

Written Testimony of David Lambert, Ph.D. in Favor of Bill H5130, an Act Relating to the Criminal Offenses- Weapons

My name is David Lambert and I am currently the Interim Dean and Director of the Justice System Training & Research Institute, School of Justice Studies at Roger Williams University. I am forwarding this testimony based upon research that I have collaborated on with Northeastern University through a U.S. Department of Justice, National Institute of Justice (NIJ) grant. This research examined the implementation and integration of firearms forensic evidence such as ballistics imaging and crime gun tracing for use in criminal investigations in New Jersey.

Our research team reviewed the development of crime gun intelligence centers (CGIC) across the country and examined the statewide adoption of the National Integrated Ballistic Information Network (NIBIN) to collect ballistics evidence as well as the integration of that evidence with shooting incident data, violent criminal history records and other investigative information to provide investigators and prosecutors with analytical products to support violent crime reduction in New Jersey. Our full report is attached here:

<https://acrobat.adobe.com/id/urn:aaid:sc:US:294ddae7-8807-471f-8737-ba7858753f7e>

Based upon my experience on this project and my previous thirty years of police experience with the Massachusetts State Police and Dennis, MA Police Departments, the integration of firearms evidence with other criminal information represents some of the most innovative investigative practices available. The Crime Gun Intelligence Center concept <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-crime-gun-intelligence-centers-cgic>, has produced over 200,000 investigative leads across the country since their adoption, according to the ATF. The ability to match firearms and cartridge casings across different shooting cases as well as matching crime guns with individual offenders has been a revolutionary step forward.

Project Funding

I would support the passage of this legislation if there is a reasonable funding proposal attached. This legislation can only be effective if the relevant criminal justice agencies such as the RI Crime Lab, RI Fusion Center, Office of the RI Attorney General and participating police agencies have the resources to collect, transport, process, analyze and disseminate information gleaned from firearms and related evidence. An unfunded legal mandate is an ineffective and often counterproductive solution to the complex issue of gun violence.

The funding needed for launching a successful Crime Gun Intelligence project is modest given that the state already owns the Integrated Ballistic Imaging Systems (IBIS).

Engage Key Stakeholders

One of the important elements of New Jersey's implementation of a crime gun intelligence initiative was the engagement of key stakeholders across government. The New Jersey State

Police (NJSP) led a group of criminal justice agencies in the development of a robust crime gun intelligence capacity that is a model for other states. They developed this initiative in conjunction with the New Jersey Office of the Attorney General, the regional Urban Area Security Initiative, The U.S. Justice Department, Bureau of Alcohol, Tobacco, Firearms and Explosives and key cities in the state such as Newark and Camden as well as counties such as Essex and Union counties. They included their own investigative entities the NJSP Ballistics Unit and fusion center, the Regional Operations and Intelligence Center (ROIC). In addition, they developed a Ballistics Community of Interest working group to develop operating policies and procedures that gave voice to the various needs of these entities.

Recommendation: Convening a group of key stakeholders is a critical first step to designing an effective crime gun intelligence capability. There are a variety of interests and resource needs that should be addressed by a working group modeled after the New Jersey Ballistics Community of Interest.

Comprehensive Collection of Evidence

One of the critical steps for a successful NIBIN program includes comprehensive collection of firearms evidence. In practice, this entails the collection of all ballistic evidence from crime scenes, and recovered crime guns, including bullets, cartridge casing and firearms themselves. This should involve fatal, non-fatal and shots fired incidents where sometimes only cartridges are found at the scene.

Recommendation: For the state of Rhode Island to be effective, they should include this step in their final crime gun guidelines. While the legislation mandates that police agencies **shall submit the firearm or at least two (2) test-fired cartridge cases or shell casings** to the state laboratory or Attorney General's Office IBIS section, there does not appear to be any funding attached to this legislation to expand forensic and analytical capacity.

Timely Submission to NIBIN Sites

The second critical step for successful NIBIN programs involves timely submission and analysis of ballistics evidence. Investigators need leads in a timely manner in order to solve violent crime cases. This requires timely submission to NIBIN sites for acquisition which may involve a change in business processes where police agencies are submitting their evidence within 48 hours of the incident. In addition, this may impact the intake processes at the NIBIN sites if they typically only take in evidence during certain days and times.

Recommendation: Policymakers must ensure that police agencies and labs are properly funded under this legislation to submit their gun evidence to the Rhode Island Crime Laboratory or Attorney Generals NIBIN site. This funding may include costs to transport or mail firearms evidence as appropriate. This could potentially entail establishing an evidence transportation service to transfer firearms evidence to NIBIN labs securely while maintaining the chain of custody and timely submission of evidence.

NIBIN Acquisition

In order to effectively determine relationships between various shooting incidents, Currently, there are two NIBIN sites in Rhode Island, one site at the Rhode Island State Crime Laboratory and at the Rhode Island Attorney General's Office.

One issue that many NIBIN sites in cities that have adopted a crime gun intelligence center effort have confronted is the lack of staff and training to efficiently process firearms evidence in a timely manner. This has in many cases exacerbated existing evidence processing backlogs and led to delays in NIBIN acquisitions and development of NIBIN Leads. NIBIN technicians are often in short supply, for instance in New Jersey, they established a training program to provide more expertise at NIBIN sites to reduce backlogs.

Recommendation: Provide funding for additional NIBIN technicians and training according to ATF guidelines as needed. In addition, the project can develop guidelines and protocols for NIBIN use based upon some of the best practices learned from other CGIC sites such as New Jersey. The Justice System Training & Research Institute, at Roger Williams University could develop a seminar on best practices based upon its research in New Jersey.

Intelligence and Information Sharing

One of the successes in the New Jersey program was their ability to develop a tight collaboration between their State Police Ballistics Unit and their state fusion center, the Regional Operations and Intelligence Center (ROIC). New Jersey's approach to crime gun investigations leveraged crime analysts at the ROIC in addition to analysts assigned to their real time crime centers. These analysts became local criminal environment experts and developed trusted relationships with police departments in their area of responsibility as a result of the investigative support and tactical analysis these analysts provided for violent crimes. This was a key element of their success with using NIBIN Leads to impact investigations, where ROIC analysts review NIBIN Leads daily and look for connections between people, places and events. The New Jersey State Police fusion center co-hosts a monthly information sharing meeting, called CorrStat that brings together police from across the state along with county prosecutors to discuss ongoing violent crimes centered around analytical products produced by the ROIC. This CorrStat meeting has institutionalized the sharing of criminal information across jurisdictions as well as brought together local, state and federal agencies to be unified on violent crime reduction.

Rhode Island has an opportunity to integrate the analysis of firearms incidents, crime gun evidence and persons involved in violent crimes into coherent analytical products that assist federal, state and local investigators. Analyzing NIBIN Leads can connect different incidents, individuals, locations and guns to provide a more detailed picture of offenders involved in

multiple gun incidents. Dedicating analytical staff and training toward the examination of NIBIN Leads and associated investigative information provides timely actionable criminal intelligence to policymakers, investigators, and prosecutors. Providing those analytical products in a forum such as New Jersey convened in CorrStat enhances information sharing across the state.

Recommendation: Rhode Island policy makers should consider a similar integration of forensic evidence with intelligence and information sharing processes to support investigators. They should provide funding for a dedicated crime gun analyst situated at the RI Fusion Center as well as analytical training to produce investigative support packages for detectives.

In addition, it should establish a statewide information sharing process using in-person and or video conferencing technology to convene meetings among police, prosecution, probation and parole entities to focus on the people, places and firearms that at most frequently involved in shooting incidents.

Statewide Shooting Incident Database

One of the unique elements of New Jersey's violent reduction effort was the evolution of a statewide shooting database to track in near-real time all shooting incidents. This data is collected by the state fusion center and shared with criminal justice agencies. It provides an up-to-date picture of the criminal environment in their state not found in many other jurisdictions. It allows detectives from different towns to view suspect and victim data from incidents in neighboring towns.

Recommendation: Rhode Island leaders should consider the development and implementation of a statewide shooting incident database that captures in near-real time, all fatal and non-fatal shooting incidents. This database should include information on the date, time, location and type of incident as well as information on suspects and victims to include names, addresses and identifiers such as date of birth, FBI and state identification number if they have previous criminal histories. The RI Fusion Center would receive funding to hire a crime analyst to process, analyze and produce crime intelligence products for criminal justice agencies as a decision making and investigative tool. The Roger Williams University's Justice System Training & Research Institute can provide student interns and technical assistance to the analytical functions included in the project.

Investigative Follow Up

The third pillar of a successful crime gun initiative is having the resources for investigative follow up of leads from NIBIN, eTrace and associated repositories such as a shooting database or criminal history system. Violent crime investigators armed with investigative packages with NIBIN leads from a state fusion center or real time crime center have an advantage in their

pursuit of suspects. Providing investigative leads to detectives can assist them in solving current shooting cases and preventing future shootings from prolific criminal actors.

Coordinated Prosecution

Coordinating shooting investigations with state and federal prosecutors becomes the fourth pillar for success crime gun initiatives. Rhode Island has an advantage in that it has significant ongoing collaboration between police agencies and the Attorney General's Office. Prosecutors can work with detectives to prioritize offenders who are suspects in multiple violent incidents. Bringing prosecutors into statewide crime gun intelligence meetings as discussed above provides an opportunity for front-line prosecutors to understand the value of technologies such as NIBIN and eTrace to improve investigative outcomes.

Recommendation: The stakeholder group once formed, can assess the resources needed to conduct timely investigative follow-up and coordinate prosecutions for the highest risk offenders.

In conclusion, the bill sponsors should be commended for adopting some of the most cutting-edge technologies to investigate gun crime in Rhode Island. The development of a fully functioning Crime Gun Intelligence capacity that integrates the collection, processing, analysis, and dissemination of firearms evidence is a substantial innovation that can address gun violence. It will provide investigators, forensic scientists and prosecutors with case leads that improve their solvability and support crime prosecutions. In addition, it will provide strategic intelligence to legislators, criminal justice policy makers and executives throughout the state to develop intelligence-led policy.