
Project Safe Neighborhoods in Hawaii

— Year 1 Study Report —



A report by the
Department of the Attorney General
Crime Prevention & Justice Assistance Division
State of Hawaii

In Partnership With The
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Introduction to PSN in Hawaii

Project Safe Neighborhoods (PSN) was nationally unveiled on May 14, 2001 as the centerpiece of President Bush's efforts to reduce firearm-related violence in the United States. The program's comprehensive strategy is based upon five essential elements: (1) partnership between federal, state, and local agencies; (2) methods and efforts that are tailored to specific local circumstances and resources; (3) coordination of specialized training for federal, state, and local law enforcement officers and prosecutors; (4) community outreach and public awareness programs to convey PSN's message to potential offenders as well as to the general public; and (5) accountability through ongoing program evaluation and reporting of program activities.

The United States Attorney's Office (USAO) in Hawaii initiated PSN efforts exactly one year after the national program was announced by U.S. Attorney General John Ashcroft. In February 2003, the State of Hawaii's Department of the Attorney General was awarded a grant by the U.S. Bureau of Justice Assistance in order to quantify the firearm violence problem in Hawaii and measure the progress of PSN through September 2005. The information presented herein outlines the results of the preliminary research efforts conducted during the project's first year.

The ability to tailor fit a federal criminal justice initiative to each jurisdiction is a fresh and welcome approach, as the extent of firearm-related violence is quite different in Hawaii when compared to the nation as a whole. Not only does Hawaii maintain one of the lowest violent crime rates among the 50 states (ranked ninth lowest in 2001¹ and tenth lowest in 2002²), but the proportions of violent Index Crimes involving firearms in Hawaii are also dramatically smaller than the national statistics (see Figure 1, next page). The local figures appear especially low given that Hawaii features one of the nation's most populated urban areas (the City and County of Honolulu), where approximately 75% of the state population resides. In addition, Hawaii reported only 22 murders for 2003, yielding its lowest tally since 1968 and its lowest murder rate (1.7 reported offenses per 100,000 resident population) since 1956. Only eight (36.4%) of these cases involved a firearm as the murder weapon.

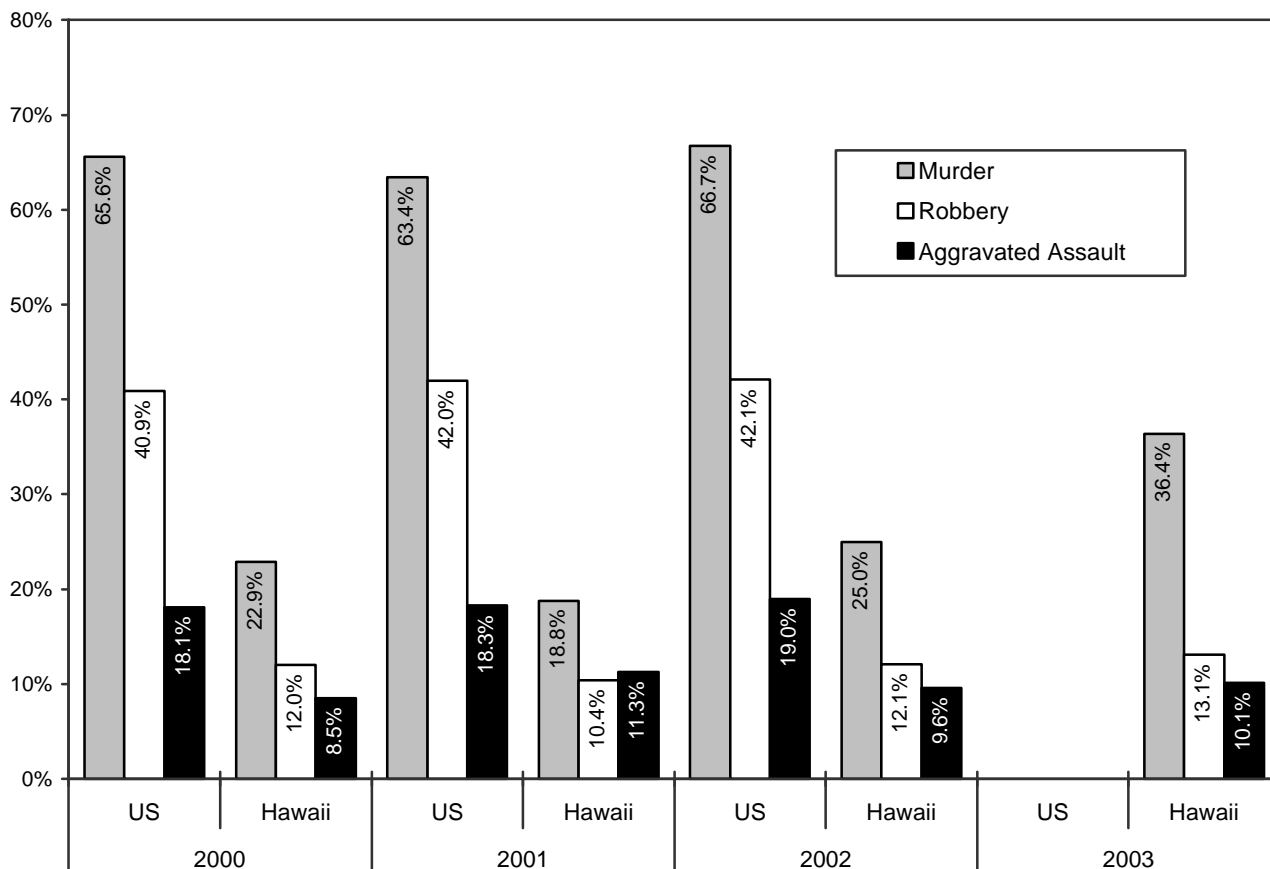
The number and proportion of firearm-related offenses in Hawaii also appear remarkably small given that informal estimates arrived at by the Department of the Attorney General, and, through different means, by the City and County of Honolulu Police Department, indicate that there are at least one million firearms in private possession in the state. Given that the state resident population is roughly only 25% larger than this figure, it is not the case that there is little firearm-related crime in Hawaii simply because there are few firearms.

¹ Crime Prevention and Justice Assistance Division (2003). *Crime in Hawaii, 2002*. State of Hawaii: Department of the Attorney General.

² Crime Prevention and Justice Assistance Division (2004). *Crime in Hawaii, 2003*. State of Hawaii: Department of the Attorney General.

Figure 1: Proportion of firearm-related violent crimes, U.S. versus State of Hawaii, 2000-2003

(Source: Uniform Crime Reporting Program, FBI and Department of the Attorney General, State of Hawaii)



Note: National data for 2003 were not available as this report went to press.

Appendix A includes a series of data tables showing a subset of Uniform Crime Report data requested by the PSN national research team located at Michigan State University. Beyond these data, which show the relatively small *extent* of firearm-related crime in Hawaii, the *nature* of these crimes is also unusual, with virtually none of the drive-by shootings, carjackings, muggings and liquor store holdups “gone bad,” and other forms of street violence that largely characterize the public perception of firearm-related crime on a national scale. To some degree, however, Hawaii shares with other jurisdictions the problem of violence occurring between people who know one another, and this violence sometimes involves the illegal use of firearms. These types of cases comprise the first of two major focuses for PSN in Hawaii.

Of the 22 homicides reported in 2003, eight (36.4%) were committed using a firearm. Six (75.0%) of the firearm-related murders, including one familial case, involved victims and offenders who knew one another. The victim-offender relationship was listed as a stranger for the remaining two (25.0%) cases.

In 2002, 24 homicides were reported in Hawaii, 11 (45.8%) of which were committed with a firearm. Victim-to-offender relationships for the firearm cases include seven (63.6%) where the victim and offender knew one another (including two intimate partner and/or familial cases), two (18.2%) stranger cases, and two (18.2%) unknown relationship cases.

In 2001, eight (25.0%) of 32 reported murders were committed with a firearm. Relationship data for the firearm cases include six (75.0%) cases where the victim and offender knew one another (including four intimate partner cases), zero stranger cases, and two (25.0%) unknown relationship cases.

In 2000, eight (22.9%) of 35 reported murders were committed with a firearm. Among the firearm cases, five (62.5%) involved victims and offenders who knew one another (including two intimate partner cases), and three (37.5%) involved strangers.

In sum, there were 35 (31.0%) firearm-related cases out of 113 murders reported during the last four years in Hawaii. Over two-thirds (24, or 68.6%) of the firearm cases involved victims who knew the offenders, including 10 (28.6%) that occurred between intimate partners or other types of family members. Only seven (20.0%) of the firearm cases involved strangers, while the relationship between the victim and offender was unknown for the remaining four (11.4%) cases.

Given Hawaii's resident population of roughly 1.25 million (and *de facto* population of nearly 1.5 million), both the four-year murder tally and the number of cases involving firearms appear quite low. While "even one murder is one too many," it is also true that murder is a relatively rare occurrence in Hawaii, and that firearms are not "the weapon of choice" for Hawaii's most serious violent offenders. Too, the data support the U.S. Attorney in Hawaii's special focus on cases involving domestic violence and/or temporary restraining orders, both of which may involve federal offenses when the offenders are in possession of firearms or ammunition.

The other focus of PSN activities in Hawaii, and perhaps the state's single most troubling crime issue, is crystal methamphetamine. Recent data³ from the national Arrestee Drug Abuse Monitoring Program (ADAM) show that, of 37 participating major U.S. municipalities, Honolulu ranks by far the highest for the proportion of arrestees testing positive for crystal methamphetamine (37.4% in 2001, 43.5% in 2002, and 40.1% in 2003). In addition, the difference between first and second place rankings is considerably greater for crystal methamphetamine (7.2 percentage points) than for any of the other included drugs.

From an anecdotal perspective, it seems that the vast majority of high profile and/or notorious violent crimes in Hawaii during recent years were committed by offenders who were serious users, sellers, and/or under the influence of crystal methamphetamine. Government officials, health providers, media editorials, and social service agencies make frequent public statements as to the dramatic negative impact and insidiousness of this substance, and argue that crystal methamphetamine and violence share an inextricable link. It is for this reason that

³ National Institute of Justice (2002). "Preliminary Findings from the Arrestee Drug Abuse Monitoring Program."

crystal methamphetamine-related firearm cases comprise the second major focus of Hawaii's PSN strategy, as possession of a firearm or ammunition is a federal offense for anyone who is an unlawful user of or is addicted to a controlled substance, or has been convicted for a serious drug offense.

The PSN Process in Hawaii

In April 2003, local PSN Task Force members met at a strategic planning workshop in Denver, Colorado, in order to develop a district-wide strategic plan. As previously discussed, one of the Hawaii USAO's key objectives for PSN is to prosecute offenders under federal statutes that prohibit firearm possession by convicted felons, in particular, drug and domestic violence offenders and career criminals.

The federal statutes under which nearly all PSN cases are prosecuted appear under Title 18 of the United States Code, particularly Sections 922 and 924 (see Appendix B for PSN-related federal statutes). These statutes define the individuals who are prohibited from owning or possessing a firearm and/or ammunition. The statutes also prohibit possession of certain types of weapons, prohibit the alteration or obliteration of serial numbers, restrict interstate commerce of firearms, and require certain firearm registration and licensing guidelines to be followed. In both federal and state courts, focusing prosecution on firearm-related charges in multiple offense-type cases often allows prosecutors to take advantage of a legal distinction between "constructive possession" of a firearm, whereby a prohibited individual is considered to be in possession of a firearm even if s/he is not carrying it on their person. For example, if a previously convicted felon is driving a vehicle with passengers, and a police officer recovers a firearm from under a passenger seat, the driver may be considered to be in constructive possession of the firearm even if the firearm belonged to someone else in the car.

Although most states have criminal statutes prohibiting certain individuals from possessing firearms, prosecuting firearm-related crimes in federal court generally has the advantages of higher conviction rates, a greater likelihood of incarceration, and longer sentence lengths. Under federal sentencing guidelines, violation of most of the firearm-related statutes pertinent to PSN carries a mandatory federal prison sentence of up to ten years; the federal corrections system does not include parole or early release options. For defendants in Hawaii, conviction in federal court also means serving a prison sentence on the mainland.

Setting up PSN in Hawaii involved strengthening relationships between county and federal law enforcement agencies and prosecutors. Appendix D includes an example of a memorandum of understanding between the Department of the Prosecuting Attorney for the City and County of Honolulu, the Honolulu Police Department, and the USAO for the District of Hawaii. The memorandum outlines the case intake procedure for evaluating all arrests in which the crime involved a firearm. Although there are slight variations among Hawaii's four counties in the way that individual firearm-related cases are handled, a case will typically be referred to the USAO by the county prosecuting attorneys or via one of the federal law enforcement

agencies (e.g., the BATF, DEA, or FBI). For cases originating with state or county law enforcement agencies, the county prosecuting attorneys weigh the circumstances of each case in which a firearm is involved in order to determine if the likelihood of conviction and/or incarceration would be greater in federal or state court. In some cases, it is possible for federal trials to be held even after an individual has been tried in state court, although not necessarily for the same charges within the overall crime incident.

The USAO in Hawaii has assigned several Assistant U.S. Attorneys exclusively for the prosecution of PSN-related cases. PSN also allows for the cross-deputization of county prosecutors to participate in federal prosecutions.

The following case example shows how police and federal and state prosecutors examine a case to determine the appropriate jurisdiction:

On December 6, 2003, Honolulu Police Department officers pulled over a vehicle that they believed to be (and was) stolen. During a routine search of the vehicle and the driver, officers recovered a loaded .22 caliber revolver from the driver's rear pants pocket. The handgun's serial number had been completely obliterated and could not be restored; this is a federal offense. A criminal history check revealed that the defendant had misdemeanor convictions for domestic violence, making it a federal offense for him to be in possession of a firearm and/or ammunition. He also had a long history of arrests for various felonies but had never been convicted in state court, and had previously signed a plea agreement acknowledging that he was prohibited from possessing a firearm. In this case, the State of Hawaii prosecuted the defendant for motor vehicle theft, but referred the weapons offenses to the USAO for federal prosecution. If the defendant pled guilty to at least one count in federal court, he would serve a minimum sentence of 37-68 months per count in a federal prison without parole, plus three years supervised release.

Additional PSN case examples appear in Appendix E.

Federal PSN Prosecutions

From PSN's inception in Hawaii in 2002 to the end of federal Fiscal Year 2003 (September 30, 2003), the USAO filed 117 PSN cases in federal court. Because some cases include more than one defendant, 132 defendants had PSN-related charges filed against them during this period.

The Legal Information Online Networks Systems (LIONS, formerly referred to as the "Prosecutor's Management Information System," or PROMIS) is an electronic database with online capabilities that permits USAO personnel to compile, maintain and track information relating to defendants, crimes, criminal charges, court events, and witnesses. LIONS was designed to track cases and matters which are presented to and/or pursued by the USAOs, and serves as a day-to-day

management tool as well as a litigation and case review aid. By allowing the USAOs to summarize and analyze pending and completed cases, the USAOs can more efficiently promote the interests of the United States government.⁴

Federal FY 2003 is the only complete year since PSN began in Hawaii for which LIONS data are available. These data include all federal criminal cases in which 18 § U.S.C. 922 or 924 charges were included in a group of charges against a defendant. Therefore, for the statistics presented in the following paragraphs, an unknown portion can be attributed to non-PSN-related charges.

The LIONS data show a tremendous increase in the number of cases that were filed since the commencement of PSN in Hawaii. The USAO filed 88 PSN cases in federal FY 2003, more than all of the federal firearms cases filed in the previous five years combined. Federal prosecutors also had 90 cases pending at the end of the year, more than twice the number at the end of the previous year. Immediately prior to this report going to press, information provided to the USAO by U.S. Attorney General John Ashcroft indicates that there was a 682% increase in federal firearm cases in Hawaii between federal FYs 2001 and 2003.

Few cases that were concluded in FY 2003, only two (5.7%) out of 35 total, were disposed by going to trial. Of the 47 defendants facing PSN-related charges in all 35 cases, five (10.5%) were found guilty, 35 (74.5%) pled guilty, and seven (14.9%) had all charges dismissed. It is worth noting that all five defendants in the two trial cases were found guilty. In terms of sentencing, 37 (92.5%) of the 40 defendants who pled or were found guilty received prison sentences. Nearly two-thirds (23, or 62.1%) of these sentences were for more than three years.

Tracing Seized and Recovered Firearms

Firearms that are seized or otherwise received by law enforcement agencies are routinely traced and tested through BATF's National Tracing Center (NTC) database. According to the ATF, crime firearm tracing has three primary purposes: (1) to identify individual armed criminals for prosecution; (2) for proactive local investigative and strategic analysis to target armed violent criminals and illegal firearm traffickers for prosecution; and (3) to assist law enforcement officials in placing local crime guns in a regional and national strategic enforcement context.⁵ Traces include checks for valid serial number and registration/ownership information. If a firearm was used in the commission of a crime, then additional testing may be performed and the results submitted to the national database. Typically, a firearm trace may track a recovered firearm from its point of manufacture, through distribution (wholesale or retail), to the original owner. Subsequent owners beyond the original purchaser are not tracked by the NTC. The NTC is also the repository for

⁴ Office of the United States Attorney (2004). "Prosecutor's Management Information System (PROMIS/LIONS)." U.S. Department of Justice. <www.usdoj.gov/usao/reading_room/promislions.html>

⁵ Bureau of Alcohol, Tobacco & Firearms (1999). "Crime Gun Trace Analysis Reports: The illegal youth firearms markets in 27 communities." U.S. Department of the Treasury. <www.atf.gov/firearms/ycgii>

records submitted by Federal Firearms Licensees, which include any business that manufactures, imports, sells, or repairs firearms.⁶

Trace requests may be submitted to the NTC by any law enforcement agency. Trace information is compiled for various ATF programs. For example, Project LEAD, part of the Youth Crime Gun Interdiction Initiative, uses trace information to identify recurring trends and patterns that may indicate illegal weapons trafficking. The NTC's Crime Gun Analysis Branch also maintains a database of results from crime gun ballistics imaging and testing.

Since the passage of the federal Gun Control Act of 1968, the primary means of identifying firearms is the serial number that is required to be affixed or stamped into all firearms manufactured in or imported to the United States. It is prohibited by federal law to obliterate or alter a firearm's serial number. The NTC and local law enforcement may work together to restore serial numbers of firearms that are recovered with obliterated or damaged serial numbers.

Data for all firearm trace results submitted from January 1, 2000 to December 31, 2003 by federal, state, and county law enforcement agencies in Hawaii were obtained from the NTC (see Table 1). During that four-year period, 947 Hawaii firearms were submitted for tracing. Local law enforcement agencies are not federally mandated to use the NTC, however, so the actual number of firearms seized in Hawaii during this period may have been considerably larger.

**Table 1:
Number of firearms submitted to ATF for tracing, by year,
State of Hawaii, 2000-2003**

Year	Number of firearms submitted	Number of handguns (annual %)	Number of longarms (annual %)
2000	92	72 (78%)	20 (22%)
2001	539	297 (55%)	242 (45%)
2002	170	86 (51%)	84 (49%)
2003	146	90 (62%)	56 (38%)
Total	947	545 (58%)	402 (42%)

The results of each trace differ in the amount of information that can be provided about a firearm. Between 2000 and 2003, approximately one-third (34.4%) of the firearms were traceable to the state where each firearm was initially purchased from a retailer or dealer who was required to maintain sales records. More than half (55.2%) of the traceable firearms were originally purchased by individuals who were residents of the State of Hawaii at the time of purchase. Only 40.9% of the firearms were originally purchased from federal firearms licensees

⁶ *Ibid.*

within Hawaii. Among the rest of the traceable firearms, 12.6% were purchased in California, while no more than 3.7% of the crime guns originated in any one of the other 34 included states.

The number of firearms submitted for tracing in 2001 appears inordinately high. Nearly half (260) of the 539 firearms submitted for tracing that year were submitted by the Honolulu Police Department during the first three days of the year. Toward the end of 2000, the City and County of Honolulu initiated the "Oahu Gun Buyback" program, administered by the Housing and Community Development Corporation of Hawaii, and funded under a \$25,000 grant from the federal Department of Housing and Urban Development. Under this program, citizens were encouraged to surrender their firearms in exchange for a \$50 grocery store gift certificate. (In sum, 308 firearms were surrendered.)

Table 2 shows the number of firearms submitted for tracing, broken down by the type of crime in which the firearm was seized or recovered by police. Most crime guns were recovered as a result of technical weapons offenses (e.g., carrying a concealed weapon) or seized as evidence during a property search incidental to another crime investigation. Guns traced as a "firearm under investigation" were not necessarily used in a crime but may have been traced as a matter of routine, such as with the buyback program. Other "non-crime gun" traces may occur when individuals subject to a protective order surrender their firearms to police for the duration of the order, or when the police seize multiple firearms from a suspect in order to ascertain which one (if any) was used in a particular crime.

Shown separately, Table 2 also provides the annual tally of traced firearms that were considered by the ATF to be "youth crime guns" (i.e., firearms used by or recovered from persons up to the age of 23).

**Table 2:
Firearms seized and traced, by description of crime,
State of Hawaii, 2000-2003**

Crime Description	2000		2001 ^a		2001 ^d		2002		2003		4-Year Total ^b	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Crime against person(s)	7	7.6	6	1.1	6	2.6	1	0.6	3	2.1	17	2.7
Homicide	9	9.8	7	1.3	7	3.0	3	1.8	3	2.1	22	3.4
Drug crime	12	13.0	23	4.3	23	10.0	28	16.5	40	27.4	103	16.1
Theft/robbery	1	1.1	2	0.4	2	0.8	4	2.4	1	0.7	8	1.3
Weapon offense	46	50.0	119	22.1	119	51.5	93	54.7	66	45.2	324	50.7
Other crime (bribery, fraud)	0	0.0	0	0.0	0	0.0	7	4.1	0	0.0	7	1.1
Firearm under investigation	12	13.0	374	69.4	66	28.6	2	1.2	1	0.7	81	12.7
No crime description provided	5	5.4	8	1.5	8	3.5	32	18.8	32	21.9	77	12.1
Total	92		539		231		170		146		639	
<i>"Youth crime guns"</i>	8		13		13		15		13		49	

a. Includes 308 "buyback guns" and other non-crime firearms (see text, above).

b. Shows the breakdown of crime guns submitted for tracing minus the 308 "buyback guns" and other non-crime firearms.

"Time-to-crime" is a measurement that ATF uses as a possible indicator of the illegal diversion or trafficking of firearms. The term refers to the elapsed time between the initial retail sale of a firearm and its recovery by law enforcement as a crime gun, or the submission of a trace request. With the 308 "buyback guns," 81 "firearms under investigation," and 77 "no crime description provided" firearms removed from the analysis, only 228 (47.4%) of the 481 Hawaii crime guns traced between 2000 and 2003 had a recorded date of initial sale. For those firearms, the median time-to-crime was 11.0 years. In comparison, national averages for other states' median time-to-crime for traces during the Hawaii study period were as follows: in 2000, 7.7 years; in 2001, 8.1 years; in 2002, 8.9 years; and in 2003, 9.4 years.⁷

A 2000 ATF study shows that of all firearms traced by the Bureau, 31% have a "short" time-to-crime of three years or less, and about 15% are recovered within one year of their first retail purchase. By comparison, only 10% of Hawaii's firearms traced between 2000 and 2003 had a short time-to-crime of three years or less, and only 1% had a time-to-crime of less than one year. These figures generally point to a low level of illegal firearm trafficking in Hawaii, which is perhaps at least partially attributable to Hawaii's geographic isolation.

⁷ Personal correspondence from ATF-NTC, 6/4/04.

Although no primary source data are readily available to provide a thorough state-to-state comparison, a survey of secondary sources shows that the median time-to-crime for the State of New York in 2000 was 7.4 years⁸. In Cincinnati, Ohio in 2000, 38% of traced crime guns were in circulation for less than three years⁹. Also in 2000, 26% of crime guns traced in Baltimore, Maryland were purchased less than three years prior to being used in a crime, and 11% were purchased within one year.¹⁰

State Weapons Statute Violations

Nearly all of the State of Hawaii's firearm-related statutes are included in Chapter 134 of the Hawaii Revised Statutes (see Appendix C). These statutes include laws related to the acquisition, registration, transfer, possession, carrying, and use of firearms, as well as the types of firearms that are illegal to possess.

Hawaii's Criminal Justice Information System (CJIS) was used to track all firearm and weapon-related arrest charges from Calendar Years 2000 through 2003. The data did not include charges for all crimes in which a firearm was used (e.g., homicide, armed robbery, aggravated assault, etc.), but were instead focused on specific weapons charges (prohibited persons in possession, prohibited weapons, illegal concealed carry, etc.). During this four-year period, 1,664 such arrests were made, accounting for a total of 3,955 weapons charges. Of the 1,664 arrestees, nearly half (833) were originally charged with only a single weapon-related charge. The average number of weapon-related charges for arrestees with more than one charge was 1.87.

Analysis of CJIS data is confounded in many cases when charges are modified or dropped before or during the adjudication process. Some duplication of charges occurs when an individual arrestee is released pending investigation and is then rearrested on the original charges. Therefore, the figures shown in Table 3 primarily depict the burden on law enforcement agencies posed by the large number of charges that must be filed in any given year.

Due to the lengthy nature of judicial proceedings, it is difficult to quantify how many of these charges were successfully prosecuted. For example, lesser charges (including the weapons charges) in multiple offense situations may be dropped as the result of plea bargaining or lack of evidence, and many charges were still pending at the time the data were compiled. However, removing a total of 2,420 (61.2%) pending charges from consideration leaves 1,535 (38.8%) charges that were disposed by the time of data collection. The breakdown of these disposed charges is as follows: 584 (38.0%) guilty plea or verdict; 571 (37.2%) dismissal; 276 (18.0%) declined prosecution; 80 (5.2%) deferred acceptance of guilt; and 24 (1.6%) acquittal.

⁸ <www.newsobserver.com> (10/11/03).

⁹ Cincinnati Enquirer (March 2, 2003). "Track down guns as well as the drugs (opinion)."

¹⁰ Johns Hopkins Center for Gun Policy and Research. May 2004. "Fact sheet: Firearm injury and death in Maryland."

**Table 3:
Breakdown of original arrest charges for
Hawaii weapons statute violations, 2000-2003**

Hawaii Revised Statute*	2000	2001	2002	2003	4-Year Total
134-2 Failure to obtain permit to acquire firearm	73	114	95	127	409
134-3 Failure to register a firearm	85	110	108	123	426
134-4 Failure to register transfer of a firearm	7	7	5	16	35
134-5 Possession by licensed hunters, minors	0	1	13	4	18
134-6 Carrying/use of firearm in the commission of a separate felony	319	264	319	355	1,257
134-7 Ownership/ possession by prohibited individual (felon, fugitive, drug user, etc.)	251	231	225	236	943
134-8 Ownership of automatic firearm, silencer, etc.	59	52	40	60	211
134-9 Carrying concealed firearm without license	4	13	3	5	25
134-10 Alteration of identification mark	11	3	21	22	57
134-10.5 Improper storage near minors	1	9	12	1	23
134-16 Possession or use of an electric gun	17	10	6	22	55
134-17 Giving false information to acquire a firearm	3	0	1	1	5
134-51 Carrying deadly weapon (not a firearm)	63	56	71	53	243
134-52 & 134-53 Switchblade/butterfly knife	25	32	55	33	145
707-0768 Extortion with threat to use a weapon	0	2	0	0	2
710-1016.6 Impersonating a police officer while armed	1	0	0	2	3
710-1022 Promoting prison contraband**	13	39	26	20	98
Total firearm-related charges	932	943	1,000	1,080	3,955

* For the actual title and definition of each statute, see Appendix B.

** Relates to drugs and/or weapons as possessed by or given to prisoners.

Of the 584 defendants who pled or were found guilty, 478 (81.8%) received a jail or prison sentence. The average sentence length was 4.3 years. The two most common charges for which defendants were found guilty include ownership or possession of a firearm by a prohibited person, e.g., a convicted felon (201 charges, with an average prison sentence of 5.8 years), and carrying or using a firearm in the commission of a separate felony (200 charges, receiving an average sentence of 5.3 years). Because many of the sentences for multiple charges may run concurrently, it is not possible to say how much time each individual defendant actually served or will serve.

Conclusion and Recommendations

Compared to many parts of the nation, Hawaii is fortunate to have relatively little firearm-related violence. It is the sporadic and largely isolated commission of such crimes in Hawaii, however, that makes researching the topic and evaluating specific interventions more difficult. Data presented in this report demonstrate that firearms are not the most commonly used weapon in the three most serious violent Index Crimes (homicide, robbery, or aggravated assault) in Hawaii. In addition, and perhaps quite surprisingly, the rise of Hawaii's crystal methamphetamine problem has not led to demonstrably increased violent crime rates (firearm-related or otherwise). However, some of Hawaii's most notorious violent crimes in recent years have highlighted the apparent nexus between crystal methamphetamine and violence, and thus underscore the need to enforce the prohibition of drug offenders from possessing firearms.

The analyses on the preceding pages show that Hawaii firearm cases are increasingly being prosecuted in federal court. A cooperative effort is now in place whereby county law enforcement agencies and prosecutors are working with their federal counterparts to vigorously pursue and prosecute prohibited individuals who possess firearms or ammunition. The data also show that a large proportion of these defendants plead guilty to federal firearm-related crimes in order to avoid trial and potentially even longer federal prison sentences. Further, anecdotal evidence from federal and state prosecutors suggests that constructive possession of a firearm by a prohibited person is relatively easy to prove in court, thus making it an attractive charging option in multiple offense situations.

Prosecution statistics and insightful comments from prosecutors strongly suggest that the direct, immediate threat of federal prosecution is an effective means of gaining the "cooperation" of persons who are under federal investigation or facing federal charges. However, it is less clear if individuals who are prohibited from possessing firearms are aware of and seriously consider the general threat of federal prosecution *prior to* committing firearm-related offenses. Put another way, the extent to which PSN is an effective deterrent, and not merely a response, to firearm-related crime in Hawaii is questionable. That said, some effort has been made to "spread the word" about PSN in Hawaii. The U.S. Attorney has used various events, such as a presentation to a youth basketball league for at-risk youth, to highlight the program's existence. In addition, a public service announcement was aired on local television during October 2003 in order to link PSN with Domestic Violence Awareness Month, and in several instances, PSN outreach activities have been coordinated in tandem with Weed and Seed efforts. In addition, plans have been made to disseminate PSN's message to state parolees, felony probationers, and other prohibited persons; if this can be accomplished, it would likely yield the greatest benefit with regard to preventing the commission of federal firearm offenses in Hawaii.

In PSN's final year in Hawaii, the following recommendations should be considered by the PSN Task Force in order to bolster and better evaluate the success of the program:

- Because the research component of PSN in Hawaii began a year after the USAO implemented the program, many cases had already concluded and the case files were archived, effectively out of reach of researchers. Near the end of the project, these cases should be recalled from the archives. A review of these cases would allow for an examination of the circumstances of each case, as well as a comparison of sentences imposed by the federal court and the estimated sentence that might have been imposed had the case been prosecuted in state court. This would also allow for various trend analyses of PSN cases over the full duration of the project period.
- PSN research funds were allocated for a Geographic Information System (GIS) analysis of firearm-related violence in Hawaii. The foundation of the GIS was created, but not enough data have been collected to allow for a meaningful spatial analysis of firearm-related crimes. GIS-based research would allow for a wide range of analyses, such as pinpointing "hot spot" locations where these crimes occur.
- PSN could arguably be most effective in protecting the community if it prevented federal firearm offenses from being committed in the first place. However, there are currently no PSN activities in Hawaii to locate and educate the most likely offenders about the serious consequences for breaking federal firearm laws. The PSN Task Force in Hawaii is thus urged to work with federal and state judges and prosecutors, as well as corrections and law enforcement agencies, in order to identify the best means to educate PSN's primary audience (e.g., parolees and felony probationers, individuals with domestic violence or drug convictions, respondents to temporary restraining orders, etc.). Other PSN districts have already implemented pre-release offender notification programs.

The unquestionably positive impact of PSN in Hawaii to date is perhaps best demonstrated in Appendix E, which summarizes a cross-section of 18 local cases. Taking into consideration the serious nature of the offenses, the criminal profiles of the offenders, and the clearly implied tragedies that might have occurred had it not been for the intervention of law enforcement, it is evident that the aggressive prosecution and incarceration of these offenders is of tremendous benefit to the safety of the community.

Appendix A: Firearm-related Index Crimes in Hawaii, 2000-2003

State of Hawaii, 2000	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide (total)	1	2	3	5	3	3	1	6	3	3	-	5	35
Homicide with a firearm	-	1	-	-	1	2	-	1	1	-	-	1	7
Robbery (total)	109	109	72	67	93	86	94	116	92	98	83	104	1,123
Armed Robbery (i.e., excluding strongarm)	38	40	25	23	30	41	33	35	27	28	33	37	390
Armed Robbery with a firearm	20	20	7	4	7	11	13	9	8	12	11	13	135
Aggravated Assault (total)	98	113	141	114	134	158	128	124	125	105	110	100	1,450
Aggravated Assault with a firearm	12	14	10	15	8	6	15	12	6	10	7	8	123
Outputs – Arrests and Seizures:													
Homicide arrests	5	1	3	4	3	1	-	15	4	2	-	6	44
Robbery arrests (total)	49	57	43	23	43	43	52	51	25	38	25	49	498
Aggravated Assault arrests (total)	63	57	76	65	63	74	65	61	75	55	44	62	760
Hawaii County, 2000	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide (total)	-	-	-	1	-	2	-	1	-	-	-	-	4
Homicide with a firearm	-	-	-	-	-	1	-	-	-	-	-	-	1
Robbery (total)	4	3	7	3	5	4	5	6	3	2	5	7	54
Armed Robbery (i.e., excluding strongarm)	1	-	2	1	1	3	3	1	2	-	2	1	17
Armed Robbery with a firearm	1	-	2	-	-	2	2	-	1	-	1	-	9
Aggravated Assault (total)	9	11	12	11	15	20	12	11	5	7	7	6	126
Aggravated Assault with a firearm	1	4	1	1	4	-	-	1	-	-	-	-	12
Outputs – Arrests and Seizures:													
Homicide arrests	-	-	-	1	-	1	-	2	-	-	-	-	4
Robbery arrests (total)	1	1	6	-	1	2	3	5	3	-	1	2	25
Aggravated Assault arrests (total)	9	4	9	6	6	9	10	6	1	3	2	4	69
Honolulu City & County, 2000	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide (total)	-	2	2	3	2	-	1	4	1	2	-	3	20
Homicide with a firearm	-	1	-	-	1	-	-	1	-	-	-	1	4
Robbery (total)	98	98	61	60	80	76	81	101	83	82	75	89	984
Armed Robbery (i.e., excluding strongarm)	25	27	9	10	12	16	16	18	12	13	21	22	201
Armed Robbery with a firearm	18	18	3	4	3	8	11	9	6	6	10	11	107
Aggravated Assault (total)	75	86	106	85	85	103	85	89	102	79	87	76	1,058
Aggravated Assault with a firearm	11	10	8	13	2	6	13	11	6	9	5	6	100

Outputs – Arrests and Seizures:													
Homicide arrests	5	1	2	3	2	-	-	11	2	1	-	3	30
Robbery arrests <i>(total)</i>	45	55	35	21	37	34	27	42	20	27	24	42	409
Aggravated Assault arrests <i>(total)</i>	45	46	52	46	30	41	29	40	62	44	34	48	517
Kauai County, 2000	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide <i>(total)</i>	-	-	1	1	-	1	-	1	1	-	-	1	6
Homicide with a firearm	-	-	-	-	-	1	-	-	1	-	-	-	2
Robbery <i>(total)</i>	1	3	1	2	-	1	2	1	2	1	-	-	14
Armed Robbery <i>(i.e., excluding strongarm)</i>	-	2	-	1	-	-	-	-	-	1	-	-	4
Armed Robbery with a firearm	-	2	-	-	-	-	-	-	-	-	-	-	2
Aggravated Assault <i>(total)</i>	2	5	9	7	17	13	17	11	5	5	6	4	101
Aggravated Assault with a firearm	-	-	1	-	1	-	-	-	-	1	2	-	5
Outputs – Arrests and Seizures:													
Homicide arrests	-	-	1	-	-	-	-	2	1	-	-	-	4
Robbery arrests <i>(total)</i>	1	-	-	1	1	-	7	1	-	6	-	-	17
Aggravated Assault arrests <i>(total)</i>	-	1	7	8	14	13	13	8	6	4	4	5	83
Maui County, 2000	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide <i>(total)</i>	1	-	-	-	1	-	-	-	1	1	-	1	5
Homicide with a firearm													-
Robbery <i>(total)</i>	6	5	3	2	8	5	6	8	4	13	3	8	71
Armed Robbery <i>(i.e., excluding strongarm)</i>	12	11	14	11	17	22	14	16	13	14	10	14	168
Armed Robbery with a firearm	1	-	2	-	4	1	-	-	1	6	-	2	17
Aggravated Assault <i>(total)</i>	12	11	14	11	17	22	14	13	13	14	10	14	165
Aggravated Assault with a firearm	-	-	-	1	1	-	2	-	-	-	-	2	6
Outputs – Arrests and Seizures:													
Homicide arrests	-	-	-	-	1	-	-	-	1	1	-	3	6
Robbery arrests <i>(total)</i>	2	1	2	1	4	7	15	3	2	5	-	5	47
Aggravated Assault arrests <i>(total)</i>	9	6	8	5	13	11	13	7	6	4	4	5	91

State of Hawaii, 2001	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide (total)	4	4	2	1	3	2	3	3	3	5	1	1	32
Homicide with a firearm	4	-	-	1	1	-	-	1	-	1	-	1	9
Robbery (total)	90	72	89	66	124	102	104	110	76	101	84	124	1,142
Armed Robbery (i.e., excluding strongarm)	20	15	21	16	20	16	19	29	17	17	27	29	246
Armed Robbery with a firearm	11	6	11	6	10	12	7	14	5	7	16	14	119
Aggravated Assault (total)	135	120	116	112	115	135	109	130	164	129	129	140	1,534
Aggravated Assault with a firearm	23	13	12	14	12	23	7	20	15	19	8	8	174
Outputs – Arrests and Seizures:													
Homicide arrests	6	2	2	-	1	-	5	5	3	2	5	2	33
Robbery arrests (total)	37	26	32	24	54	51	49	43	26	41	26	40	449
Aggravated Assault arrests (total)	32	55	56	47	42	61	51	85	84	45	63	77	698
Hawaii County, 2001	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide (total)	1	1	-	-	-	1	2	1	1	1	-	-	8
Homicide with a firearm	1	-	-	-	-	-	-	-	-	1	-	-	2
Robbery (total)	8	3	5	3	10	8	11	5	2	1	2	5	63
Armed Robbery (i.e., excluding strongarm)	3	-	1	1	1	4	-	1	2	-	1	1	15
Armed Robbery with a firearm	1	-	-	-	1	3	-	-	1	-	-	-	6
Aggravated Assault (total)	16	9	6	16	12	11	15	11	8	7	9	18	138
Aggravated Assault with a firearm	-	-	1	1	-	1	1	-	1	-	2	-	7
Outputs – Arrests and Seizures:													
Homicide arrests	-	1	-	-	-	-	1	1	1	1	-	-	5
Robbery arrests (total)	5	1	7	1	2	4	7	6	-	1	1	2	37
Aggravated Assault arrests (total)	4	7	3	5	5	6	8	11	8	4	3	13	77
Honolulu City & County, 2001	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide (total)	3	3	2	1	1	1	1	1	2	3	1	1	20
Homicide with a firearm	3	-	-	1	1	-	-	-	-	-	-	1	6
Robbery (total)	75	60	76	61	109	83	86	103	70	95	77	104	999
Armed Robbery (i.e., excluding strongarm)	15	13	17	13	17	10	14	28	13	15	24	24	203
Armed Robbery with a firearm	9	6	11	6	8	8	7	14	4	6	16	13	108
Aggravated Assault (total)	98	89	92	77	80	105	78	97	132	105	91	97	1,141
Aggravated Assault with a firearm	21	13	10	13	11	21	6	20	14	19	6	6	160
Outputs – Arrests and Seizures:													
Homicide arrests	6	1	2	-	-	-	4	4	2	1	5	2	27

Robbery arrests <i>(total)</i>	30	24	21	23	52	42	36	37	23	36	23	32	379
Aggravated Assault arrests <i>(total)</i>	22	36	42	33	24	46	35	52	63	32	43	51	479
Kauai County, 2001	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide <i>(total)</i>	-	-	-	-	1	-	-	-	-	1	-	-	2
Homicide with a firearm	-	-	-	-	-	-	-	-	-	-	-	-	-
Robbery <i>(total)</i>	3	2	-	1	1	-	1	-	-	1	-	3	12
Armed Robbery <i>(i.e., excluding strongarm)</i>	1	-	-	1	-	-	1	-	-	-	-	2	5
Armed Robbery with a firearm	-	-	-	-	-	-	-	-	-	-	-	-	-
Aggravated Assault <i>(total)</i>	6	3	5	2	4	7	6	7	7	4	8	8	67
Aggravated Assault with a firearm	2	-	1	-	1	1	-	-	-	-	-	1	6
Outputs – Arrests and Seizures:													
Homicide arrests	-	-	-	-	1	-	-	-	-	-	-	-	1
Robbery arrests <i>(total)</i>	1	1	-	-	-	-	-	-	-	-	-	1	3
Aggravated Assault arrests <i>(total)</i>	3	3	5	2	4	5	5	7	6	4	4	6	54
Maui County, 2001	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide <i>(total)</i>	-	-	-	-	1	-	-	1	-	-	-	-	2
Homicide with a firearm	-	-	-	-	-	-	-	1	-	-	-	-	1
Robbery <i>(total)</i>	4	7	8	1	4	11	6	2	4	4	5	12	68
Armed Robbery <i>(i.e., excluding strongarm)</i>	1	2	3	1	2	2	4	-	2	2	2	2	23
Armed Robbery with a firearm	1	-	-	-	1	1	-	-	-	1	-	1	5
Aggravated Assault <i>(total)</i>	15	19	13	17	19	12	10	15	17	13	21	17	188
Aggravated Assault with a firearm	-	-	-	-	-	-	-	-	-	-	-	1	1
Outputs – Arrests and Seizures:													
Homicide arrests	-	-	-	-	-	-	-	-	-	-	-	-	-
Robbery arrests <i>(total)</i>	1	-	4	-	-	5	6	-	3	4	2	5	30
Aggravated Assault arrests <i>(total)</i>	3	9	6	7	9	4	3	15	7	5	13	7	88

State of Hawaii, 2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide (total)	2	2	1	2	3	2	2	2	-	1	3	4	24
Homicide with a firearm	2	-	1	-	2	-	-	1	-	1	1	3	11
Robbery (total)	128	82	89	106	87	81	77	99	107	112	95	147	1,210
Armed Robbery (i.e., excluding strongarm)	26	19	27	28	13	16	17	19	23	23	22	41	274
Armed Robbery with a firearm	13	8	16	11	8	10	10	10	12	13	10	25	146
Aggravated Assault (total)	126	122	163	135	131	120	129	165	124	151	155	135	1,656
Aggravated Assault with a firearm	8	7	14	14	11	11	13	22	20	10	13	16	159
Outputs – Arrests and Seizures:													
Homicide arrests	2	-	-	11	3	1	2	2	2	-	3	6	32
Robbery arrests (total)	76	34	31	48	37	46	34	36	29	43	50	51	515
Aggravated Assault arrests (total)	60	53	72	76	68	54	43	58	46	84	58	67	739
Hawaii County, 2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide (total)	1	-	-	-	2	-	1	-	-	-	1	-	5
Homicide with a firearm	1	-	-	-	2	-	-	-	-	-	1	-	4
Robbery (total)	5	6	6	4	2	3	2	6	4	4	3	3	48
Armed Robbery (i.e., excluding strongarm)	2	1	3	3	1	1	-	-	2	-	2	-	15
Armed Robbery with a firearm	1	1	2	1	-	1	-	-	2	-	1	-	9
Aggravated Assault (total)	14	11	18	12	7	7	11	8	7	14	12	12	133
Aggravated Assault with a firearm	1	-	-	1	-	-	1	-	2	-	2	-	7
Outputs – Arrests and Seizures:													
Homicide arrests	1	-	-	-	2	-	1	1	-	-	1	-	6
Robbery arrests (total)	2	5	2	-	-	2	2	1	1	4	-	3	22
Aggravated Assault arrests (total)	12	6	9	9	8	7	5	3	6	8	11	5	89
Honolulu City & County, 2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide (total)	1	2	1	2	1	1	1	2	-	1	2	4	18
Homicide with a firearm	1	-	1	-	-	-	-	1	-	1	-	3	7
Robbery (total)	114	68	73	94	78	71	69	88	100	106	81	130	1,072
Armed Robbery (i.e., excluding strongarm)	20	15	21	20	9	13	17	17	20	22	13	37	224
Armed Robbery with a firearm	11	7	11	7	5	8	10	9	10	13	4	24	119
Aggravated Assault (total)	92	89	116	101	87	93	98	126	92	110	115	88	1,207
Aggravated Assault with a firearm	7	6	12	13	9	10	12	21	17	9	10	13	139
Outputs – Arrests and Seizures:													
Homicide arrests	1	-	-	11	1	1	1	1	2	-	2	6	26

Robbery arrests (<i>total</i>)	63	24	26	41	34	35	28	31	22	39	36	40	419
Aggravated Assault arrests (<i>total</i>)	39	37	54	50	34	35	28	34	27	58	30	39	465
Kauai County, 2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide (<i>total</i>)	-	-	-	-	-	1	-	-	-	-	-	-	1
Homicide with a firearm	-	-	-	-	-	-	-	-	-	-	-	-	-
Robbery (<i>total</i>)	1	2	1	-	1	2	1	-	2	-	3	4	17
Armed Robbery (<i>i.e., excluding strongarm</i>)	-	-	-	-	-	1	-	-	1	-	2	2	6
Armed Robbery with a firearm	-	-	-	-	-	-	-	-	-	-	1	-	1
Aggravated Assault (<i>total</i>)	3	7	13	7	22	8	11	11	16	14	12	14	138
Aggravated Assault with a firearm	-	1	2	-	2	-	-	-	1	1	1	2	10
Outputs – Arrests and Seizures:													
Homicide arrests	-	-	-	-	-	-	-	-	-	-	-	-	-
Robbery arrests (<i>total</i>)	2	3	-	-	-	2	1	-	3	-	1	1	13
Aggravated Assault arrests (<i>total</i>)	3	6	7	7	18	6	6	11	8	10	10	11	103
Maui County, 2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide (<i>total</i>)	-	-	-	-	-	-	-	-	-	-	-	-	-
Homicide with a firearm	-	-	-	-	-	-	-	-	-	-	-	-	-
Robbery (<i>total</i>)	8	6	9	8	6	5	5	5	1	2	8	10	73
Armed Robbery (<i>i.e., excluding strongarm</i>)	4	3	3	5	3	1	-	2	-	1	5	2	29
Armed Robbery with a firearm	1	-	3	3	3	1	-	1	-	-	4	1	17
Aggravated Assault (<i>total</i>)	17	15	16	15	15	12	9	20	9	13	16	21	178
Aggravated Assault with a firearm	-	-	-	-	-	1	-	1	-	-	-	1	3
Outputs – Arrests and Seizures:													
Homicide arrests	-	-	-	-	-	-	-	-	-	-	-	-	-
Robbery arrests (<i>total</i>)	9	2	3	7	3	7	3	4	3	-	13	7	61
Aggravated Assault arrests (<i>total</i>)	6	4	2	10	8	6	4	10	5	8	7	12	82

State of Hawaii, 2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide <i>(total)</i>	1	1	3	4	1	1	1	1	1	3	3	2	22
Homicide with a firearm	-	-	2	1	-	-	1	-	1	2	1	-	8
Robbery <i>(total)</i>	126	100	109	123	97	94	91	92	99	82	72	83	1,168
Armed Robbery <i>(i.e., excluding strongarm)</i>	34	22	28	33	23	29	23	9	36	32	27	32	328
Armed Robbery with a firearm	20	14	11	18	4	10	17	5	14	15	14	11	153
Aggravated Assault <i>(total)</i>	170	113	144	129	162	172	148	140	160	186	154	165	1,843
Aggravated Assault with a firearm	26	16	15	17	13	14	14	3	17	22	20	9	186
Outputs – Arrests and Seizures:													
Homicide arrests	1	1	2	5	-	-	1	1	-	3	8	4	26
Robbery arrests <i>(total)</i>	48	34	39	64	46	32	52	27	28	34	39	14	457
Aggravated Assault arrests <i>(total)</i>	71	44	53	58	82	65	56	72	61	74	41	68	745
Hawaii County, 2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide <i>(total)</i>	-	-	1	2	-	-	-	1	-	1	1	-	6
Homicide with a firearm	-	-	-	1	-	-	-	-	-	1	-	-	2
Robbery <i>(total)</i>	2	5	12	4	5	6	9	8	9	7	3	7	77
Armed Robbery <i>(i.e., excluding strongarm)</i>	-	2	5	1	1	3	5	1	5	2	-	2	27
Armed Robbery with a firearm	-	2	1	-	-	1	3	1	2	-	-	-	10
Aggravated Assault <i>(total)</i>	16	9	13	8	15	12	19	9	20	15	9	19	164
Aggravated Assault with a firearm	1	-	1	1	-	-	4	-	2	1	-	2	12
Outputs – Arrests and Seizures:													
Homicide arrests	-	1	-	2	-	-	-	-	-	-	-	-	3
Robbery arrests <i>(total)</i>	-	2	6	4	1	1	12	1	3	6	1	3	40
Aggravated Assault arrests <i>(total)</i>	8	3	4	7	7	8	4	5	8	4	8	8	74
Honolulu City & County, 2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide <i>(total)</i>	1	1	2	2	1	1	1	-	1	2	2	1	15
Homicide with a firearm	-	-	2	-	-	-	1	-	1	1	1	-	6
Robbery <i>(total)</i>	109	93	89	104	87	76	80	81	80	70	51	69	989
Armed Robbery <i>(i.e., excluding strongarm)</i>	25	19	20	24	20	22	18	8	25	29	20	28	258
Armed Robbery with a firearm	13	11	9	15	3	8	14	4	9	14	12	11	123
Aggravated Assault <i>(total)</i>	118	73	102	91	119	126	111	108	106	142	123	117	1,336
Aggravated Assault with a firearm	23	14	12	14	10	10	9	3	13	21	18	7	154
Outputs – Arrests and Seizures:													
Homicide arrests	1	-	2	3	-	-	1	1	-	3	8	3	22

Robbery arrests (<i>total</i>)	29	31	27	41	41	22	37	22	19	23	22	8	322
Aggravated Assault arrests (<i>total</i>)	33	23	32	33	54	44	40	52	30	52	26	49	468
Kauai County, 2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide (<i>total</i>)	-	-	-	-	-	-	-	-	-	-	-	-	-
Homicide with a firearm	-	-	-	-	-	-	-	-	-	-	-	-	-
Robbery (<i>total</i>)	4	-	1	1	1	2	1	1	3	1	3	2	20
Armed Robbery (<i>i.e., excluding strongarm</i>)	1	-	-	-	-	1	-	-	2	-	1	-	5
Armed Robbery with a firearm	1	-	-	-	-	-	-	-	2	-	-	-	3
Aggravated Assault (<i>total</i>)	19	13	16	9	12	14	7	10	14	10	5	10	139
Aggravated Assault with a firearm	1	1	1	1	2	2	1	-	1	-	-	-	10
Outputs – Arrests and Seizures:													
Homicide arrests	-	-	-	-	-	-	-	-	-	-	-	-	-
Robbery arrests (<i>total</i>)	4	-	-	-	-	-	2	-	-	2	1	-	9
Aggravated Assault arrests (<i>total</i>)	16	7	10	4	9	6	4	6	9	3	2	3	79
Maui County, 2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Crime Measures:													
Homicide (<i>total</i>)	-	-	-	-	-	-	-	-	-	-	-	1	-
Homicide with a firearm	-	-	-	-	-	-	-	-	-	-	-	-	-
Robbery (<i>total</i>)	11	2	7	14	4	10	1	2	7	4	15	5	82
Armed Robbery (<i>i.e., excluding strongarm</i>)	8	1	3	8	2	3	-	-	4	1	6	2	38
Armed Robbery with a firearm	6	1	1	3	1	1	-	-	1	1	2	-	17
Aggravated Assault (<i>total</i>)	17	18	13	21	16	20	11	13	20	19	17	19	204
Aggravated Assault with a firearm	1	1	1	1	1	2	-	-	1	-	2	-	10
Outputs – Arrests and Seizures:													
Homicide arrests	-	-	-	-	-	-	-	-	-	-	-	1	1
Robbery arrests (<i>total</i>)	15	1	6	19	4	9	1	4	6	3	15	3	86
Aggravated Assault arrests (<i>total</i>)	14	11	7	14	12	7	8	9	14	15	5	8	124

Appendix B: Selected Federal Firearm Statutes

Title 18 § U.S.C., section 922(g): It shall be unlawful for any person -

- (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
- (2) who is a fugitive from justice;
- (3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
- (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
- (5) who, being an alien -
 - (A) is illegally or unlawfully in the United States; or
 - (B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));
- (6) who has been discharged from the Armed Forces under dishonorable conditions;
- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) who is subject to a court order that -
 - (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
 - (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
 - (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- (9) who has been convicted in any court of a misdemeanor crime of domestic violence,

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

Title 18 § U.S.C., section 924(c) Penalties:

(1) (A) Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime -

- (i) be sentenced to a term of imprisonment of not less than 5 years;
- (ii) if the firearm is brandished, be sentenced to a term of imprisonment of not less than 7 years; and
- (iii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

(B) If the firearm possessed by a person convicted of a violation of this subsection -

- (i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; or
- (ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

(C) In the case of a second or subsequent conviction under this subsection, the person shall –

- (i) be sentenced to a term of imprisonment of not less than 25 years; and
- (ii) if the firearm involved is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to imprisonment for life.

(D) Notwithstanding any other provision of law -

- (i) a court shall not place on probation any person convicted of a violation of this subsection; and

- (ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed.

Title 18 § U.S.C., section 924(e):

- (1): In the case of a person who violates section 922 (g) of this title and has three previous convictions by any court referred to in section 922 (g) (1) of this title for a violent felony or a serious drug offense, or both, committed on occasions different from one another, such person shall be fined not more than \$25,000 and imprisoned not less than fifteen years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922 (g).

Title 26 § U.S.C., section 5861: It shall be unlawful for any person:

- (a) to engage in business as a manufacturer or importer of, or dealer in, firearms without having paid the special (occupational) tax required by section 5801 for his business or having registered as required by section 5802; or
- (b) to receive or possess a firearm transferred to him in violation of the provisions of this chapter; or
- (c) to receive or possess a firearm made in violation of the provisions of this chapter; or
- (d) to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record; or
- (e) to transfer a firearm made in violation of the provisions of this chapter; or
- (f) to make a firearm in violation of the provisions of this chapter; or
- (g) to obliterate, remove, change, or alter the serial number or other identification of a firearm required by this chapter; or
- (h) to receive or possess a firearm having the serial number or other identification required by this chapter obliterated, removed, changed, or altered; or
- (i) to receive or possess a firearm which is not identified by a serial number as required by this chapter; or
- (j) to transport, deliver, or receive any firearm in interstate commerce which has not been registered as required by this chapter; or

- (k) to receive or possess a firearm which has been imported or brought into the United States in violation of section 5844; or
- (l) to make, or cause the making of, a false entry on any application, return, or record required by this chapter, knowing such entry to be false.

Appendix C:

Selected Hawaii Revised Statutes, Chapter 134: Pertaining to Firearms, Ammunition and Dangerous Weapons

§134-4 Transfer, possession of firearms.

- (a) No transfer of any rifle having a barrel length of sixteen inches or over or any shotgun having a barrel length of eighteen inches or over, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner, or unregistered shall be made to any person under the age of eighteen years, except as provided by section 134-5.
- (b) No person shall possess any firearm that is owned by another, regardless of whether the owner has consented to possession of the firearm, without a permit from the chief of police of the appropriate county, except as provided in subsection (c) and section 134-5.
- (c) Any lawfully acquired rifle or shotgun may be lent to an adult for use within the State for a period not to exceed fifteen days without a permit; provided that where the rifle or shotgun is to be used outside of the State, the loan may be for a period not to exceed seventy-five days.
- (d) No person shall knowingly lend a firearm to any person who is prohibited from ownership or possession of a firearm under section 134-7.
- (e) After July 1, 1992, no person shall bring or cause to be brought into the State an assault pistol. No assault pistol may be sold or transferred on or after July 1, 1992, to anyone within the State other than to a dealer licensed under section 134-32 or the chief of police of any county except that any person who obtains title by bequest or intestate succession to an assault pistol registered within the State shall, within ninety days, render the weapon permanently inoperable, sell or transfer the weapon to a licensed dealer or the chief of police of any county, or remove the weapon from the State.

§134-6 Carrying or use of firearm in the commission of a separate felony; place to keep firearms; loaded firearms; penalty.

- (a) It shall be unlawful for a person to knowingly carry on the person or have within the person's immediate control or intentionally use or threaten to use a firearm while engaged in the commission of a separate felony, whether the firearm was loaded or not, and whether operable or not; provided that a person shall not be prosecuted under this subsection where the separate felony is:

- (1) A felony offense otherwise defined by this chapter;
 - (2) The felony offense of reckless endangering in the first degree under section 707-713;
 - (3) The felony offense of terroristic threatening in the first degree under section [707-716(1)(a)], [707-716(1)(b)], and [707-716(1)(d)]; or
 - (4) The felony offenses of criminal property damage in the first degree under section 708-820 and criminal property damage in the second degree under section 708-821 and the firearm is the instrument or means by which the property damage is caused.
- (b) It shall be unlawful for a person to knowingly possess a firearm with the intent to facilitate the commission of a felony offense involving the distribution of a controlled substance, whether the firearm was loaded or not, and whether operable or not.
- (c) Except as provided in sections 134-5 and 134-9, all firearms and ammunition shall be confined to the possessor's place of business, residence, or sojourn; provided that it shall be lawful to carry unloaded firearms or ammunition or both in an enclosed container from the place of purchase to the purchaser's place of business, residence, or sojourn, or between these places upon change of place of business, residence, or sojourn, or between these places and the following: a place of repair; a target range; a licensed dealer's place of business; an organized, scheduled firearms show or exhibit; a place of formal hunter or firearm use training or instruction; or a police station. "Enclosed container" means a rigidly constructed receptacle, or a commercially manufactured gun case, or the equivalent thereof that completely encloses the firearm.
- (d) It shall be unlawful for any person on any public highway to carry on the person, or to have in the person's possession, or to carry in a vehicle any firearm loaded with ammunition; provided that this subsection shall not apply to any person who has in the person's possession or carries a pistol or revolver and ammunition therefor in accordance with a license issued as provided in section 134-9.
- (e) Any person violating subsection (a) or (b) shall be guilty of a class A felony. Any person violating this section by carrying or possessing a loaded firearm or by carrying or possessing a loaded or unloaded pistol or revolver without a license issued as provided in section 134-9 shall be guilty of a class B felony. Any person violating this section by carrying or possessing an unloaded firearm, other than a pistol or revolver, shall be guilty of a class C felony.

A conviction and sentence under subsection (a) or (b) shall be in addition to and not in lieu of any conviction and sentence for the separate felony; provided that the sentence imposed under subsection (a) or (b) may run concurrently or consecutively with the sentence for the separate felony.

- (f) Any vehicle used in the commission of an offense under subsection (d) shall be forfeited to the State, subject to the notice and hearing requirements of chapter 712A.
- (g) For the purposes of this section, a “controlled substance” shall be as defined in section 329-1.”Distribution” means the selling, transferring, prescribing, giving or delivering to another, or the leaving, bartering, or exchanging with another, or the offering or agreeing to do the same.

§134-7 Ownership or possession prohibited, when; penalty.

- (a) No person who is a fugitive from justice shall own, possess, or control any firearm or ammunition therefor.
- (b) No person who is under indictment for, or has waived indictment for, or has been bound over to the circuit court for, or has been convicted in this State or elsewhere of having committed a felony, or any crime of violence, or an illegal sale of any drug shall own, possess, or control any firearm or ammunition therefor.
- (c) No person who:
 - (1) Is or has been under treatment or counseling for addiction to, abuse of, or dependence upon any dangerous, harmful, or detrimental drug, intoxicating compound as defined in section 712-1240, or intoxicating liquor;
 - (2) Has been acquitted of a crime on the grounds of mental disease, disorder, or defect pursuant to section 704-411; or
 - (3) Is or has been diagnosed as having a significant behavioral, emotional, or mental disorders as defined by the most current diagnostic manual of the American Psychiatric Association or for treatment for organic brain syndromes; shall own, possess, or control any firearm or ammunition therefor, unless the person has been medically documented to be no longer adversely affected by the addiction, abuse, dependence, mental disease, disorder, or defect.
- (d) No person who is less than twenty-five years old and has been adjudicated by the family court to have committed a felony, two or more crimes of violence, or an illegal sale of any drug shall own, possess or control any firearm or ammunition therefor.
- (e) No minor who:
 - (1) Is or has been under treatment for addiction to any dangerous, harmful, or detrimental drug, intoxicating compound as defined in section 712-1240, or intoxicating liquor;

- (2) Is a fugitive from justice; or
- (3) Has been determined not to have been responsible for a criminal act or has been committed to any institution on account of a mental disease, disorder, or defect; shall own, possess, or control any firearm or ammunition therefor, unless the minor has been medically documented to be no longer adversely affected by the addiction, mental disease, disorder, or defect.

For the purposes of enforcing this section, and notwithstanding section 571-84 or any other law to the contrary, any agency within the State shall make its records relating to family court adjudications available to law enforcement officials.

- (f) No person who has been restrained pursuant to an order of any court, including an ex parte order as provided in this subsection, from contacting, threatening, or physically abusing any person, shall possess or control any firearm or ammunition therefor, so long as the protective order or any extension is in effect, unless the order, for good cause shown, specifically permits the possession of a firearm and ammunition. The restraining order or order of protection shall specifically include a statement that possession or control of a firearm or ammunition by the person named in the order is prohibited. Such person shall relinquish possession and control of any firearm and ammunition owned by that person to the police department of the appropriate county for safekeeping for the duration of the order or extension thereof. In the case of an ex parte order, the affidavit or statement under oath that forms the basis for the order shall contain a statement of the facts that support a finding that the person to be restrained owns, intends to obtain, or possesses a firearm, and that the firearm may be used to threaten, injure, or abuse any person. The ex parte order shall be effective upon service pursuant to section 586-6. At the time of service of a restraining order involving firearms and ammunition issued by any court, the police officer may take custody of any and all firearms and ammunition in plain sight, those discovered pursuant to a consensual search, and those firearms surrendered by the person restrained. If the person restrained is the registered owner of a firearm and knows the location of the firearm but refuses to surrender the firearm or refuses to disclose the location of the firearm, the person restrained shall be guilty of a misdemeanor. In any case, when a police officer is unable to locate the firearms and ammunition either registered under this chapter or known to the person granted protection by the court, the police officer shall apply to the court for a search warrant pursuant to chapter 803 for the limited purpose of seizing the firearm and ammunition.

For the purposes of this subsection, good cause shall not be based solely upon the consideration that the person subject to restraint pursuant to an order of any court, including an ex parte order as provided for in this subsection, is required to possess or carry firearms or ammunition during the course of their employment. Good cause consideration may include, but not

be limited to, the protection and safety of the person to whom a restraining order is granted.”

- (g) Any person disqualified from ownership, possession, or control of firearms and ammunition under this section shall surrender or dispose of all firearms and ammunition in compliance with section 134-7.3.
- (h) Any person violating subsection (a) or (b) shall be guilty of a class C felony; provided that any felon violating subsection (b) shall be guilty of a class B felony. Any person violating subsection (c), (d), (e), (f), or (g) shall be guilty of a misdemeanor.

§134-10 Alteration of identification marks prohibited.

No person shall willfully alter, remove, or obliterate the name of the make, model, manufacturer’s number, or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which any mark of identity has been altered, removed, or obliterated shall be presumptive evidence that the possessor has altered, removed, or obliterated the mark of identity.

Appendix D: Memorandum of Understanding

PROJECT SAFE NEIGHBORHOODS Honolulu, Hawaii

MEMORANDUM OF UNDERSTANDING

The DEPARTMENT OF THE PROSECUTING ATTORNEY FOR THE CITY AND COUNTY OF HONOLULU, the UNITED STATES ATTORNEY'S OFFICE FOR THE DISTRICT OF HAWAII, the HONOLULU POLICE DEPARTMENT, and the UNITED STATES BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES hereby express their commitment to the collaborative effort known as Project Safe Neighborhoods and agree to participate in this partnership initiative to address in a comprehensive manner the reduction of gun violence. The parties fully endorse and support the Project Safe Neighborhood procedures and agree to lend their assistance and resources, as appropriate, to make the program a success.

THE PROJECT SAFE NEIGHBORHOODS PROGRAM

All parties understand that Project Safe Neighborhoods is a comprehensive multi-agency approach aimed to reduce gun violence. To succeed in this important mission, each United States Attorney will work with local prosecutors and police departments to establish a task force consisting of federal and local officials. This task force will develop a strategy to fight gun violence and will review and prepare gun cases for prosecution in the most appropriate forum in order to remove serious violent offenders from our community.

The above-mentioned parties realize that this law enforcement effort is based on the premise that it will take a partnership among all levels of government to form a network that will vigorously and successfully combat gun violence. No single agency can reduce gun violence alone. Rather, a broad and coordinated approach is required.

To fulfill their roles as the agencies participating in Project Safe Neighborhoods for the District of Hawaii and City and County of Honolulu, State of Hawaii, the parties hereby agree to implement the following Project Safe Neighborhoods Program procedures.

PROJECT SAFE NEIGHBORHOODS CASE INTAKE PROCEDURES

The following procedures shall apply to all cases that involve firearms.

1. A firearm case is assigned to a Honolulu Police Department (HPD) Detective.
2. The HPD Detective will run the RAP and NCIC checks and decide which charges will be brought against the Defendant. The Detective will then review the case with their Lieutenant to ensure that the investigation is complete.
3. The HPD Detective will call United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Agents Jordan Lowe (330-9138) or Ty Torco (330-9139) to determine if the case will be routed for Federal prosecution.
4. If the ATF Agent determines that there is **no** federal jurisdiction, the case will be conferred with the Prosecuting Attorney's Office Screening Intake Division (SID).
5. If the ATF Agent determines that there is federal jurisdiction, the Detective must call the assigned Gun Violence Prosecutor (GVP), DPA Rowena Somerville (258-2717).
6. The GVP will determine whether Defendant will serve a longer jail sentence in State or Federal Court. The GVP will consider the following factors when reaching this decision:
 - a. Repeat offender sentencing;
 - b. Triggerlock;
 - c. Hobbs Act violation;
 - d. Additional 3 years of Federal Supervised Release;
 - e. Release pending investigation; and
 - f. Bail out potential.
7. If there is a question regarding the amount of jail time or custody status of the defendant, the GVP will call the Assistant United States Attorney on-duty (358-6800), to determine which jurisdiction will take the case.

- a. If the defendant will receive more jail time in State court, the GVP will instruct the Detective to confer the case with SID.
 - i. If the charges are later re-classified or declined by SID, the Detective must inform the GVP so that a federal referral can be made.
- b. If the defendant will receive more jail time in Federal court, the GVP will instruct the Detective to cooperate with the ATF investigation.
 - i. If the case proceeds federally, the case is investigated further, a federal complaint is filed, and the federal trial is set.
 - ii. If after further investigation the federal prosecution is declined, the ATF must call the GVP. The GVP will then call and instruct the Detective to confer the case with SID.

This agreement will be in force for one year beginning on the 1st day of May 2004, and will be renewable for one year.

Signed this _____ day of April 2004, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

PETER B. CARLISLE
Prosecuting Attorney
City and County of Honolulu

TRACY K. ELDER
Resident Agent in Charge
Bureau of Alcohol, Tobacco,
Firearms and Explosives

LEE DONOHUE
Chief of Police
Honolulu Police Department

Appendix E: PSN Case Examples

The following 18 case descriptions were drawn from the case files of the United States Attorney in Hawaii. The cases were selected to demonstrate the various pathways in which PSN cases come to the attention of federal authorities and the types of criminal behaviors that are the focus of PSN in Hawaii.

Case #1

At 5:13 a.m. on September 6, 2003, Honolulu Police Department (HPD) officers were dispatched to a bakery in Kalihi where a caller had reported a suspicious vehicle in the parking lot with its lights on for over two hours. The driver was asleep behind the wheel of a vehicle that had been reported stolen. Although the driver initially attempted to drive away when he was awoken by the officers, he was subsequently arrested for motor vehicle theft. A check of the vehicle contents revealed a handgun and ammunition in the center console. The .45 caliber handgun had previously been reported by its registered owner as lost and possibly stolen. The 37 year-old suspect had been previously convicted and incarcerated for drug and weapons offenses, escape, and theft. His criminal record shows 26 felony arrests, and 15 misdemeanor arrests, including charges of abuse of a family member and assaulting a police officer.

The suspect was charged with motor vehicle theft and was later indicted by a federal grand jury for being a convicted felon in possession of a firearm. Following his indictment in federal court, the defendant became a fugitive and was re-arrested during a SWAT team raid on a residence six months later. According to a CrimeStoppers Honolulu news release, the defendant “had changed his appearance and taken on a new identity, and was found hiding in the ceiling of the residence. After a brief struggle with officers, he fell through the ceiling and onto the kitchen floor where he was quickly arrested.”

Case #2

On October 2, 2003, residents of a Kauai County neighborhood called police to complain about a suspicious vehicle. Responding KPD officers pulled over the suspect’s truck and observed the driver attempting to conceal drug paraphernalia. The suspect was taken into custody for promoting a dangerous drug. After obtaining a search warrant for the impounded vehicle, officers later found 11 rounds of ammunition of various calibers in the truck. The suspect’s criminal history revealed that he was on parole and had 13 prior felony convictions including four separate burglary convictions. As such, the suspect qualified for the Armed Career Criminal sentencing enhancement. The case was turned over to the BATF and the suspect was charged with being a felon in possession of ammunition.

Case #3

On August 9, 2002, a Hawaii County resident reported to police that a firearm belonging to her had been stolen from her vehicle, possibly by her ex-boyfriend, who was subject to a restraining order preventing him from visiting the couple's two children. The suspect later informed the handgun's owner that he would return the firearm, a 9mm pistol, to the woman if she would agree to amend the restraining order to allow visitation. The police later retrieved the weapon from the suspect's mother. The suspect had attempted to obliterate the firearm's serial number. In the previous three years, the suspect had been convicted of felony terroristic threatening in the first degree and misdemeanor abuse of a family member. He had been convicted for one felony and 24 misdemeanors, including 12 protective order violations. He was indicted by a federal grand jury for being a felon in possession of a firearm [USC 922-g(1)] and for being in possession of a stolen firearm (the charge for obliterating the firearm's serial number was dropped). Additional charges that could be added involve being a perpetrator of an act of domestic violence in possession of a firearm. The suspect is currently being held, pending trial, at the Federal Detention Center in Honolulu.

Case #4

On January 2, 2004, HPD officers responded to an alarm call at a middle school. The officers approached the alleged suspect in the area. The suspect was wearing a raincoat with a cylindrical object protruding near the sleeve. The object was ascertained to be a homemade gun that the suspect called a *palsuot* (a Filipino term for a "zip-gun"). Upon the suspect's arrest, the officers discovered that he had been previously arrested in 1992 for attempted homicide, although the charge was later reduced and the suspect was convicted of felony assault in the first degree. The weapon contained one round of .38 caliber ammunition. The defendant was charged in federal court with being a felon in possession of ammunition [USC 922-g(1)].

Case #5

On January 16, 2004, members of the Hawaii County Police Department's (HcPD) vice unit executed a search warrant on the Hilo residence of the suspect in connection with a narcotics investigation. The search yielded 24.4 grams of powder cocaine, 11.5 grams of crack cocaine, nearly 1 kilogram of marijuana, and 805 marijuana seedlings. The search also yielded six firearms and ammunition, including one .30 caliber rifle, a 20-gauge shotgun, two .357 caliber revolvers, a 9mm pistol, and a .25 caliber pistol. The firearms were located in a locked crawl space beneath the residence. None of the firearms were registered, and the suspect stated to police at the time of his arrest that the weapons were all given to him by friends for shooting pigs on his farm. The shotgun had a shortened barrel and the stock had been altered to form a pistol grip. Because the shotgun's barrel was less than 18 inches, the suspect is currently awaiting federal trial for possessing an illegally altered and unregistered firearm [26 USC 5861 (d) and 5845(a)].

Case #6

On December 6, 2003, HPD officers pulled over a vehicle that they believed to be stolen. A routine search of the vehicle's driver yielded a loaded .22 caliber revolver in his rear pants pocket. The handgun's serial number had been completely obliterated and could not be restored. A subsequent criminal history check revealed that the arrestee had recent convictions for abuse of a household or family member and violation of a protective order, both misdemeanor crimes of domestic violence. As a term of his sentence on those charges, the suspect signed a plea agreement acknowledging that he may not possess a firearm. In all, the suspect had six convictions for violating protective orders, three abuse convictions, and two convictions for terroristic threatening. Although all of the counts were misdemeanors, the suspect qualified for federal prosecution for being a perpetrator of domestic violence in possession of a firearm.

Case #7

The manager of a municipal golf course in Hawaii County alerted police that a man was asleep at the wheel of a motor vehicle improperly parked with the engine running in the parking lot. With the suspect still asleep, HcPD officers recovered an unregistered short-barreled shotgun, a quantity of drugs (cocaine, crystal methamphetamine, and marijuana), and drug paraphernalia from the car. When the officers awoke the suspect, he admitted to possessing the firearm and drugs, and that he had a prior criminal record. The suspect was arrested for Place to Keep a Firearm, Felon in Possession of a Firearm, User of a Controlled Substance in Possession of a Firearm, Promoting a Dangerous Drug in the Second Degree, Possession of Drug Paraphernalia, and Promoting a Detrimental Drug in the Third Degree. The defendant's prior criminal record includes convictions for terroristic threatening in the first degree, theft, driving under the influence, driving with a suspended license, nine counts of contempt of court, and abuse of a household or family member. Several counts of abuse of a household or family member and one count of sexual assault of a minor were dismissed in state court as part of plea agreements. Before the defendant's most recent arrest, his convictions had carried two five-year prison sentences, one ten-year prison sentence, and several shorter jail sentences. Following his last arrest, he was charged with two separate attempts to escape from custody. During one of those attempts, a corrections officer was injured. The defendant faces approximately two five-year sentences for being a felon in possession of a firearm and for being a habitual drug user in possession of a firearm.

Case #8

In July 2002, a defendant in Hawaii County was indicted for possession of a .22 caliber rifle and ammunition that was recovered during the execution of a federal search warrant conducted in connection to a sea turtle poaching investigation by the National Marine Fisheries Service. Because the defendant had numerous prior felony convictions, including charges of burglary, theft, and escape, and had been convicted in the past for domestic violence, the defendant qualified for federal

prosecution for being a convicted felon and domestic violence offender in possession of a firearm.

Case #9

During a routine traffic stop for numerous traffic violations, KPD officers found two unregistered rifles in a vehicle occupied by the defendant and one other individual. Both suspects were arrested for improperly storing or carrying a firearm, and each was subsequently determined to have prior convictions that prohibited possessing a firearm. One of the suspects was found to have prior convictions for assault and domestic violence. He later pled guilty in federal court for being a felon in possession of a firearm. The second suspect was also charged with being a felon in possession of a firearm, as he had previously been convicted on felony weapons charges and sentenced to five years in state prison. He also had criminal convictions for terroristic threatening, reckless endangerment, improper place to keep or use a firearm, cruelty to animals, and numerous protective order violations.

Case #10

On January 8, 2003, a motorist reported shots being fired by two individuals in a pickup truck in a residential Honolulu neighborhood. HPD officers pulled over the truck and ordered the driver and passenger to exit the vehicle. A subsequent search of the truck revealed a .357 caliber revolver and a box of ammunition. Both of the truck's occupants were arrested for "place to keep or use a firearm." The 18 year-old passenger was charged in state court with marijuana possession and "place to keep or use a firearm." It was discovered that the 19 year-old driver had a previous felony conviction for motor vehicle theft for which he was incarcerated for 180 days and a received a five-year probation term. He also had a blood alcohol level of .096 at the time of the firearm arrest and admitted to being a regular user of crystal methamphetamine. He was prosecuted under the PSN program for being a felon in possession of a firearm, pled guilty, and faces a possible ten-year federal prison sentence.

Case #11

On June 15, 2002, HPD officers conducting a security sweep of a parking lot observed a firearm in plain view inside a parked vehicle. The defendant was arrested when he returned to his vehicle and was charged with possessing a "sawed-off" shotgun with a barrel length of less than 18 inches. He admitted to possessing the unregistered firearm and was also found to have a prior felony conviction for which he was currently on parole. He stated that he had obtained the weapon for protection from family members because he had hit his wife.

Case #12

HPD officers arrested the defendant on April 20, 2002 after he had forced his way into the home of an acquaintance and, armed with a sawed-off shotgun,

demanded money and the keys to the resident's car. He struck the resident with the shotgun and pointed it at other members of the household. During a struggle with the victims (during which the trigger was pulled but the shotgun failed to fire), the defendant was subdued until the police arrived. He was charged with attempted murder, kidnapping, robbery, felon in possession of a firearm, and place to keep or use a firearm. The defendant had a lengthy criminal record including felony convictions for cocaine possession, robbery in the first and second degrees, burglary, theft, and possession of prohibited firearms, thus qualifying him for federal prosecution as a felon in possession of a firearm (in addition to facing robbery charges in state court).

Case #13

At 1:45 a.m. on February 11, 2003, Maui County Police Department (MPD) officers were checking cars that were parked illegally in a closed county beach park. As they approached a minivan, they observed the occupants attempt to hide an object underneath a seat. The three occupants were ordered to exit the vehicle and gave permission for the van to be searched. Underneath the passenger seat, the officers located a .380 caliber pistol. The pistol's serial number had been filed off. Officers also recovered a fanny pack containing crystal methamphetamine, a glass pipe, a butane torch, and a quantity of prescription pills. With the three suspects in custody, it was determined that the one of them had been attempting to trade the firearm for cash and a half-gram of crystal methamphetamine.

On May 1, 2003, the defendant who was trading the pistol was indicted by a federal grand jury in Honolulu on four federal weapons offense charges, including being a drug user in possession of a firearm and ammunition, being a convicted felon in possession of a firearm, and possessing a firearm with a missing or obliterated serial number. The defendant, facing certain federal "enhanced" sentencing guidelines, pled guilty in order to qualify for a shorter sentence. In return for pleading guilty to one count, the remaining three counts were dropped. He was sentenced to 24 months in federal prison, to be followed by three years supervised release.

The defendant, aged 21 at the time of his arrest, had moved to Maui to live with family after witnessing the murder-suicide of his parents. At age 18, he was convicted of possessing marijuana and theft in the second degree, a felony. As a result of the theft charge, he was sentenced to 60 days in jail, with 46 days suspended, along with community service and five years probation. However, due to a probation violation, he was forced to serve the remainder of his jail sentence. Less than a year later, he was sentenced to three days in jail for driving under the influence. The defendant has admitted to being addicted to crystal methamphetamine.

Case #14

In January 2003, agents of the U.S. Immigration and Naturalization Service executed a warrant for the defendant's live-in boyfriend, who was scheduled for deportation to his native Philippines after having been convicted of numerous state

crimes, including theft in the first degree, abuse of a family or household member, violation of a restraining order, and promotion of a dangerous drug. During a search of the defendant's bedroom, the officers located an unregistered handgun and several packets of crystal methamphetamine and marijuana. The defendant's boyfriend admitted he had purchased the handgun and given it to the defendant for her protection. The pair admitted to processing and packaging methamphetamine for resale as crystal methamphetamine. Officers found more than 100 grams of methamphetamine in the household.

The defendant pled guilty to two out of three federal counts of conspiracy to distribute drugs and for being a drug-user in possession of an unregistered firearm. Facing a possible ten-years-to-life sentence, under the plea agreement the defendant received two sentences of 24 months in federal prison, to run concurrently, and five years of supervised release. The defendant had no prior criminal history. Her sentence was reduced as a result of her graduating from a residential substance abuse program as a condition of her release on bail. The defendant's boyfriend also faces a ten-year minimum mandatory sentence for conspiracy, after which he may be deported.

Case #15

On September 29, 2003, HPD bike patrol officers conducted a traffic stop on an overdue rental vehicle. As they approached the vehicle, the officers observed the driver push something under the passenger seat. After removing the driver from the rental car, the officers recovered a loaded .22 caliber pistol and a small amount of marijuana from the vehicle. A criminal history check revealed that the suspect had been convicted in 1989 for felony vehicle theft, and in 1999 for abuse of a family or household member.

The defendant was charged in federal court for being a felon in possession of a firearm, a felon in possession of ammunition, a perpetrator of domestic violence in possession of a firearm, and a perpetrator of domestic violence in possession of ammunition. The defendant pled guilty on all four counts and is currently awaiting sentencing.

Case #16

On April 25, 2003, HcPD received a complaint from a female who claimed that she had been kidnapped by a male named "Don Julio." She reported that the man had a handgun and claimed to be a major drug dealer. After an extensive investigation by HcPD, "Don Julio" (an alias) was determined to be a previously convicted felon.

On May 27, 2003, HcPD officers arrested the defendant on a kidnapping charge. Two days later, police executed a search warrant on the defendant's vehicle and residence. During the search of the defendant's black BMW, officers recovered drug paraphernalia, methamphetamine residue, and a large knife with an illegal double-edged blade. During the search of the defendant's residence, officers recovered 28 rounds of 9mm ammunition, 100 rounds of .357 caliber ammunition, a

loaded black powder "cap and ball" (i.e., percussion) revolver, a 12-inch combat knife with a spiked pommel and illegal double-edged blade, a canister of OC (pepper) spray, and a set of handcuffs.

In a statement to investigators, the defendant stated that he met the victim at a friend's house and that they were all using drugs together. He reported that the victim willingly went with him to another friend's house and at no time did he threaten or force her to go with him. He stated that he had owned several firearms until 1999, but that the only one he currently owned was the black powder revolver recovered during the search of his home. He also stated that he was aware it was illegal for him to possess the firearm because of his felony convictions. Further, the defendant admitted to having a drug problem and that he stayed away from home for one or two weeks at a time during his binges.

The defendant's criminal history record showed 29 arrests and three felony convictions. In 1999, he pled guilty to promotion of a dangerous drug in the third degree, possession of drug paraphernalia, and possession of a prohibited weapon (another illegal knife). He also had eight prior misdemeanor convictions, including assault in the third degree. During the arrest for that particular offense, police confiscated a .38 caliber revolver. The defendant was still on probation for that conviction at the time the kidnapping occurred.

The defendant pled guilty in federal court to one count of being a felon in possession of a firearm and/or ammunition and one count of being a substance user in possession of a firearm and/or ammunition.

Case #17

At 6:42 a.m. on March 19, 2001, HcPD officers executed a search warrant at a house and recovered 50 grams of crystal methamphetamine, 87 grams of cocaine, and an assortment of drug paraphernalia for using and packaging the drug. In the defendant's bedroom, officers discovered an additional 26 grams of methamphetamine, more paraphernalia, trace amounts of marijuana, and a rifle with a loaded 20-round magazine. The defendant was also carrying two glass pipes for smoking methamphetamine.

Police also searched two vehicles on the property. In a pickup truck registered to the defendant, officers discovered another 0.1 gram of cocaine, an unregistered 12-gauge shotgun, and a .22 caliber rifle. The rifle was later determined to have been stolen. One of the vehicles and cash totaling \$4,600 were seized for forfeiture to the State of Hawaii.

The defendant was released from police custody pending investigation. Seven months later, on Halloween, she was rearrested by HcPD officers after witnesses observed her selling drugs at a bowling alley. The officers obtained a search warrant for the defendant's car and subsequently discovered 4 grams of marijuana, 0.4 grams of cocaine, and a .22 caliber pistol with a spent round in the chamber. The handgun was later determined to have been stolen. The defendant was carrying \$300 in cash. She was again booked and released on bail.

Less than a year later, in August 2002, HcPD officers responding to a domestic disturbance call at a shopping center observed a shotgun and a box of 20-gauge shells on the floor of the defendant's car. While the officers were securing the shotgun, the defendant was seen attempting to conceal a vial of crystal methamphetamine. A subsequent search of the impounded vehicle yielded 18 grams of methamphetamine, 3 grams of cocaine, 17 grams of marijuana, and nearly \$600 in cash. The suspect alleged that the shotgun belonged to "a friend." She was released on \$40,000 bond two days later.

Prior to her first arrest on March 19, 2001, the suspect had no convictions in her criminal record. She had been arrested twice before 2001 for alleged felony promotion of a dangerous drug (methamphetamine) and possession of drug paraphernalia. She had also been arrested and tried for felony terroristic threatening, but was granted a "deferred acceptance of no contest" that permitted her to avoid jail time and a conviction on her permanent record.

In a plea agreement with the U.S. Attorney's Office, the suspect and a co-defendant pled guilty to three of the nine federal counts for which she had been indicted by a grand jury. The final charges to which she pled guilty included conspiracy to possess and distribute more than 50 grams of methamphetamine, possession of a firearm in furtherance of a drug-trafficking crime, and possession with intent to distribute in excess of 5 grams of methamphetamine. She will remain in custody until she is sentenced. The respective maximum penalties she faces include ten-years-to-life imprisonment, five-years-to-life imprisonment, and five to 40 years imprisonment. Under the PSN-related federal guidelines contained in USC Section 924, she is not eligible to serve her sentences concurrently.

Case #18

On June 18, 2003, HcPD officers responded to the scene of a domestic disturbance, an argument between a man and a young woman, outside an apartment building. During questioning by the officers, the woman stated that the person with whom she was arguing was her boyfriend and the father of her baby. She stated that he was "not violent" but that she was very scared of him because he was unpredictable when he was angry. The officers at the scene issued a 24-hour "cooling off" notice to the 27 year-old boyfriend, barring him from returning to the couple's residence.

Within hours of the initial call, neighbors at the residence reported that the young man had returned and threatened his girlfriend with a handgun. A short while later, the same officers were summoned to a disturbance in the police station parking lot, where the man had followed the woman. The woman denied her boyfriend had a gun but, according to officers, she was visibly frightened. She stated that she did not want her boyfriend to be taken into police custody because it would make him angrier. Officers arrested the man, and a criminal history check revealed that he had two felony convictions in 2000 for improper carrying and use of a firearm as well as for felony escape. (Immediately following his escape from a state detention facility, the man had confronted his girlfriend and her mother with a firearm. In other prior incidents, the victim had sought restraining orders due to the

defendant's violent behavior, from which she reported having had "too many black eyes to count.")

Based on the witnesses' statements about seeing a firearm, police obtained a search warrant for the defendant's car and backpack. From his backpack, police retrieved a trace amount of crack cocaine and drug paraphernalia. They also found a 9mm handgun with four magazines of ammunition. Rolling loose in the backpack were several rounds of 9mm and .44 caliber ammunition.

The defendant is currently awaiting sentencing on federal charges of being a felon in possession of a firearm and a felon in possession of ammunition.

