

**Mercer, Bill (USAMT)**

**From:** Richmond, Susan  
**Sent:** Thursday, November 04, 2004 8:15 PM  
**To:** Alex Acosta; Ben Reyna; Carl Truscott; Chris Wray; Cranston Mitchell; Dan Bryant; Deborah Daniels; Deborah Spagnoli; Diane Stuart; Domingo Herraiz; Edward Reilly; Eileen O'Connor; Glenn Fine; Hew Pate; James Comey; John Gillis; Karen Tandy; Larry Greenfeld; Mauricio Tamargo; Michele Leonhart; Peter Keisler; Robert Flores; Robert McCallum; Sarah Hart; Sharee Freeman; Tom Sansonetti; William Moschella; Allyson Ho; Andrew Emrich; Brad Schlozman; Brian Boyle; Bruce McDonald; Carl Peed; Cheri Nolan; Chuck Rosenberg; Crystal Roberts; Dan Levin; Dan Meron; David Ayres; David Higbee; David Israelite; David Nahmias; David Sibley; Deborah Rhodes; Donald Gambatesa; Gregory Katsas; Howard Nielson; Jeffrey Bucholtz; Jeffrey Clark; Jeffrey Taylor; John Richter; John Wood; Jonathan Cohn; Joseph Bianco; Kelly Johnson; Kristi Remington; Kyle Sampson; Laura Parsky; Lawrence Friedman; Lizette Benedi; Makan Delrahim; Margaret Davis; Mark Corallo; Mark Epley; Matthew Zabel; Michael Carrington; Mike Wiggins; Noel Francisco; Pat O'Brien; Patrick Hofer; Patrick Philbin; Patrick Purtill; Paul Clement; Rachel Brand; Rebecca Seidel; Renee Lerner; Richard Hertling; Richard Morrison; Rod Rosenstein; Sean McLaughlin; Sheldon Bradshaw; Steve Bradbury; Susan Richmond; Thomas Barnett; Thomas Lee; Tracy Henke; Wan Kim; Ajit Pai; Amy Grimsrud; Andrew Beach; Andrew Schauder; Angela Williamson; Blain Rethmeier; Blair Birkeland; Bruce Taylor; C. Kevin Marshall; Chad Boudreaux; Cynthia McDowell; Cynthia McKnight; Deborah Underhill; Denise Gitsam; Dimple Gupta; Ebony Lee; Ed McFadden; Elizabeth Apisson; Elizabeth Nodal; Eric Grannon; Eric Holland; Gordon Todd; Greg Harris; Jaclyn Lesch; Janet Potter; Jeffrey Wadsworth; Jessica Gavora; Kimberly Smith; Lara Reynolds; Luis Reyes; Mary Neumayr; Matt Dummermuth; Matt Robinson; Matthew Miranda; Michael Costigan; Michael Tierney; Monica Goodling; Natalie Voris; Omar Vargas; Price Roe; Robert Hur; Stephanie McNeese; Sujean Lee; Theodore Cooperstein; Trent Luckinbill; Wanda Martinson; Will Adams; William Otis; William Woodruff; Wroe Jackson; Alice Martin; Anna Wagoner; Bill Mercer; Bud Cummins; Carol Lam; Charles Larson; Christopher Christie; Colm Connolly; Daniel Bogden; David Dugas; David Huber; David Iglesias; David O'Meilia; David York; Debra Yang; Donald Washington; Drew Wrigley; Dunn Lampton; Ed Kubo; Eric Melgren; Frank Whitney; Glenn Suddaby; Greg White; Gregory Lockhart; Gregory Miller; Gregory Van Tatenhove; H Garcia; J. Thurmond Jr.; J.B. Van Hollen; James McMahon; Jan Paul Miller; Jim Greenlee; Jim McDevitt; Jim Vines; John Brownlee; John McKay; John Suthers; Johnny Sutton; Joseph Van Bokkelen; Karin Immergut; Kasey Warner; Kevin O'Connor; Kevin Ryan; Leonardo Rapadas; Leura Canary; Marcos Jimenez; MaryBeth Buchanan; Matt Orwig; Matt Whitaker; Matthew Mead; Maxwell Wood; McGregor Scott; Michael Battle; Michael Heavican; Michael Shelby; Michael Sullivan; MM Chiara; Patrick Fitzgerald; Patrick Meehan; Paul Charlton; Paul McNulty; Paul Perez; Paul Warner; Robert Corrente; Robert McCampbell; Ronald Tenpas; Roslynn Mausekopf; Sandy Mattice; Sheldon Sperling; Steven Biskupic; Susan Brooks; Terry Harris; Thomas Colantuono; Thomas DiBiagio; Thomas Johnston; Thomas Marino; Thomas Moss; Tim Burgess; Todd Graves; Tom Heffelfinger

**Subject:** Transition Guidance

Many of you have sought guidance regarding the Administration transition to the President's second term. This message serves to convey the entirety of the information we have at this point, and as more information becomes available it will be shared with you.

First, the President is tremendously grateful to you, and to every member his team, for your hard work over the past four years. He recognizes the sacrifices that you and your family have made to enable you to serve, and he is deeply appreciative. America has looked at the President's record -- continuing success in the war on terror, violent crime at a 30-year low, and declining drug use among America's youth, among other successes -- and asked him to stay on the job. He is honored and humbled by the privilege to serve, as I know each of you are.

Second, as we move into this transition period, the President has decided that he will not ask for letters of resignation. That said, as always, each of us serves at the pleasure of the President.

Third, some of you have expressed interest in serving in other capacities in the Administration, both within the Department and elsewhere. If you would like to be considered for other opportunities, please let me know what position(s) and agency or agencies you are interested in and I will work together with White House Presidential Personnel on those matters.



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\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

TX/RX NO	1683	
CONNECTION TEL		916195575782
CONNECTION ID		
ST. TIME	07/05 13:20	
USAGE T	00'32	
PGS. SENT	3	
RESULT	OK	



Office of the Deputy Attorney General  
 U.S. Department of Justice  
 950 Pennsylvania Ave., N. W., Room 4111 Main  
 Washington, D.C. 20530

**FACSIMILE TRANSMISSION COVER SHEET**

DATE:

SENDER: *Rick Werten*  
 Office of the Deputy Attorney General  
 Telephone: 202 514-2105  
 Fax.:

TO: *CAROL LAM*

Telephone:  
 Fax No. : *619 557 5782*

TOTAL PAGES *2*

ASG000000014

Immigration/Drug/Fraud Cases

The Sentencing Commission has just released its report for fiscal year 2005. This contains information about sentencings in felony and class A misdemeanors.

**Arizona: 4,521 defendants** were sentenced there in FY 05.

Of those, 2,275 were sentenced for immigration offenses.  
947 were sentenced for drug trafficking offenses  
140 were sentenced for fraud offenses.

**New Mexico: 2,575 defendants** were sentenced there in FY 05.

Of those, 1,635 were sentenced for immigration offenses.  
649 were sentenced for drug trafficking offenses  
24 were sentenced for fraud offenses.

**SD California: 2,536 defendants** were sentenced there in FY 05.

Of those, 1,413 were sentenced for immigration offenses.  
826 were sentenced for drug trafficking offenses  
153 were sentenced for fraud offenses.

**SD Texas: 6,414 defendants** were sentenced there in FY 05. This is the largest number for any district in the country in FY05.

Of those, 4,313 were sentenced for immigration offenses.  
1,482 were sentenced for drug trafficking offenses  
99 were sentenced for fraud offenses.

**WD Texas: 5,839 defendants** were sentenced there in FY 05.

Of those, 2,519 were sentenced for immigration offenses.  
2,412 were sentenced for drug trafficking offenses  
215 were sentenced for fraud offenses.

Firearms Cases

The Commission has also published sentencing data for defendants in firearms cases for the FY 02-05 period where the primary offense is a "firearms" offense. They report the following information per district:

**Arizona**

2002 -- 100 defendants

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2003 -- 145 defendants  
2004 -- 184 defendants  
2005 -- 226 defendants

**New Mexico**

2002 -- 69 defendants  
2003 -- 63 defendants  
2004 -- 86 defendants  
2005 -- 103 defendants

**Southern District of California**

2002 -- 18 defendants  
2003 -- 19 defendants  
2004 -- 12 defendants  
2005 -- 10 defendants

**Southern District of Texas**

2002 -- 192 defendants  
2003 -- 153 defendants  
2004 -- 161 defendants  
2005 -- 227 defendants

**Western District of Texas**

2002 -- 131 defendants  
2003 -- 133 defendants  
2004 -- 213 defendants  
2005 -- 204 defendants

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**Department of Justice  
EXECUTIVE SECRETARIAT  
CONTROL SHEET**

**DATE OF DOCUMENT:** 10/20/2005  
**DATE RECEIVED:** 10/25/2005

**WORKFLOW ID:** 894221  
**DUE DATE:** 11/09/2005

**FROM:** The Honorable Darrell Issa  
U.S. House of Representatives  
  
Washington, DC 20515

**TO:** AG

**MAIL TYPE:** Meeting requests

**SUBJECT:** (Fax rec'd from OLA) Requesting a meeting with the AG to discuss their frustration with the current policies within the Administration related to the prosecution of criminal aliens. Specifically, the failure of the USAO in San Diego to prosecute Alfredo Gonzales García and Antonio Amparo-Lopez. Ltr also signed by 18 other MCs. See WF 890960 - also from MC Issa - and other related corres in ES.

**DATE ASSIGNED**  
11/01/2005

**ACTION COMPONENT & ACTION REQUESTED**

Executive Office of United States Attorneys  
Prepare response for AAG/OLA signature.

**INFO COMPONENT:** OAG, OAG (Beach), ODAG, OLA

**COMMENTS:** 11/2/05: Original rec'd and fwded to AG files. Assigned to EOUSA to prepare a response for AAG/OLA signature - see OLA Seidel's email. EOUSA & OLA to coordinate meeting request with OAG (Beach). Please advise ES if meeting is held, in lieu of response. WF to be combined w/WF 890960.

**FILE CODE:**

**EXECSEC POC:** Paula Stephens: 202-616-0074

ASG000000017

7

Congress of the United States  
Washington, DC 20515

JIMMY WALKER 0712  
PAPA BUNSEN  
705  
OCT 25 11:22  
EX-101

October 20, 2005

The Honorable Alberto Gonzales  
Attorney General  
United States Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530

Dear Attorney General Gonzales:

We write to request a meeting with you to discuss our frustration with the current policies within the Administration related to the prosecution of criminal aliens. To date, many illegal aliens, who deserve jail time, fall instead into the current practice of "catch and release." The recidivism rate among criminal aliens is high, and your Department's lack of action aggravates rather than remedies this problem.

The Border Patrol recently arrested illegal alien, Alfredo Gonzales Garcia, near the border in San Diego. Even though Mr. Garcia had at least two prior arrests for selling drugs and was incarcerated on two separate occasions for these offenses, the U.S. Attorney's Office in San Diego declined to prosecute him. Prior to that event, the U.S. Attorney's Office chose not to prosecute Antonio Amparo-Lopez, a human smuggler and illegal alien with multiple prior convictions. In each instance, under the Immigration and Nationality Act, they were both eligible, upon conviction, for a two-year prison sentence, at minimum.

The U.S. Attorney in San Diego has stated that the office will not prosecute a criminal alien unless they have previously been convicted of two felonies in the district. This lax prosecutorial standard virtually guarantees that both of these individuals will be arrested on U.S. soil in the future for committing further serious crimes.

There is one simple reason why "catch and release" cannot continue: it endangers our citizens. It is the responsibility of the Department of Justice to punish dangerous criminals who violate federal laws, and this includes criminal aliens. When we meet, at the very least we encourage you to be prepared to discuss the current policies used by the U.S. Attorneys to determine when to prosecute criminal aliens, including providing us with a copy of the prosecution guidelines that are applied to such cases in the Southern District of California.

Again, we would like to meet to discuss the disparity between crimes committed and prosecutions conducted at your earliest convenience. Please contact us at 202-225-3906 to schedule this meeting.

Sincerely,



Ed Royce

PRINTED ON RECYCLED PAPER

ASG000000018

Tom Collier  
John Little  
Ed McD  
Etha Peck  
Dana Roberts  
Lynn Nunez  
Tom Yung  
Richard Rombo  
Bill Thomas

Ray Redmond  
Buck Watson  
Wayne  
Valley Horgan  
Jimmy  
Randy "Belle" Cunningham



CVT: Wingy get me the letter cc: Taylor Brand  
Otis

Editions of the North County Times Serving San Diego and Riverside Counties Friday, October 28, 2005 Contact - Archive Us

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Friday, October 28, 2005  
Last modified Wednesday, October 26, 2005 10:55 PM PDT

Congressional delegation wants action on immigration policies  
By: WILLIAM FINN BENNETT - Staff Writer

Upset with what they say is the federal government's failure to prosecute illegal immigrants, the entire 19-member California Republican congressional delegation has asked the U.S. attorney general for a meeting to discuss the matter.

In an Oct. 20 letter to Attorney General Alberto Gonzalez, the Congress members also criticized the U.S. attorney's office in San Diego for what they called its "lax prosecutorial standard" of only prosecuting those illegal immigrants with two felony convictions in the San Diego District.

"We write to request a meeting with you to discuss our frustration with the current policies within the Administration related to the prosecution of criminal aliens," the letter states.

The letter goes on to say that too often, illegal immigrants who should be jailed instead benefit from "the current practice of 'catch and release.'"

The Republicans' letter to Gonzalez appeared to be the latest sign of a growing level of conservative Republican frustration with the Bush administration on several issues, including what they say is its failure to enforce the country's immigration laws.

Last week, nearly one-third of the House's 231 Republican members sent a letter to President Bush, saying that if he expects to get their support for a temporary guest worker program, he first needs to clamp down on illegal immigration by strengthening the nation's borders and enforcing immigration laws.

Reached by phone in Washington on Wednesday, U.S. Rep. Darrell Issa, R-Vista — one of the signatories of the letter — said that he and other Republican members of Congress took a more diplomatic approach with the Bush administration until late 2004.

"Before the president was re-elected, all of us felt what we had to say had to be said behind the scenes — and it was," Issa said.

Not anymore.

"All of us realized two things: one, the president had three years (left in office) and (two) we needed for him to use those three years to solve this problem," Issa said.

The federal government has been promising to get a handle on illegal immigration for the last decade, he added. That is what is driving Republicans to step up the pressure on the administration, Issa said.

"We don't have any credibility with our voters," he said.

In the letter to Gonzalez, Issa cited what he said were two particularly egregious examples of failure to prosecute by the San Diego U.S. attorney's office. In one case, he said, an undocumented immigrant had previously been convicted of narcotics charges on "at least two occasions." And yet, Issa alleged, he was told by officials with the San Diego office that they had decided not to prosecute the man, who was recently apprehended by the U.S. Border Patrol and remains in custody.

Officials with the U.S. attorney's office did not return phone calls for comment Wednesday.

However, in earlier interviews, officials there have said that they are limited in the number of human smuggling cases they are able to prosecute because of a lack of funding.

Citing another case, Issa wrote to the attorney general that the U.S. attorney's office had also chosen not to prosecute a smuggler of undocumented immigrants who has multiple convictions. In his press release, Issa said the man has used more than 21 aliases and has been arrested and deported more than 20 times.

Speaking of the U.S. attorney's office in San Diego, Issa wrote: "They say they don't have resources for these prosecutions but they never ask Congress for help or even tell us what they would need to pursue these cases."

Late last year, San Diego's U.S. Attorney Carol Lam stated: "Our resources are limited and we have numerous and competing enforcement priorities to consider."

"Our office is devoting over a third of our attorney resources to these cases," Lam stated, referring to the prosecution of human smugglers.

Asked Wednesday to comment on the letter and Republicans' ongoing push for stronger immigration-law enforcement, a University of San Diego professor who specializes in cross-border issues said that Republicans and Democrats both agree that the county has reached a point of crisis in its immigration policy.

"No one is happy," said David Shirk, director of University of San Diego's Trans-border Institute, a USD-based group that studies cross-border issues.

However, focusing only on enforcement and prosecution is a mistake, he added.

"We know from experience in other areas like the war on drugs that trying to stop the problem at the border doesn't work," Shirk said. "We are talking about issues that are

much more complex --- development issues in Mexico and demand for labor in the U.S.; as long as we don't develop policies that address those two issues, beefing up the border is a Band-Aid solution."

U.S. Rep. Randy "Duke" Cunningham, who also signed the letter to the attorney general, sent a statement to the North County Times on Wednesday saying that the federal government must provide the funding that prosecutors need to prosecute such cases.

"California spends millions prosecuting and detaining illegal aliens and we need to make sure authorities have the resources they need to do their jobs," Cunningham wrote.

Contact staff writer William Finn Bennett at (760) 740-5426 or [wbennett@nctimes.com](mailto:wbennett@nctimes.com).

*Project Safe Childhood*

Henderson, Charles V

From: Mercer, Bill (ODAG)  
Sent: Thursday, January 26, 2006 12:24 PM  
To: Henderson, Charles V  
Subject: FW: Child Crime Statistics Information Request

Attachments: tmp.htm; Child Exploitation case statistics.pdf; Child Abuse - Pornography statistics & Definition.pdf

 tmp.htm (1 KB)  Child Exploitation case statis...  Child Abuse - Pornography stat...

please print

-----Original Message-----

From: Bevels, Lisa (USAE0)  
Sent: Thursday, January 26, 2006 12:05 PM  
To: Mercer, Bill (ODAG)  
Cc: Parent, Steve (USAE0); Erickson, Michael (USAE0)  
Subject: Child Crime Statistics Information Request

Bill: I'm responding to your information request on Child Crime Statistics. The information provided to you by Data Analysis from our case management system in December 2005 (see attachment 1 pdf file) was only Child Exploitation statistics. The statistics in the USAs' FY 2007 President's Budget Child Exploitation/Obscenity Initiative, also taken from the case management system, were more broadly defined and included both Child Abuse and Pornography (see attachment 2 pdf file). Hope this helps explain the difference. Let me know if you have any further questions.

Lisa

<<Child Exploitation case statistics.pdf>>

<<Child Abuse - Pornography statistics & Definition.pdf>>

United States Attorneys—Criminal Caseload Statistics\*  
 Child Exploitation - 18 U.S.C. 1591, 2251, 2252, 2252A, 2252B, 2260, 2422, 2423, 2425\*\*  
 Fiscal Year 2005\*\*\*

Listing Sorted: Alphabetically by District

District	Matters Received	Cases Filed	Defendants In Cases Filed	Defendants Sentenced To Prison****	Defendants Guilty****
1 Alabama, Middle	13	5	5	3	3
2 Alabama, Northern	12	8	8	6	6
3 Alabama, Southern	8	12	12	8	8
4 Alaska	18	8	8	14	14
5 Arizona	38	24	24	8	10
6 Arkansas, Eastern	15	13	14	7	10
7 Arkansas, Western	21	10	10	6	7
8 California, Central	99	57	60	29	33
9 California, Eastern	96	66	67	47	47
10 California, Northern	58	34	35	14	16
✓ 11 California, Southern	5	5	7	2	2
12 Colorado	40	16	16	15	15
13 Connecticut	32	15	15	15	15
✓ 14 Delaware	6	1	1	0	1
✓ 15 District of Columbia	17	5	5	3	3
16 Florida, Middle	83	37	37	45	45
17 Florida, Northern	22	4	4	8	8
18 Florida, Southern	50	36	38	29	31
19 Georgia, Middle	11	5	5	4	4
20 Georgia, Northern	46	35	35	22	23
Georgia, Southern	4	3	3	2	2
✓ 21 Guam	4	4	4	1	1
23 Hawaii	12	7	7	7	8
24 Idaho	13	6	6	5	5
25 Illinois, Central	23	12	12	22	23
26 Illinois, Northern	31	16	17	11	11
27 Illinois, Southern	12	7	7	6	6
28 Indiana, Northern	6	7	7	9	10
29 Indiana, Southern	21	16	16	18	18
30 Iowa, Northern	15	18	20	13	13
31 Iowa, Southern	18	18	18	5	5
32 Kansas	32	33	33	27	28
33 Kentucky, Eastern	28	17	17	18	18
34 Kentucky, Western	22	15	15	10	10
✓ 35 Louisiana, Eastern	9	5	5	3	4
36 Louisiana, Middle	4	3	3	2	2
37 Louisiana, Western	16	11	11	11	13
✓ 38 Maine	7	0	0	0	0
39 Maryland	25	20	21	15	17
40 Massachusetts	21	14	16	4	4
41 Michigan, Eastern	32	15	16	9	10
42 Michigan, Western	20	16	17	8	8
43 Minnesota	15	15	15	12	12
44 Mississippi, Northern	11	13	13	11	11
45 Mississippi, Southern	3	3	3	8	9
Missouri, Eastern	38	28	28	20	21
Missouri, Western	92	49	49	24	24
Montana	43	32	33	16	17
49 Nebraska	10	3	3	8	10
50 Nevada	35	25	26	14	14

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District	Matters Received	Cases Filed	Defendants In Cases Filed	Defendants Sentenced To Prison****	Defendants Guilty****
New Hampshire	13	6	6	6	6
2 New Jersey	45	42	46	41	43
53 New Mexico	17	6	6	5	5
54 New York, Eastern	45	21	23	16	17
55 New York, Northern	47	10	10	16	19
56 New York, Southern	55	22	32	19	21
57 New York, Western	44	30	30	28	30
58 North Carolina, Eastern	25	11	11	8	8
59 North Carolina, Middle	17	9	9	5	5
60 North Carolina, Western	17	8	8	9	10
61 North Dakota	10	8	9	11	11
62 Northern Mariana Islands	0	0	0	0	0
63 Ohio, Northern	54	38	38	30	30
64 Ohio, Southern	53	19	19	7	8
65 Oklahoma, Eastern	8	2	2	4	4
66 Oklahoma, Northern	6	6	6	3	3
67 Oklahoma, Western	16	10	13	18	19
68 Oregon	27	18	18	18	22
69 Pennsylvania, Eastern	25	17	17	20	21
70 Pennsylvania, Middle	41	20	21	15	17
71 Pennsylvania, Western	53	26	29	12	12
72 Puerto Rico	7	5	5	7	7
73 Rhode Island	9	1	1	0	0
74 South Carolina	46	29	29	28	32
75 South Dakota	4	1	1	2	2
Tennessee, Eastern	15	6	6	10	10
Tennessee, Middle	3	5	5	6	6
78 Tennessee, Western	21	19	21	21	22
79 Texas, Eastern	35	18	19	25	25
80 Texas, Northern	54	19	19	23	24
81 Texas, Southern	63	21	21	17	17
82 Texas, Western	65	32	32	37	37
83 Utah	55	40	41	10	10
84 Vermont	3	0	0	2	4
85 Virgin Islands	0	0	0	0	1
86 Virginia, Eastern	52	21	21	14	15
87 Virginia, Western	12	8	8	10	10
88 Washington, Eastern	22	19	19	11	11
89 Washington, Western	32	22	27	18	18
90 West Virginia, Northern	9	9	12	6	6
91 West Virginia, Southern	13	1	1	1	1
92 Wisconsin, Eastern	22	8	8	8	8
93 Wisconsin, Western	18	4	4	4	4
94 Wyoming	3	3	3	4	4
All Districts	2,493	1,447	1,503	1,159	1,220

load data extracted from the United States Attorneys' Case Management System.

cran includes data on any and all criminal cases/defendants where 18 U.S.C. 1591, 2251, 2252, 2252A, 2252B, 2280, 2422, 2423, or 2425 was brought as any charge against a defendant.

however, the statutes were run together to eliminate any double counting of cases/defendants where more than one of the statutes was charged against the same defendant.

\*\*\*FY 2006 numbers are actual data through the end of September 2006.

\*\*\*\*Displayed defendant outcome information based upon the overall outcome of a defendant.

20-Nov-05

ASG00000025

United States Attorneys - Criminal Caseload Statistics  
 Child Abuse/Neglect  
 Standard Matter and Case Counts  
 All Districts

Fiscal Year	Matters & Defendants - Received, Pending & Terminated			Average # of Defendants Per Matter Received			Matters Pending			Defendants Pending			Average # of Defendants Per Matter Pending			Matters Terminated			Defendants Terminated			Average # of Defendants Per Matter Terminated		
	Received	Percent Change	Defendants Received	Received	Percent Change	Matter Received	Pending	Percent Change	Defendants Pending	Percent Change	Defendants Pending	Percent Change	Defendants Pending	Percent Change	Matter Pending	Terminated	Percent Change	Defendants Terminated	Percent Change	Defendants Terminated	Percent Change	Defendants Terminated	Percent Change	Defendants Terminated
92	592	-10.7%	668	716	-8.5%	1.10	595	-1.1%	624	3.0%	643	3.0%	643	3.0%	1.10	287	34.5%	302	4.8%	408	34.4%	413	1.3%	413
93	620	4.5%	684	884	2.2%	1.10	581	-3.2%	588	-8.5%	588	-8.5%	588	-8.5%	1.08	384	1.4%	435	7.1%	435	7.1%	435	7.1%	435
94	598	-54.5%	1,057	950	59.0%	1.11	814	50.5%	886	8.6%	886	8.6%	886	8.6%	1.10	346	-4.9%	381	-9.1%	381	-9.1%	381	-9.1%	381
95	1,145	19.5%	1,310	22.3%	1.14	858	5.4%	845	5.3%	845	5.3%	845	5.3%	1.08	545	57.5%	622	59.1%	622	59.1%	622	59.1%	622	
96	1,285	12.2%	1,414	7.8%	1.10	1,003	18.9%	1,083	10.8%	1,083	10.8%	1,083	10.8%	1.08	576	5.7%	654	5.1%	654	5.1%	654	5.1%	654	
97	1,505	17.1%	1,615	14.2%	1.07	1,127	15.8%	1,265	16.9%	1,265	16.9%	1,265	16.9%	1.07	624	9.7%	693	6.0%	693	6.0%	693	6.0%	693	
98	1,751	16.3%	1,866	15.2%	1.07	1,297	15.8%	1,454	14.8%	1,454	14.8%	1,454	14.8%	1.07	624	9.7%	693	6.0%	693	6.0%	693	6.0%	693	
99	1,872	6.8%	2,004	7.4%	1.07	1,434	13.7%	1,622	12.2%	1,622	12.2%	1,622	12.2%	1.08	694	8.8%	752	8.5%	752	8.5%	752	8.5%	752	
01	2,124	13.5%	2,278	7.2%	1.07	1,797	16.5%	1,908	16.9%	1,908	16.9%	1,908	16.9%	1.08	780	8.5%	837	7.5%	837	7.5%	837	7.5%	837	
02	2,348	10.5%	2,550	8.5%	1.08	1,988	10.7%	2,182	9.8%	2,182	9.8%	2,182	9.8%	1.08	823	21.4%	1,011	20.8%	1,011	20.8%	1,011	20.8%	1,011	
03	2,772	18.2%	2,943	6.1%	1.08	2,235	16.3%	2,484	11.1%	2,484	11.1%	2,484	11.1%	1.07	1,034	12.2%	1,287	24.4%	1,287	24.4%	1,287	24.4%	1,287	
04	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
05	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Average	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***

Fiscal Year	Cases Filed			Defendants Filed			Average # of Defendants Per Case Filed			Cases Pending			Defendants Pending			Average # of Defendants Per Case Pending			Cases Terminated			Defendants Terminated			Average # of Defendants Per Case Terminated		
	Filed	Percent Change	Defendants Filed	Filed	Percent Change	Defendants Filed	Filed	Percent Change	Defendants Filed	Pending	Percent Change	Defendants Pending	Pending	Percent Change	Defendants Pending	Pending	Percent Change	Defendants Pending	Terminated	Percent Change	Defendants Terminated	Terminated	Percent Change	Defendants Terminated	Terminated	Percent Change	Defendants Terminated
92	277	-14.8%	298	298	-16.1%	1.08	168	-22.0%	217	223	119	-21.1%	1.03	268	278	3.7%	287	287	1.0%	287	1.0%	287	1.0%	287	1.0%	287	
93	286	11.9%	295	366	18.0%	1.12	194	15.5%	220	25.0%	220	25.0%	1.13	241	241	-13.2%	294	294	12.4%	294	12.4%	294	12.4%	294	12.4%	294	
94	344	30.3%	366	617	68.0%	1.14	298	38.1%	427	59.3%	488	68.8%	1.17	272	272	12.8%	292	292	15.0%	292	15.0%	292	15.0%	292	15.0%	292	
95	546	57.0%	617	630	2.1%	1.08	480	7.7%	590	28.3%	635	7.4%	1.16	385	385	41.5%	415	415	42.1%	415	42.1%	415	42.1%	415	42.1%	415	
96	839	22.0%	737	891	17.0%	1.04	605	26.3%	635	19.4%	760	18.8%	1.11	539	539	40.0%	587	587	41.4%	587	41.4%	587	41.4%	587	41.4%	587	
97	711	19.3%	843	943	5.0%	1.05	605	16.3%	760	18.8%	760	18.8%	1.11	576	576	26.8%	607	607	32.4%	607	32.4%	607	32.4%	607	32.4%	607	
98	848	5.0%	981	1,098	4.0%	1.05	684	8.8%	894	10.3%	914	9.1%	1.07	771	771	5.5%	747	747	23.1%	747	23.1%	747	23.1%	747	23.1%	747	
99	1,119	19.3%	1,198	1,277	22.2%	1.07	891	16.0%	1,008	18.1%	1,008	18.1%	1.10	840	840	8.9%	867	867	4.7%	867	4.7%	867	4.7%	867	4.7%	867	
01	1,301	12.7%	1,301	1,277	-1.8%	1.03	1,176	18.7%	1,291	15.4%	1,291	15.4%	1.07	1,044	1,044	11.1%	1,092	1,092	11.8%	1,092	11.8%	1,092	11.8%	1,092	11.8%	1,092	
02	1,244	-1.3%	1,277	1,816	26.7%	1.03	1,581	22.8%	1,581	22.8%	1,581	22.8%	1.08	961	961	-8.0%	992	992	-10.1%	992	-10.1%	992	-10.1%	992	-10.1%	992	
03	1,576	26.7%	1,816	1,816	15.4%	1.03	1,581	22.8%	1,581	22.8%	1,581	22.8%	1.08	1,433	1,433	48.6%	1,461	1,461	50.8%	1,461	50.8%	1,461	50.8%	1,461	50.8%	1,461	
04	774	15.5%	814	1,035	15.4%	1.05	688	17.8%	744	16.1%	744	16.1%	1.08	683	683	15.2%	693	693	15.0%	693	15.0%	693	15.0%	693	15.0%	693	
Average	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	

Caseload data extracted from the United States Attorney's Case Management System.  
 \*This chart includes data on any and all criminal case/defendants where searched child abuse/neglect statutes were brought as any charge against the defendant. However, the statistics were run together to eliminate any double counting of cases or defendants when more than one of the statutes was brought against the same defendant. See attached list for specific statutes included in the data.  
 \*\*FY 2005 number - data through the end of September 2005. FY 2005 data does not include data for the month of September 2005.  
 \*\*\*Matter data beginning in FY 2004.  
 EOUSADVIA.ANALYSIS STAFF/CHILD\_PORN-DSP-BPG1  
 08-Dec-05  
 ALL

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United States Attorneys – Criminal Case/Case Statistics

All Districts

Child Pornography/Abuse

Statutes Included on Chart

Data is included on this chart for cases filed where the following selected child pornography/abuse statutes are any charges in the case

- 18 U.S.C. 2241 Aggravated sexual abuse.
- 18 U.S.C. 2243 Sexual abuse of a minor or ward.
- 18 U.S.C. 2251 Sexual exploitation of children.
- 18 U.S.C. 2251A Selling or buying of children.
- 18 U.S.C. 2252 Certain activities relating to material involving the sexual exploitation of minors (including all subparts).
- 18 U.S.C. 2253 Criminal forfeiture, sexual exploitation and other abuse of children.
- 18 U.S.C. 2254 Child forfeiture, sexual exploitation and other abuse of children.
- 18 U.S.C. 2255 Civil remedy for personal injuries, sexual exploitation and other abuse of children.
- 18 U.S.C. 2256 Definitions for chapter, sexual exploitation and other abuse of children.
- 18 U.S.C. 2257(b)(1) Record keeping requirements.
- 18 U.S.C. 2258 Failure to report child abuse.
- 18 U.S.C. 2259 Mandatory restitution, sexual exploitation and other abuse of children.
- 18 U.S.C. 2423 Transportation of minors (including all subparts).

The data included on this chart is for cases/defendants where these selected child pornography/abuse statutes were brought as any charge against a defendant. However, the statutes were run together to eliminate any double counting of cases/defendants when more than one of the statutes was brought against the same defendant.

Department Of Justice  
Deputy Attorney General  
Control Sheet

Date Of Document: 03/06/06  
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Control No.: 060306-5783  
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From: IRVING, JOHN S. (COUNSEL TO THE DAG)  
To: DAG

Subject:  
INFORMATION MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL EVALUATING THE  
PERFORMANCE OF USAO DISTRICT PROJECT SAFE NEIGHBORHOODS INITIATIVES IN  
FY 2005. (COURTESY COPIES TO PADAG BILL MERCER AND ADAG UTTAM DHILLON.)

Executive Reviewer; Elston, Michael

Due:

Instructions:

Action/Information:


Signature Level:

Exec. Sec. ID: NONE

File Comments:

ASG000000029

**P R O J E C T**  
**SAFE**  
**NEIGHBORHOODS**  
America's Network Against Gun Violence

The logo consists of the text 'PROJECT SAFE NEIGHBORHOODS' in a bold, sans-serif font. Below 'NEIGHBORHOODS' is the tagline 'America's Network Against Gun Violence' in a smaller font. To the right of the text is a graphic of ten stars arranged in two vertical columns of five.

USAO District Review - FY 2005

ASG000000030

March 6, 2006

**MEMORANDUM FOR THE ACTING DEPUTY ATTORNEY GENERAL**

THROUGH: Michael Elston  
Chief of Staff

FROM: John S. Irving <sup>JSI</sup>  
Counsel to the Deputy Attorney General

SUBJECT: Project Safe Neighborhoods  
Review of FY 2005 District Performance

CC: William Mercer  
Principal Associate Deputy Attorney General

Uttam Dhillon  
Associate Deputy Attorney General

**I. Executive Summary**

The purpose of this memorandum is to evaluate the performance of USAO district PSN initiatives in FY 2005 and to identify exceptional and underperforming districts. The memorandum also provides explanations for districts that might appear to be underperforming based on prosecution statistics alone, and it documents the initial district performance evaluation conducted in 2004.

As a result of the 2004 evaluation, former Deputy Attorney General James Comey contacted a number of U.S. Attorneys in districts believed to be performing below their potential. However, asking the Acting Deputy Attorney General to now do the same as a result of the current evaluation would be of questionable value in light of PSN's recent shift to an anti-gang focus and attendant new performance measurement criteria. This evaluation does provide useful information about a number of district programs – some successful, others not – that can assist in the grant award process and in future program evaluations.

The following observations are based on prosecution statistics, available crime rates, the districts' October 2005 PSN Reports to the Attorney General, comments by the districts' main DOJ points of contact, ATF case referral statistics, and other information:

The following districts have exceptional PSN initiatives:

ASG000000031

- The following districts experienced a decrease in Federal firearms prosecutions of 25% or more in FY 2005: The Southern District of California,

Some of these districts are experiencing particular difficulty implementing their PSN initiatives. Most have successfully implemented PSN and have reasonable explanations for decreased prosecution numbers.

## II. Background

### A. General

This is the second review of USAO district performance since PSN's inception in 2001. As the attached documents demonstrate, the first review in 2004 started with a review of prosecution statistics – comparative numbers of Federal firearms cases filed and defendants charged. It then considered a number of other factors, such as any available crime statistics, EOUSA “EARS” reviews, and any awards the districts received for their PSN efforts.

Federal Firearms prosecution statistics also were a starting place for the current review. I looked first to districts where prosecutions decreased by 25% or more in FY 2005 to identify districts that might be underperforming. Using prosecution statistics to review district performance has been a topic of considerable discussion. From the beginning of PSN, the “Accountability” tenant of the program was not meant to measure a district's performance by prosecution numbers alone. Performance was to be measured by “outcome,” rather than “output.” The original *Implementation Guide for PSN Partners* notes that measurement of district initiatives should be both “an assessment of outcome . . . and trend analysis” of the district's particular gun crime challenges. The guide reads as follows:

Although numerical counts of arrests and convictions are important indicators, the success of any particular strategy is not reducible to those measures alone. Accordingly, the goal of the accountability component of the initiative is not to judge the United States Attorneys' efforts based on a predetermined target number of arrests and convictions in their districts. Rather, the accountability component should serve primarily as a means for the United States Attorneys and their PSN partners to keep abreast of the changes occurring in the districts, to assist them in evaluating their efforts in light of those challenges, and to provide them and their partners with an opportunity to retool their gun plans to address the emerging issues in the districts.

While prosecution statistics alone were never meant to be the sole measure of district performance, they have evolved into a benchmark. This is in part because prosecution numbers have been increasing at such astronomical rates that they have been convenient tools to illustrate the Department's PSN efforts. Prosecution statistics also are among the few national numbers that are available and current -- unlike crime statistics that typically are at least a year old when released and focus on cities, rather than on districts.

As in the 2004 review, a number of other factors have been considered here in an effort to make a more complete and fair evaluation of the districts' PSN initiatives. To start, this review considers prosecution statistics dating back to FY 1994, not just the increases and decreases of the last year. It also considers such information as the districts' October 2005 PSN reports to the Attorney General, comments by the districts' points of contact on the main DOJ Firearms Enforcement Assistance Team, ATF referral statistics, and crime statistics where they are available.

The districts are divided below into two categories: (A) districts with exceptional PSN initiatives; and (B) districts where Federal firearms prosecutions decreased 25% or more in FY 2005. Of those with decreased prosecution numbers, some -- e.g. the Southern District of California -- have experienced particular difficulty in the implementation of their PSN initiative. Others have successful PSN programs despite decreased prosecution numbers and/or have reasonable explanations for those numbers.

#### **B. The 2004 Review**

The first review of USAO district performance was initiated by a memorandum dated March 10, 2004 (see Tab 1), from then-EOUSA Director Guy Lewis to then-Counsel to the Attorney General Kyle Sampson identifying sixteen districts that appeared to be prosecuting Federal firearms offenses below their potential. The list was based in part on FY 2003 statistics for Federal firearms cases filed and Federal firearms defendants, but EOUSA considered other factors, including national prosecution statistics, violent crime statistics, and EOUSA's "EARS" reports.

PSN Coordinator Spence Pryor then narrowed the sixteen districts to twelve:  
the Southern District of California,

a. Around the time of the June 2004 PSN conference in Kansas City, Deputy Attorney General Jim Comey met with or made calls to the U.S. Attorneys from those districts. Also present for the meetings and calls was some combination of Spence Pryor, Principal Associate Deputy Attorney General Chuck Rosenberg, and Kelly Shackelford of EOUSA.

Spence Prior documented the results of those conference calls and meetings in a memorandum (see Tab 2) to Kyle Sampson dated July 20, 2004. From information received in the DAG's conversations with the U.S. Attorneys and from additional materials submitted by at least two of the listed districts, it was determined that the following districts were engaged in PSN despite the statistics, and that additional follow-up was unnecessary: the

The following chart contains historical and current information about the twelve districts that were brought to Deputy Attorney General James Comey's attention:

District	U.S. Attorney in 2004	Current U.S. Attorney	Federal Firearms Cases Brought in FY 2002	Federal Firearms Cases Brought in FY 2003	Federal Firearms Cases Brought in FY 2004	Federal Firearms Cases Brought in FY 2005	Percent Change from FY 2004 - FY 2005	FY 2005 Ranking (out of 94)
			154	108	144	131	-9%	58
Southern District of California	Carol Lam	Same as 2004	24	17	18	12	-33%	86
			156	167	159	152	-4.4%	51
			83	96	86	96	11.6%	29
			176	193	252	223	-11.5%	62
			65	56	90	87	-3.3%	49
			15	8	2	9	350%	1

District	U.S. Attorney in 2004	Current U.S. Attorney	Federal Firearms Cases Brought in FY 2002	Federal Firearms Cases Brought in FY 2003	Federal Firearms Cases Brought in FY 2004	Federal Firearms Cases Brought in FY 2005	Percent Change from FY 2004 - FY 2005	FY 2005 Ranking (out of 94)
			16	4	20	12	-40%	90
			50	41	111	99	-10.8%	60
			127	111	120	171	42.5%	8
			30	28	33	31	-6.1%	53

\* Denotes districts that later were deemed to be engaged in PSN and not in need of follow-up.

### **III. National Trends Based on FY 2005 Prosecution Numbers**

FY 2005 prosecution statistics from EOUSA show that the districts continue to prosecute gun crimes at historic highs, but some of the figures deserve attention. I have included the list of districts sorted by percentage of increase or decrease between FY 2004 and FY 2005 (see Tab 3) and the list of district prosecution numbers dating back to 1994 (see Tab 4).

In FY 2005, the districts filed a total of 10,841 Federal firearms cases – a 2% decrease from the 11,067 cases filed in FY 2004. Forty-four of the districts (46.8%) filed more cases in FY 2005 than in FY 2004. Forty-eight (51%) of the districts filed fewer cases. Two districts prosecuted the same number of cases. There are a few statistical anomalies in the group – such as a 350% increase for prosecuting two cases in FY 2004 and nine in FY 2005, and the fact that the increase from zero to one does not register as a percentage.

Even with a 2% decrease from FY 2004 to FY 2005, the 10,841 cases filed in FY 2005 represents a 2.6% increase over those filed in FY 2003, a 27% increase over those filed in FY 2002, a 54% increase over those filed in FY 2001, and a 72.6% increase over the 6,281 cases



filed in FY 2000. It also should be noted that the number of defendants charged with Federal firearms offenses increased, albeit by less than one percent, from 12,962 in FY 2004 to 13,062 in FY 2005. Defendants charged with federal firearms offenses are still being sentenced to significant jail time. In FY 2005, over 93% of offenders received prison terms and over 68% were sentenced to three or more years in prison. By comparison, approximately 94% received prison terms and 73% were sentenced to three or more years in prison in FY 2004.

The following chart contains Federal firearms prosecution information for the sixteen districts that experienced decreases of 24.8% or more in cases filed between FY 2004 and FY 2005:

District	U.S. Attorney	Federal Firearms Cases Brought in FY 2002	Federal Firearms Cases Brought in FY 2003	Federal Firearms Cases Brought in FY 2004	Federal Firearms Cases Brought in FY 2005	Percent Change from FY 2004 - FY 2005	FY 2005 Ranking (out of 94)
		177	234	246	185	-24.8%	78
		50	82	124	93	-25.0%	79
		35	35	48	36	-25.0%	80
		107	125	153	110	-28.1%	82
		67	41	41	29	-29.3%	83
		105	167	188	129	-31.4%	84
		194	233	283	192	-32.2%	85
* Southern District of California	Carol Lam	24	17	18	12	-33.3%	86
		73	61	72	47	-34.7%	87
		42	49	101	64	-36.6%	88

District	U.S. Attorney	Federal Firearms Cases Brought in FY 2002	Federal Firearms Cases Brought in FY 2003	Federal Firearms Cases Brought in FY 2004	Federal Firearms Cases Brought in FY 2005	Percent Change from FY 2004 - FY 2005	FY 2005 Ranking (out of 94)
		190	246	271	170	-37.3%	89
		16	4	20	12	-40.0%	90
		133	129	143	83	-42.0%	91
		21	45	50	29	-42.0%	92
		35	24	61	30	-50.8%	93

\* Noted in the list of 12 underperforming districts in FY 2003, above.

#### IV. Some Common Explanations

The districts cite some common reasons for declining firearms prosecution statistics. First, the lack of state and local grant funding in FY 2005 took its toll on partnerships and task forces. Unfortunately, many of the districts' two and three year grants to local prosecutors' offices, media partners, research partners, and others were expiring at the same time. Perhaps as detrimental as discontinued funding for PSN partners was the effect that the FY 2005 budget had on morale and on the confidence of task force members that PSN would continue to be a priority for the Department.

Some districts also have complained of decreased ATF referrals of felon-in-possession cases "adopted" from state agencies, and that the ATF is instead shifting its focus to longer-term investigations. I have included ATF referral statistics for the districts listed below. They show a mixture of results -- in some cases declining and in others increasing while prosecution numbers decreased.

Some districts, such as the District of \_\_\_\_\_ are still working their way out from under the large number of cases they filed in FY 2004. A portion of those cases continued into FY 2005, and districts lacking their own appellate sections are briefing and arguing more appeals -- particularly in the wake of the Supreme Court's decisions in United States v. Booker, 543 U.S. 220 (2005), and Blakely v. Washington, 542 U.S. 296 (2004).

**V. Districts With Exceptional PSN Initiatives**

This was a difficult list to keep short, as so many districts have exceptional PSN initiatives. The following districts have maintained a consistently high level of performance, and have achieved some staggering prosecution numbers.

**A. District**

The District was one of the districts brought to the attention of Deputy Attorney General Jim Comey in 2004. After the contact between the Deputy Attorney General and U.S. Attorney the U.S. Attorney sent a memorandum to EOUSA defending the district's PSN initiative (see Tab 5). In the later memorandum by Spence Prior, it was noted that "This is not a district that has any problems with its PSN program," and it was decided that additional follow-up was unnecessary.

The District deserves some recognition for its PSN efforts, and for an impressive 42.5% increase in Federal firearms cases filed in FY 2005 over FY 2004 - making it the district with the eighth highest percentage increase. The district went from 111 cases in FY 2003 to 120 in FY 2004 to 171 in FY 2005.

is still the U.S. Attorney in the District. The district's website contains a page dedicated to PSN and an outline of how the district is implementing its PSN initiative. The district's October 2005 PSN Report to the Attorney General provides extensive details about the district's partnerships, initiatives, and best practices. The report notes particular success with its "Project Disarm" initiative in y and , where it concentrates its enforcement efforts on the ultimate goal of dismantling gangs. The report also provides details about the district's community outreach and Project Sentry efforts.

It is worth noting that the District has long received recognition for its PSN initiatives, particularly for its use of "call-in" or "notification" meetings for released offenders under court supervision. The District's program remains exceptional, despite a slight decrease in prosecution numbers, but the District is due for some recognition.

**B. District**

has long been a PSN champion. In June 2004, the District of received an award for the Most Improved Gun Violence Program at the national PSN conference in Kansas City, Missouri. U.S. Attorney also has actively supported the Department in its appropriations efforts.

The District task force has not rested on its accomplishments. The district filed 114 Federal firearms cases in FY 2005 – a 37.3% increase over the 83 cases filed in FY 2004 and the 14<sup>th</sup> highest percentage increase of the year. The district filed only 20 such cases in FY 2001. In FY 2002, that number rose to 31, and then to 92 in FY 2003. After a slight dip to 83 in FY 2004, the district hit its highest number yet in FY 2005. The 114 Federal firearms cases filed in FY 2005 are a 660% increase over the 15 filed in FY 2000.

C. District

has been the U.S. Attorney for the District since the Fall of 2001. The district has long been recognized for its PSN initiative, and it was included in a handful of districts suggested to the Attorney General's Office last Fall for a visit. With a staggering 341 Federal firearms cases filed in FY 2005, the district takes the prize for the highest number of cases filed in one year since at least FY 1994. The 341 cases filed in FY 2005 also represent a 5.6% increase over the 323 cases filed in FY 2004.

The PSN task force in the District reviews all arrests involving a firearm to determine whether offenders are eligible for Federal prosecution. Among the district's targeted offenders through FY 2004, 560 defendants had prior convictions for 2,030 felonies, including 14 murders, 131 robberies, and 275 burglaries. The district also has implemented a successful media strategy and a public outreach campaign that includes "call-in" meetings for released offenders under court supervision.

D. District

U.S. Attorney in the District is another PSN champion. In December 2005, U.S. Attorney organized a state-wide PSN conference in December 2005 attended by the Attorney General. She also actively supported the Department during the FY 2006 appropriations season. U.S. Attorney volunteered to testify at a PSN hearing before the Judiciary Committee of the U.S. House of Representatives last summer, and she enlisted additional witnesses from her task force – the District Attorney from and a reverend named who has assisted the district's outreach efforts. The committee hearing was repeatedly rescheduled, and ultimately cancelled, but U.S. Attorney was ready and willing throughout.

The District of's PSN efforts led to a reduction in violent crime involving firearms in the district's five largest cities from 2003 to 2004. Homicides in fell from 41 in 2003 to 16 in 2004. The district screens cases to determine whether offenders are eligible for Federal prosecution, and the substantial increases in Federal prosecutions have been mirrored in state courts. The district also has an active community

outreach campaign that includes "call-in" meetings for released offenders under court supervision and "Project Fresh Start," a job-skills training program that provides employment opportunities for ex-offenders.

The number of Federal firearms cases in the District c decreased from 187 in FY 2004 to 161 in FY 2005, but (a) the 161 number is a substantial increase over the years dating back to FY 1994, and (b) the number of Federal firearms defendants in the district increased more than 17% from 148 in FY 2004 to 174 in FY 2005.

The other two districts also deserve recognition for their efforts. In the U.S. Attorney saw an 8.1% decrease in Federal Firearms cases filed from FY 2004 to FY 2005, but the district still prosecuted 250 cases in FY 2005 – the sixth highest number out of all of the districts and more than double the number of cases it filed in FY 2001. The district's PSN Coordinator, received an EOUSA Director's Award for her work on PSN, a fact recognized by the Attorney General in his speech at the state-wide PSN conference in November 2005.

In the District a, U.S. Attorney saw a 12.7% increase in the number of Federal firearms cases filed – from 220 in FY 2004 to 248 in FY 2005. The district had the seventh-highest number of cases filed among all of the districts, and the FY 2005 number is more than triple the 82 cases filed in FY 2001. The District accomplished this despite a falling-out between the ATF and the Police Department.

#### E.1 District

In FY 2005, the District c maintained its FY 2004 prosecution rate of 179 Federal firearms cases – its highest since at least FY 1994 – and increased the number of defendants charged in FY 2004 by 57.1%.

U.S. Attorney has held that position since March 2002. The has implemented its PSN initiative in an ethnically and geographically diverse district that includes and. The district's sources of gun violence range from domestic violence to armed felons to gang-related crime and drug trafficking in methamphetamine, prescription drugs, and crack cocaine. The district has assigned AUSAs to multiple sites, and it has implemented an aggressive "Project Sentry" initiative to address juvenile gun crime. According to UCR data comparing the first half of 2004 to the first half of 2005, the numbers of violent crime and murder stayed essentially the same in. In , the number of violent crimes increased 4.3%, but homicides decreased 16% from 50 to 42. In , violent crime fell 11% and homicides decreased 26% from 11 from 15.

## F. Other Noteworthy Districts

Margaret Chiara has been the U.S. Attorney for the Western District of Michigan since the Fall of 2001. The number of Federal firearms cases filed by that district increased from 72 in FY 2004 to 109 in FY 2005 – a 51.4% increase. Nationally, the district had the seventh highest percentage increase in cases filed in FY 2005. With the exception of a dip in prosecution numbers in FY 2004, the district has steadily increased its firearms prosecutions, which have nearly doubled since 58 cases were filed in FY 2001.

The District of Columbia respectively filed the second, tenth, eleventh, and twelfth highest number of Federal firearms cases in FY 2005. Under U.S. Attorney [redacted], filed 285 cases in FY 2004 – its highest ever and more than triple the 89 cases filed in FY 2000. Under U.S. Attorney [redacted] until his resignation in June 2005 and then U.S. Attorney [redacted] the District filed 223 Federal firearms cases in FY 2005, a slight dip since the district filed 252 cases in FY 2004, but still a substantial volume of cases.<sup>1</sup> Under U.S. Attorney [redacted] the District filed 214 Federal firearms cases in FY 2005 – its highest since at least FY 1994. Under U.S. Attorney [redacted] the District filed 211 Federal firearms cases in FY 2005 – a 40.7% increase over the 150 cases filed by the district in FY 2004 and the ninth highest percentage increase for FY 2005. In all, the four districts prosecuted 933 cases in FY 2005 and more than 3,800 firearms cases since 2001.

## VI. Districts With Significantly Decreased Firearms Prosecutions in FY 2005

The following districts experienced a decrease in Federal firearms prosecutions of 25% or more in FY 2005. Some have experienced particular difficulty in the implementation of their PSN initiative. Others have successful PSN programs regardless of the prosecution numbers and/or have reasonable explanations for decreased numbers.

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<sup>1</sup> The District of Columbia was brought to the attention of Deputy Attorney General Jim Comey as one that might be underperforming. In the July memorandum from Spence Pryor to Kyle Sampson, it is noted that "USA is clearly engaged. At this point no follow-up is needed. Will review progress at conclusion of 2004." In any event, Chuck Rosenberg is now the U.S. Attorney.

**A. Southern District of California**

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
SDCA	Carol Lam	24	17	18	12	-33.3%	86

ATF Referrals	98	75	143	152	6.3%
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Of the listed districts, the Southern District of California stands out as the only one with the same U.S. Attorney since 2002, a substantial urban population, almost no increase in cases filed from FY 2003 to FY 2004, a 33% decline in cases filed in FY 2005 (to a total of 12), and increased ATF referrals -- despite a call from DAG Jim Comey in June 2004. The Southern District of California's cases filed are at their lowest since 1994 -- and that is the earliest year for which EOUSA provided records -- despite 152 case referrals from the ATF in FY 2005.

The Southern District of California was among those identified as underperforming in the March 2004 memo from EOUSA to Kyle Sampson. The memorandum notes that the PSN Task Force was established in October 2002, after **Carol Lam** became the U.S. Attorney. The memorandum notes, however, that "[t]he most glaring statistic for this district is the overall dearth of firearms prosecutions." In a conference call with DAG Jim Comey prior to July 20, 2004, U.S. Attorney Carol Lam acknowledged that there were problems with the district's PSN initiative, but explained that part of the problem was that the district had an enormous immigration problem and lacked adequate prosecutorial resources to focus on PSN. U.S. Attorney Lam expected the district's PSN effort to improve through a new case-screening system with local prosecutors and a new point of contact in the U.S. Attorney's Office who was to oversee the intake of all firearms cases.

In our efforts to educate Congress about the success of PSN and need for state and local grant funding in FY 2006, Assistant Attorney General for the Office of Legislative Affairs Will Moschella sent a letter to Senator Diane Feinstein describing the efforts of the three U.S. Attorney's Offices in California. The following information was provided by U.S. Attorney Carol Lam:

PSN Enforcement, Southern District of California - The Southern District of California has made a concerted effort to support the goals of the PSN program by:

The Southern District has increased firearms prosecutions of gang members and other violent offenders. For example, in August 2003, the San Diego District Attorney's Office was awarded a PSN grant to fund the San Diego Violent Crimes Task Force - Gang Group in a multi-agency operation to combat gun violence in southeast San Diego. Typical of the results of this ongoing, joint

Federal and state effort, six Federal and state search warrants were executed in August 2005 to address the violent nature of a local street gang in the targeted area. Drugs were seized and 12 weapons (including a pistol with silencer and 2 assault rifles) were taken off the streets.

PSN Regional Identification of Firearms Project - PSN funding has provided gun-tracing analysis of firearms involved in crimes such as homicides, attempted murder, drug charges and felony in possession charges. Images of bullets and cartridge casings entered into the database system has increased progress in identifying guns used in crimes and linking them to criminal suspects. The program is supported by local, state, and Federal law enforcement, and without PSN funding, the equipment and highly-trained technician may be lost.

Youth Gun Violence Reduction - PSN funding has increased awareness through education in the Youth Gun Violence Reduction area by implementing the Bureau of Alcohol, Tobacco, Firearms and Explosives' G.R.E.A.T. program in San Diego schools in high risk areas. Gun safety brochures, in English and Spanish, have been circulated at community events to youth and families in high risk areas.

The district has made some efforts, and U.S. Attorney Lam's assistance in the appropriations process is appreciated, but there ought to be more to say about the district's PSN enforcement efforts in its fourth year than citing to a 2003 grant and six search warrants.

In its October 2005 report to the Attorney General on its PSN efforts, the district acknowledges a need for technical assistance in the areas of prosecution protocols, media outreach, and law enforcement strategies. The district states that it has requested and is planning to receive that assistance from MSU. The district reports that it does engage in case screening, and it focuses those efforts on domestic violence and alien-in possession cases. The district identifies gangs, drugs, felons-in-possession and aliens-in-possession as the sources of its gun violence problem. It notes that the effectiveness of its strategies has not been assessed and that one of its obstacles has been "turnover of key personnel."

Crime statistics do show a decrease in the number of violent crimes and homicides in San Diego. According to the FBI's UCR data, violent crime in the first half of 2005 declined there 8.8 % from the same period in 2004, and the homicides declined 23% from 30 to 23. I was unable to find crime statistics for El Cajon, the primary focus area of the district's task force.



B. District

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		177	234	246	185	-24.8%	78
ATF Referrals		207	252	250	226	-9%	

was confirmed as the U.S. Attorney for the District in July 2005. He was an

Federal firearms cases in the District slipped 24.8% from 246 in FY 2004 to 185 in FY 2005, although the FY 2005 number is still substantially above those filed in other recent years. The number of firearms defendants are proportionate – slipping from 333 in 2004 to 292 in 2005, but still above the numbers for other recent years. It is noteworthy that ATF referrals also declined from 250 in 2004 to 226 in 2005, and that the district likely is not lacking in armed felons. Crime statistics are not available specifically for the district, but UCR data for the district shows decreasing violent crime and murder rates. Violent crime declined 3% in the first half of 2005 compared to the same period in 2004, and murders declined 14% -- down from 278 in 2004 to 238 in 2005.

Unfortunately, we did not receive a PSN report to the Attorney General from the District in October 2005, so I do not have additional details about the district's strengths and weaknesses. Information about the district's PSN initiative also is not available on the internet, as the district's website does not have a page devoted to its PSN efforts.

On the other hand, please be aware that the district's PSN Coordinator, has been responsive to my calls and was very helpful in providing information during the FY 2006 appropriations season. With her feedback, we were able to send the following information to Rep. during the FY 2006 appropriations season:

PSN Enforcement in the District – In the District of , the PSN task force includes the U.S. Attorney's Office, ATF, FBI, Department of Probation and Parole, District Attorney's Office, District Attorney's Office, Crimestoppers, Division of Criminal Justice Services, YMCA, Boys and Girls' Club, Overall Economic Development

Organization, Urban Institute, National Crime Prevention Council, and the U.S. Department of Housing and Urban Development. As an example of the cooperation within the task force, the U.S. Attorney's Office, [redacted], and the [redacted] and [redacted] District Attorneys' Offices review firearms-related arrests and determine whether State or Federal prosecution will be more effective in individual cases. The [redacted] and [redacted] District Attorneys' Offices have received PSN grants to support gun prosecutor positions.

The task force focuses its efforts primarily on gangs and drug trafficking. The task force also targets violent gun-related offenses, illegal possession of firearms by convicted felons and other prohibited persons, gun trafficking, and any firearm offenses in given high-crime "hot spots" in the district. Federal firearms prosecutions in the district increased by over 100% from FY 2000 to FY 2004.

The U.S. Attorney's Office in the [redacted] District [redacted] has used Federal firearms laws in its fight against violent street gangs. For example, the District prosecuted two members of rival [redacted] crack cocaine distribution organizations under Federal firearms laws. Both were later charged with additional murder and narcotics related offenses, and the investigation led to the convictions of 11 members of the conspiracy and the effective dismantling of the criminal organization. Another felon-in-possession case led to the October 2004 conviction of [redacted] and [redacted] in an interstate crack cocaine distribution ring that stretched from New York to Virginia, and then to South Carolina. [redacted] and his crew were responsible for, among other things, the stripping, beating, shooting, and murder of an associate who lost a quantity of crack cocaine he had been instructed to sell. The victim's body was stuffed into a trashcan and dumped along an interstate highway. [redacted] faces life in prison. [redacted] and [redacted] face sentences of 25 years to life.

PSN Outreach - Recognizing that arrests and prosecutions alone will not effectively combat gun violence, the [redacted] District of [redacted] has implemented a community outreach campaign to engage the community and educate citizens about the dangers of gun violence and the penalties for Federal firearms offenses. The district places public service messages on television, posters, flyers, bus shelters, and billboards to spread the message that "Gun Crime = Hard Time". Project Safe Neighborhoods grants also helped to support youth anti-gang initiatives implemented by the [redacted] YMCA and Pathways for Youth at summer youth camps.

It is important to note that [redacted] has benefitted from PSN grant funding in the past for the hiring of State and local gun crime prosecutors, prevention, media outreach, research, and strategic planning. You may be aware that PSN State and local grant funding provided to [redacted] in FY 2001 totaled \$5,725,948; in FY 2002 totaled \$4,458,008; in FY 2003 totaled \$3,396,006 and in FY 2004 totaled \$2,766,815. Without sustained funding, these programs will not be able to continue.

C. District

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		73	61	72	47	-334.7%	87
ATF Referrals		71	112	120	128	6%	

District of [redacted] Interim U.S. Attorney [redacted] has held his position since U.S. Attorney [redacted] left in August 2005.

I understand that the PSN Coordinator in the office, [redacted] is engaged and effective, but the district's firearms prosecutions have fallen significantly – to their lowest number since they prosecuted 43 cases in FY 1999. The number of firearms defendants are proportionate – 47 defendants in FY 2005 down from 75 in FY 2004 – and the lowest number since 33 in FY 1998. Crime rates for the district are difficult to determine, as the FBI's UCR does not contain data for [redacted] or [redacted].

When the district's PSN Coordinator was asked by a main DOJ PSN point of contact about the declining prosecution numbers, the PSN Coordinator provided some fairly understandable explanations. To start, he said that the ATF shifted their focus to longer-term investigations and targeting chronic dangerous offenders. As a result, local police department officers had to obtain the various records necessary to prosecute the case, and it took those officers longer than it had taken ATF agents. ATF's data, however, show an increase in firearms cases referred to the district – up to 128 in FY 2005 from 120 in FY 2004. The PSN Coordinator reported an increase in Armed Career Criminal convictions and lengthy prison sentences as a result of the concentration on chronic offenders. He also reported success in the form of a 50% decrease in murders from FY 2004 to FY 2005 in a notorious targeted area of [redacted]. The district also transferred the primary gun prosecuting AUSA to a narcotics section, and divided that AUSA's caseload among other AUSAs in the general crime section who are unable to concentrate exclusively on guns. The PSN Coordinator also has spent much of his time training police officers and coordinating community and media outreach campaigns. These resource

issues are understandable, but the district should be able to maintain a higher number of firearms prosecutions.

D. V District

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		194	233	283	192	-32.2%	85

ATF Referrals	124	203	309	294	-4.8%
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The District has been among the most involved and active districts since PSN's inception. The recent decrease in firearms prosecution numbers does not cause concern because of the district's prior performance and because even the decreased FY 2005 number of cases filed represents an enormous increase over pre-PSN numbers.

The Western District of Tennessee's decreased prosecution numbers are puzzling because the district has had a model PSN initiative. It has been cited as one of the "PSN Best Practice" districts for comprehensive case screening – a strategy where all local firearms-related arrests are reviewed to determine the most effective venue for prosecution. The district also is one of the few that has not used grant funds for personnel costs, which has insulated its program from the winds of Federal appropriations.

Interim U.S. Attorney has held that position since U.S. Attorney resigned in October 2005. The number of Federal firearms cases filed fell more than 32% from 283 in FY 2004 to 192 in FY 2005. The FY 2005 number also is lower than the 233 cases filed in FY 2003 and the 194 cases filed in FY 2002. Still, the FY 2005 number is more than triple the average of 55 cases filed per year from 1994 through 2001. Federal firearms defendant statistics are proportionate – 213 in FY 2005 down from 322 in 2004 and 263 in FY 2003.

UCR data is not available for the district's largest cities of and

The district does have some valid reasons for the decreased prosecution numbers in FY 2005. In response to an inquiry about decreasing prosecution numbers by the district's main DOJ point of contact, the following explanations were offered: The PSN Coordinator had a baby in the middle of the year, the U.S. Attorney resigned in October, the district lost an AUSA in their gun unit and was not allowed to hire a replacement, a Special AUSA left the office and the replacement SAUSA was then deployed to Iraq, and the district (which does not have a separate appellate section) has been swamped with Blakely appeals.

**E. District:**

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		35	35	48	36	-25.0%	80
ATF Referrals		23	73	81	149	84%	

The District of \_\_\_\_\_ is one districts where the decrease in firearms cases filed might be the result of a particularly high number in FY 2004. U.S. Attorney \_\_\_\_\_ has held his position since March 2003. After a spike of 48 firearms cases filed in FY 2004, the District slipped in FY 2005 to 36 cases – essentially is the recent norm in the district. The district's statistics on firearms defendants are interesting. The number of defendants increased from 80 in FY 2004 to 84 in FY 2005. FY 2002 was similar with 71 defendants, but there were significant spikes in FY 2001 (126 defendants) and in FY 2003 (142 defendants).

In its October 2005 report to the Attorney General, the district provided some statistics that do not quite match those from EOUSA, and further inquiry is needed to determine which figures are more accurate. The district stated that it had filed 32 PSN-related cases in Federal court in the preceding six months, representing a 60% increase from the preceding reporting period. The district also stated that those cases involved 82 defendants, representing an increase of 140% from the last reporting period. The district reported that from 2002 to 2005, violent crime decreased by 29.4%, and that the \_\_\_\_\_ Department of Justice has not been cooperative.

**F. District:**

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		50	82	124	93	-25.0%	79
ATF Referrals		64	130	202	165	-18%	

\_\_\_\_\_ has been the U.S. Attorney for the \_\_\_\_\_ District since October 2001. The district has been engaged in PSN, and its decrease in Federal firearms prosecutions are in large part due to the substantial increase in cases filed in FY 2004.

Cases filed in the district slipped 25% from 124 in FY 2004 to 93 in FY 2005. Still, the FY 2005 number is almost double that of FY 2002, and it far exceeds the 39 cases filed in FY 2001 or the 26 in FY 2000. Federal firearms defendant statistics are proportionate. There were

108 defendants in FY 2005 -- below the 138 in FY 2004 but higher than the 96 in FY 2003, 65 in FY 2002, and 45 in FY 2001. It also is noteworthy that the ATF referrals dropped by nearly the same percentage as the cases filed in FY 2005.

Crime statistics in the district are disconcerting, and the UCR data comparing the first six months of 2005 to the same period in 2004 are not affected by: In the violent crime rate rose 4.2% and the murder rate increased 40% from 15 in 2004 to 21 in 2005. In the violent crime rate decreased 7.9%. The murder rate there increased 25%, but that translates to four murders in 2004 and five in 2005.

In its October 2005 PSN Report to the Attorney General, the district noted a number of successes. They are in the process of forming a full-time task force in and they have been coordinating their PSN efforts with other law enforcement initiatives, such as Weed & Seed, OCDETF, and the FBI's Safe Streets initiative. The district also is engaged with its research partner, which is providing helpful information to the district. The district reports decreasing crime rates in the areas in which its PSN efforts have been focused.

**G. District**

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		103	147	186	135	-27.4%	81
ATF Referrals		124	131	152	187	23%	

U.S. Attorney has held his position since March 2002, so he has some experience with PSN. In FY 2005, the district filed 135 cases -- down 27.4% from FY 2004, despite a 23% increase in ATF referrals. The number of cases filed in the district in FY 2005 is also below the 147 cases filed in FY 2003, but it is above the 103 cases in FY 2002 and the 93 in FY 2001. The numbers of Federal firearms defendants in the district are proportionate -- 157 in FY 2005, which is down from 233 in FY 2004 and 171 in FY 2003, but above the 123 in FY 2002 and the 105 in FY 2001.

UCR statistics comparing the first six months of 2005 to the same period of 2004 show mixed results and some notable homicide rate increases. In the violent crime rate rose only 1% and murders decreased 66%, although that translates to one murder in 2005 compared to three in 2004. In violent crime increased less than one percent, but murders rose over 43% -- from 39 in 2004 to 56 in 2005. A similar trend was seen in , where there was no meaningful change in the violent crime rate, but murders rose 275% from four to 15.

The district's October 2005 PSN report to the Attorney General demonstrates that the district is engaged in PSN. It has formed partnerships in its three largest cities. The district screens local arrests for eligible Federal defendants, and it has a cross-designated local prosecutor who can prosecute firearms cases federally. The district was in the process of planning a new media campaign at the time of the report, and it has trained over 400 law enforcement officers on Federal firearms laws and PSN for each of the last three years. The district's major concern was future PSN funding – it warned that a lack of funding would bring “a slow but steady reduction in our cases and an increase in violent crime.”

When asked about the declining prosecution numbers by a main DOJ PSN contact, the district PSN Coordinator explained that the decrease was due to the following circumstances: (a) the district prosecuted so many PSN cases in FY 2004 that it had a backlog of cases in FY 2005, (b) the district has been swamped with post-Booker appeals, and (c) the primary PSN AUSA in [redacted] tried a capital murder case while still bringing 50 PSN cases. The Main DOJ PSN point of contact for the district reports that the PSN Coordinator, AUSA [redacted] has been helpful, cooperative, and supportive of PSN.

**H. District:**

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		107	125	153	110	-28.1%	82

ATF Referrals	140	211	226	266	17%
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U.S. Attorney [redacted] became the [redacted] in June 2005. Federal firearms cases slipped significantly from 125 in FY 2003 and 153 in FY 2004 to 110 in FY 2005. The number of cases filed in FY 2005 was closer to the 107 filed in FY 2002 and the 101 filed in FY 2001, but all of those years' totals far exceed the average of 45 cases per year from FY 1994 to FY 2000. The numbers of Federal firearms defendants are proportionate – down from 146 in FY 2003 and 171 in FY 2004 to 139 in FY 2005.

UCR statistics comparing the first half of 2005 to the same period in 2004 show modest decreases in the number of violent crimes in [redacted] and [redacted]. However, murders increased in both cities – by one murder in [redacted] but a 31% increase in [redacted] from 16 in 2004 to 21 in 2005.

The [redacted] District [redacted] reports that it has been working in “Exile” partnerships since 1999, and the district's cooperation with researcher [redacted] at the [redacted] Institute of Technology is one of our best examples of data-driven law enforcement efforts. The district submitted an extremely detailed PSN report noting its use of such PSN “best

practices” as screening local arrests for potential Federal cases, conducting “homicide reviews” to examine patterns in those cases, using offender “call-in” meetings to dissuade those under court supervision from engaging in gun violence, and building street-level cases into more sophisticated investigations.

**I. District**

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		67	41	41	29	-29.3%	83
ATF Referrals		71	60	57	39	-32%	

has been the U.S. Attorney for the District since December 2001. Federal firearms cases in the district fell nearly 30% from 41 in FY 2004 and FY 2003 to 29 in FY 2005. The FY 2005 number is, however, a substantial increase from the average of 13 cases each year from FY 1994 through FY 2001. The district also is a relatively small one, and the nearly 30% decrease translates to a difference of 12 cases. On the other hand, holds a sizeable chunk of the I-95 corridor, nicknamed “The Iron Pipeline.” It is noteworthy that the number of ATF firearms case referrals decreased at nearly the same rate – from 57 cases in FY 2004 to 39 in FY 2005, a 32% decrease. Trends in Federal firearms defendant numbers are consistent with the number of cases filed since FY 2001.

Recent UCR data is not available for the two largest cities in the district – and According to one press account, experienced a slight decrease in homicides in 2005, and “after a particularly bloody” 2004 with “near record shootings,” major crimes decreased by 5% in the city. The article notes that the murder rate increased in 2005 in near and , and decreased in and There apparently is some disagreement between and other city leaders about how to address violent crime. According to the article, the mayor has said that social services and outreach initiatives “will have more of an impact over the long term than any policing strategy.” After 2004, the mayor created the “HOPE Commission” to examine and coordinate social services, education, faith-based initiatives and cultural programs.

The district’s report to the Attorney General generally demonstrates engagement in PSN. It notes task forces members in and elsewhere, and the district reports that it is very satisfied with its research partner, Data Statistical Analysis Center. I am concerned about the district’s method of measuring its performance. The report states in relevant part that “[t]he PSN Program will measure effectiveness by the percentage increase in charged Federal firearms offenders compared to pre-PSN levels. . . .” As an indication of success, the report boasts, “Since the beginning of our PSN efforts in September 2001, until the end of July 2005, we have prosecuted over three times as many Federal firearms defendants as in the immediately



preceding corresponding period" – presumably referring to the years 1998-2001. Clearly, the district has decided that prosecuting felons in possession of firearms is an effective way to address gun violence, and it ought to compare its current performance to that of more recent years.

**J. District**

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		105	167	188	129	-31.4%	84
ATF Referrals		179	227	259	348	34.3%	

The District's presence in this memorandum is puzzling. The district's PSN program has been a model one, and its PSN Coordinator is involved in the district's efforts.

\_\_\_\_\_ became the U.S. Attorney for the District in December 2004. The district recently experienced a 31.4% decline in Federal firearms cases filed – falling from 188 in FY 2004 to 129 in FY 2005. At the same time, ATF referrals grew, with a 34.3% gain from 259 cases in FY 2004 to 348 cases in FY 2005. The cases filed in the district in FY 2005 also were lower than the 167 cases filed in FY 2003, so the recent decline apparently is not due to a spike in the number of cases filed in FY 2004. The number of Federal firearms defendants fell proportionately – there were 197 in FY 2005 down from 260 in FY 2004 and 268 in FY 2003.

The district's crime statistics show a generally improving trend. UCR data comparing the first half of 2005 to the same period in 2004 indicates that violent crime decreased 14% and that homicides fell 31%. In October 2005, the district reported that the effectiveness of its PSN program is demonstrated by significant decreases in crime rates: From 2003-2005, homicides were down 38%, robberies decreased by 25%, shootings decreased by 40%, shooting victims by 37% and gun crimes by 41%. The district noted that the number of firearms seized during the same period increased 38%. In its request for ATF VCIT resources, the district pointed out lower violent crime and homicide numbers, but noted that \_\_\_\_\_'s murder rate in 2004 was worse than that of all of the then-current VCIT cities aside from \_\_\_\_\_.

The District's PSN report demonstrates that it is engaged in PSN, and that is consistent with its reputation. The district's task force meets weekly and reviews local firearm arrests for possible Federal cases. The district enjoys a close relationship with the \_\_\_\_\_ District Attorney's office, which has actively pursued firearms offenses in state court. That office filed 877 state firearms cases in 2004 and a similar number in 2005. Federal prosecutors prioritize cases involving violent armed career criminals, even where the immediate case does not involve \_\_\_\_\_.

a firearm – which might make the statistics for Federal firearms cases filed an unreliable measurement of the district's PSN efforts. Examples of the district's innovative initiatives include flagging "PSN Highly Dangerous" offenders in the records of the Criminal Information Center, and the district's collaboration with the Housing Authority to abate nuisance properties and warn public housing residents about the consequences of committing firearms offenses.

The district's PSN Coordinator provided the following detailed email response to an inquiry about decreasing prosecution numbers by the district's point of contact at main DOJ:

The Firearms & Local Impact Offenses section, which prosecutes almost all the PSN cases in this district, charges defendants causing or contributing to gun violence under statutes other than 18 U.S.C. §§ 922, 924; these cases are not represented in the firearms statistics totals.

Many offenders, particularly in the PSN focus neighborhoods recognize possessing or carrying a firearm puts them at risk for Federal prosecution. Although many of these offenders continue to contribute to firearms violence, they are not armed when arrested or when a search warrant is executed. The Firearms & Local Impact Offenses section uses whatever Federal criminal statutes may be reasonably available to impact violent crime, particularly crime in the PSN focus neighborhoods. One example is a series of seven indictments against 15 defendants operating a heroin distribution ring in the PSN focus area unsealed July 28, 2005. These indictments charged few or no firearms charges, so their numbers would not appear in the 18 U.S.C. §§ 922, 924 statistics. Another example of charges not appearing in the EOUSA firearms statistics is a 15-defendant machine gun indictment returned August 14, 2005. Just those two examples alone change the percentage drop from 31.4% to 15.4%. Researching all the cases filed by the section would doubtless narrow the number even more significantly. Another example of a more complex prosecution completed during 2005 is one begun by an Assistant when she was in the Narcotics & OCDEF section and completed in May 2005, after she transferred to the Firearms & Local Impact Offenses. This case began as a 10 defendant drug trafficking conspiracy, and, on May 5, 2005, the three defendants who did not plead guilty were convicted at trial, two of them on firearms charges, as well as on drug charges. The three have been sentenced: one to life in prison, plus 15 years; one to 15 years, and the other to 9 years. The preparation and trial took an estimated 6 weeks.

Although the Firearms & Local Impact Offenses section continues, when appropriate, to adopt purely reactive local cases, the heroin indictments

mentioned above illustrate a shift to more strategic, more sophisticated investigations.

While the number of cases filed may be down from FY04 to FY05, more cases were completed in FY05 (163 to 147 in FY04), a 10.9% increase in completed cases. Since the number of cases indicted in FY04 (188) represented a 12.6% increase over FY03 (167), completing indicted cases reasonably shifts resources from initiating new ones. The shift to more complex-multi-defendant cases makes measuring defendants charged a better indicator of performance than measuring case initiations. When the number of defendants charged during this period also decreased (260 in FY04 to 197 in FY05, a 24.2% decrease), the average number of defendants per case filed increased slightly from 1.38 per case to 1.53 per case, and this reported increase does not include the defendants charged with non-firearms violations, like most of the defendants in the examples provided above.

Violent crime in the city of \_\_\_\_\_ the most violent area in the district, is down significantly, which reasonably affects the number of cases prosecuted. Although end-of-year numbers are not yet final, Part 1 firearms crime was down 12% from calendar year January 1, 2004 through December 3, 2005, and the two-year decrease for the same period from 2003 to 2005 was 25%. The homicide rate for the corresponding periods decreased 19% for one year, and 38% for two years. The Police Department just announced the lowest homicide numbers since 1964.

Personnel losses and changes in personnel likely affected the number of cases filed.

On March 25, 2005, a former AUSA in the Firearms & Local Impact Offenses section, who had recently returned from maternity leave, resigned to stay at home with her young children. This AUSA was not replaced until 6-10-05. The replacement was an AUSA from the Narcotics & OCDETF section who brought her indicted cases from her former section with her. Another AUSA in the

Firearms & Local Impact Offenses section was on maternity leave during 2005, as well.

GAND answered the call for FISA help by detailing a different AUSA from the Firearms & Local Impact Offenses section to OIPR in DC from November 15, 2004-May 12, 2005.

Finally, during FY05 one AUSA in the Firearms & Local Impact Offenses section

began to prosecute internet predators of children to fill a gap left when two AUSAs resigned. These AUSAs formerly handled almost all these cases in the district.

This lack of resources in part reflects the lack of resources generally available in the district to meet all of the Department's and local priorities. As ODAG is aware, [redacted] has fewer AUSAs to serve our district's very large and rapidly growing population than most districts. While the Department and the district have dedicated significant resources to PSN, in the long run, the overall lack of resources must produce a deleterious effect.

**K. District**

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		42	49	101	64	-36.6%	88
ATF Referrals		82	91	109	65	-40.3%	

The District's Federal firearms prosecutions fell significantly in FY 2005, but the district has supported PSN historically, and it is still prosecuting far more firearms cases than it was prior to FY 2004.

[redacted] has been the U.S. Attorney for the District since April 2002. The district filed 64 Federal firearms cases in FY 2005 – more than a 36% decrease from the 101 cases filed in FY 2004. To place the latest number in context, though, 64 cases is still a substantial increase from the average of 37 cases filed from FY 1994 through FY 2003. The number of Federal firearms defendants has been proportionate – 90 in FY 2005 down from 141 in FY 2004 but substantially above any year dating back to FY 1994.

Recent crime statistics are not available in the UCR for the larger cities in the district: [redacted] and [redacted].

The District's commitment to PSN is evident from the district's October 2005 report to the Attorney General. The district's task force includes a multitude of state and local law enforcement partners, prosecutors, and probation offices. With the help of designated prosecutors in 33 district attorneys' offices, cases are screened to identify those that are eligible for and warrant Federal prosecution. Using statistical data, the district focuses its efforts in the ten counties that experience the most significant gun crime.

The district reports a successful PSN initiative as measured by (1) firearms prosecution numbers that are "at historic highs;" (2) reduced incidents of firearms violence in the counties

actively engaged in PSN; (3) the efficient distribution of approximately \$900,000 in grant funding that has facilitated prosecutions, provided equipment overtime pay to police departments, assisted battered women's shelters, and promoted the PSN initiative through media campaigns; and (4) knowledge that the district's efforts have prevented crimes, held offenders accountable, and helped victims.

The district's own evaluation of its PSN initiative is as follows:

In those communities where PSN is active violent crime is down and anecdotal information ties these violent crime reductions to our own efforts. Indeed, by every empirical measure which we have reviewed, our Project Safe Neighborhoods initiative is highly successful. Three statistics aptly illustrate the success of this effort: First, this initiative has resulted in a significant increase in firearms presentations throughout the district, with firearms prosecutions increasing by more than 100% over the lifetime of this program. Second, these prosecutions are exacting substantial sentences, with 98% of the cases resulting in prison terms and 56% of these prosecutions yielding jail terms exceeding 5 years. Third, this initiative is fostering stronger, local, state and Federal partnerships with more than half of our district's county district attorneys actively participating in the program in some fashion. Beyond these empirical measures of success, anecdotal evidence indicates that this district's initiative is having a concrete, positive impact on the communities we serve. Prosecutors [and] police agencies report that arrested felons and drug traffickers are stating that they have refrained from firearms possessions in order to avoid Federal prosecution. Morale among local police agencies and prosecutors who are actively participating in this program is extremely high because those agencies can see the immediate benefits which they are deriving from Project Safe Neighborhoods.

**L. District**

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
J		190	246	271	170	-37.3%	89
ATF Referrals		111	134	113	127	12.4%	

The District prosecuted 170 Federal firearms cases in FY 2005 – a 37.3% decrease from the 271 cases filed in FY 2004. The FY 2005 number also is below the 246 cases in FY 2003 and the 190 cases filed in FY 2002, and it is essentially the same as the 165 cases filed in FY 2001. It is, however, substantially higher than the average

of 108 cases filed from FY 1994 through FY 2000. Federal firearms defendant numbers are proportionate – 292 in FY 2005, down from 333 in FY 2004 and 328 in FY 2003, but above the 243 in FY 2002 and the 153 in FY 2001. ATF referral numbers appear odd in the above chart because they are lower than any of the numbers for cases filed. That is because the U.S. Attorney's Office works closely with the Department, so it is not unusual for a case to be brought directly from the local police to the U.S. Attorney's Office. While the number of Federal firearms cases fell, it should be noted that the district experienced increased conviction rates in 2005 – nearly 10% in Federal court and 11% in the local Court.

According to the Police Department, there were 195 homicides in D.C. in 2005. While there is always room for improvement on homicide statistics, the 2005 number is the lowest in almost 20 years and it represents a 20% decrease in the past two years. There were 198 homicides in 2004, 246 in 2003, and 262 in 2002. The highest number was 474 in 1990, and homicides averaged over 344 per year from 1986 through 2001. The number of child homicide victims fell in the district almost 50% from 24 in 2004 to 13 in 2005.

Violent crime decreased in the District between 2001 and 2004. According to the data submitted to the FBI, non-homicide violent crimes (Rape, Robbery, and Aggravated Assaults) in the District went from 8,961 in 2001 to 8,847 in 2002 (down 1.2%), to 8,591 in 2003 (down 2.9%), to 7,138 in 2004 (down 16.9%). According to preliminary data from the Police Department, there were 7,612 non-homicide violent crimes in the District in 2005 – an increase of 6.6%. However, the police department warns that this preliminary data is preliminary and is not necessarily what will be reported to the FBI for the UCR. In addition, the categories are different – instead of the “forcible rape, robbery, and aggravated assault” categories listed in the 2004 report, the 2005 statistics list “sexual assault, robbery, and assault with a deadly weapon.”

United States Attorney became the U.S. Attorney in May 2004. Having started as a line prosecutor in the office, he has ample respect from his colleagues. As you are aware, U.S. Attorney has been involved in PSN as the former Director of EOUSA, and he has actively supported the Department through the Attorney General's Advisory Committee, the Attorney General's Anti-Gang Coordinating Committee, and elsewhere.

The U.S. Attorney's Office for the District:

The advantage of this is that there is better information-sharing at the Federal and (would-be) state level – almost all arrest-driven cases are

One reason for the decreasing number of Federal firearms cases is that the Court recently adopted sentencing guidelines. Although the guidelines are “voluntary,” most of the judges apply them. Because the district now has reasonable expectations about sentences in local court, it is able to focus Federal prosecutions on offenders with more substantial criminal histories and on those who are more likely to have information about gang members and other crimes. Also, because firearms

offenses are detainable in Court, there is a tactical incentive to bring cases there when the case does not involve drug or other offenses that might detain a defendant in Federal court. The U.S. Attorney's Office also recently restructured its Federal court sections, forming a separate section to prosecute most arrest-driven Federal crimes.

The district's Community Prosecution Section has made substantial efforts to coordinate and focus law enforcement efforts, and its AUSAs have been heavily involved in public outreach efforts -- attending neighborhood meetings and spending a portion of their time at offices in each of the District's seven police district stations. The District's October 2005 PSN report to the Attorney General describes its law enforcement coordination, media outreach, community involvement, and research-driven focus

**M. District:**

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		16	4	20	12	-40.0%	90
ATF Referrals		13	6	20	36	80%	

In 2004, the District was identified by EOUSA as a potentially underperforming district. In his July 20, 2004, memorandum to Kyle Sampson, Spence Pryor indicated that the district was focusing on its PSN initiative and seemed to be on the right track. He concluded that additional follow-up was not needed, but that the district's performance should be reassessed at the end of 2004. Spence Pryor's memorandum noted that the district's Federal firearms prosecution numbers fell in FY 2003 because the Territorial Attorney General ordered the local police to bring all gun cases to his office and not the U.S. Attorney's office in apparent retaliation for a Federal corruption probe.

As of the date of Pryor's memorandum, the local government had changed, and the district was again receiving firearms cases from the local police. The FY 2004 statistics confirm that the district was again prosecuting a substantial number of firearms cases for its size -- it filed more than four times as many cases as it did in FY 2003. It is unclear what caused the number to then fall in FY 2005 to 12 cases, particularly in light of increased ATF referrals. While the number of cases filed was a 40% drop from FY 2004, it was still triple the number of cases in FY 2003. The number of Federal firearms defendants was proportionate -- 13 in FY 2005 down from 25 in FY 2004.

Crime statistics are not available in for the in the FBI's UCR.

U.S. Attorney has held his position since June 2005. Former U.S. Attorney resigned in August 2004. When the district's main DOJ PSN point of

contact recently contacted the district to discuss the prosecution statistics, he was told that the district now has administrators, partners, and participants in PSN who are committed to developing a successful program. They anticipate marked improvement. I recommend that the new participants be given an opportunity, and that the district's efforts be monitored to for the remainder of the fiscal year.

**N. District**

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		133	129	143	83	-42.0%	91

ATF Referrals	285	219	218	171	-21.6%
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has been the U.S. Attorney for the District since the Fall of 2002. Federal Firearms cases filed by the district fell 42% from 143 in FY 2004 to 83 in FY 2005. The FY 2005 number was the lowest since FY 2000. However, the number of Federal firearms defendants increased from 229 in FY 2004 to 238 in FY 2005. With the exception of the 256 defendants in FY 2002, this was the highest number since FY 1995. It also is worth noting that the ATF referred fewer cases in FY 2005 than it did in FY 2004, although it is unclear whether the cases referred in FY 2005 involved more co-defendants.

According to the FBI's UCR data comparing crime statistics for the first half of 2005 to the same period in 2004, homicides decreased by 14 percent (from 278 in 2004 to 238 in 2005), and violent crime numbers decreased by 3%. Those numbers are imperfect, not only because of their limited time frame, but because the is contained in both the and Districts. The statistics are of some value in determining the general trend in the area.

The district's PSN report to the Attorney General in October 2005 demonstrates that the district is engaged in the initiative. It identifies a long list of partners that include the ATF, FBI, DEA, USMS, Weed and Seed, and a host of local law enforcement partners in and I. The district and its local partners screen arrests to identify appropriate Federal cases, and local prosecutors have been cross-designated to prosecute firearms cases federally. The district provides detailed numbers for the more than 3,000 firearms cases prosecuted locally by its partners in 2004 and 2005, and it provides factual details about high-profile organized crime, MS-13, and other cases that started as PSN cases. The district has determined that its two most significant sources of gun violence are gangs and drugs. It does not list "illegal possession" as one of the offenses on which its efforts are focused. Rather, the task force focuses on all firearms offenses in focused areas (usually coinciding with Weed and Seed sites),



targeted offenders rather than specific offenses, criminal organizations and gangs, and gun trafficking.

O. District of \_\_\_\_\_

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		21	45	50	29	-42.0%	92
ATF Referrals		31	37	48	31	-35.4%	

The \_\_\_\_\_ District of \_\_\_\_\_ filed 42% fewer Federal firearms cases in FY 2005 than in FY 2004; however, that percentage translates to a decrease from 50 cases in FY 2004 to 29 in FY 2005. The numbers of Federal firearms defendants in the district are proportionate – 32 in FY 2005 down from 59 in FY 2004, but above the 26 filed in FY 2002 and the 28 filed in FY 2001.

Crime statistics for the district's largest city, \_\_\_\_\_ are not reported by the FBI's UCR.

U.S. Attorney \_\_\_\_\_ has held his position since January 2002. In the district's PSN Report to the Attorney General in October 2005, it reported that its task force included the ATF, FBI, USMS, IRS, ICE, and a number of state and local law enforcement agencies. The task force screens arrests to determine the appropriate venue for prosecution, but it has not cross-designated local prosecutors to prosecute Federal cases. The district's PSN Coordinator is the anti-gang coordinator and the Project Sentry coordinator. He also is active with DEA and OCDETF and coordinates proactive cases with PSN. The district identified drugs and chronic offenders as its most significant sources of gun violence, although it listed felons in possession as another source. The district reported that it focuses on illegal possession, as well as specific offenders and criminal organizations and gangs. The district identified "increased Federal prosecution of firearms-related cases" as one of five strategies it has implemented. The report noted that the previous PSN Coordinator, \_\_\_\_\_, was detailed to EOUSA, and that the new Coordinator, \_\_\_\_\_ needed some time to transition. At the time of the report, the district was planning a conference for PSN training in 2006.

The district's main DOJ PSN point of contact discussed the FY 2005 prosecution statistics with the district's PSN Coordinator. To start, the district's PSN Coordinators have always been responsive to inquiries by the DOJ point of contact, and they have actively worked to implement PSN in the district. The PSN Coordinator explained that until recently, many of the district's PSN cases arose out of investigations involving methamphetamine labs. After an Oklahoma law regulating the distribution of precursor drugs went into effect in July 2004, many of the labs disappeared. Much of the drug supply now comes from Mexico. Also, the ATF was

assisting in drug cases in the district until DEA was able to focus its resources in the state. The PSN Coordinator notes that the ATF has now focused its attention on longer-term investigations. ATF referrals of firearms cases to the district decreased significantly in FY 2005.

P District

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		35	24	61	30	-50.8%	93
ATF Referrals		37	91	54	37	-31.5%	

U.S. Attorney District has held that post since October 2001. In FY 2005, the District experienced a 50.8% drop in Federal firearms cases filed – from 61 in FY 2004 to 30 in FY 2005. This was the most significant percentage drop by any district in FY 2005. The number of cases filed in FY 2005 sits between numbers for other years – above the 24 cases filed in FY 2003 but lower than the 35 cases filed in FY 2002 and barely lower than the 31 cases filed in FY 2001. The numbers of Federal firearms defendants are proportionate – 33 in FY 2005 down from 66 in FY 2004 and the lowest number since 30 cases were filed in FY 2000.

UCR Crime statistics are not available for the largest city in the district.

In its October 2005 PSN Report to the Attorney General, the district lists a full complement of Federal and local task force partners, including the FBI and DEA. The district focuses its PSN efforts in and . It screens local gun-related arrests to determine the best venue for prosecution. The district reports using federal firearms cases to prosecute the leaders of 's "Mafia Insane Vice Lords" gang and using PSN relationships to investigate and successfully prosecute those gang members for the subsequent murder of a key government witness. The district identified gangs and drugs as the primary sources of its gun violence, although it listed felons in possession as another source. The district has implemented a number of PSN's "Best Practices," including increased federal firearms prosecutions, gang investigations, directed police patrols, and chronic offender lists.

In its PSN Report, the district describes the successes of its PSN initiatives launched in 2002 and in in 2004:

In , where PSN was implemented in March 2002, violent gun crimes dropped 63% from 131 incidents in 2001 to 49 in 2003. There were 54 such incidents in 2004, still 59% below the 2001 level. Through the first 9 months of 2005, violent gun crime remains down in . In , where PSN began in August 2004, violent gun crimes dropped from 261 incidents in 2003 to 172 in 2004, a decrease of 34%. Violent gun crime was down significantly in for the first six months of 2005 and stabilized at the reduced level for

the 3rd quarter. . . . Violent gun crime has stabilized in at a rate approximately 60% below 1999-2002 levels. In one year, violent gun crime in has decreased from 210 to 127, a drop of 40%.

The district is understandably proud of its efforts. In October 2005, the district contacted me and sent me a CD titled "The Story" detailing the district's efforts in that target area. On February 14, 2006, I received an email from the district announcing that "The Story" was going to be discussed on a radio program. The email also provided updated crime statistics:

The gun crime in remained stable near its drastically reduced level. The big emerging news is that has reduced its violent gun crime by 54% over the last two years, going from 261 violent gun crimes in 2003 to 119 in 2005.

When the PSN Coordinator was contacted by the district's main DOJ PSN point of contact and asked about the decreased firearms prosecution numbers in FY 2005, the PSN Coordinator provided some fair explanations for the decreased prosecution numbers. He noted that the FY 2004 numbers were particularly high for the district, due in part to approximately 25 cases that were unsealed at one time in FY 2004. The PSN Coordinator explained that the district received fewer case referrals from ATF in FY 2005, which is confirmed by ATF data showing a decrease from 54 cases referred in FY 2004 to 37 in FY 2005. The PSN Coordinator reported that ATF had experienced personnel issues in the district – one agent from the small NDMS office was reassigned to the VCIT initiative, and another was reassigned to assist in after the hurricane. The ATF's office in the district was shut down for a substantial period of time due to the hurricane. The PSN Coordinator also said that the ATF RAC was being told by ATF headquarters to shift his focus from firearm possession cases to larger criminal enterprise cases.



Image Not Available

U.S. Department of Justice

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MEMORANDUM FOR: Kyle Sampson  
Counsel to the Attorney General

FROM: Guy A. Lewis  
Director, EOUSA

DATE: March 10, 2004

SUBJECT: PSN Under-Performing Districts

The following memorandum identifies sixteen districts in which PSN-driven prosecutions appear to be below their potential either because federal firearms prosecutions have declined or because other factors exist that might be limiting the effectiveness of PSN strategies. Because PSN is a cooperative effort that encourages each district to coordinate prosecution strategies with state and local prosecutors by identifying which firearms cases are more appropriately prosecuted in federal or state court based on the nature of the offense and the severity of the penalty, the number of federal prosecutions alone do not necessarily represent the district's performance or give the total picture of what is occurring in the district. Moreover, there may exist other factors unknown at this time which help explain some of the reduction in each District's prosecutive efforts.

The criteria selected for this analysis was based on several factors that are driven by the percentage change in firearms prosecutions and defendants in the past three fiscal years and additional PSN resources allocated to the district. Since factors relying solely on percentage changes over the past three years would not effectively evaluate districts which may have had a strong firearms prosecutions program before PSN was implemented and, therefore, did not show significant increases in gun crime statistics, we have also included factors that compare the number of firearms prosecutions and defendants in FY2003 per capita in the district and per criminal work years in the district.

Other information has been included in the analysis when available such as the EOUSA Evaluation and Review Staff (EARS) report on PSN for Districts that were evaluated in recent years and any awards received by the district for its PSN efforts. State and/or local violent crime statistics, if available, were included as well.

Districts are also compared to the national data in federal firearms prosecutions which have increased significantly nationwide in the past three years as follows:

ASG00000064

**National Statistics**

Federal firearms prosecution increase from FY 2000 to FY 2003	68.1%
Federal firearms defendants increase from FY 2000 to FY 2003	61.9%
Number of federal firearms prosecutions in FY 2003	10,556
Number of federal firearms defendants in FY 2003	13,037
Federal firearms prosecution increase from FY 2002 to FY 2003	23.7%
Federal firearms defendants increase from FY 2002 to FY 2003	22.6%
National average of firearms prosecutions per 100,000 population -FY 2003	3.70
National average of firearms defendants per 100,000 population -FY 2003	4.57
National average of firearms prosecutions per criminal workyears -FY 2003	2.89
National average of firearms defendants per criminal workyears - FY2003	3.57

**DISTRICT**

**United States Attorney**

<b><u>Statistical Information</u></b>	
Indictments: FY00: 88 FY01: 147 FY02: 154 FY03: 108	
Defendants: FY00: 147 FY01: 219 FY02: 213 FY03: 141	
Percent Change in Indictments - FY03 compared to FY00	22.7%
Percent Change in Defendants - FY03 compared to FY00	-4.1%
PSN Resources: Attorneys (5) Support (3)	
Indictments per criminal work years - FY03	0.64
Defendants per criminal work years - FY03	0.84
Indictments per 100,000 population - FY03	0.63
Defendants per 100,000 population - FY03	0.83
Percent Change in Indictments - FY03 compared to FY02	-29.9%
Percent Change in Defendants - FY03 compared to FY02	-33.8%

**Analysis**

- From FY 2000 to FY 2003, there has been an 22.7 % increase in firearms prosecutions.
  - From FY 2000 to FY 2003, there has been a 4.1% decrease in firearms defendants.
  - The District received five additional attorneys and three support personnel since 2001.
  - The District's firearms prosecutions per capita (0.63 per 100,000) is low when compared to the national average of firearms prosecutions of 3.70 per 100,000 population.
  - The District's indictments and defendants per criminal work years for FY 2003 are extremely low.
  - In May 2003, EOUSA's EARS conducted its evaluation of this District. The report found
- 
- It appears that reported ATF referrals for firearms prosecutions decreased from 211 in FY 2001 to 201 in FY 2002 to 142 in FY 2003 (35% decrease over two years). As set forth above, this may be a result of the "friction" between ATF and the USAO.

**SOUTHERN DISTRICT OF CALIFORNIA, United States Attorney Carol C. Lam**

<b>Statistical Information</b>	
Indictments: FY00: 16 FY01: 19 FY02: 24 FY03: 17	
Defendants: FY00: 29 FY01: 25 FY02: 30 FY03: 23	
Percent Change in Indictments - FY03 compared to FY00	6.3%
Percent Change in Defendants - FY03 compared to FY00	-20.7%
PSN Resources: Attorneys (1) Support (0)	
Indictments per criminal work years - FY03	0.20
Defendants per criminal work years - FY03	0.27
Indictments per 100,000 population - FY03	0.58
Defendants per 100,000 population - FY03	0.78
Percent Change in Indictments - FY03 compared to FY02	-29.2%
Percent Change in Defendants - FY03 compared to FY02	-23.3%

**Analysis**

- From FY 2000 to FY 2003, there has been a 6.3% increase in firearms prosecutions.
- From FY 2000 to FY 2003, there has been a 20.7% decrease in firearms defendants.
- The District's firearms prosecutions per capita (0.58 per 100,000) is low when compared to the national average of firearms prosecutions of 3.70 per 100,000 population.
- The most glaring statistic for this District is the overall dearth of firearms prosecutions: only 17 firearms indictments were returned in FY 2003, which represents a 29% reduction from the 24 indictments returned in FY 2003.
- In addition, only 23 defendants were charged with firearms offenses in FY 2003.
- This represents a 23% decrease in the number of defendants charged from FY 2002 to FY 2003.
- The District's indictments and defendants per criminal work years for FY 2003 is the lowest in the nation.
- The EARS evaluation, conducted in February 2002, reflects that the implementation of the PSN initiative was delayed due to the absence of a presidentially-appointed USA. However, in the follow-up EARS review, it was noted that upon the arrival of USA Lam, the PSN Task Force for the District was formally established and implemented as of October 2002.



**DISTRICT:**

**United States Attorney**

<b>Statistical Information</b>	
Indictments: FY00: 120 FY01: 162 FY02: 156 FY03: 167	
Defendants: FY00: 174 FY01: 231 FY02: 228 FY03: 228	
Percent Change in Indictments - FY03 compared to FY00	39.2%
Percent Change in Defendants - FY03 compared to FY00	31.0%
PSN Resources: Attorneys (4) Support (1)	
Indictments per criminal work years - FY03	1.06
Defendants per criminal work years - FY03	1.44
Indictments per 100,000 population - FY03	2.81
Defendants per 100,000 population - FY03	3.84
Percent Change in Indictments - FY03 compared to FY02	7.1%
Percent Change in Defendants - FY03 compared to FY02	0.0%

**Analysis**

- From FY 2000 to FY 2003, there has been a 39.2% increase in firearms prosecutions and a 31.0% increase in firearms defendants.
- The chart reflects an essentially flat growth rate for indictments and defendants in FY03 when compared to FY02, despite four additional AUSAs and one additional support position allocated to the District for dedicated firearms and Project Sentry prosecutions since August 2001.
- It should be noted that the District's overall prosecutions are down 3% from FY 2002 to FY 2003, which places it in the bottom quartile among all USAOs in terms of caseload productivity over this time period.
- A highly publicized dispute over public corruption matters between the USAO and the Police Department has led to a breakdown in the working relationship between these two agencies. In fact, the USAO has acknowledged "the strained relationship" and existing "tension" with County's largest local police force. It is not known whether this breakdown has had a deleterious, spillover effect on firearms investigations and prosecutions, involving the Police Department.
- The District is also having difficulties with its PSN media partner, and has been unable to get the media partner to work cooperatively in advancing the media campaign throughout the District.
- It appears that ATF referrals for firearms prosecutions increased from 189 in FY 2001 to 259 in FY 2003, a 34% increase over the past two years.

**DISTRICT**

<b>Statistical Information</b>	
Indictments: FY00: 10 FY01: 8 FY02: 21 FY03: 10	
Defendants: FY00: 10 FY01: 9 FY02: 26 FY03: 10	
Percent Change in Indictments - FY03 compared to FY00	0.0%
Percent Change in Defendants - FY03 compared to FY00	0.0%
PSN Resources: Attorneys (1) Support (0)	
Indictments per criminal work years - FY03	1.32
Defendants per criminal work years - FY03	1.32
Indictments per 100,000 population - FY03	4.46
Defendants per 100,000 population - FY03	4.46
Percent Change in Indictments - FY03 compared to FY02	-52.4%
Percent Change in Defendants - FY03 compared to FY02	-61.5%

**Analysis**

- From FY 2000 to FY 2003, there has been a 0% increase in firearms prosecutions.
  - From FY 2000 to FY 2003, there has been a 0% increase in firearms defendants.
  - The District did experience a substantial increase in firearms prosecutions and defendants in FY 2002, although the District's firearms prosecutions and defendants substantially decreased from FY 2002 to FY 2003.
  - On a positive note, the District's firearms prosecutions per capita (4.46 per 100,000) is above the national average of 3.70 firearms prosecutions per 100,000 population.
  - In addition, EOUSA's EARS conducted its evaluation of this District in December 2003
- 
- No violent crime rate for this District was available.

**DISTRICT United States Attorney:**

<b>Statistical Information</b>	
Indictments: FY00: 117 FY01: 116 FY02: 127 FY03: 111	
Defendants: FY00: 139 FY01: 133 FY02: 145 FY03: 143	
Percent Change in Indictments - FY03 compared to FY00	-5.1%
Percent Change in Defendants - FY03 compared to FY00	2.9%
PSN Resources: Attorneys (3) Support (1)	
Indictments per criminal work years - FY03	4.52
Defendants per criminal work years - FY03	5.82
Indictments per 100,000 population - FY03	4.51
Defendants per 100,000 population - FY03	5.81
Percent Change in Indictments - FY03 compared to FY02	-12.6%
Percent Change in Defendants - FY03 compared to FY02	-1.4%

**Analysis**

- From FY 2000 to FY 2003, there has been a 5.1% decrease in firearms prosecutions.
- From FY 2000 to FY 2003, there has been a 2.9% increase in firearms defendants.
- Since August 2001, the District has received three dedicated firearms prosecutors and one dedicated support position.
- It should be noted that the District's firearms prosecutions are 4.51 per 100,000 population which exceeds the national average of 3.70 per 100,000 population.
- In August 2002, the EARS evaluation had two significant negative findings:
  - On the positive side, the District has spearheaded the creation of an innovative central database containing gun-related crime information for use by over 30 federal, state and local law enforcement agencies in order to better facilitate information and resource sharing throughout the District.
  - Despite the allocation of three dedicated prosecutors, the continued decrease in prosecutive output indicates that the PSN initiative needs greater effort and a re-dedicated commitment.