



**City of Jacksonville – The Jacksonville Journey
Law Enforcement and Deterrence Sub-Committee**

MINUTES

OF

GETTING GUNS OFF THE

STREET

SUB-COMMITTEE

January 28, 2008

**The Jacksonville Journey – Getting Guns Off the Streets
Sub-Committee
January 28, 2008
9:30 a.m.**

PROCEEDINGS before the Jacksonville Journey –“Getting Guns Off the Streets” sub-committee taken on Monday, January 28, 2008, Edward Ball Building, 8th Floor – 214 N. Hogan Street, Jacksonville, Duval County, Florida commencing at approximately 9:30 a.m.

Bishop John Howard, Chair
Joe Stelma, Member
Ed Hearle, Member
Jon Phillips, Staff

APPEARANCES

COMMITTEE CHAIR & MEMBERS:

BISHOP JOHN HOWARD, Chair
JOE STELMA, Member
ED HEARLE, Member

PROFESSIONAL STAFF:

JON PHILLIPS, Office of General Counsel

STAFF:

LYN COMPTON

GUEST SPEAKERS:

FRANK TALBOT, ESQ. Assistant United States Attorney in Jacksonville	MARK CALIEL, ESQ. State Attorneys Office Violent Crimes Task Force
LT. RON LENDVAY Detective Division Operation Safe Streets Violent Crimes Task Force / Aggravated Battery Jacksonville Sheriff's Office	MATT O'KEEFE, ESQ. State Attorneys Office Violent Crimes Task Force
	MELISSA NELSON, ESQ. State Attorneys Office Former member of Gun Unit
MEMBER OF THE PUBLIC: Betty Holzendorf Former Florida State Senator	

PROCEEDINGS

January 28, 2008

Getting Guns Off the Streets

9:30 a.m.

Call to Order and Comments. Bishop John Howard, Chair, called the meeting to order at 9:31 a.m. and the guest speakers were introduced to the subcommittee.

Purpose of Meeting. To obtain the opinions of various law enforcement personnel (United States Attorneys Office, State Attorneys Office and Jacksonville Sheriffs Office) on how to effectively reduce violent crimes, with emphasis on illegal weapons possession.

Minutes.

Bishop Howard asked Mr. Phillips to briefly outline to the guest speakers the scope of information the subcommittee was seeking.

Mr. Phillips stated that the subcommittee was interested in hearing about the history of the Violent Crimes Unit, and its perspective of how to improve combating gun crimes, including needed resources, and their thoughts about the high homicide rates.

There was discussion of the application of “Stop and Frisk”, its practices, effectiveness and possible violation of civil liberties, also the idea of designation of geographic high crime areas.

Mr. Stelma mentioned the issue of higher bail imposed for offenders arrested in the designated geographic high crime areas.

The first guest speaker was Frank Talbot, Assistant United States Attorney, based in Jacksonville. He discussed jurisdictional issues with regard to the application of federal gun laws, and described the 15 year minimum mandatory for violent career criminals in the federal system for illegal possession of weapons or ammo. The goal is to find offenders with bad records and lock them up for illegal gun or ammunition possession ideally before they shoot someone.

Mr. Talbot stated that these prosecutions were a joint effort between Federal and State attorneys offices and local law enforcement agencies. He noted

that there were 12 counties in his jurisdiction, but that Jacksonville used up the most resources of the 12.

The subcommittee asked if there was any evidence of problems with felons getting guns at gun shows. Mr. Talbot explained that a private collector could sell at a gun show without being considered a gun dealer, and the Form 4473 (see below) would not apply. However, private gun collectors still are not allowed by law to sell to a known felon.

The subcommittee asked Mr. Talbot what he recommended to get a big impact (in fighting gun crime) in the shortest amount of time. Mr. Talbot replied that he believed it was necessary to “get the message out to the community” of the high price to be paid for illegally possessing a firearm.

Mr. Hearle inquired as to the effectiveness of the data transmission of the Form 4473. Mr. Talbot explained that a Firearms Transaction Record, or Form 4473, is a United States government form that must be filled out when a person purchases a firearm from a Federal Firearm License holder (such as a gun shop). The Form 4473 contains name, address, date of birth, driver's license, National Instant Criminal Background Check System (NICS) background check transaction number, make/model/serial number of the firearm, and a short federal affidavit stating that the purchaser is eligible to purchase firearms under federal law. Lying

on this form is a felony and can be punished by up to five years in prison in addition to fines, even if the transaction is simply denied by the NICS.

The dealer must also record all information from the Form 4473 into a log. A dealer must keep this log the entire time they are in business and is required to surrender the log to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) upon retirement from the firearms business. The ATF is allowed to inspect, as well as request a copy of the Form 4473 from the dealer during the course of a criminal investigation. In addition, the sale of two or more handguns to a person in a five day period must also be reported to the ATF.

Mr. Talbot also related that guns sold by private citizens, *i.e.*, private collectors, at auction, etc., are not subject to the reporting requirements of Form 4473.

Mr. Stelma asked if the punishments were harsher if convicted in the Federal court. Mr. Talbot replied that processing time was shorter in the Federal court system. There is an average of 45 to 60 days between a violator's initial court appearance to sentencing. There is an average of less than a year from the time of arrest to actually being sent to prison. Further, very few federal defendants are out of bond with charges pending.

Mark Caliel from the SAO spoke. He is one of 2 division chiefs at the SAO working full-time on shooting cases. His primary focus is with the aggravated

battery squad in “zones 4 and 5”. He works with the detectives in this unit in hand.

There was discussion of “Operation Safe Streets” project. The Violent Crimes Task Force targets likely offenders, monitors them for recent arrests, and seek a minimum amount of time during the prosecution phase to sentencing and incarceration. He stated that between 250 to 4000 guns are confiscated monthly and that no one really knows where all of the guns are coming from.

Mr. Caliel noted that as of January 1 they were looking at all guns collected by the JSO – attempting to find where the guns used in the commission of crimes were coming from.

When asked how the criminals are getting the guns, he noted that they can be obtained in robberies or in “dry deals”, and that there is a need to do ATF e-traces. There was also mention of guns being obtained in burglaries of homes and autos.

He stressed the necessity of finding out where the guns are coming from to be better able to combat crime.

When asked about the percentage of criminals to crimes committed, he stated that the percentage was small: *i.e.*, a small number of criminals commit many of the crimes.

He believes the public needs to be more interactive, that witnesses need to go to court to testify. He stated that there was a very real problem getting witnesses (including victims) to testify at trial. He noted that offenders are usually only tried on one charge (the one with the longest sentence) and that lesser charges are dropped. He only tries the really serious offenders or if a person is shot – other cases go to seasoned prosecutors. His typical case calendar is 35 – 40 shootings at any given time, but he still handles the investigations and filings of the other cases.

Mr. Caliel explained that shooting cases not resulting in death are not less difficult to prosecute than the typical murder case.

Mr. Caliel related that the “CSI” portion of the investigation is really slowed down because of the FDLE backlog.

He noted that Federal and State cases (if there is a choice of jurisdiction) are chosen by how long a sentence can be imposed for the crime.

He also noted that the discovery in criminal prosecutions in State and Federal courts are very different. He stated that where a criminal is charged with a crime which may be prosecuted in either State or Federal court, that the State will hold the prisoner and proceed toward prosecution there until charges can be filed and prosecution can take place in the Federal court.

As far as the “CSI” portion of the investigation and prosecution, the FDLE is both undermanned and under funded. He suggested that the subcommittee should talk to Todd Lockhardt of the ATF.

The next speaker was Matt O’Keefe, Mr. Caliel’s “partner” in the Violent Crimes Task Force.

Mr. O’Keefe’s belief is the community involvement is needed. There is a “no snitch” code on the streets and a violator will be insulated from prosecution for crimes committed on the street.

Mr. O’Keefe states that he did not have the problems a few years ago that he has now – even victims won’t testify – criminals feel it will be OK because people won’t talk to the police.

Mr. O’Keefe would like a list posted in high crime neighborhoods identifying targets sought by police. “Hot Spot Tip Cards” were also mentioned, where a person can anonymously report a crime.

It was discussed that a caseload of 35-40 aggravated battery cases is too high and optimally would be half that.

Lt. Ron Lendvay was the next speaker. He stated that identified felons are “scored” on their criminal history.

When asked about the gun bounty program, he stated that it has been successful – directly proportional to advertising.

Mr. Hearle requested data to support that statement but Lt. Lendvay doesn't have that kind of information and suggested that the subcommittee get that data from JSO.

It was also noted that there is no law in effect right now to register firearms with the police. The consensus was that if this was permitted it would be helpful in solving crimes.

10:25 a.m. to 10:35 a.m. – BREAK

Bishop Howard reconvened the meeting by asking for one to three suggestions to help with the gun problem in Jacksonville.

Mr. O'Keefe – wants a public effort to encourage cooperation with police and combat the "no snitching" movement.

Ms. Nelson – want to flood high crime areas with law enforcement personnel. She states that there is a lot of success by law enforcement agencies efforts, but that we still need to flood high crime areas with law enforcement.

Lt. Lendvay – wants to target younger kids (D.A.R.E. age) because he sees so many 14 +/- kids already with guns that he feels the message needs to go out even earlier. He also believes community activism is essential.

Lt. Lendvay also says we need more State Attorneys – there are only two dedicated to the two high crime zones right now.

Lt. Lendvay also believes a higher bond is a huge issue, but not based on a zone ranked as “higher crime”. Ms. Nelson states that it is illegal to increase a bond just for a geographic area, but that a bond amount can and should be raised for a person’s criminal record, etc.

It was noted that adequate funding is needed in all areas.

Bishop Howard dismissed the guest speakers at 10:55 a.m.

Bishop Howard then spoke about the need for a Federal force to help fight the gun problem because it is so large.

At that point Betty Holzendorf was given the floor to express her opinion that the subcommittee needs to look at both the short and long term issues. She felt we need to get the information out to the public that we will no longer tolerate gun crimes.

Mr. Hearle requested a “debate” or some other form of discussion of the “Stop and Frisk” idea.

FOR THE FUTURE:

Magnitude of the issue

Lack of resources

Look for proposals

Have to carefully consider proposals for legality

Want AFT / FDLE representatives at next meeting.

Solidify ideas

Length of report (shorter rather than longer)

Fiscal impact should be considered

Spend interim time developing talk lists – reading materials

Set final TO DO list.

Read “Shot Shooter” information supplied at last meeting

Need to look at other jurisdictions and what worked for them

Let guest speakers know in advance what the subcommittee is looking for to reduce time in meetings.

Final comment by Ms. Holdzorfer: Look at the laws already in place that could work better and be more meaningful as opposed to new laws which will take time to pass. There is also the need for more money to reach our objectives.

11:22 A.M. – MEETING ADJOURNED.