the safe handling and storage of firearms. New employees will receive training on the above topics, based on materials developed for the annual training, before handling or selling firearms and shall attend annual training thereafter. Such training may be delivered by electronic medium. Within 12 months of the date of execution of this Agreement and annually thereafter, the manufacturer parties to this Agreement will obtain from all authorized dealers and distributors certifications that such training has been completed, with a list of the names of all trained employees.**
  
- n. Require all employees to pass a comprehensive written exam, which shall be developed by the manufacturers in consultation with ATF and approved by the Oversight Commission, on the material covered in the training before being allowed to sell or handle firearms. Any employee who fails to pass the exam shall be prohibited from selling or handling firearms on behalf of the distributor or dealer. The annual certification discussed in II.A.1.m, above, will include certification that all employees have passed the exam.**

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- o. Not complete any transfer of a firearm prior to receiving notice from the NICS that the transferee is not a prohibited person under the Gun Control Act.
- p. Verify the validity of a licensee's federal firearms license against an ATF database before transferring a firearm to that licensee.
- q. Forgo any transfer of a firearm to a licensee if the dealer or distributor knows the licensee to be under indictment for violations of the Gun Control Act or any violent felony or serious drug offense as defined in 18 U.S.C. § 924(e)(2).
- r. Transfer firearms only:

  - (1) To individuals who have demonstrated that they can safely handle and store firearms through completion of a certified firearms safety training course or by having passed a certified firearms safety examination.
  - (2) After demonstrating to the purchaser how to load, unload, and safely store the firearm, and how to engage and disengage all safety devices on the firearm.
  - (3) After providing the purchaser with a copy of the ATF Disposition of Firearms Notice.
  - (4) After obtaining the purchaser's signature on a form certifying that the purchaser has received the instruction described in subparagraph (2) and the notice described in subparagraph (3) and maintaining that form in its files.
  - (5) After providing the purchaser with a written record of the make, model, caliber or gauge, and serial number of each firearm transferred to enable the purchaser to accurately describe the

firearm to law enforcement in the event that it is subsequently lost or stolen.

2. The manufacturer parties to the Agreement shall incorporate into any distribution or agency agreement with their authorized distributors and authorized dealers, including franchisees, procedures for terminating distributors, dealers or franchisees that engage in conduct in violation of this Agreement. Distributors and dealers shall agree to this enforcement system as a condition of becoming authorized. The manufacturer parties to this Agreement shall require annual certification by their authorized dealers and distributors that they are in compliance with the requirements in II.A.1(a-r) of this Agreement and applicable provisions of B. and C., below. If the manufacturer parties to this Agreement receive actual notice of a violation of the Agreement through their course of dealing with their authorized dealers and distributors, from ATF, state or local law enforcement, the Oversight Commission, another dealer or distributor, a customer or other credible source, the manufacturer parties to this Agreement will either immediately terminate sales to the dealer or distributor in violation or take the following actions. The manufacturer(s) that have authorized the dealer or distributor to sell its/their firearms will, individually or collectively, notify the dealer or distributor within seven (7) business days of learning of such violation and inform the dealer or distributor of the breach and request information regarding the breach. The distributor or dealer will then have fifteen (15) days to provide the manufacturer(s) with the requested information. If the manufacturer(s) determine that the dealer or distributor is in violation of this section of the Agreement, the manufacturer(s) will provide no further product to the distributor or dealer until the manufacturer(s) determine that the distributor or dealer is in compliance with the Agreement.

The manufacturer(s) shall inform the Oversight Commission and ATF of its/their notifications and decisions and provide them with the information provided by the dealer or distributor. If the Oversight

Commission determines that suspension or termination of the dealer or distributor is warranted, and the manufacturer(s) did not take this action, the Oversight Commission shall direct the manufacturer(s) to do so.

**B. Authorized distributors - additional provision.**

Authorized distributors must agree to sell the manufacturer's products only to other authorized distributors or authorized dealers or directly to government purchasers.

**C. Authorized dealers -- additional provisions.**

In addition to the requirements in section II(A)(1), authorized dealers must agree:

1. Not to sell any of the manufacturers' products to any federal firearms licensee that is not an authorized distributor or authorized dealer of that manufacturer.
2. Not to engage in sales that the dealer knows or has reason to know are being made to straw purchasers.
3. To adhere to the following procedure for multiple handgun sales: If a purchaser wants to purchase more than one handgun, the purchaser may take from the dealer only one handgun on the day of sale. The dealer at that point will file a Multiple Sales Report with ATF. The purchaser may take the additional handguns from the dealer 14 days thereafter. This provision shall not apply to sales to qualified private security companies licensed to do business within the State where the transfer occurs for use by the company in its security operations.

**D. Manufacturers.**

Each manufacturer must:

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1. Provide quarterly reports of its own sales data and downstream sales data, with the volume of sales by make, model, caliber and gauge, to ATF's National Tracing Center.
2. Not market any firearm in a way that would make the firearm particularly appealing to juveniles or criminals, such as advertising a firearm as "fingerprint resistant."
3. Refrain from selling any modified or sporterized semi-automatic assault pistol of a type that cannot be imported into the United States.
4. Reaffirm their longstanding policy and practice of not placing advertisements in the vicinity of schools, high crime zones, or public housing.
5. Verify the validity of a license against an ATF database before transferring a firearm to any licensee.
6. Forgo any transfer of a firearm to a licensee if the manufacturer knows the licensee to be under indictment violations of the Gun Control Act or any violent felony or serious drug offense as defined in 18 U.S.C. § 924(e)(2).
7. Implement a security plan for securing firearms, including firearms in shipment. The plan will include the following elements.
  - a. Employee and visitor movement into and out of the manufacturer's facility will be only through designated security control points, and visitors will be admitted only after positive identification and confirmation of the validity of the visit. Employees and visitors will pass through a metal detector before leaving
  - b. All areas where firearms are assembled and stored will be designated as restricted areas. Access will be authorized only for those

employees whose work requires them to enter these areas or for escorted visitors. Protective barriers will be installed in restricted areas to deny or impede unauthorized access.

- c. Each facility or area where firearms, ammunition, or components are stored will be provided with a system to detect unauthorized entry.
  - d. If firearms are shipped in cartons, the cartons will bear no identifying marks or words. The manufacturer parties to this Agreement will use only very strong cartons to protect against concealed pilferage in truck shipments, and large cartons will be secured with steel strapping in two directions. The manufacturer parties to this Agreement will use only carriers and freight forwarders that warrant in writing that they conduct criminal background checks on delivery personnel and report all thefts or losses of firearms to ATF within 48 hours of learning of the theft or loss. The manufacturer parties to this Agreement will inspect carriers' and forwarders' local facilities periodically.
8. Encourage its authorized dealers and distributors to consent to up to three unannounced ATF compliance inspections each year.

**E. Corporate responsibility.**

If ATF or the Oversight Commission informs the manufacturer parties to this Agreement that a disproportionate number of crime guns have been traced to a dealer or distributor within three years of the gun's sale, the manufacturer(s) that have authorized the dealer or distributor to sell guns will either immediately terminate sales to the dealer or distributor or take the following actions. The manufacturers will, individually or collectively, notify the dealer or distributor of the disproportionate number within seven (7) days and demand an explanation and proposal to avoid a disproportionate number of traces in the future. The dealer or distributor will have fifteen (15) days to provide the explanation and proposal. If the

manufacturer(s) determine that the explanation and proposal are not satisfactory, the manufacturer(s) will terminate supplies to the dealer or distributor. If the manufacturer(s) determine that the explanation and proposal are satisfactory, the manufacturer will continue supplies, but will closely monitor traces to the dealer or distributor in question. If disproportionate traces continue, the manufacturer(s) will terminate supplies to the dealer or distributor.

The manufacturer(s) shall inform the Oversight Commission and ATF of its/their notifications and decisions and provide them with the information provided by the dealer or distributor. If the Oversight Commission determines that suspension or termination of the dealer or distributor is warranted, and the manufacturer(s) did not take this action, the Oversight Commission shall direct the manufacturer(s) to do so.

*Disproportionate number of crime guns:* Upon execution of this Agreement, the Oversight Commission will convene to determine a formula to identify what constitutes a disproportionate number of crime guns. In determining the formula, the Oversight Commission shall consider the available data and establish procedures to ensure that the relevant data is obtained. This provision will not take effect until the Oversight Commission sets the formula and a mechanism for its implementation.

### III. Oversight

#### A. Oversight Commission.

1. **Composition.** An Oversight Commission comprised of five members shall be formed. The Commission members shall serve five-year terms except for first terms as noted and shall be appointed as follows:
  - a. Two members by the city and county parties to the Agreement. First appointees to serve two- and three-year terms, respectively.

- b. One by the State parties to the Agreement. First appointee to serve a three-year term.
  - c. One member by the manufacturer parties to the Agreement. First appointee to serve a four-year term.
  - d. One selected by ATF. First appointee to serve a five-year term.
2. **Authority.** -- The Oversight Commission, which will operate by majority vote, will be empowered to oversee the implementation of this Agreement. Its authorities will include but not be limited to the authority to (1) review the findings of ATF or the proofing entity that will oversee the design and safety requirements of Part I of this Agreement, (2) maintain records of firearms sold pursuant to the law enforcement exception, as set forth in Part I.B of this Agreement, (3) review the safety training materials and test set forth in Parts II.A.1.m-n of this Agreement, and (4) participate in the oversight of the distribution and sales provisions established in Part II of this Agreement, as set forth in Parts II.A.2 and II.E.

The Oversight Commission shall have a staff, which will be entitled to inspect participating manufacturers and their authorized dealers and distributors to ensure compliance with the Agreement. The costs of the Commission shall be funded by the parties to the Agreement. Each manufacturer party to this Agreement will pay no more than \$25,000 annually.

- B. **Role of ATF.** -- ATF will continue to issue, regulate and inspect federal firearms licensees, collect multiple sales forms, conduct firearms traces, investigate firearms traffickers and straw purchasers, enforce the Gun Control Act and the National Firearms Act and fulfill its other statutory responsibilities. To the extent consistent with law and the effective accomplishment of its law enforcement responsibilities, ATF will work with the manufacturer parties to the Agreement and the Oversight Commission to

assist them in meeting their obligations under the Agreement. In particular, to the extent that ATF uncovers violations of the following provisions in its inspections or other contacts with federal firearms licensees, it will inform the Oversight Commission: II(A)(1)(a), (b), (e), (h), (i), (j), (k), (o), (p), and (q), (C)(2) and (D)(1) and (5). Nothing in this paragraph shall diminish the obligation of the manufacturer parties to this Agreement to make reasonable efforts to identify noncompliance and respond to notifications of violations from parties other than ATF.

**C. Manufacturer cooperation.**

1. Each manufacturer shall designate an executive level manager to serve as a compliance officer and shall provide the compliance officer with sufficient resources and staff to fulfill the officer's responsibilities under this agreement.
2. The compliance officer shall be responsible for
  - a. Ensuring that the manufacturer fulfills its obligations under this agreement;
  - b. Training the manufacturer's officers and employees on the obligations imposed by this agreement; and
  - c. Serving as the liaison to the Oversight Commission.
3. Each manufacturer shall commit to full cooperation in the implementation and enforcement of this Agreement.

**IV. Cooperation with Law Enforcement.**

- A. The manufacturer parties to this Agreement reaffirm their commitment to cooperate fully with law enforcement and regulators to eliminate illegal firearms sales and possession.

B. Within six (6) months of the effective date of this Agreement, if technologically available, the manufacturer parties to this Agreement shall fire each firearm before sale and enter the digital image of its casing along with the weapon's serial number into a system compatible with the National Integrated Ballistics Identification Network system. The digital image shall be made available electronically to ATF's National Tracing Center.

C. Manufacturers shall participate in ATF's Access 2000 program to facilitate electronic linkage to their inventory system to allow for rapid responses to ATF's firearms trace requests.

**V. Legislation.**

The parties to this Agreement will work together to support legislative efforts to reduce firearms misuse and the development of authorized user technology.

**VI. Education trust fund.**

Upon resolution of the current lawsuits brought by cities, counties, or States, the manufacturer parties to this Agreement shall dedicate one percent of annual firearms revenues to a trust fund to implement a public service campaign to inform the public about the risk of firearms misuse, safe storage, and the need to dispose of firearms responsibly.

**VII. Most favored entity.**

If the manufacturer parties to this Agreement enter into an agreement with any other entity wherein they commit to institute design or distribution reforms that are more expansive than any of the above-enumerated items, such reforms will become a part of this Agreement as well.

In addition, if firearms manufacturers that are not party to this Agreement agree to design or distribution reforms that are more expansive than any of

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the above-enumerated items, and if the manufacturers who are party to the other agreement(s) with more expansive terms, in combination with the manufacturer parties to this Agreement, account for fifty percent or more of United States handgun sales, manufacturer parties to this Agreement will agree to abide by the same design and distribution measures.

**VIII. Enforcement.**

The Agreement will be entered and is enforceable as a Court order and as a contract.

Dated this 17 day of March, 2000.

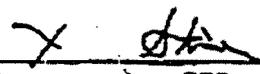
Approved and Authorized by:

Manufacturer parties to this Agreement:

  
\_\_\_\_\_  
Smith & Wesson

Governmental parties to this Agreement:

\_\_\_\_\_  
Department of the Treasury

  
\_\_\_\_\_  
Department of Housing and Urban Development

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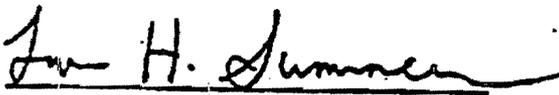
Dated this \_\_\_\_ day of March, 2000.

Approved and Authorized by:

**Manufacturer parties to this Agreement:**

\_\_\_\_\_  
Smith & Wesson

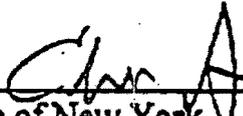
**Governmental parties to this Agreement:**

  
\_\_\_\_\_  
Department of the Treasury

  
\_\_\_\_\_  
Department of Housing and Urban Development

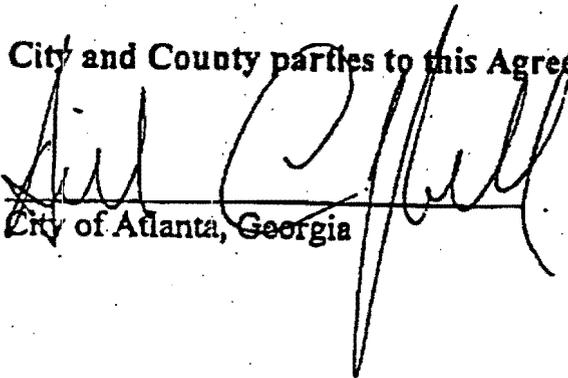
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**State parties to this Agreement:**

  
\_\_\_\_\_  
State of New York

  
\_\_\_\_\_  
State of Connecticut

**City and County parties to this Agreement:**

  
\_\_\_\_\_  
City of Atlanta, Georgia

\_\_\_\_\_  
City of Berkeley, California

\_\_\_\_\_  
City of Bridgeport, Connecticut

\_\_\_\_\_  
City of Camden, New Jersey

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City of Detroit, Michigan

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City of Gary, Indiana

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City of Inglewood, California

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City of Los Angeles, California

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County of Miami-Dade, Florida

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City of San Francisco, California

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City of St. Louis, Missouri

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***Settlement Document***

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## QUICK REFERENCE TO FEDERAL FIREARMS LAWS

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### I. POSSESSION OR RECEIPT OF A FIREARM OR AMMUNITION BY A PROHIBITED PERSON:

18 USC § 922(g) & (n). Punishable by up to 10 years imprisonment. May receive minimum sentence of 15 years without parole if offender has 3 or more prior convictions for a felony crime of violence (e.g. burglary, robbery, assault, possession of offensive weapons) and/or drug trafficking felony.

#### Elements

- A. Possession or receipt of a firearm or ammunition;
- B. By a subject who falls within one of the following categories:
  - Felon - (Additionally, persons awaiting trial on felony charges are prohibited from receiving firearms.);
  - Drug user or addict - (Often shown where paraphernalia seized, subject tests positive for drugs and/or subject claims drugs were possessed for personal use.);
  - Alien - (Includes illegal aliens and aliens lawfully admitted under non-immigrant visas, i.e., those aliens not admitted for permanent residence. This provision does not prohibit aliens who lawfully possess a so-called "green card" from possessing guns or ammunition.);
  - Is subject to a domestic restraining order - (The order must prohibit contact with an intimate partner, or child of the subject, and must have been issued only after a hearing of which the subject was notified and at which the subject had an opportunity to participate. The order must also find the subject poses a threat to the physical safety of the intimate partner or child or must prohibit the use, threatened use or attempted use of physical force.);
  - Has a prior conviction for domestic assault - (Includes a prior conviction for any assault or threatened use of a deadly weapon against a present or former spouse or partner or child or guardian of any such person. The subject must have been entitled to a jury trial and been represented by counsel in the prior proceeding or be shown to have waived those rights.);
  - Fugitive from justice - (Fled any state to avoid being prosecuted or to avoid testifying in any criminal proceeding.); or
  - Dishonorably discharged from the military; AND
- C. The firearm or ammunition was transported across a state line at any time. (As of the date this card was printed, no commercial manufacturers of firearms or ammunition were located in Iowa.)

### II. KNOWINGLY SELL, GIVE OR OTHERWISE DISPOSE OF ANY FIREARM OR AMMUNITION TO ANY PERSON WHO FALLS WITHIN ONE OF THE ABOVE CATEGORIES:

18 USC § 922(d). Punishable by up to 10 years imprisonment.

### III. USE, CARRY OR POSSESS A FIREARM IN RELATION TO OR IN FURTHERANCE OF A DRUG FELONY OR A FEDERAL CRIME OF VIOLENCE:

18 USC § 924(c). Punishment ranges from at least 5 years up to life imprisonment, without parole, or death if death results from use of firearm. Sentence to imprisonment must be served consecutive to any other sentence. Mandatory minimum sentence increases depending upon: the type of firearm involved (sawed-off gun, silencer, etc.); whether more than one offense was committed; and whether gun was simply possessed or was brandished or discharged.

### IV. STOLEN FIREARM, AMMUNITION OR EXPLOSIVE:

18 USC §§ 842(h); 922(i), (j) & (u). Punishable by up to 10 years imprisonment.

- A. May not receive, possess, conceal, store, pledge or accept as security for a loan, barter, sell or ship or transport across a state line any stolen firearm, ammunition or explosive.
- B. May not steal or unlawfully take or carry away a firearm from the person or premises of a firearms licensee.

**V. FIREARM IN A SCHOOL ZONE:**

18 USC § 922(q)(2)(A). Punishable by up to 5 years imprisonment.

- A. Except as authorized, may not possess or discharge a firearm in a school zone.

**VI. KNOWINGLY POSSESS OR MANUFACTURE:**

18 USC § 922(k), (o) & (v); 26 USC § 5861. Punishable by up to 5 or 10 years imprisonment, depending upon specific violation.

- A. Any machine gun, fully automatic firearm or any part designed or intended exclusively for use in such weapon;
- B. Any firearm silencer, including any device or part thereof, designed to silence, muffle or diminish the report of a firearm;
- C. Sawed-off shotgun with a barrel length of less than 18" or overall length less than 26";
- D. Sawed-off rifle with a barrel length of less than 16" or overall length less than 26";
- E. Destructive device;
- F. Semi-automatic assault weapon manufactured after October 1, 1993; OR
- G. Any firearm which lacks a serial number or contains an altered or obliterated serial number.

**VII. SELL, DELIVER OR TRANSFER TO A JUVENILE:**

18 USC § 922(x)(1). Punishable by up to 1 year imprisonment unless transferor had reason to believe juvenile would commit crime of violence with gun or ammunition, then up to 10 years imprisonment.

18 USC § 922(b). A firearms licensee faces up to 5 years imprisonment.

- A. May not sell, deliver or transfer a handgun or handgun-only ammunition to a person who is under age 18;
- B. A person under age 18 may not possess a handgun or handgun-only ammunition;  
*(Certain exceptions apply to A & B, such as where juvenile possesses written permission of a parent.)*
- C. A firearms licensee may not sell any gun or ammunition to anyone under the age of 18 and may not sell a handgun or handgun ammunition to a person under the age of 21.

**FORFEITURE OF FIREARMS, AMMUNITION & EXPLOSIVES:**

Firearms, ammunition and explosives involved in criminal offenses may be subject to forfeiture. However, for forfeiture to be an option, the United States Attorney's Office must be notified soon after the seizure of such evidence. ATF must initiate a forfeiture and take possession of the items within 60 days of seizure. Other federal agencies may forfeit firearms within 15 days of seizure.

**TRACING OF FIREARMS:** Firearms information for every firearm, even if only identified during a field interview or traffic stop, should be sent to ATF for tracing and possible connection to other criminal activity.

**DEFINITION OF "FIREARM":** Any weapon (including a starter gun) which will expel a projectile by means of an explosive or is designed or may be readily converted to do so. This includes the frame or receiver of any such weapon, any firearm muffler or silencer or any destructive device. A "destructive device" includes any explosive, incendiary or poison gas -- (i) bomb, (ii) grenade, or (iii) similar device, or any combination of parts designed or intended to be converted into a destructive device, or from which a destructive device may be readily assembled. 18 USC §921(3).

**FOR INFORMATION OR QUESTIONS OR TO MAKE A REFERRAL FOR PROSECUTION, PLEASE CONTACT:**

UNITED STATES ATTORNEY'S OFFICE  
NORTHERN DISTRICT OF IOWA      SOUTHERN DISTRICT OF IOWA  
Phone (319) 363-6333      Phone (515) 284-6257  
Fax (319) 363-1990      Fax (515) 284-6281

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (ATF)  
Phone (515) 284-4329 Fax (515) 284-4833