PART 7

DETECTIVE PERSPECTIVES ON CRIME GUN INTELLIGENCE

PART 7: TAKE A REGIONAL APPROACH

In the “thugs-and-guns” world, a vicious cycle exists, as one murder becomes the motivating force for the next. This results in more crimes involving the use of firearms, thereby generating more evidence and information for the criminal justice system to process. Delays in processing that evidence and in generating the leads that power investigations, allows criminals more time to commit more crimes.

Investigators, forensic experts, and prosecutors try to keep pace. Further complicating the matter, is the fact that the crime gun intelligence (CGI) protocols followed in one jurisdiction may not be followed in other nearby jurisdictions. A gun seized by police in one city, may well be the missing piece of evidence in a murder case being investigated by police in a neighboring city. Where criminals are crisscrossing city, county and state boundaries the scope of the CGI approach must expand accordingly.

A Regional Crime Gun Protocol (RCGP) based on the presumption that every crime gun and piece of fired evidence holds a story, can provide an effective and sustainable solution ensuring valuable CGI makes it back to those who need it - even if found many miles away.

AS CRIMINALS MOVE - EVIDENCE SCATTERS - SOMETIMES NEARBY

Evidence found at the scene of the Tate-LaBianca murders in 1969, helped detectives clearly identify the make and model of one of the weapons that the cult followers of Charles Manson used. Police issued a lookout for the weapon across the North American continent, only to finally learn several months later that the gun had been found in a vacant lot and turned into police a few days after the crime. It had been sitting in the LAPD's property room all along.

The point of this vignette is not to highlight an oversight of the LAPD, for it is among the most innovative law enforcement agencies in the world today, and one of the most successful at developing CGI. The point is to highlight the fact that even today, murder weapons may well be laying undetected in police department property rooms.

Furthermore, the challenge of tracking the gun and its associated evidence in murder and assault cases has become even more difficult as armed criminals frequently travel across widely separated police jurisdictions in the course of committing their crimes.

AS CRIMINALS MOVE - EVIDENCE SCATTERS - SOMETIMES FAR

A RCGP can help avoid situations in which police officers from one police agency continue to search for a murder weapon on the streets of their city while the gun sits unnoticed on the property room shelf of a another police agency located miles away.

This was the situation that Alabama law enforcers faced for six years in the Love Murder Case.

In March 1996, the Jefferson County Sheriff's Office investigated a home invasion robbery resulting in the murder of Hazel Love, a 68-year-old Georgia woman visiting friends in McCalla, Alabama. Investigators recovered several discharged cartridge cases at the scene and, later, bullets at the autopsy. The evidence was submitted to the Alabama Department of Forensic Sciences lab (ADFS) in Birmingham and entered into ATF's NIBN database. Six years would go by before test fires from a firearm seized from two felons several years before in a city twenty miles from McCalla, would be entered into NIBIN and linked to the Love Murder. In February 2003, the Jefferson County Sheriff's Office arrested the two felons who had possessed the firearm, for the murder of Hazel Love as well as for other serious crimes across the county.

AS CRIMINALS MOVE - EVIDENCE SCATTERS – SOMETIMES VERY FAR

On June 25, 2014, while stopped at a traffic light in northern New Jersey, 19-year-old Brendan Tevlin was shot multiple times. At that time, Ali Muhammad Brown was a wanted man. Authorities on the west coast in Seattle, Washington, had identified him as a suspect in the murder of two men in what they described as a hate crime committed the previous month. Police following up on a robbery in southern New Jersey believed that Brown had made his way across the country and was hiding in New Jersey. Cartridge case evidence collected at the scene of the Tevlin shooting was imaged and searched through the NIBIN network. Results indicated the gun that killed Brendan Tevlin in New Jersey had also been used to murder the two men in Seattle. Police found Brown living in the woods not far from the Tevlin shooting. He was still in possession of the murder weapon which would ultimately be linked to a fourth murder back in Washington State. Brown was charged with felony murder, carjacking and robbery in connection with the Tevlin murder and would later plead guilty. Prosecutors described Brown's actions as terrorism saying that: **"The defendant was on a bloody crusade, executing four innocent men … with the same murder weapon, over the course of approximately two months, and all under the common and single scheme of exacting 'vengeance' against the United States government for its foreign policies".**

In October of 2012, the International Association of Chiefs of Police (IACP), adopted a Resolution entitled: *Regional Crime Gun Processing Protocols, number FC.028.a12.31* . The resolution views regionally applied crime gun and evidence processing protocols as a best practice for the investigation of firearm-related crimes. *It encourages law enforcement officials, prosecuting attorneys and forensic experts to collaborate on the design of mutually agreeable protocols best suited for their region and it specifically identifies NCIC, eTrace, NIBIN, DNA, Latent Fingerprints and Trace Evidence as areas to be addressed.*

Michael Brandao aka 'G Fredo' appears in a video cited by federal investigators in charges against members of NOB, an alleged gang with operations in Boston. Brandao is charged with RICO conspiracy and drug violations. (Video screengrab image)

PERSPECTIVES ON SUSTAINABLE CRIME GUN INTELLIGENCE

7

Section 8.1.2 of the 2020 Report of The President's Commission on Law Enforcement and the Administration of Justice lends additional support to a regional approach stating in part that: **"Local law enforcement should coordinate joint strategies with other state and federal law enforcement agencies to combat gang violence, to include forming and participating in regionalized gang task forces."**

STATES NOW FORMING REGIONAL CGI ALLIANCES

In 2022, a new Interstate Task Force on Illegal Guns was formed to take a data-driven approach to reducing gun violence by investing in tools that will help stop the flow of illegal firearms and enable multiple states to efficiently share tracing data. The task force is made up of law enforcement representatives from eight neighboring states – Rhode Island, Connecticut, Vermont, Ohio, Massachusetts, Pennsylvania, New Jersey, and New Hampshire – besides New York's city and state police departments and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

https://www.route-fifty.com/digital-government/2022/02/ny-spearheads-regional-data-driven-approach-tracing-illegal-guns/361508/

HOW HIGH IS THE PROBABILITY THAT CRUCIAL EVIDENCE IN YOUR CASE CAN BE FOUND IN ANOTHER JURISDICTION? THERE ARE SEVERAL HIGH RISK FACTORS TO CONSIDER: **1)** Is your case in close proximity to the boundary of another jurisdiction (e.g. city, county, state, national)? **2)** Does the crime involved have a nexus to a criminal market that is inherently trans-jurisdictional by nature (e.g. trafficking in illegal commodities)? **3)** Are the people involved associated with an organized criminal group that is trans-jurisdictional in operation (e.g. various types of gangs, cartels, etc.)? **4)** Are any of the victims, suspects or associates in your case located in different jurisdictions?

According to research conducted by ATF for the period 2017-2021, 69 percent (121,402) of NIBIN leads were classified as intra-agency and 31% (54,259) were classified as inter-agency. Three percent (6,138) were classified as inter-state. https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-vi-nibin-ballistic-evidence/download

DETECTIVE PERSPECTIVES

CGIT

NEXT UP ON DETECTIVE PERSPECTIVES:
Part Eight of Twelve: The Matter of Timeliness

SOURCES:

1. P. GAGLIARDI, THE 13 CRITICAL TASKS: AN INSIDE-OUT APPROACH TO SOLVING MORE GUN CRIME, 3RD ED. (COTE ST-LUC, QC: ULTRA FORENSIC TECHNOLOGY INC., 2019)
2. MINIMUM REQUIRED OPERATING STANDARDS AUDIT FOR NIBIN NETWORK SITES. HTTPS://WWW.ATF.GOV/FILE/133581/DOWNLOAD
3. R. GUIDETTI,, G. NOBLE, P. GAGLIARDI. SEPTEMBER 2016. CHALLENGING THE STATUS QUO: HOW NJSP DEVELOPED ITS CRIME GUN INTELLIGENCE PROGRAM, THE POLICE CHIEF. 83, NO. 9. HTTPS://WWW.POLICECHIEFMAGAZINE.ORG/CHALLENGING-THESTATUS- QUO-HOW-NJSP-DEVELOPED-ITS-CRIME-GUN-INTELLIGENCE-PROGRAM
4. EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, REPORT OF THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE (WASHINGTON, DC: EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, 2020). SECTIONS 8.1, 12.3)
5. IACP RESOLUTION, REGIONAL CRIME GUN PROCESSING PROTOCOLS, NO. FC.028.A12. ACCESSED ON JANUARY 24, 2019 AT HTTPS://WWW.THEIACP.ORG/RESOURCES/RESOLUTION/REGIONAL-CRIME-GUN-PROCESSING-PROTOCOLS

CGIT