



Gun violence in America is a serious social and public health problem. The Bureau of Justice Statistics (BJS) indicates that between 1993 and 1997 nearly 80,000 homicides and more than 250,000 nonfatal injuries resulted from a crime with a firearm (Zawitz and Strom, 2000). Victims of these violent acts have included bystanders, family members, law enforcement personnel, and probation and parole professionals, as well as the offenders, themselves. Responding to the problem of gun violence, Project Safe Neighborhoods was initiated by President Bush in 2001.

Effective Supervision and GUN VIOLENCE REDUCTIONS

by Nicholas Muller and Karen Dunlap

THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT (1994) PLACED NEW RESTRICTIONS ON TYPES OF INDIVIDUALS PROHIBITED FROM POSSESSING FIREARMS (I.E. FELONY CONVICTIONS, OUTSTANDING WARRANTS, DOMESTIC VIOLENCE OFFENDERS, ETC.) AND INCREASED PENALTIES FOR USING A FIREARM IN THE COMMISSION OF A CRIME.

PROJECT SAFE NEIGHBORHOODS (PSN) IS PRESIDENT BUSH'S INITIATIVE TO REDUCE GUN VIOLENCE. IT HAS GENERATED A MASSIVE INCREASE IN PROSECUTION FOR FIREARMS RELATED OFFENSES, AS A RESULT OF PROVIDING SUPPORT AT THE FEDERAL, STATE AND LOCAL LEVELS FOR LAW ENFORCEMENT AND PROSECUTORIAL INITIATIVES. FROM THE OUTSET, IT HAS FEATURED A COLLABORATIVE EFFORT TO REDUCE GUN CRIME, MARSHALLING THE FORCES OF LAW ENFORCEMENT, LOCAL LEADERS AND INTERESTED PARTIES, EDUCATIONAL AND RESEARCH EXPERTISE, FAITH-BASED PROGRAMS, AND OTHER CRIMINAL JUSTICE AND COMMUNITY PARTNERS. MANY READERS WILL HAVE SEEN BILLBOARDS AND BUMPER STICKERS AS PART OF THE PREVENTIVE FOCUS OF PROJECT SAFE NEIGHBORHOODS THAT WARN THAT CRIMES INVOLVING FIREARMS CAN RESULT IN SERIOUS PENALTIES, NOT THE LEAST OF WHICH IS FEDERAL PROSECUTION.

AMONG THE EARLY SUCCESSSES WERE BOSTON'S OPERATION CEASEFIRE AND RICHMOND, VA'S PROJECT EXILE, WHICH UTILIZED POLICE/PROBATION/COMMUNITY PARTNERSHIPS TO MOUNT FOCUSED, PROACTIVE STRATEGIES TO ADDRESS INDIVIDUALS WHO WERE CONSIDERED A HIGH RISK TO ILLEGALLY POSSESS AND USE FIREARMS.

THE BOSTON CEASEFIRE PROJECT FOUND THAT OF 125 OFFENDERS INVOLVED IN THE 155 HOMICIDES IN THE CITY, 80 PERCENT WERE ON PROBATION OR PAROLE AT THE TIME OF THE OFFENSE AND 56 PERCENT OF THE VICTIMS OF THE HOMICIDES WERE ALSO PROBATIONERS OR PAROLEES. MANY VICTIMS AND PERPETRATORS WERE ALSO YOUNG AND GANG INVOLVED. PROBATION AND PAROLE OFFICERS WERE KEY PLAYERS IN THIS ENDEAVOR AND THE EFFORTS WERE HUGEY SUCCESSFUL.

IN HER BOOK "WHEN PRISONERS COME HOME," JOAN PETERSILLA NOTES THAT CURRENTLY MORE THAN 4 MILLION ADULTS ARE UNDER COMMUNITY SUPERVISION AND MORE THAN 90 PERCENT OF THE 1.4 MILLION INCARCERATED ADULTS WILL BE RELEASED. NEARLY 600,000 ADULTS ARE RELEASED FROM INCARCERATION TO RETURN TO THEIR COMMUNITIES EACH YEAR. PROBATION AND PAROLE OFFICERS ARE TASKED WITH THE DUTY TO PROTECT THE PUBLIC BY MONITORING AND INTERVENING WITH THESE OFFENDERS.

IN A BJS SURVEY OF INMATES IN FEDERAL CORRECTIONAL FACILITIES, 1997, THE DATA SUGGESTS THAT THE MAJORITY OF FEDERAL INMATES WHO REPORTED POSSESSING A FIREARM (83 PERCENT) MAY HAVE BEEN PROHIBITED FROM LAWFULLY POSSESSING A FIREARM STATUTORILY FOR ONE OF THE FOLLOWING REASONS: HALF OF THE INMATES INDICATED THAT THEY HAD A PRIOR SENTENCE TO INCARCERATION; A THIRD WERE ON PROBATION OR PAROLE AT THE TIME OF THEIR CURRENT OFFENSE; ABOUT HALF INDICATED ILLEGAL DRUG USE WITHIN A MONTH OF THE CURRENT OFFENSE. THIS IS NOT SURPRISING TO PROBATION AND PAROLE OFFICERS REGULARLY DEALING WITH REPEAT VIOLENT OFFENDERS.

IN JUNE 2004 THE AMERICAN PROBATION AND PAROLE ASSOCIATION WAS AWARDED A GRANT TO CREATE A REPOSITORY OF INFORMATION ON PROACTIVE

probation and parole supervision activities relative to reducing gun violence. Further, the project was to develop and offer training and technical assistance to probation and parole agencies toward their efforts which may include referral of dangerous offenders found in possession of firearms to United States Attorneys for federal prosecution. A goal of the project is to enable probation and parole professionals to join with the existing Project Safe Neighborhoods partners in preventing and combating gun crime.

Probation and parole agencies have the ability to make a significant impact in the reduction of gun crime in many ways. They include providing intelligence to criminal justice partnerships, using proactive searches to monitor offenders for gun possession, and identifying potential high risk gun offenders before they victimize someone or become victims themselves.

In the earliest stages of almost any period of supervision, a probation or parole officer meets with the offender to discuss behaviors and acts that are governed by the releasing authority (e.g., the court, the parole board). It is only fair that the offender and those close to the offender be issued warnings as to the consequences of firearms possession during supervision and afterwards. Ideally, the offender will heed the restrictions and refrain from any future illegal possession of guns. If, on the other hand, the offender violates the federal and/or state prohibitions regarding firearms possession, it will have been done knowingly, and serious consequences should be no surprise. Some jurisdictions have strong practices in this regard. The Philadelphia, PA County Adult Probation Department has made the prohibition of guns its first condition on the list that governs the acts of all persons on supervision. Also, they provide a form that outlines how offenders can legally divest themselves of firearms that they may have possessed at the time of beginning supervision.

In the fall of 2004, the APPA PSN project asked for input from the field about proactive supervision, especially search procedures aimed at the discovery and seizure of firearms in the hands of prohibited offenders. It was generally reported that only about half of the responding agencies are actively involved in such supervision practices. When asked what would be required to initiate this practice, there were three issues in the forefront. Administrators wanted to be assured that if officers were to be tasked with the type of proactive supervision that would address illegal gun possession, officers should be well trained in proper search technique; they should be given training in safety so they would return home at the end of the day; and that they should be endowed with sufficient knowledge to do it legally.

The APPA PSN initiative has established a web site to enable interested probation and parole officers and agencies to learn about this sort of proactive supervision, including examples of effective programs already in operation. Additionally, the field has been informed how to establish contact with local U.S. Attorneys' Offices to begin discussion about joining in the PSN efforts. APPA >>>

Every jurisdiction should develop and implement strategies and policies designed to enable their staff to work safely and effectively in this dangerous environment.

Strategies:

1. Educate staff about local, state and federal laws concerning firearm prohibitions for probationers and parolees.
2. Incorporate notice about the laws and consequences into forms, brochures, posters and other written materials. Conditions of supervision should be modified to reflect those laws and prohibit possession of firearms.
3. Train staff to inquire at every stage of an offender's involvement in the criminal justice process about possession of firearms. This includes pretrial release, pre-sentence interviews, prerelease, and sentencing. Give the judges, releasing authorities and officers as much information as possible so they can fashion the appropriate conditions of release and supervision, and to enable safe supervision.
4. Incorporate information about firearms possession into pre-sentence reports, sentencing memoranda, and prerelease plans, as well as contact with family members and victims of domestic violence. Encourage judges and releasing authorities to admonish offenders about the consequences of possessing firearms.
5. Collaborate with local law enforcement agencies (police, sheriff) to accommodate surrender of firearms.
6. Train staff about safe handling of firearms, even if they are not armed.
7. Train staff extensively in field safety, based on the policies of the agency (armed or not, sworn officers, arrest powers, etc.).
8. Search and seizure policies must be developed and staff fully trained. Any officer on a home visit can encounter contraband in plain view and should know what to do. Agencies with more aggressive planned search policies will obviously need increased training that would include securing evidence that may lead to new charges.
9. Establish partnerships with law enforcement, other justice and human service agencies and the community.
10. Supervision records should clearly indicate any firearms involvement of the offender. In the event that another officer has to cover a case due to the absence of the assigned officer, it should be abundantly clear that this is a case with firearms history or involvement.

has developed training that is tailored to the unique needs of probation and parole and delivered by trainers with hands-on experience. Given the various levels of proactive supervision in existence already, the training is adapted to specific localities, whether a jurisdiction or agency is interested in beginning a program or just needs help with one or more aspects of an already successful one.

APPA's association with Project Safe Neighborhoods comes at a time that coincides with a renewed interest and revitalization of probation and parole officers' work with offenders. Similar to practices in policing that had evolved over time the venue of our work has changed. In recent years the emphasis on police work has taken officers out of cars and into the street. Police officers can be seen on foot, on bicycles, and even on scooters; they are where the people are. The shift in probation and parole work is not movement from a car, but movement out of an office.

The predicate to this effort is at once simple and straightforward, and enormously complex and challenging. It is this: Probation and parole supervision must be done in the community - where the offenders live, work and go to school, and it must be done when the offenders are likely to be around. This means officers will be out of their fortress offices and in the neighborhoods during non-traditional working hours.

The roots of this predicate are most recently seen in the work of the Reinventing Probation Council, known as Broken Windows Probation. That work is based on the results of many research projects and operational programs that have shown the value of community-based supervision. Officers are expected to monitor, intervene, assist and enforce – all activities which can only be done effectively in close proximity to the offenders and their activities.

But this type of strategy will inevitably put officers in dangerous places at high risk times. Probationers and parolees, as well as other current and former offenders live and work there, and drugs, guns and violence are a fact of life. If probation and parole is to carry out its mission, agencies have to prepare, train and equip officers to work in this dangerous environment. They can't back away from community based supervision, and they must do it safely and effectively.

APPA's work with Project Safe Neighborhoods is an effective way to address departments' demands for safe, informed and legal approaches to proactive supervision. The grant has given APPA the means to reach out to departments and help them provide the kind of supervision that will help prevent re-offending as well as to control the behavior of offenders.

Conclusion

By federal and/or state law, felons, unlawful drug users and fugitives from justice as well as many domestic violence offenders are prohibited from gun possession. In the exercise of proactive probation and parole supervision, it is likely that officers will supervise probationers and/or parolees who are armed or have access to guns. Through the American Probation and Parole Association's Project Safe Neighborhoods project, training and technical assistance is available to probation and parole professionals to assist in keeping officers safe. Training and technical assistance may include areas such as preventive measures, search, seizure, officer safety and legal issues related to prohibited offenders with firearms.

If you would like to join in the national effort to get guns out of the hands of prohibited offenders contact the American Probation and Parole Association for more information. We encourage you to visit our website at www.appa-net.org/PSN/default.html to learn more about Project Safe Neighborhoods and what probation and parole officers in America are doing to help in the national effort to reduce gun crime.

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Note

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OPERATION FALCON



Operation FALCON is a nationwide fugitive apprehension operation coordinated by the United States Marshals Service (USMS). The resources of federal, state, city and county law enforcement agencies are combined to locate and apprehend criminals wanted for crimes of violence.

Operation FALCON was conducted April 4, 2005 through April 10, 2005 across the United States and its Territories.

The emphasis centered on gang related crimes, homicides, crimes involving use of a weapon, crimes against children and the elderly, crimes involving sexual assaults, organized crime and drug related fugitives, and other crimes of violence.