

## ***Project Exile (Abstract)***

Richmond, Virginia, a city of 200,000 residents, recorded 160 murders in 1994, placing it near the top nationwide in homicides per capita. All categories of violent crime were on the rise and Richmond police officers seldom encountered narcotics violators who were not armed. Guns and drugs went hand in hand in many of our neighborhoods. Our scanning phase revealed that Richmond had become known as an area with a very high "carry rate" of guns by the criminal element, a problem recognized by the U.S. Attorney.

In 1996, Helen F. Fahey, United States Attorney for the Eastern District of Virginia, joined with Colonel Jerry A. Oliver, Chief of the Richmond Police Department, to develop a new approach to the problem. The program, now known nationwide as *Project Exile*, adopted the primary goal of reducing the "carry rate" of firearms in Richmond. To accomplish this goal, Richmond police officers began submitting cases involving any violation of federal firearm statutes to federal prosecutors for "adoption." The partnership was expanded to include the Bureau of Alcohol, Tobacco and Firearms (ATF) and Richmond's Commonwealth's Attorney David Hicks. The ATF became the sponsoring federal law enforcement agency, and currently heads up the *ATF/Project Exile* Task Force. The Commonwealth's Attorney assigned one prosecutor to the task force to ensure the smooth transfer of cases from the state system to the federal, and to

be cross designated to prosecute *Project Exile* cases in federal court. Today, the task force also includes a prosecutor from the state Attorney General's office, an FBI agent, the Virginia State Police and three detectives from the Richmond Police Department.

The *Project Exile* team also includes corporate and private sector partners who direct and fund our extensive media campaign. Getting the word out to law-abiding citizens, as well as to those who would consider carrying guns illegally, is a key element in reducing the "carry rate." We want everyone to recognize and understand our message that "an illegal gun gets you 5 years in federal prison." Of 438 *Project Exile* indictments (February 1997, through March 1999), 228 armed criminals have already been sentenced to an average "exile" of 4.4 years in federal prison.

## SCANNING

*Project Exile* was designed in November of 1996 by the Richmond Police Department, the United States Attorney for the Eastern District of Virginia, the Richmond Commonwealth's Attorney and the Bureau of Alcohol, Tobacco and Firearms (ATF) to address the prolific use of guns by criminals involved in drug distribution and related violent crime in Richmond, Virginia. In 1994, Richmond's murder rate placed this capital city of 200,000 in the top five per capita nationwide with 160 homicides. Incidents of violent crime reached 3,594 during this same year.

Carrying a gun became the norm in certain sections of Richmond. Police seldom seized narcotics without also seizing firearms. Citizens would seldom call the police when firearm violations were observed. When citizens did call and the police made an arrest, armed criminals were released on bond and rarely received significant jail time for firearm violations. Hearing of another robbery, another shooting, or another homicide in Richmond became commonplace. *Project Exile* was crafted to aggressively target and prosecute those criminals who would use firearms to threaten our neighborhoods and to "exile" them from the community for an extended stay in federal prison.

## ANALYSIS

The primary contributing factor to the rise in violent crime was identified by the creators of *Project Exile* as the gun "carry rate" among the criminal element in

Richmond, Virginia. The increasing prevalence of firearms, and the willingness to use them, coincided with the influx of "crack" cocaine and the violent, competitive, behaviors associated with it. Drug dealers and users began carrying guns because "everybody had one." This led to an increase in the use of guns in the commission of crimes, to include murder, aggravated assault and robbery. The obvious source of the problem, and the target of our response, is criminals carrying guns.

Before *Project Exile*, Richmond police officers had to rely on state statutes that do not afford the stiffer sentences and "no bond" policies available in the federal system. Police and citizens routinely observed the return to our communities of dangerous criminals arrested with guns. This exacerbated the problem police have faced in getting citizens who witness crimes or have vital information to come forward. The perception of crime also effects the business community and economic development.

## RESPONSE

*Project Exile* emerged as the most effective response to our goal of reducing the gun "carry rate" among criminals. Project Exile is a coordinated project with two primary parts. Without both parts, the substantial success achieved so far would not have been realized. The first part of the response plan is to transfer state and local cases in which federal firearm laws have been violated to the federal system for prosecution. Federal laws and procedures offer three distinct advantages over state statutes. They are: "no bail" pending trial in most cases, stiffer mandated sentencing, and a high likelihood that

those convicted will serve a number of years in federal prison, "exiled" far from home and associates. The second indispensable part of our response plan involves a comprehensive media campaign to get the word out to armed criminals, and to the public, that using or possessing firearms illegally will no longer be tolerated.

There are a number of federal firearm statutes that are prosecuted under *Project Exile*. They include gun possession: while possessing drugs or by a drug user; by a convicted felon; if a fugitive from another state; if under federal indictment; or if the gun is known by the possessor to be stolen. *Project Exile* is also used in cases of domestic violence where a gun possessor is the subject of a restraining order or has prior convictions of domestic violence.

A "typical" case may involve an officer encountering or arresting an individual who has used or is in possession of a firearm. If, during the course of the investigation, it is learned that the person meets any of the previously listed criteria, then the case is referred to the *ATF/Project Exile* Task Force for review and possible adoption. Richmond Police Department detectives assigned to the task force are available 24-hours a day. The Commonwealth's Attorney may or may not decide to prosecute the state charges placed against the person, depending upon the circumstances. The task force detective would then collect all case documents from the original officer, do any follow-up investigation necessary and begin preparing the case for federal prosecution. All firearms seized by the Richmond Police Department are funneled through our civilian Firearms Administrator for processing and submittal to the National Tracing

Center. The Firearms Administrator has been key in identifying *Project Exile* cases that may have otherwise fallen through the cracks.

There have been relatively few obstacles encountered in developing the project and none that were not overcome. The first order of business was to obtain commitment from all law enforcement and prosecutorial agencies that would be effected. Some jurisdictional and division of labor issues had to be worked out to avoid "turf consciousness" among agencies.

Police officers and detectives had to be training in federal firearm statutes, collection of evidence, case preparation and the procedures for having their cases "adopted." This was accomplished through one-hour training sessions given to all beat officers, special units and detectives. There have been three separate "roll-call" training sessions of this type since the program began. Special enforcement unit officers also received extensive gun interdiction training sponsored by federal law enforcement agencies.

The next step was the coordination and streamlining of procedures to enhance immediate intake of cases from the street level, and simplification of the case reporting system to bring charges more quickly. This included developing working relationships and coordinated procedures between the courts, the U.S. Marshal's Service, and prison personnel.

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There was opposition from a minority of federal judges who viewed *Project Exile* cases as an incursion into state and local jurisdiction. They argued that it transformed the federal court into a minor police court. They asserted that these cases were not important enough to warrant federal attention, despite the fact that the federal laws used have been on the books for 30 to 40 years and have always been prosecuted to some degree. Fortunately, these objections were not universally held. *Project Exile* was expanded to Norfolk, Virginia this year, and all of the federal judges there were all in favor of the program. The federal judiciary in Rochester, New York learned of the program and insisted that the program be started there.

Another step was to garner support for the establishment of an active citizen organization to assist with funding of the media campaign and to establish a cooperative working relationship with the news media. The *Project Exile* Citizen Support Foundation and was headed up by a Richmond-area private attorney, Stanley K. Joynes, Esquire. He has handled all media contracting, fund raising and disbursements. The Martin Agency, a national advertising firm based in Richmond, assisted the program by producing the media blitz.

Through funding from corporations, private citizens and the City of Richmond, advertising time and space was purchased on television, radio, the print media; even a fully painted city bus. The Greater Richmond Transit Company bus was painted completely black and carries our message in large white letters: "An illegal gun gets you five years in federal prison." Our 24-hour hot line number accompanies this



message. The bus is rotated among city routes in order to expose all of Richmond's communities to the message that firearm violence in Richmond will not be tolerated and can be easily reported through our anonymous tip line. Police officers have distributed more than 17,000 business cards bearing this message to citizens and persons suspected of criminal activity. The community outreach phase of the program also includes a gun safety outreach groups - such as "AT risk" kids through the Boys and Girls Clubs

A more difficult challenge the program was faced with was changing the community's perception that nothing can be done to address violent crime. The outreach campaign has saturated every available media with our message, which seems to have reached the target audience. Great strides have been made toward breaking the apathetic, self-defeating mind set that nothing can be done. Citizens no longer see armed criminals returning to the neighborhood days after being arrested. They see our promise to "exile" those convicted to federal prison being honored.

The success of *Project Exile's* primary goal of reducing the "carry rate" among criminals has several measurable components that can be used to evaluate the program. Evaluation criteria includes crime statistics, such as the change in violent crime and murder rates; the number of cases prosecuted; and the number of firearms removed from the street. The public's perception of safety in Richmond is another gauge of progress, which is not as easily measured in raw data.

*Project Exile* was initiated with existing personnel resources from the original prosecutorial and law enforcement agencies assigned to the project. As the program grew, these governmental agencies began to incur equipment, office and overtime costs and soon expanded the number of full-time personnel assigned to the *Project Exile* Task Force. The U.S. Attorney's Office estimated the government's contribution to the program (most of which are personnel costs) at \$820,000 or 56.6% of the total project for 1998.

The 501(c)(3) *Project Exile* Citizen Support Foundation received approximately \$629,000, or 43.4%, of the total project for 1998. \$319,000 came from corporate and individual contributions, and \$310,000 represents in-kind contributions, primarily in the form of television and radio commercial air time. Corporate & private sector partners include: the Greater Richmond Retail Merchant's Association, The Martin Agency, the Chamber of Commerce - Greater Richmond, the Greater Richmond Partnership, the law firm of LeClair Ryan, the National Rifle Association, and many other businesses and individuals

### ASSESSMENT

The *Project Exile* has quickly, efficiently and successfully had a significant impact on criminal behavior. The US Attorney's Office reports that the "carry rate" (the number of criminals on the street with weapons) has dropped by more than 50% since the inception of Project Exile. Drug dealers are throwing away weapons during flight rather

than risking being caught with a firearm. During interrogations, defendants with gun charges comment specifically on *Project Exile* in giving up important information on serious crimes. Richmond's murder rate has dropped from a record 160 homicides in 1994, to 94 in 1998, an unprecedented reduction of 41%.

The first *Project Exile* case was brought forward in February 1997. As of March 14, 1999, 438 individuals have been indicted for federal gun violations under this program. 512 guns have been seized, 331 persons have been arrested or are in state custody, 236 arrestees (apx 74%) have been held without bond and 302 armed criminals have already been convicted. The number of subjects "exiled" to federal prison is 228, with an average sentence of 53.8 months, or 4.4 years.

On March 30, 1999, the U.S. Department of Justice Criminal Division's Office of Police and Legislation released the results of their evaluation of *Project Exile*. They recognized that Richmond, Virginia had a uniquely severe firearms-related homicide problem. The report states that *Project Exile* has more effectively incapacitated recidivist gun offenders than likely would have occurred if the prosecutions were conducted in state court. They reported that Richmond's decline in homicides was among the highest one-year percentage decrease in the 1990's. The evaluation allows that other law enforcement initiatives may have contributed to the decline.

Primarily as a result of the citizen outreach through the media advertising campaign, more citizens are reporting guns on the street. According to the U.S. Attorney, the

percentage of *Project Exile* cases made as the result of citizen calls has risen from 10% at the onset of the program to near 50%. The fact that more citizens are reporting criminals is an indication that citizens have less fear and more confidence that if they perform their civic duty, the police and prosecutors will remove the armed criminal from the community.

Criminals are clearly getting the message. Police report drug dealers in raids are now throwing down their weapons during flight rather than risk being caught with a gun. Defendants afraid of the consequences of being prosecuted under *Project Exile* have cooperated to solve approximately twenty homicides. Subjects being interviewed routinely refer to our message that an illegal gun gets you five years. Search warrants are yielding substantial quantities of drugs with no weapons being found.

In the Fall of 1997, a defendant that was arrested on a *Project Exile* indictment stated arrogantly that he would soon be back out on the street. As they pulled up to the U.S. District Courthouse, the defendant said, "Hey, this isn't the Richmond City Jail." When he realized he was facing the no bond, no deals, long prison terms of the federal judicial system, he became sick on the sidewalk.

The "word on the street" as reported by one probationer was "sell drugs but don't be carrying no gun." This word has reached New York City. One individual who agreed to work with the ATF after being caught with a concealed weapon in Richmond found that no one in the criminal element would have anything to do with him. They knew that

anyone leaving Richmond after being arrested on a gun charge "must be a snitch" working with federal agents.

Not only has the *Project Exile* model been expanded to other jurisdictions within the state, police agencies nationwide are adopting very similar programs. In addition to the dozens of cities researching our program, plans are underway to implement the Richmond model in Birmingham, Alabama; Camden, New Jersey; Philadelphia, Pennsylvania; Oakland, California; and Baton Rouge, Louisiana. On September 29, 1998, Rochester, New York, began using Richmond's *Project Exile* model, to include extensive media outreach, and it took only eight weeks to implement. According to Rochester officials, it has already had a significant impact on crime rates, including homicide, in November and December 1998.

On March 22, 1999, Colonel Jerry A. Oliver, Richmond's Chief of Police, was invited to present the successes of *Project Exile* before the U.S. Senate Subcommittee on Youth Violence. The U.S. Senate Judiciary Committee demonstrated support for the project by allocating \$50 million to replicate the project in 25 other cities this year. The 1999 Virginia General Assembly passed new legislation which closely mirrors federal sanctions and procedures for gun law violations. It is being referred to as "Virginia Exile."

## AGENCY AND OFFICER INFORMATION

This problem-solving initiative encompasses the entire Richmond Police Department. The simplicity of the Problem Oriented Policing "SARA" model enables a problem to be identified and prioritized, thoroughly examined, resolved and evaluated. This process was used in developing *Project Exile*. Individual officers and supervisors have attended Problem Oriented Policing training.

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## MAXIMUM STATUTORY PENALTIES FOR FEDERAL FIREARM AND RELATED DRUG VIOLATIONS

STATUTE VIOLATION	PENALTIES
21 U.S.C.841 - PWID controlled substance	20 years jail/\$1 million fine
21 U.S.C. 844 -possession of controlled substance	1 year jail/\$250,000 fine (3 years if a prior drug conviction)
21 U.S.C.846 - conspiracy to PWID controlled substance	20 years jail/\$1 million fine
18 U.S.C. 922(a)(6) - false statements to firearms dealer	10 years jail/\$250,000 fine
18 U.S.C. 922(a)(5) - transfer of firearm to non-resident	5 years jail/\$250,000 fine
18 U.S.C. §922(g)(1) - Possession of firearm/ammunition by convicted felon	10 years jail/\$250,000 fine
18 U.S.C. 922(g)(2) - possession of firearm/ammunition by fugitive from justice	10 years jail/\$250,000 fine
18 U.S.C. §922(g)(3) - Possession of firearm/ammunition by drug user	10 years jail/\$250,000 fine
18 U.S.C.922(g)(9) - possession of firearm/ammunition by person previously convicted of domestic violence	10 years jail/\$250,000 fine
18 U.S.C. 922(j) - possession of stolen firearm	10 years jail/\$250,000 fine
18 U.S.C.922(k) - possession of firearm with obliterated serial number	5 years jail/\$250,000 fine
18 U.S.C. 924(c) - use, carry or possess a firearm during/in relation to felony drug trafficking offense	mandatory minimum 5 years jail consecutive to any other term imposed/\$250,000 fine
26 U.S.C. 5861(d) -possession of sawed off shotgun	- 10 years/\$250,000 fine
26 U.S.C. 5861(h) - possession of firearm with obliterated serial number	- 10 years/\$250,000 fine

**ENHANCEMENT: 18 USC 924(e) - if has three prior felonies (1 violent or narcotic), jail increases to 15 - life**