

# STOP VIOLENCE:

A Comprehensive Plan to End Gun Violence in Brooklyn

Strategic Team Operation to Prevent

Violence through Intelligence, Organization, Law Enforcement, Neighborhood and Community Engagement



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Brooklyn Neighbors,

The safety of the people of Brooklyn and the fairness of our justice system are my top priorities as District Attorney. In 2020, violent crime rose nationwide and here in Brooklyn, but thanks to the coordinated efforts of law enforcement focusing on those few individuals who drive violent crime, and unprecedented collaboration with the communities we serve, shootings, homicides and other serious crimes dropped significantly in Brooklyn in 2021.



We know that this coordinated and multi-faceted approach is working, and that we can make our neighborhoods safer without compromising the progress we've made improving fairness, reducing incarceration, and preventing crime through community engagement and support.

Still, we must do more to address gun violence in Brooklyn, and my Strategic Team Operation to Prevent Violence through Intelligence, Organization, Law Enforcement, Neighborhood and Community Engagement (STOP VIOLENCE) plan commits unprecedented resources to supercharge our efforts to end this scourge.

We have hired new prosecutors to focus exclusively on gun crime, invested millions in new technology to enhance our investigations and prosecutions through our newly certified Digital Evidence Lab, hired new expert analysts to leverage new and existing resources to identify those who commit crimes and to safeguard against wrongful convictions, and we are creating a new Ghost Gun Unit to take on dangerous, untraceable homemade weapons. We are also enhancing our Crime Strategies Unit to broaden our intelligence sharing capacity, and coordinating constantly with our partners at the city, state, and federal levels.

Finally, we are continuing to innovate by investing more than \$2 million in restorative justice programs to take on violence between rival gangs in Bed Stuy through Project Restoration and collaborating with community partners to prevent further conflict. We're engaging the next generation through educational programs and working with legislators to give us the legal tools we need to address this crisis on every front.

We have made great strides in our fight against gun violence in Brooklyn, and I am confident that working together we will continue this progress, saving lives and making our neighborhoods stronger and safer places to live and work.

Eric Gonzalez

Brooklyn District Attorney

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## Executive Summary

The Strategic Team Operation to Prevent Violence through Intelligence, Organization, Law Enforcement, Neighborhood and Community Engagement (STOP VIOLENCE) initiative commits unprecedented resources in personnel and technology to enhance intelligence gathering and collaboration, to improve investigations and strengthen prosecutions, and to enhance community collaboration to violence prevention.

Led by District Attorney Gonzalez, the initiative will bring together representatives from the Crime Strategies Unit, Homicide Bureau, Violent Criminal Enterprises Bureau, the Forensic Science & Cold Case Unit, Community Led Safety Representatives, and Detective Investigators, sharing intelligence in real time.

The Crime Strategies Unit operates on the evidence-based principle that a very small number of individuals are responsible for most violent crime, and that by identifying those individuals and carefully targeting investigative and prosecution resources to address those drivers of crime, public safety is enhanced. It is this focus, shared by our partners in the New York City Police Department, that has helped us reduce gun violence in Brooklyn.

The plan also includes the creation of a new Ghost Gun Unit, to focus on weapons that are sold as kits requiring assembly, which have no serial number, require no background check, and are untraceable.

With more than \$2 million in new software and hardware and four new digital forensic analysts, the newly certified Digital Evidence Lab will enhance the Office's ability to extract critical evidence and intelligence from cellular phones and other electronics. Specially trained analysts will assist with search warrant execution to ensure all potentially relevant digital evidence is captured, analyzed, and utilized for maximum investigative value to prevent crime and to prosecute violent offenders. Leveraging these new resources, in addition to existing tools including ShotSpotter, cellular geolocation, crime mapping, video surveillance, and social media analysis, the Office is bringing unprecedented analytics and investigative tools to the fight against gun violence.

District Attorney Gonzalez has also hired four experienced prosecutors to focus exclusively on gun crime. These Assistant District Attorneys will ensure that critical gun cases have the staff support needed to not only investigate and prosecute offenses, but to proactively share intelligence to prevent crime.

The District Attorney's Office will continue its collaborative engagement with local, state, and federal partners through the Gun Violence Strategies Partnership (GVSP), a Citywide clearinghouse effort established in August 2021 that brings representatives from every state and federal law enforcement and corrections agency together daily. In these briefings, leaders from each agency discuss the most significant drivers of shooting violence across the City, share information and intelligence, and coordinate resources to ensure that every possible law enforcement tool is brought to bear to interrupt patterns of violent criminal conduct.

The Office also collaborates with the Eastern District U. S. Attorney's Office regarding Triggerlock defendants, which allows federal prosecutors to remove appropriate gun possession cases to U. S. District Court for federal prosecution and sentencing, frequently resulting in more severe sentences. This potential for additional prison time encourages those facing eligible gun charges to cooperate, often revealing information useful to prevent or solve other violent crimes and to identify and stop those trafficking weapons.

Finally, the District Attorney will continue the Office's strong community engagement efforts to build trust, strengthen partnerships, and promote collaboration. These efforts include support for violence interrupters who engage directly with at-risk individuals to help resolve conflicts peacefully as well as other community-driven efforts to match services and resources to those in need to prevent criminal conduct. The District Attorney's Office has also partnered with neighborhood organizations in Bedford-Stuyvesant, investing more than \$2.5 million as part of Project Restore, an innovative pilot program that seeks to address a decades-long history of violent gang rivalry through restorative justice interventions. This effort to prevent violent conflict, combined with direct engagement in impacted communities following significant enforcement events helps to not only reduce violence, but also to promote healing and growth.

## Overview: Gun Violence in Brooklyn

Gun violence in Brooklyn reached record lows prior to the onset of the pandemic in 2020. Declining gun crime coincided with significant reductions in the incarcerated population in city jails and state prisons. Unfortunately, when gun violence surged nationwide as COVID-19 brought about mass disruption in society, Brooklyn was not spared.



Homicides spiked from 100 in 2019 to 175 in 2020 and shooting incidents more than doubled from 290 to 652.

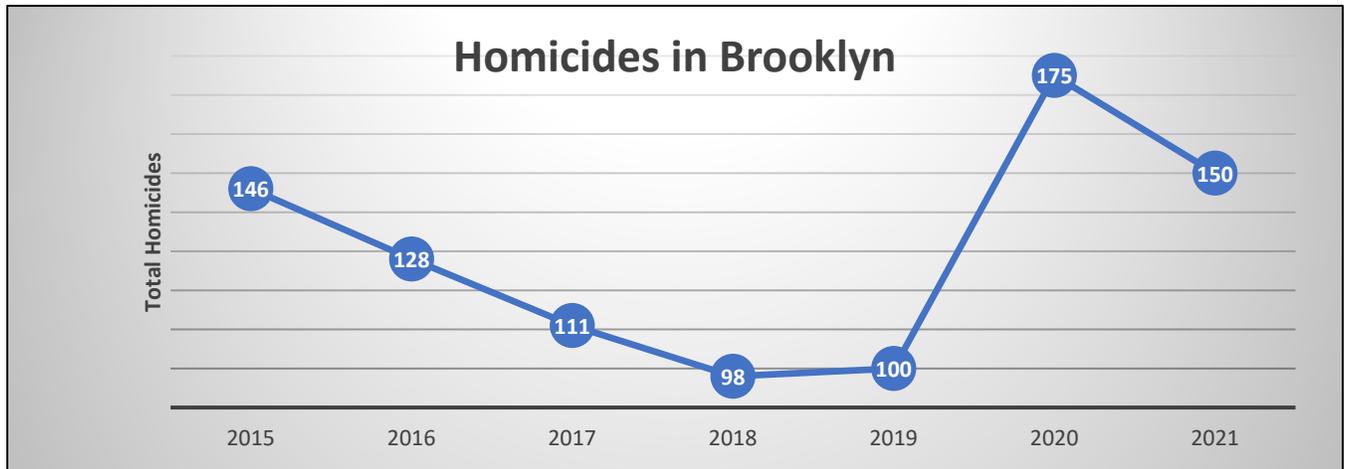
The Brooklyn District Attorney's Office and our law enforcement partners met this challenge with a multi-faceted approach, focusing resources on those few individuals responsible for most of the violence in the communities we serve. Since 2021, four major gang takedowns struck heavy blows to the leadership of Brooklyn's most violent gangs, as prosecutions of illegal gun traffickers have kept dangerous weapons off our streets.

Simultaneously, we have worked to prevent crime through restorative justice initiatives, partnering with violence interrupters and community-based organizations and service providers help at-risk individuals find housing, job training, employment, food assistance, mental and physical healthcare. And finally, we worked to directly engage communities in our work—to keep them informed of our enforcement actions and their impact, to build trust and cooperation.

It is this approach—balancing strong enforcement actions to stop violent offenders with evidence-based crime reduction strategies, community engagement, and a strong commitment to fairness that rebuilds public trust and has allowed us to drive down homicides and shootings in Brooklyn while other areas of our city and nation have seen continued increases in violence.

## Homicides in Brooklyn Declined 14% in 2021

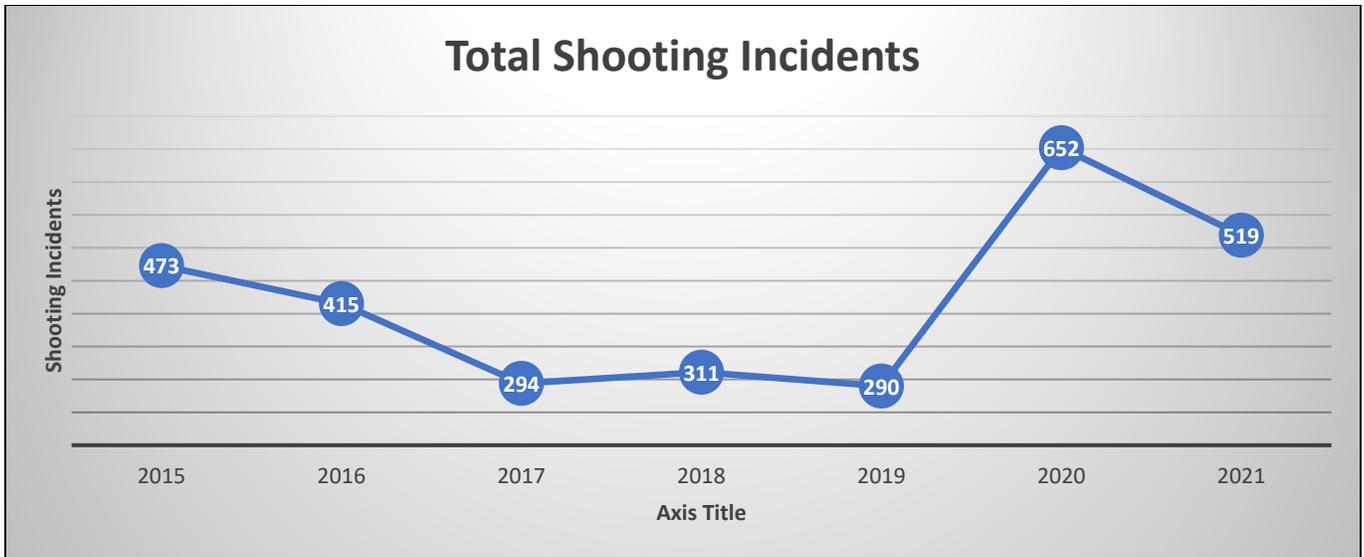
From a record low of 98 in 2019, homicides in Brooklyn rose significantly in 2020 to 175. Encouragingly, in 2021, homicides dropped by 14% to 150. While we must do better, this encouraging progress offers strong evidence that data-backed strategies—focusing law enforcement resources on crime drivers, working to match needs with supportive services, and engaging communities—are working.



## Shooting Incidents Declined by 20% in 2021

The number of shooting incidents in Brooklyn remained relatively consistent at the lowest levels in decades from 2017 to 2019, but shootings spiked in 2020 as the pandemic devastated New York City.

Shooting incidents declined from 652 in 2020 to 519 in 2021, an encouraging 20% decline. Although more must be done to reduce shootings, Brooklyn’s progress can be attributed to our strategic focus on the drivers of crime and the strategic, intelligence-driven utilization of the Office’s investigatory and prosecutorial tools as well as community-based partnerships to improve public safety.

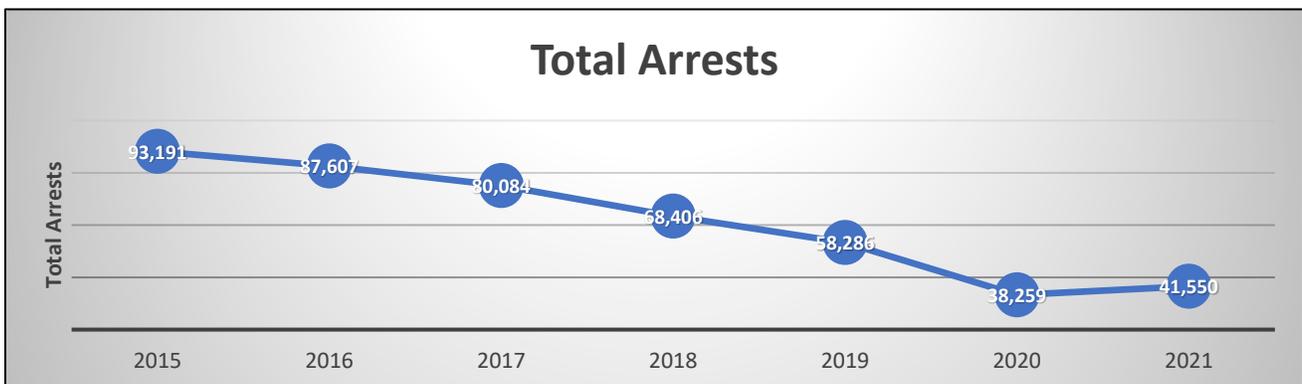


### Arrests Rose in 2021

As crime dropped precipitously to the record lows of 2019, arrests also declined steadily, and New York’s incarcerated population fell by more than two-thirds. In 2019, a total of 34,389 people were admitted to jail – a decline of 72% from 1995 when there were 121,412 admissions.

While arrests and prosecutions are important to hold accountable those who cause harm, we know that community stability is critical to preventing crime and building safe and vibrant neighborhoods.

Arrests hit a record low of 38,259 in 2020, a 34.3% decrease from 2019. In 2021, these numbers rose by 9% to 41,550, as law enforcement collaborated to focus on the small number of individuals who drive crime.

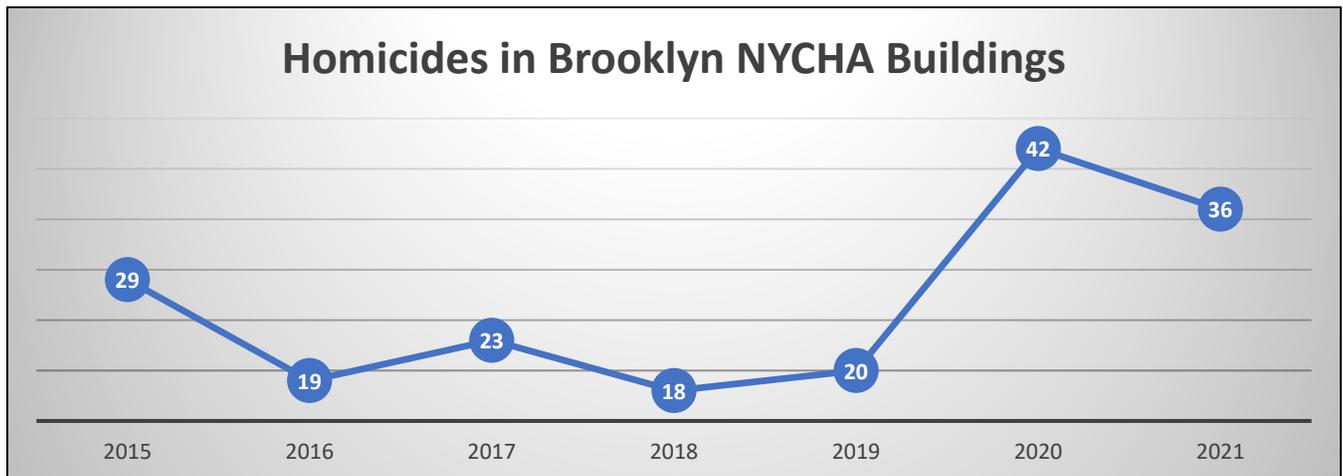


## Progress in NYCHA Buildings

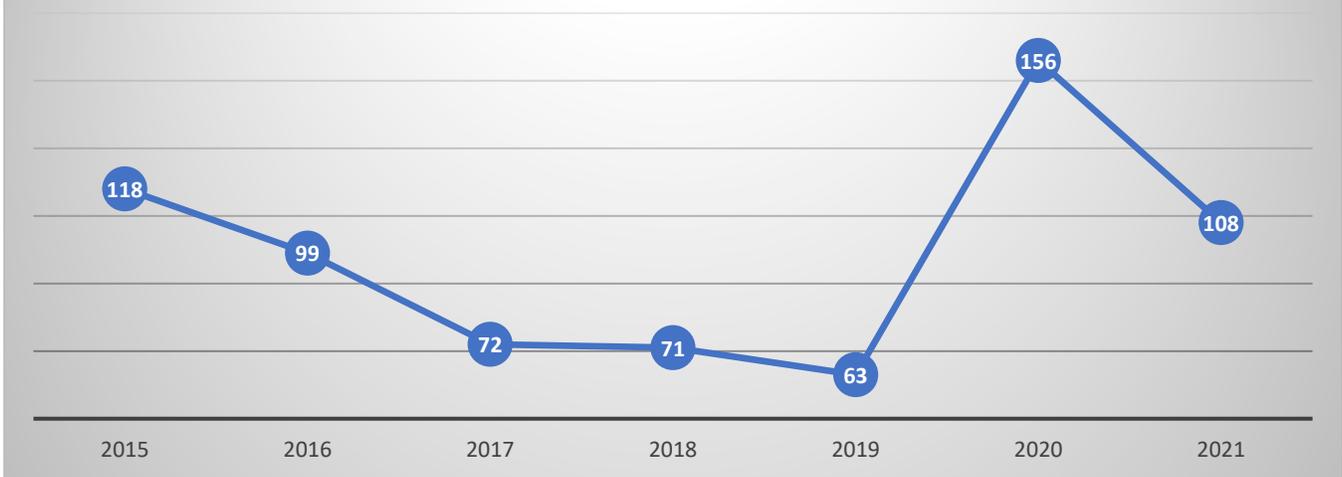


More than 91,000 Brooklynites live in NYCHA-operated buildings, and each resident deserves to feel safe in their homes. Tragically, between 2019 and 2020, homicides in Brooklyn's NYCHA buildings more than doubled, rising from 20 in 2019, to 42 in 2020. Shootings also jumped from a low of 63 in 2019, to 156 in 2020.

The pandemic had an outsize impact on NYCHA residents, with longstanding disparities in healthcare access and services to low-income laid bare. Many NYCHA residents experienced not only the devastating impact of COVID-19 on their own health, but thousands also lost loved ones, lost jobs upon which they and their families depended, and grappled with difficulties accessing services and support.



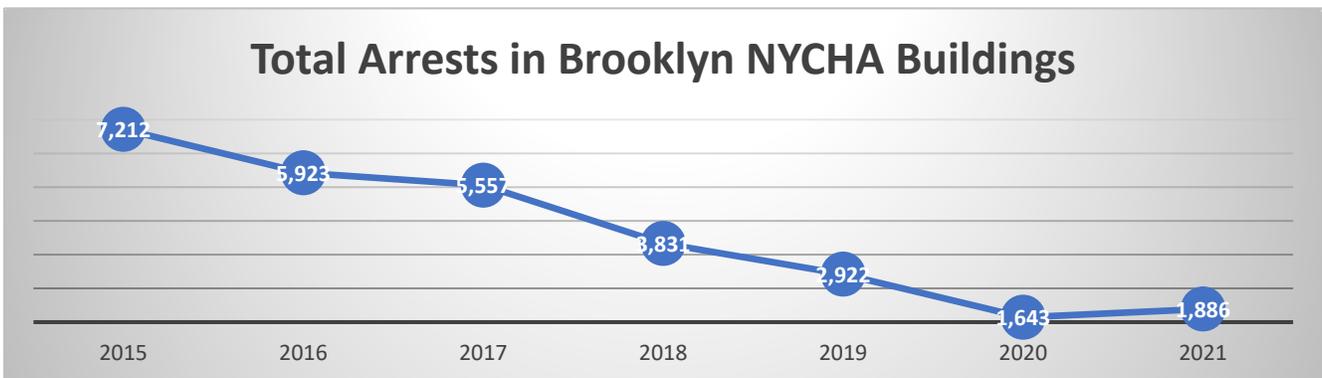
## Shooting Incidents in Brooklyn NYCHA Buildings



To address the surge in violence from the upheaval of the pandemic, District Attorney staff collaborated with our law enforcement partners to dedicate increased resources to violence prevention and intelligence-sharing to combat gun crime in NYCHA buildings. These efforts helped realize safety improvements in Brooklyn’s NYCHA buildings, with fewer homicides and shootings.

Arrests in NYCHA buildings plummeted by nearly 44% in 2020, from 2,922 in 2019 to a low of 1,642 in 2020. This reduction in arrests, as police resources were stretched thin by the hardships of the pandemic, correlated with a surge in violence. We responded with carefully targeted enforcement, focused on those who cause the most harm, and arrests rose by 15% in 2021 as shootings dropped by 32%, evidencing the outsize impact of strategic and focused enforcement. Homicides in NYCHA buildings also fell by more than 14%.

## Total Arrests in Brooklyn NYCHA Buildings



## A Multi-Pronged Approach to Combat Gun Violence

Safe communities and a fair justice system are the highest priorities of the Brooklyn District Attorney's office and guide our work every day. They are also the central objectives of our STOP VIOLENCE plan, using evidence-based approaches, technology, analytics, and collaboration to bring cases that promote accountability, while simultaneously engaging the communities we serve in an unprecedented way to prevent crime, to address critical community needs that are essential to neighborhood safety and stability, and working to build trust that has been compromised by the tactics of the past.



## Executive Leadership Focusing on Gun Violence Reduction

To direct the day-to-day operations of the STOP VIOLENCE Initiative, District Attorney Gonzalez has promoted Kevin Aulbach to the newly created role of Executive Assistant District Attorney for Strategic Enforcement. A 15-year veteran of the Brooklyn DA's office and leader of the Crime Strategies Unit, Aulbach helped to pioneer a new model of intelligence-driven prosecution. Operating on the evidence-based principle that a very small number of individuals are responsible for most violent crime, the Crime Strategies Unit works to identify those drivers of crime and utilize the full and targeted resources of all our investigatory and prosecutorial tools to dramatically increase public safety.



Through his work in CSU, Aulbach has established deep relationships with police leaders and collaborated continually with analysts and attorneys to identify, analyze, and respond to violent crime trends. With a singular focus on the prevention of gun crime and violence, Aulbach will lead our intelligence gathering and sharing efforts; identifying and monitoring drivers of crime, ensuring active communication between all of our law enforcement partners, sharing the intelligence and investigatory information needed for successful prosecutions.

As Executive ADA for Strategic Enforcement, Aulbach will also work to ensure consistency throughout the Office as we work to leverage intelligence-driven data to target the individuals who pose the greatest threat to public safety.

## Experienced New Leadership for the Homicide Bureau



Homicide Bureau Leadership, from left, ADAs Matthew Stewart, Leila Rosini, Howard Jackson, and Chow Xie

Four outstanding prosecutors have been tapped for new leadership roles in the Homicide Bureau, bringing unprecedented breadth of experience and trial skill to handle some of the most complex and difficult cases we prosecute.

**Assistant District Attorney Leila Rosini** was promoted to Homicide Bureau Chief, the first woman to serve in this critical role. She has tried some of our Office's most complex and challenging cases, including homicides and multi-defendant, multi-jury gang conspiracy cases. In total, she has led the prosecution of hundreds of cases and tried 23 felony cases, including 15 homicides. She is a graduate of the University of Rhode Island and Brooklyn Law School.

**Assistant District Attorney Howard Jackson** was promoted to First Deputy Chief of Homicide, having served as Deputy Chief and Counsel to the Bureau during his more than two decades of service to the people of Brooklyn. One of the most accomplished trial attorneys in the KCDA, Mr. Jackson has tried an impressive 38 homicide cases to verdict. In addition to his considerable legal skill, he also brings incredible empathy and compassion to his work and has maintained strong relationships with the families of many victims for whom he's sought justice. He is a graduate of the University of Miami School of Law.

**Assistant District Attorney Chow Xie** was promoted to Deputy Chief of Homicide, where his considerable skills as a trial attorney and supervisor will be well-utilized. A 12-year veteran of the KCDA, Chow tried 11 homicide cases in just two years, securing a conviction in each one, at a pace unmatched in decades. In total, he has tried 21 felony cases to verdict, and earned an unblemished reputation as a scrupulously ethical and hardworking prosecutor. He is a graduate of New York University and Brooklyn Law School.

**Assistant District Attorney Ernie Chin** was promoted to Deputy Chief of the Homicide Bureau. In his 16-year career as prosecutor Ernie has tried many prominent cases involving complex fact patterns, highly technical evidence, and sophisticated long-term investigations. His strong dedication to our work and deep compassion for victims has earned him broad respect both inside and outside the office. Born to immigrant parents, Ernie is a native of Brooklyn. He is a graduate of Stuyvesant High School, New York University, and Brooklyn Law School.

**Assistant District Attorney Matthew Stewart** was promoted to Deputy Chief of Homicide in December, continuing a distinguished legal career of remarkable breadth. Following graduation from Oberlin College and Cornell Law School, Mr. Stewart clerked for the Hon. James G. Carr in the United States District Court for the Northern District of Ohio before joining one of New York's most prestigious law firms, Davis Polk & Wardwell, where he worked as an associate from 1999 to 2007. During his tenure as a prosecutor, he has tried more than 30 felonies, more than half of which were homicides.

Brooklyn's Homicide Bureau has long been a point of pride for our Office and these promotions bring unprecedented diversity of skill and experience, a deep well of compassion, and great generosity of spirit to guide its essential work.

## **Hiring New Staff Exclusively for Gun Prosecutions**

The investigation and prosecution of gun-related offenses is complicated and challenging work requiring experienced and highly trained prosecutors, talented investigators, and skilled analysts. To broaden and enhance our capacity to prioritize and pursue these critical cases, District Attorney Gonzalez is committing additional personnel to focus on gun crimes exclusively, full time.

These prosecutors will also help to facilitate the real-time intelligence gathering and sharing that is a critical component to our collaborative approach. Together, they bring decades of experience to the investigation and prosecution of violent crime, and their work in our Violent Criminal Enterprises Bureau and Gun Violence Suppression Bureau will be vital to the success of our comprehensive strategy.

## **Enhancing the Gun Violence Suppression Bureau**

The Gun Violence Suppression Bureau (GVSF) focuses with laser-like precision on the investigation and prosecution of gun possession cases. These cases are at the root of the scourge of gun violence that has long plagued our borough, particularly Brooklyn's Black and Latino communities.

By centralizing strategic decision-making for the prosecutions of these cases in one bureau, GVSF ensures that those who possess these lethal weapons on our city streets are held accountable, working closely with law enforcement agencies to expeditiously collect and process the evidence necessary for successful prosecutions.

The Bureau also provides dedicated support to prosecutors in the Office's trial zones and other internal units as they are assigned to prosecute gun possession.

In addition, Bureau staff provides training on effective trial strategies to overcome the many challenges that frequently complicate the prosecution of gun possession cases. This training is especially critical given speed and interagency cooperation that is necessary for prosecutors to gather the voluminous records necessary to comply with the short discovery timelines required by recent reforms.

In addition, the Bureau works to improve the fairness of gun possession prosecutions by formulating consistent criteria for both plea and diversion offers to all defendants.

GVSB is led by Bureau Chief Patrick O'Connor, a graduate of Harvard Law School who has tried more than 100 felony cases to verdict, and previously served as the first chief of the Law Enforcement Accountability Bureau.

## Establishing a Ghost Gun Unit

“Ghost guns” are untraceable weapons that have no serial number because they are assembled from kits or made using 3D printing technology. For years, the components required to make these weapons were easily available online, allowing individuals to acquire a working gun without a background check.



This loophole in the law allowed those who could not pass a background check or who were otherwise precluded from gun ownership to obtain the parts necessary to assemble an operable weapon, and has afforded the opportunity for domestic abusers, the mentally ill, and even children to obtain deadly weapons with a few clicks.



March 9, 2022 NYPD Ghost Gun Press Conference

Every bit as lethal as traditionally manufactured firearms, more than 25,000 ghost guns have been recovered by federal, state, and local law enforcement since 2016, according to the *New York Times*.<sup>1</sup> Officials in California reported that ghost guns account for between 25% and 50% of guns recovered at crime scenes in California, and many individuals found to possess them were legally prohibited from possessing guns.<sup>2</sup>

Here in New York City, ghost guns are also becoming more prevalent, with 145 recovered by the NYPD in 2020, and more than 200 in 2021.<sup>3</sup>

Last year, New York passed the nation's strongest ghost gun law, prohibiting the possession of unfinished frames or receivers by anyone other than a licensed gunsmith or firearms dealer.<sup>4</sup> Unfinished receivers can be purchased to form the lower section of a firearm and can then easily be assembled by an amateur using simple tools following online how-to guides. The result is a fully functioning semi-automatic weapon, that can be used to commit mass violence.

Fortunately, the State Legislature and Governor Hochul took action to prevent the possession and sale of unserialized finished frames and receivers by anyone other than a licensed gunsmith or dealer in firearms and strengthened the law even further at the end of this year's legislative session.

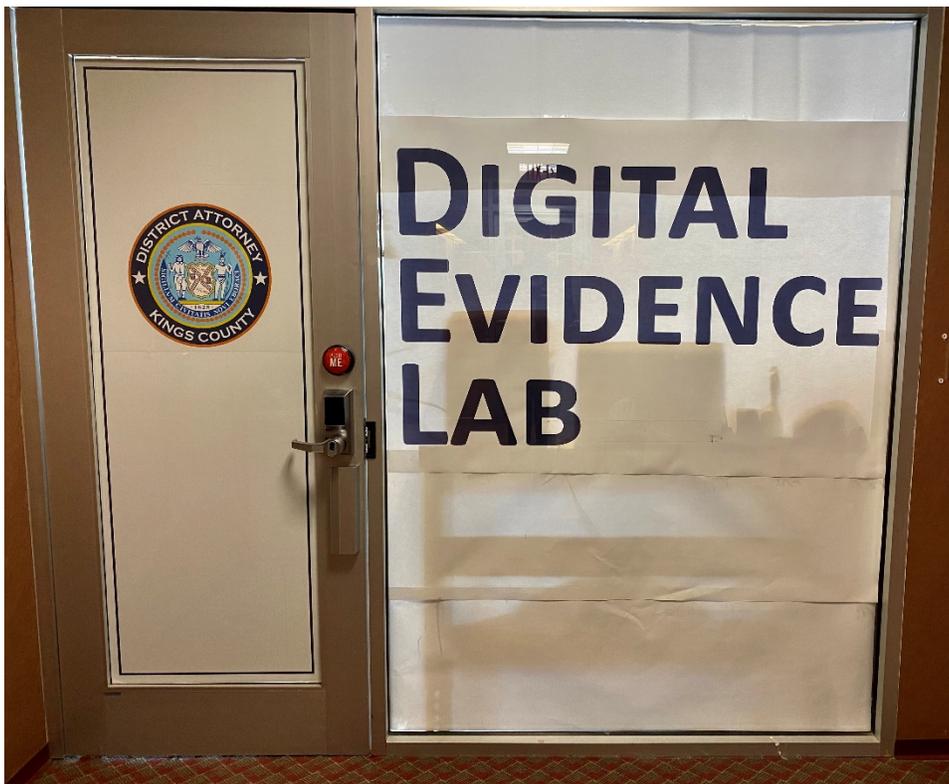
The ease with which these guns kits can be purchased, assembled or 3D printed is shocking, so we are creating a new Ghost Gun Unit to focus exclusively on these dangerous and illegal weapons.

These new laws will help our investigations and prosecutions, which will be aided by advanced technologies, dark web analytics, and other complex investigative techniques, to identify, arrest, and prosecute those who purchase illegal gun kits, who sell these untraceable weapons, and who possess them. Our prosecutors, investigators, and analysts will also continue to partner with the USPS Postal Inspectors, and major shippers and couriers to intercept these kits and weapons before they can do harm.



Ghost guns seized in an April 6, 2022, search warrant execution in Brooklyn

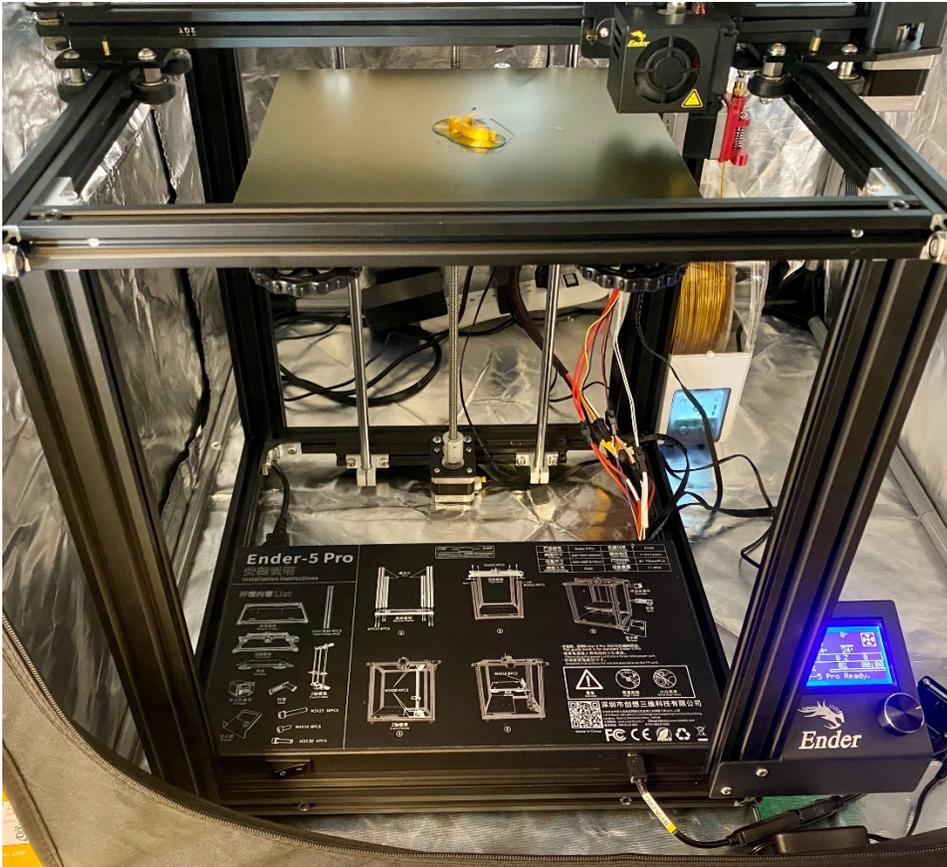
## Utilizing the New Digital Evidence Lab



As so much of our life and work involves utilization of computers, smartphones and other digital devices, sometimes the most critical evidence necessary to solve a crime or prove a case is now found on microchips, drives, and cloud services. Collection and analysis of digital evidence has become an increasingly important tool for solving gun crimes and preparing

for trial, including: video footage of a crime scene from closed-circuit television (CCTV), video footage from a witness' cell phone, home security cameras such as Ring or Nest, footage from an officer's body camera, or data from personal computers or portable electronic devices such as smartphones. The forensic information available from many sources must be properly extracted, retained and maintained. As analysts continue to connect various data sources, patterns emerge to enhance strategic, operational, and tactical plans.

To address the rapidly growing need for extraction of digital evidence, District Attorney Gonzalez established a state-of-the-art Digital Evidence Lab in July 2020. The Brooklyn District Attorney's Digital Evidence Lab (DEL) is the first end-to-end solution for digital forensics that provides support for law enforcement, analysis, and legal functions at all stages of the criminal justice system in one comprehensive unit. The Digital Evidence Lab (DEL) team includes subject matter experts in digital forensics, dedicated analysts with deep knowledge of violent criminal enterprises, detective investigators with years of experience in gathering evidence, and assistant district attorneys with trial experience who guide the trial teams as to the best use of digital evidence.



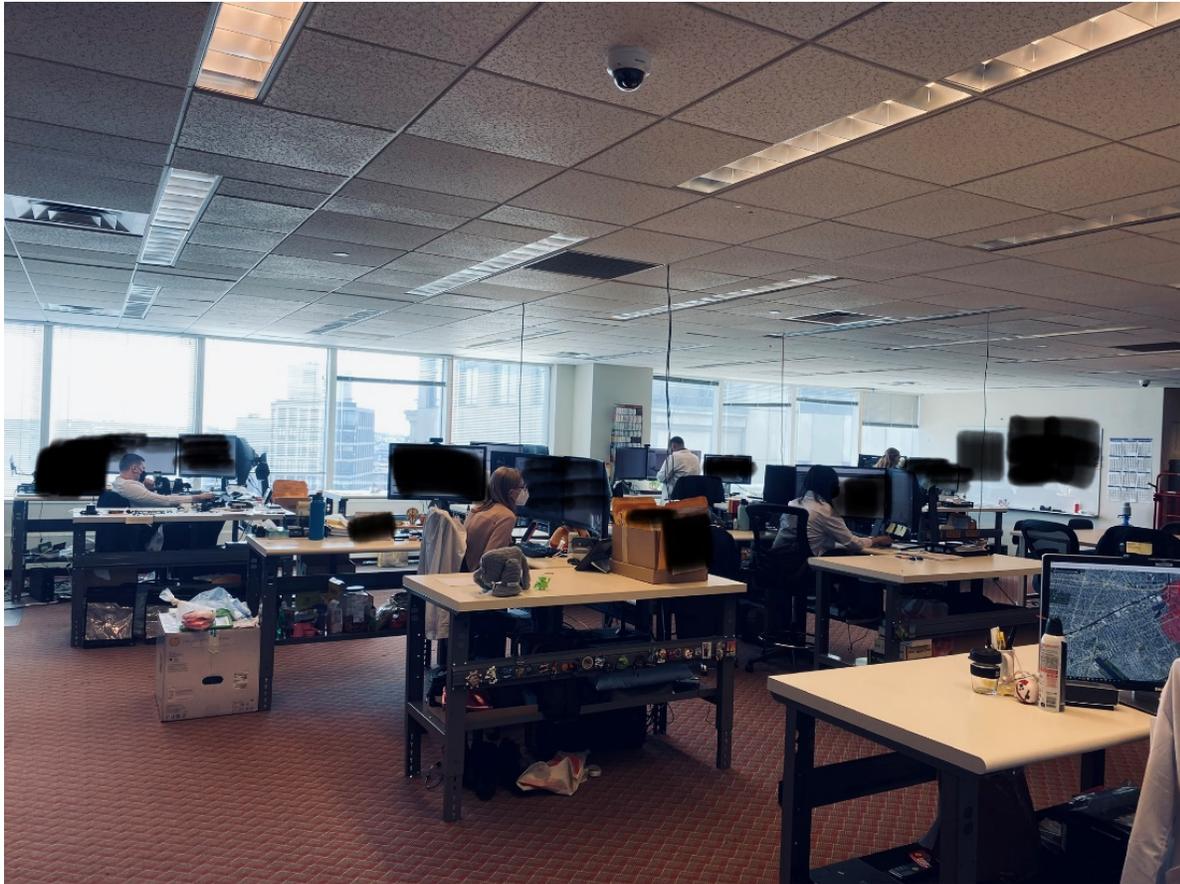
3D printer in the KCDA Digital Evidence Lab

The DEL Team relies on cutting-edge extraction and analytical tools including Magnet Axiom, DVR Examiner, Cellebrite Premium, 3-D Printing and ShotSpotter to gather critical evidence that has already led to convictions at trial on cases ranging from homicides to human trafficking. The DEL assists with federal and local search warrant execution to ensure all potentially relevant digital evidence is

captured, analyzed, and utilized for maximum investigative value to prevent crime and to prosecute violent offenders. The DEL has also played the determinative role in multiple exonerations.

By investing \$2.7 million in new technology and expert staff, we have significantly enhanced our ability to extract, store, and analyze critical evidence and intelligence from cellular phones and other electronics. Since the DEL was established, the Office has secured top-count convictions for each of the nine cases in which the DEL was utilized. In addition, two individuals have been exonerated thanks to the determinative evidence extracted by the DEL. If convicted, these Defendants faced prison sentences of up to 15 and 25 years, respectively.

By the end of 2022, the Office's digital evidence storage capacity (10,000 terabytes) will be 185 times greater than it was in 2020 (54 terabytes). The Office has hired four new digital analysts over the past year and is expected to add an additional four analysts by the end of the year.



The KCDA Digital Evidence Lab

Beginning this year, the Digital Evidence Lab has begun a partnership with local universities including New York University and CUNY John Jay College, and others to participate in Career Day programs and network with and recruit students studying forensic sciences.

The Digital Evidence Lab leads a mutually beneficial resource and knowledge sharing effort with the United States Secret Service (USSS), particularly relating to mobile extraction of forensic evidence and other emergency preparedness capabilities. To ensure we continue to utilize the most sophisticated forensic evidence in all investigations and prosecution, DEL analysts are regularly trained by USSS agents.

## Additional New Technological Enhancements

Investments in new technologies are a critical component of our comprehensive plan to end gun violence, but we are also enhancing our capacity to leverage existing technologies in new ways.

Investigators frequently overlay data from multiple sources including tools like ShotSpotter, an acoustic gunshot detection system that uses sound sensors to locate gunshots in a community, improve response times to gun violence, and to help target investigations. Approximately 20-25 ShotSpotter sensors are installed per square mile, and the technology triangulates the audible gunshots, and provides an approximate location. This allows investigators to map gunshots, to focus on locations from which to seek surveillance video and possible witnesses.

ShotSpotter is helpful not only in locating where a gunshot may have occurred but is also useful in ruling out a potential location under some circumstances, which can move investigators to utilize other techniques to either include or exclude potential suspects. Mindful of reasonable privacy concerns, ShotSpotter and other technologies help ensure that more invasive and burdensome investigative tactics, like the review of cell phone location data (“pings”), can be limited to only those circumstances where a potential suspect’s location is relevant.

Together, these new technologies can help investigators solve gun crime even when physical evidence and witness testimony are lacking.

## Improved Inter-Agency Collaboration



Information and intelligence sharing across law enforcement agencies is critical to our ability to prevent, detect, and respond to gun violence. Gun violence is a national issue that requires a regionally-coordinated response. Our Office has worked

closely with other DA's Offices and city agencies to ensure that cross-borough cases are handled as efficiently as possible. Effective collaboration with federal, state, and local agencies creates a force multiplier that accelerates investigations and helps to crack down on inter-state gun trafficking.

The Brooklyn District Attorney's office has been participating in a multi-agency collaborative effort known as the Gun Violence Strategies Partnership (GVSP). Formed in early August of 2021, the GVSP is comprised of over 40 city, state, and federal law enforcement agencies that work together to address the gun violence crisis. In daily briefings, leaders from each agency discuss the most significant arrests of drivers of shooting violence across the City, share information and intelligence, and coordinate resources to ensure that every law enforcement tool is brought to bear to interrupt patterns of violent criminal conduct. Additionally, partnering with the US Bureau of Alcohol, Tobacco, and Firearms (ATF) has significantly expanded ballistic evidence analysis and firearm tracing.

The partnership is premised on a simple truth: the vast majority of shootings are caused by a very small number of individuals. If we identify them and disrupt their criminality, we will drive down shootings and save lives. The Office will remain committed to diligent collaboration with local, state, and federal agencies to focus investigative resources to support criminal investigations, prosecutions, and strategic planning.

## **Addressing the Link Between Intimate Partner Violence and Gun Violence**

More than one in three women in the United States report experiencing abuse from an intimate partner in their lifetime.<sup>5</sup> The addition of guns to an abusive relationship exponentially increases the danger, with two thirds of intimate partner homicides committed with guns.<sup>6</sup> A review of data by our Domestic Violence Bureau found that more than 15% of those charged with felony gun charges also had a prior domestic violence conviction. Published research has also found that most mass shootings are linked to domestic violence.<sup>7</sup>

The intersection of domestic violence and gun violence is clear, and our STOP VIOLENCE Plan invests new resources to address both. The Brooklyn District Attorney's Office has received a technical assistance grant from the Office of Violence Against Women at the United States Department of Justice, and we are collaborating with our partners to not only examine the nexus between intimate partner violence and guns, but to broaden and enhance our response. This initiative also compliments our expanded

efforts to obtain Extreme Risk Protection Orders to remove guns from unfit gun owners, and to ensure that guns are removed from offenders' homes whenever the law allows. Together, these efforts will not only help protect the victims of domestic violence, but the broader community.



## Using the “Red Flag Law” to Remove Guns from Unfit Owners

Like many states, New York has a “red flag law” that allows a judge to restrict individuals who could pose a threat to themselves or others from buying or possessing (or attempting to purchase or possess) a firearm, rifle or shotgun, and Governor Hochul recently signed legislation to expand and strengthen the law.<sup>8</sup>

Family members, police, District Attorneys, certain school leaders and medical/mental health professionals can seek these orders, called an Extreme Risk Protection Order (ERPO) when there is reason to believe someone poses a threat and the Brooklyn District Attorney’s office is dedicating special resources to ensure that this lifesaving law is utilized effectively and efficiently to protect New Yorkers.

Prosecutors throughout the office will receive specialized training regarding the ERPO process, and the office will lead an awareness campaign to educate the public regarding the availability of ERPOs and how to seek one.

If you know of a gun owner who poses a threat to themselves or others, please call 911.

### The Extreme Risk Protection Order Process

- A petition is filed in State Supreme Court documenting actions, behaviors, medical conditions, threats or other information justifying the ERPO.
- In emergency circumstances, an *ex parte* order is requested, and a hearing will be held on the same day as the application, potentially without notice to the respondent.
- If the judge grants a temporary ERPO, police follow its terms to remove firearms from the respondent’s possession and serve the ERPO on the respondent.
- The judge schedules a final hearing in three to six business days to decide whether a final ERPO will be issued.
- Evidence is presented at the hearing and witness testimony may be taken. The respondent can be heard.
- ERPOs may be issued for up to one year, and before the expiration of a final ERPO, petitioner may seek an extension for up to another full year.
- Seized firearms are cataloged and stored by police for the duration of the ERPO.

## Gun Buybacks to Take Unwanted Guns Off the Streets



District Attorney Gonzalez displays guns removed from circulation at the gun buyback at Emmanuel Baptist Church on May 21, 2022.

The Brooklyn District Attorney’s Office continues to partner with the NYPD and our community partners to sponsor gun buybacks that offer valuable gift cards and other incentives in exchange for guns.

These popular events succeed because of our strong relationships with the supportive community organizations that lead them. Faith leaders have uniquely credible voices with the members of their church communities and each of our gun buybacks have removed dozens of deadly weapons from homes where they could fall into the hands of those who could do harm. By removing these weapons from circulation, we make Brooklyn safer.

## Engaging the Next Generation to Address Gun Offenses



For generations, automobile accidents were the leading cause of death for America’s young people, but data from Centers for Disease Control and Prevention show that in 2020, the most recent year available, firearms passed motor vehicles as the leading killer of those ages 1-19.<sup>9</sup> The perpetrators of six of the nine deadliest shootings in the United States since 2018 were 21 or younger,<sup>10</sup> and a disproportionate number of gun crimes committed in New York City involve a shooter or victim 25 years or younger.

Our STOP VIOLENCE Plan recognizes this grim and unacceptable reality with action to engage young New Yorkers in our fight against gun violence, because the data show they are best poised to make a meaningful difference.

This month, we joined with New Yorkers Against Gun Violence to present our first Anti-Gun Violence Youth Summit at Restoration Plaza on Chancellor’s Day. The program explored personal identity and how it can unite and divide us, the nexus between the health crises of COVID-19 and gun violence, and afforded participants the opportunity to tour a Brooklyn courthouse, to meet a judge, and to tour the Brooklyn Museum.

“Young people in Brooklyn and across this city are impacted every day by the trauma of gun violence in their communities. Our NYAGV educators see the impact this crisis is having on New York’s Black and Brown youth, and we need leaders who help to create safe and supportive platforms for our students. Brooklyn DA Eric Gonzalez recognizes that to stop the shootings and prevent gun violence, we need to provide young people with safe and empowering spaces to talk about the violence they are experiencing and to be a part of finding solutions. We are proud to partner with the Brooklyn DA’s Office on this outstanding Youth Summit and look forward to working together on more prevention initiatives in the future.”

Rebecca Fisher  
Executive Director  
New Yorkers Against Gun Violence



## **A Groundbreaking Approach to Stop Gang Violence**

### **Diversion for a Second Chance**

Every gun case is serious and requires an intervention to keep the public safe. Cases require careful assessment so that the accountability we seek is calibrated to the unique facts and circumstances. Our gun diversion program, Youth & Communities In Partnership, provides a second chance to certain young people, ages 13-22, who have no prior convictions and who were arrested for possession of a firearm.

The data-backed program seeks to minimize contacts with the criminal justice system, which studies show correlate with higher rates of recidivism, and links defendants with social workers, educational opportunities, and other resources to help address unmet needs, provide pro-social opportunities, develop skills, and avoid future criminal conduct. Program participants avoid incarceration and the collateral consequences and stigma of a criminal conviction, and since its creation in 2006, we have already seen a significant reduction in re-offense rates. Simultaneously, by directly addressing the root causes of violence, participants have also seen improvements in many other aspects of their lives. These successes will continue to reduce violence in the future: as young people leave behind lives of crime and violence, their children will also have a better chance of avoiding generational cycles of trauma, violence and incarceration.

Although COVID-19 slowed the diversion program and the number of participants remains small relative to overall gun cases, the Office is committed to building on this meaningful effort so long as data show its effectiveness.

### **Restorative Justice Through Project Restore**

Targeted enforcement actions to remove the drivers of violent crime from our streets reduce violence in the immediate term, but long-term safety and wellness require a community-driven approach that aligns the efforts of law enforcement, service providers, faith communities, and neighborhood stakeholders to develop lasting solutions to gun violence. For the first time, prosecutors and police have collaborated to work with the community following law enforcement actions like gang takedowns, with consistent outreach and dialogue with key stakeholders, including local religious leaders, community board members, NYCHA tenant representatives, non-profit organizations, and elected officials.

When gang leaders are removed from the community by law enforcement, it frequently creates a power vacuum within each gang where younger members vie to

“We must address the widespread trauma among young people and prevent those who are on the periphery of gangs from becoming shooters. And we can’t negotiate an end to the violence if we don’t bring people to the table who are directly involved, and who are influential over people who are directly involved”

Eric Gonzalez  
Brooklyn District Attorney

assume leadership roles by perpetuating the inter-gang rivalry with violence. To end the cycle of violence, arrests, and prosecutions, District Attorney Gonzalez convened meetings immediately following

recent gang takedowns with community-based working groups and held a youth summit that engaged young people to discuss what safety means to them. The next step is a new violence prevention initiative called Project Restore, which aims to end the gang and gun violence in Bedford Stuyvesant by completing a restorative justice process between two warring gangs.

This evidence-based initiative is an effort unlike anything else in New York City or the country, engaging groups of young people from each rival gang who are likely to become key drivers of gang-related violence. The program seeks to not only address the causes of violence but also the underlying trauma affecting these young people, and to provide them with services and opportunities to stabilize their lives and make different choices.

The program is not an alternative to criminal prosecution for anyone who has already been charged in connection with a shooting; the criminal cases stemming from the gang arrests are moving forward. Strong enforcement focusing on crime drivers who have committed acts of violence is an essential component of the Office’s plan to address gun violence. However, this program seeks to prevent future violence by addressing the trauma that leads to violence, changing group dynamics and interrupting the repetitive cycle of retaliatory shootings that have cut short so many young lives. Project Restore’s approach is backed by extensive social science research showing that access to social services and economic opportunities, stability and connections to positive social networks are the key ingredients of violence prevention.

## Community Building in Brownsville



Because safety is rooted in community wellness and social relationships, the work of building long-term safety can only be done effectively by the community, in the community. Law enforcement must play a supporting role by ceding power to local communities and providing resources that enable residents to build the future they want. That's why the Brooklyn District Attorney's Office continues to take part in several pilot initiatives including the Brownsville Safety Alliance (BSA).

In this pilot program in the NYPD's 73<sup>rd</sup> Precinct, community groups create an alternative to traditional law enforcement. For a week at a time, rather than relying on police as primary responders, groups staffed by community leaders, violence interrupters, and individuals with prior involvement with the criminal justice system respond to problems and seek to prevent crime before police intervention may be needed, preventing minor incidents from escalating into violence or other crime and providing an example of community-led public safety. Over the course of the pilot, mobile response teams assist families and individuals in crisis and help to refer misdemeanor desk-appearance tickets to community-based organizations without court involvement. The DA's Office has assisted the BSA with planning and convening and has staffed a resource table outside the city's highest concentrations of public housing with information about re-entry services and sealing of convictions. Among the partnerships the Office initiated in Brownsville was with the Education and Assistance Corporation (EAC) to provide

naloxone training to prevent overdose deaths. It is the consensus that this experiment, during which very few 911 calls are made, is a success and an encouraging blueprint for the future.



The District Attorney’s Office has initiated other pilot programs in the Brownsville area, where the community and the local NYPD commanding officer have been receptive to experimentation. For example, after receiving a request for help from a Rite Aid in the neighborhood where seven individuals were

repeatedly stealing from the store, the DA’s Office took part in a two-week pilot program that placed officers in an unmarked car across the street for quick apprehension and transport to the precinct. Non-law enforcement peers located in the precinct then engaged the arrested individuals and explained the program that provided them with services in lieu of prosecution. The Office is now looking to replicate this approach in additional precincts.

We continually evaluate innovative approaches and will remain open to experiments rooted in evidence, because there are more effective ways to address low-level crimes than recycling individuals through jail and the justice system.



## Broadening Community Engagement and Trust



### Community Outreach

District Attorney Kenneth P. Thompson recognized the critical importance of continual collaboration and partnership between law enforcement and the people we serve and dedicated unprecedented resources to create the first Office of Public Engagement.

We know the attributes of safe, strong, and inclusive

communities: stable, quality housing, healthy food, employment opportunities that pay a living wage, good schools, access to physical and mental healthcare, well-maintained infrastructure, and a strong civic culture. To feel safe, and to prevent crimes of desperation, we must ensure that the basic needs of our neighbors are met.



Understanding the pillars of strong and safe communities, the KCDA's Office of Public Engagement went to work. The Office sponsored over 80 food distributions across Brooklyn, putting food on the table for those struggling with job loss, housing instability, and other essential needs; multiple PPE distributions; and sponsored a holiday toy, coat, and book

distribution that supported hundreds of families. For Thanksgiving, the KCDA's Office and its partners gave out almost 1,000 turkeys.

Throughout the pandemic, Office of Public Engagement specialists have regularly attended community board meetings, police precinct council meetings, and block association and civic association events to ensure that all Brooklyn communities are kept informed about the latest developments associated with the Brooklyn District Attorney's Office. The Public Engagement team also continues to organize presentations that connect Brooklyn residents who are concerned about law enforcement and justice with subject matter experts. The unit plays a vital role in ensuring that Brooklyn residents relay their concerns about, and knowledge of, potential criminal activity to the appropriate personnel. Thanks to the Office of Public Engagement, crimes and illegal activity are regularly reported to the DA's Action Center via the District Attorney's specialized unit hotlines.

## Enhancing Reentry Services



Once someone has been held accountable for committing a crime, justice demands that we work with them to start a new chapter of life and become a contributor to Brooklyn's success. The Brooklyn DA's Office has long had a robust and active Re-Entry Bureau and District Attorney Gonzalez has committed additional resources to support this critical work.

Incarceration can be traumatizing no matter the duration and often places an individual at a disadvantage when returning to their community. By participating in one of the DA's Re-Entry Bureau-sponsored programs, individuals can better equip themselves to avoid further criminal activity, contribute to their communities, and get on with their lives from a position of strength.

For the Brooklyn DA's Office, successful re-entry means helping formerly incarcerated individuals find appropriate housing and educational opportunities, develop employment prospects, and re-establish the best relationships possible with family members and loved ones. Re-Entry services offered include substance abuse treatment, group and

individual counseling (including anger management), job readiness workshops, high school equivalency degree classes, family services, mentor matching, life skills workshops, HIV/AIDS counseling and testing, health insurance enrollment, clothing assistance, pre and post-natal support, educational advocacy, and assistance connecting with offsite services such as emergency shelters, job training, educational opportunities, and medical services.

Approximately 2,500 individuals return to Brooklyn each year from some sort of incarceration and in typical year, approximately 500 individuals receive services or referrals from the Bureau. For those returning to Brooklyn from incarceration in the last few years, the pandemic has made an always difficult process even more challenging, but the dedicated staff of the Kings County Re-Entry Bureau continue to go above and beyond to ensure that those individuals have not had to navigate the process alone.

Despite challenges posed by the pandemic, the Re-Entry Bureau adapted to provide extensive services to formerly incarcerated individuals while also continuing to sustain regular contact with clients, service providers, and Parole officers. In the first 6 months of the pandemic (March-September 2020), front-line Re-Entry Bureau case managers made more than 4,200 successful calls, emails and meetings in support of more than 1,750 re-entry client interactions.

## **A New Data Dashboard to Promote Transparency**

Accountability and trust are critical to maintaining the community partnerships and innovative programs that we know are essential to building the strong and stable foundation for safe neighborhoods free from gun violence. To ensure that the public has access to important data regarding our handling and disposition of cases, we have invested in technology to bring comprehensive data online through a new Data Dashboard, which will be released later this year. The new tool will include years of data from arrest to sentencing, and the data will be updated regularly.

Increased transparency was a critical part of our Justice 2020 plan, and the introduction of the Data Dashboard follows a comprehensive analysis by the CUNY Institute for the Study of Local Government (ISLG) that examined key discretion points of cases in our office for patterns of racial disparities in outcomes. The findings—derived from data collected between 2016 and mid-2019—paint a nuanced and complex picture that implicates not only current policies and practices shaped by ongoing reforms within the office, but also practices that have since been phased out, system stakeholders outside the prosecutor's authority, and broader root causes of racial inequity in America. After

analyzing outcomes at every step from case acceptance to sentencing, ISLG found that while Black and Hispanic people were more likely to exit the system at various points than white people, those who stayed in the system had worse outcomes in various circumstances. Disparities were not found to be large or pervasive, which may be attributed at least in part to ongoing reform strategies advanced by the DA over the past several years.

The complete study is online at <https://islg.cuny.edu/case-study-brooklyn-da>.

## **Legislative Priorities**

We have been working collaboratively with the Governor, New York State legislators, the Mayor and City Council to ensure that our laws support the critical objectives of safe neighborhoods and a fair justice system. To protect our communities from gun violence, it's critical that New York continue to have some of the nation's strongest gun laws, and we will continue to advocate at every level for common sense gun restrictions to keep guns away from those who are unfit to possess them, to address the growing dangers of ghost guns, and to require the use of technologies that help law enforcement solve crimes.

### **Universal Background Checks**

The horrific drumbeat of mass shootings that have claimed so many innocent lives underscores the importance of requiring thorough background checks to obtain deadly weapons, and closing the loopholes that have allowed those who are unfit to obtain them. The Bipartisan Background Checks Act of 2021 would require a background check on all gun sales and transfers with reasonable, limited exceptions, including guns for hunting and target shooting, guns given as gifts to family members, and guns provided for emergency self-defense.<sup>11</sup> It would require unlicensed gun sellers to finalize sales at a location where a background check can be performed, helping to prevent those with felony convictions, a history of domestic violence, fugitives, and people with mental illness from evading critical background checks.

Under federal law, gun purchases can move forward after three days pass, even when a background check is not yet complete.<sup>12</sup> Most background checks are completed very quickly, often in just minutes, but those that take much longer are as much as four times more likely to include information that disqualifies the buyer from purchasing a gun. It was precisely this loophole that allowed the Charleston, South Carolina shooter to purchase the weapon he used to murder nine innocent people. While he was legally

prohibited from purchasing a gun, because his background check took more than three days, the purchase was allowed.

## Response to Potential Supreme Court Invalidation of Concealed Carry Law

As we grapple with a national uptick in gun violence, the Supreme Court is poised to potentially overturn a century-old New York law that restricts the concealed carrying of handguns to those who can show a special need.<sup>13</sup> The Court's decision, which would impact more than 80 million Americans in states with similar laws, could flood our city with an influx of legal guns, exacerbating already unacceptable levels of violence. It's critical that New York's leaders prepare to take quick action to avoid this terrifying prospect.

States with the highest rates of gun deaths are those with the weakest gun laws.<sup>14</sup> In Mississippi, where more than half of households have a gun, a person is five times more likely to die of a gunshot than someone in New York State, where 10% of households have a gun, according to data from the CDC.<sup>15</sup> In addition to gun homicides, deaths from suicides and accidents cost thousands of lives every year and leave countless people in mourning.

More guns in our urban neighborhoods would be especially devastating to Black and Brown communities, who already suffer disproportionately from gun violence. In a brief to the Supreme Court, the NAACP Legal Defense and Education fund noted that young Black men are 14 times more likely to die of a firearm homicide than white men, and that concealed carry laws like New York's are essential public safety tools that have been in use since Reconstruction to protect Black people.<sup>16</sup>

If the Supreme Court overturns New York's law, state leaders will be left with little choice but to issue permits to many more applicants, allowing them to carry concealed handguns in all but designated "sensitive places." It is a foreboding sign that nine out of the 10 cities on Forbes' list of America's most dangerous are in states with weak permitting laws that the court's decision may force New York to adopt.

Striking down the law would make the job of our police more dangerous and complicated. It would make it challenging, even impossible, to know if a concealed weapon — in the subway or other public spaces — is illegal or permissible. And the chances of cops encountering armed individuals will undoubtedly increase.

Make no mistake that, despite a pandemic-induced spike in shootings and a seemingly constant string of dire headlines, New York's tough gun laws pay dividends every day in keeping us safe.

In Brooklyn, homicides and shootings declined significantly last year, and we're seeing continued progress this year due to targeted enforcement and community engagement. My office has invested unprecedented resources in technology, intelligence, and training to keep our efforts laser-focused on the drivers of violent crime, and we will continue to collaborate with neighborhood partners to address the root causes of violence. But in the face of this serious threat, we must do more.

The horrific mass shooting in Buffalo exemplified the limits of New York's current gun laws, which failed to stop a teenage alleged white supremacist with documented mental health issues from legally obtaining an assault weapon. His rampage, which his own words all but confirm was motivated by racism and hate, robbed 10 innocents of their lives and shocked a nation that has become increasingly numb to mass violence.

We must do more to close the gaping holes in our background check process to keep guns out of the hands of those who are unfit and use our red flag law more effectively, but that's not enough.

Gov. Hochul and Mayor Adams have led a range of initiatives to combat gun violence, hate and extremism, and I commend them. New laws passed this session mark great progress—fortifying our Red Flag Law, requiring microstamping, and other measures to better protect our neighbors. But it's critical that our leaders at every level invest more in violence prevention, youth education and engagement, mental healthcare, and community wellness.

These types of responses — aimed at making communities healthier and more prosperous — are the best antidote to crime and gun violence in poor neighborhoods, and they must be an integral part of every response to any comprehensive public safety strategy.

While it is all but inevitable that the Supreme Court will order some changes, I continue to hope it will not completely eviscerate the commonsense gun laws that are so essential to keeping our neighborhoods safe.

## Conclusion

The STOP VIOLENCE plan continues the strategies that data show improve safety in our neighborhoods and fairness in our system while making vital investments in personnel, training, technology and community engagement to enhance the effectiveness and impact of our work throughout Brooklyn.

Working together with our law enforcement and community partners we are determined not only to return to pre-pandemic levels of safety, but to set new records. Continued funding for our work, support from our legislatures, and engagement with stakeholders is critical to our success and we will continue to be unrelenting in our efforts to ensure that New York remains America's safest big city.

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<sup>2</sup> *Id.*

<sup>3</sup> Jonah E. Bromwich, Deadly and Untraceable, ‘Ghost Guns’ Are Becoming More Common in N.Y., THE NEW YORK TIMES, Sept. 6, 2021, *available at* <https://www.nytimes.com/2021/09/10/nyregion/ghost-guns-nypd-crime.html>

<sup>4</sup> Governor Hochul Signs Legislation Package to Fight Gun Violence Epidemic, *available at* <https://www.governor.ny.gov/news/governor-hochul-signs-legislation-package-fight-gun-violence-epidemic> (Oct. 28, 2021)

<sup>5</sup> Guns and Violence Against Women: America’s Uniquely Lethal Intimate Partner Violence Problem, EVERYTOWN FOR GUN SAFETY, *available at* <https://everytownresearch.org/report/guns-and-violence-against-women-americas-uniquely-lethal-intimate-partner-violence-problem/> (Updated January 26, 2021).

<sup>6</sup> *Id.*

<sup>7</sup> Lisa B. Geller, The role of domestic violence in fatal mass shootings in the United States, 2014-2019, JOURNAL OF INJURY EPIDEMIOLOGY, *available at* <https://efsgv.org/press/study-two-thirds-of-mass-shootings-linked-to-domestic-violence/> (May 31, 2021)

<sup>8</sup> Red Flag Gun Protection Law, New York State Governor Kathy Hochul, *available at* <https://www.ny.gov/programs/red-flag-gun-protection-law>

<sup>9</sup> U.S. Centers for Disease Control and Prevention, About Underlying Cause of Death, 1999-2020, *available at* <https://wonder.cdc.gov/controller/saved/D76/D292F153>. *See also*, Johns Hopkins Center for Gun Violence Solutions, 2020 Gun Deaths in the U.S., Apr. 28, 2022, *available at* <https://publichealth.jhu.edu/sites/default/files/2022-05/2020-gun-deaths-in-the-us-4-28-2022-b.pdf>

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<sup>11</sup> Bipartisan Background Checks Act of 2021, *available at* <https://www.congress.gov/bill/117th-congress/house-bill/8>

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<sup>16</sup> Brief amici curie of NAACP Legal Defense and Education Fund Inc. and National Urban League for *N.Y Rifle & Pistol v. Bruen*, U.S. Supreme Court, *available at* [http://www.supremecourt.gov/DocketPDF/20/20-843/193209/20210921143407245\\_20-843%20Amicus%20Brief%20of%20NAACP%20LDF%20EFILE%20COPY.pdf](http://www.supremecourt.gov/DocketPDF/20/20-843/193209/20210921143407245_20-843%20Amicus%20Brief%20of%20NAACP%20LDF%20EFILE%20COPY.pdf)