

# Reducing Gun Violence: Strategies for Prosecutors



ISSUE BRIEF: BUREAU OF JUSTICE ASSISTANCE TRAINING & TECHNICAL ASSISTANCE PROGRAM FOR STATE ADMINISTERING AGENCIES

## Issue

### Reducing Gun Violence

Many U.S. Department of Justice's Office of Justice Programs' (OJP) formula grants are awarded directly to state governments, who then set priorities and allocate funds within the state. Specifically, Byrne Justice Assistance Grants (JAG), which are federal justice assistance formula grants to state and local jurisdictions to promote justice and public safety, are transferred to State Administering Agencies (SAAs), who administer these funds throughout their states. This *Issue Brief* outlines prosecutorial strategies that SAAs should take into consideration when distributing formula grant funds.

Gun violence remains a persistent problem in U.S. communities each year.<sup>1</sup> The most recent data released by the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS) indicates that almost three hundred thousand people were victims of a crime committed using a firearm and that firearms were used in 71% of murders, 41% of robbery offenses and 24% of assault offenses in 2015.<sup>2</sup> This directly affects the communities served by local prosecutors' offices.

Communities experiencing high amounts of gun violence are creating innovative programs to stop and prevent gun violence. Prosecutors and law enforcement have forged many effective partnerships and developed many creative approaches to reduce gun violence in their jurisdictions. However, prosecutor's offices need both the support of local

partners and the benefit of data to be smarter in their approach to enforcing the law and, consequently, more effective in creating just outcomes.

## Practice Pointers

Prosecutors have not only looked for better ways to prosecute violent people but also at methods to prevent gun violence. Some of the most innovative and successful programs are those that partner with law enforcement, use data analysts and researchers to better inform prosecutors and law enforcement of the needs of the community, and provide an evidentiary and data driven basis for their approach. These Intelligence Driven Prosecution (IDP) models focus the collective resources of a prosecutor's office on one goal: reducing crime, particularly violent crime, through timely information sharing and close coordination with law enforcement and community partners. SAAs are also encouraged to assist with or provide education and technical assistance to local jurisdictions seeking to implement IDP strategies.

### *Project Safe Neighborhoods*

Project Safe Neighborhoods (PSN) is a nationwide commitment to reduce gun and gang crime in America by networking existing local programs that target gun and gun crime and providing these programs with additional tools necessary to be successful. Since its inception in 2001, approximately \$2 billion has been committed to this initiative. This funding is being used to hire new federal and state prosecutors, support investigators, provide training, distribute gun lock safety kits, deter juvenile gun crime, and develop and promote community outreach

efforts as well as to support other gun and gang violence reduction strategies. PSN is a comprehensive strategy which brings together local, state, federal and tribal law enforcement officials, prosecutors, and community members creating an unprecedented coordinated effort to reduce gun and gang violence. This strategy emphasizes prevention, intelligence gathering, aggressive prosecution at the federal and state level, and accountability through performance measures. The U.S. Attorney's Office partners with other federal, state, local and tribal criminal justice partners in an effort to develop a collaborative strategy through outreach, education, and training. One example is the United States Attorney's Office for the Eastern District of Tennessee, which works with local, state and federal partners, including the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Federal Bureau of Investigations (FBI), the Drug Enforcement Agency (DEA), the Immigration and Customs Enforcement (ICE), the U.S. Marshal's Service, the Tennessee Bureau of Investigation, several Sheriff's offices and Police Departments to target, investigate, and prosecute the most violent firearms offenders. More information on PSN can be found [here](#).

#### *Arrest Alert Systems*

Recognizing that a relatively small number of persons were responsible for a disproportionate amount of crime, in 2010 the Manhattan District Attorney's Office developed an arrest alert system, a tool to track priority offenders or cases often involved in gun and gang crimes, including those individuals driving most of the county's crime. An arrest alert immediately notifies prosecutors to arrests involving violent individuals. This information assists the assigned prosecutor to: decide whether bringing elevated charges is appropriate; draft enhanced bail applications; make appropriate sentencing recommendations; alert the court about a new arrest; identify violations of curfews and other applicable conditions; provide timely notice of debriefing opportunities; engage in other opportunities for the gathering of intelligence; and improve the

investigation of cold cases. This model has been studied and replicated in prosecutors' offices in multiple jurisdictions and provides real-time information to state and local prosecutors, who in turn can make better decisions regarding how a criminal case proceeds.

Creating an Arrest Alert System
The Association of Prosecuting Attorneys, in partnership with the Bureau of Justice Assistance, created a website to serve as a guide for prosecutors and other stakeholders looking to create an arrest alert system. For technical assistance, go to <a href="http://www.creatingarrestalert.com/">http://www.creatingarrestalert.com/</a> .

#### *Smart Prosecution Initiative*

U.S. Department of Justice's Bureau of Justice Assistance (BJA) developed and currently administers the [Smart Prosecution Initiative](#) as part of BJA's "Smart Suite" of crime-fighting programs, which includes Smart Policing and Smart Supervision. The Smart Prosecution model builds off lessons learned from BJA's other "Smart Suite" crime-fighting programs. Smart Prosecution is designed to promote effective, data-driven, research-based strategies for prosecution and prosecutor-led justice system reforms. The Smart Prosecution Initiative pairs an operational, results-focused researcher with a prosecutor's office for the development of data-driven solutions to create effective, efficient, and fair prosecution strategies to improve public safety. Examples of Smart Prosecution Initiatives are the Crime Strategies Units (CSU) replicated by the King County Prosecuting Attorney's Office and the San Francisco District Attorney's Office.

The Police-Prosecutor Partnership established by the King County Prosecuting Attorney's Office in Washington State will establish a CSU for its "Shots Fired" Initiative aimed at addressing increased firearm violence in the jurisdiction. Members of the CSU include prosecutors, a crime analyst, seven law enforcement agencies, a public health agency, and

research partners. CSU's initial goal is to institutionalize standardized intelligence gathering and sharing to concentrate resources on reducing shots-fired incidents and identifying those involving chronic victims and offenders in "hot spot" locations. Project objectives include: (1) enabling standardized data collection methods and protocols for CSU and partners; (2) training crime analysts in social network analysis (SNA); (3) conducting SNA to identify hot-spots and key victims and offenders; (4) targeting those actors for aggressive prosecutorial, law enforcement, and/or community-based responses; (5) facilitating collaborative development and execution of evidence-driven strategies aimed at reducing illegal shootings; and (6) assessing the impact in the final project evaluation and adjusting responses accordingly.

In May 2014, the San Francisco District Attorney's Office created the CSU in an effort to provide better intelligence-driven prosecutorial decision making. A key element of CSU's mandate is to make more effective use of the vast amounts of information gathered from thousands of cases prosecuted each year by the Office. Previously, the information acquired through investigations and prosecutions of street-crime cases was not centrally organized or analyzed. After the implementation of CSU, the Office is able to focus vital resources on primary crime drivers (including people, locations, times of day and other factors) for priority offenses and reduce waste associated with multiple investigations and prosecutions that do not address priority offenses. This model is based on the CSU IDP developed by the Manhattan District Attorney's Office, which has shared its approach and techniques with criminal justice partners. The precincts of Manhattan have been grouped into five geographic areas, with a senior prosecutor from CSU assigned to focus on and understand the criminal activity in each of the areas. These Assistant District Attorneys team with investigators, community affairs liaisons, and intelligence analysts to identify opportunities to reduce and prevent crime by improving the timely and

accurate sharing of criminal intelligence throughout the District Attorney's Office and among all law enforcement agencies.

Smart Prosecution Training and Technical Assistance
The Association of Prosecuting Attorneys oversees the training and technical assistance of BJA's Smart Prosecution Initiative. For more information, go to <a href="http://www.smartprosecution.apainc.org/smart-prosecution-site-descriptions">http://www.smartprosecution.apainc.org/smart-prosecution-site-descriptions</a> .

*The National Public Safety Partnership*

The National Public Safety Partnership (PSP) is a comprehensive program created by the U.S. Department of Justice OJP's BJA, to leverage existing DOJ resources to deliver strategic, intensive training and technical assistance (TTA) in an "all-hands" approach to reduce violence in some of the country's most violent cities. For example, in Detroit, MI an innovative strategy was sponsored by BJA and the Office of Juvenile Justice and Delinquency Prevention in which Michigan State University embedded analysts from the university into major PSP partnering agencies such as the Wayne County Prosecutor's Office, Detroit Police Department, Michigan State Police, Detroit Public School Police Department and the Michigan Department of Corrections. This initiative promotes a proactive, data-driven violent crime reduction strategy. The analysts provide weekly updates and develop high-quality analytical reports which are delivered to each agency. Prosecutor Kym Worthy said, "crime analysts are extremely beneficial. They have helped us prepare cases strategically. In addition, they have provided us with useful background information about witnesses, suspects, and crime patterns. In the future, we want to continue to use data as much as possible to maximize our extremely limited resources." More information on PSP can be found [here](#).

### *Dispossessing Firearms from Domestic Abusers*

Since there is a 500% increase in the risk the victim of abuse will be killed if there is a gun present, leading prosecutors joined experts in gun violence and public health to call for a major change in improvements across the country aimed at removing guns from domestic abusers. In an [extensive report](#), Prosecutors Against Gun Violence and the Consortium for Risk-Based Firearms Policy recommended that prosecutors, law enforcement and courts develop protocols to identify domestic abusers with firearm(s); ensure these individuals relinquish their firearm(s) once subject to a domestic violence restraining order; ensure the firearm(s) are not returned without a subsequent background check and; ensure accountability when the prohibited person fails to comply with the relinquishment order.

The purpose of this report, with examples of model protocols, is to recommend risk-based firearm policies and practices to diminish gun violence perpetrated by domestic abusers. Guns and domestic violence are a lethal combination. When an abusive partner has access to a firearm the victim of the abuse (usually a woman) is five-times more likely to be killed, so restricting abusers' access to firearms is an effective policy, reducing domestic violence homicides by as much as 25%. Prosecutors, law enforcement and domestic violence service providers should work with the judiciary to assure judges have clear guidance on their authority to remove/retrieve firearms from domestic abusers.

“Making sure that firearms are removed from domestic abusers will go a long way towards reducing gun violence in America,” says Josh Horowitz, Executive Director of the Educational Fund to Stop Gun Violence. “This report provides actionable steps so that judges, prosecutors, and law enforcement officers have the tools necessary to accomplish this important goal.”

## **Further Training and Technical Assistance**

Additional resources in which SAAs might find useful when providing education, funding and technical assistance in their local jurisdictions are the Prosecutors' Center for Excellence and BJA's National Training and Technical Assistance Center ([NTTAC](#)). The mission of the Prosecutors' Center for Excellence is to work with prosecutors to improve the criminal justice system, to address emerging issues and to support statewide Best Practices Committees for prosecutors. Statewide Best Practices Committees for prosecutors serve as a prosecution brain trust that can proactively work on how to improve the criminal justice system and how to assess emerging issues, such as violent crime. Although they have different names depending on the state, committees generally include elected District Attorneys, senior prosecutors and prosecution coordinators. They are non-partisan and have representation from all jurisdictions in the state – rural, suburban and urban.

The mission of BJA is to help state, local, and tribal jurisdictions achieve safer communities by providing leadership and services in grant administration and criminal justice policy development. Established in 2008, BJA's NTTAC connects state, local, and tribal justice agencies in need of assistance with specialized national experts to help address those needs. Services range from short-term to more comprehensive, longer-term engagements and cover a variety of justice topics, including adjudication, corrections, crime prevention, justice information-sharing, law enforcement, mental health, substance abuse, tribal justice, and capacity-building. TTA services include:

- Assistance implementing evidence-based programs
- Curriculum development
- Data analysis
- Classroom and virtual training
- Peer-to-peer visits
- Research and information requests

- Strategic planning assistance

Lastly, the Association of Prosecuting Attorneys is available to provide implementation and sustainment-related technical assistance to jurisdictions at no cost, as well as working with SAAs directly in addressing prosecutorial priorities when developing a strategic plan for long-term crime reduction through funding, training and technical assistance.

Training and technical assistance is available through BJA’s NTTAC and the website resources for each initiative described above. Grant funding is available for many of these IDP strategies through <https://www.bja.gov/funding.aspx>.

Finally, SAAs should explore how state formal grant funding can be directed to support IDP and implement these innovative violent crime reduction programs.

## Conclusion

Peer-to-peer learning can facilitate the spread of these effective approaches to curbing gun violence by using other criminal justice partners as trainers, who are already tasked with ensuring community safety and justice and have implemented the desired program.

*The Association of Prosecuting Attorneys (APA) mission is to provide training and technical assistance to federal, state, local and tribal prosecutors as well as their criminal justice partners. The association was founded on the principles of innovation and to act as a global forum for the exchange of ideas, promote prosecutors’ collaboration with a range of community and criminal justice partners, embrace data-driven decision making, and provide access to technology for the enhancement of our justice system. Currently, APA provides national training and technical assistance, in partnership with United States Department of Justice’s Bureau of Justice Assistance (BJA) and various other federal agencies and private foundations, to help prosecutors implement innovative, evidenced-based practices. Examples, tools and resources are featured on APA’s online clearinghouse at [www.APAInc.org](http://www.APAInc.org).*

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<sup>1</sup> See Smith EL, Cooper A (2013) Homicide in the U.S. Known to Law Enforcement, 2011. Washington, D.C.: U.S. Department of Justice Bureau of Justice Statistics.

<sup>2</sup> See Bureau of Justice Statistics Nonfatal Firearm Statistics National Crime Victimization Survey, 2015; [see also](#), Federal

Bureau of Investigation, “Crime in the United States 2015”; [see also](#), National Institute of Justice, Gun Violence, available at <http://www.nij.gov/topics/crime/gun-violence/pages/welcome.aspx>.

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