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# CAO & U.S. Attorney: Partnering to Thwart Surging Gun Violence in Denver

Denver City Council Briefings, June 2022

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# Outline

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- Part I: Funding Proposal for Partnership With United States Attorney's Office
- Part II: Why this Partnership?
- Part III: A Problem in Common - Violent Crime
- Part IV: Partnering to Thwart Surging Gun Violence
- Part V: Q&A



Funding Proposal  
to Partner with  
the United States  
Attorney's Office

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# 2022 Public Safety Plan

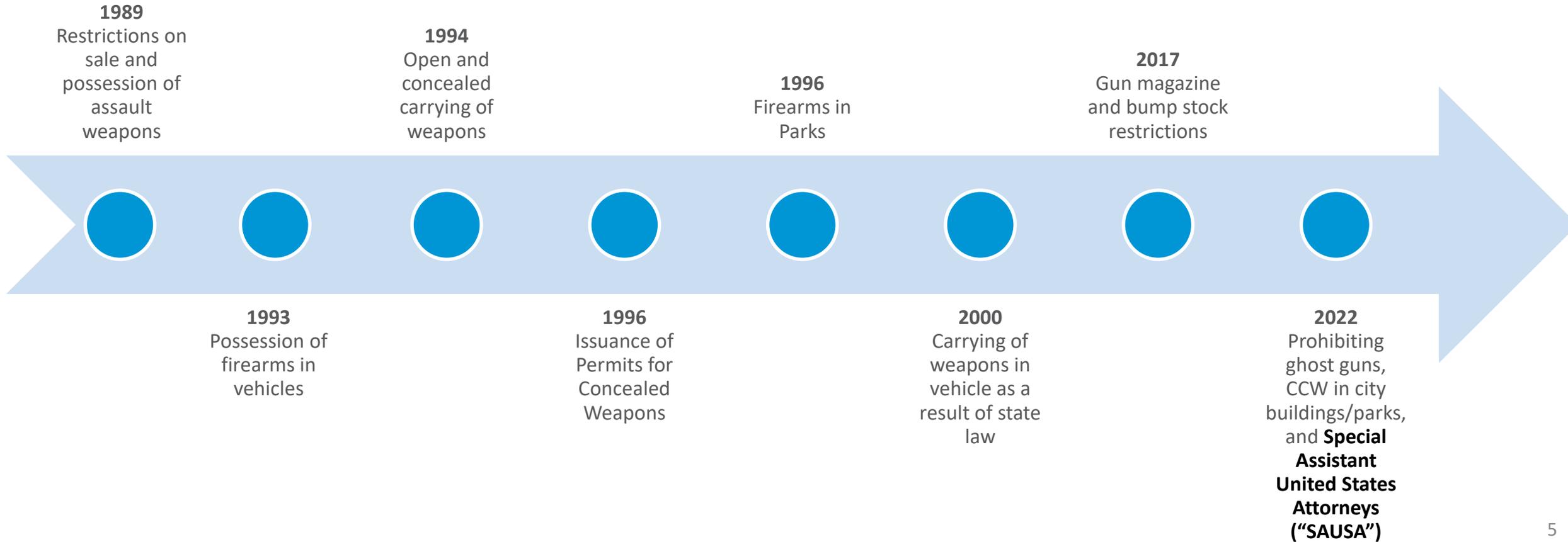
## Removing illegal guns from the streets

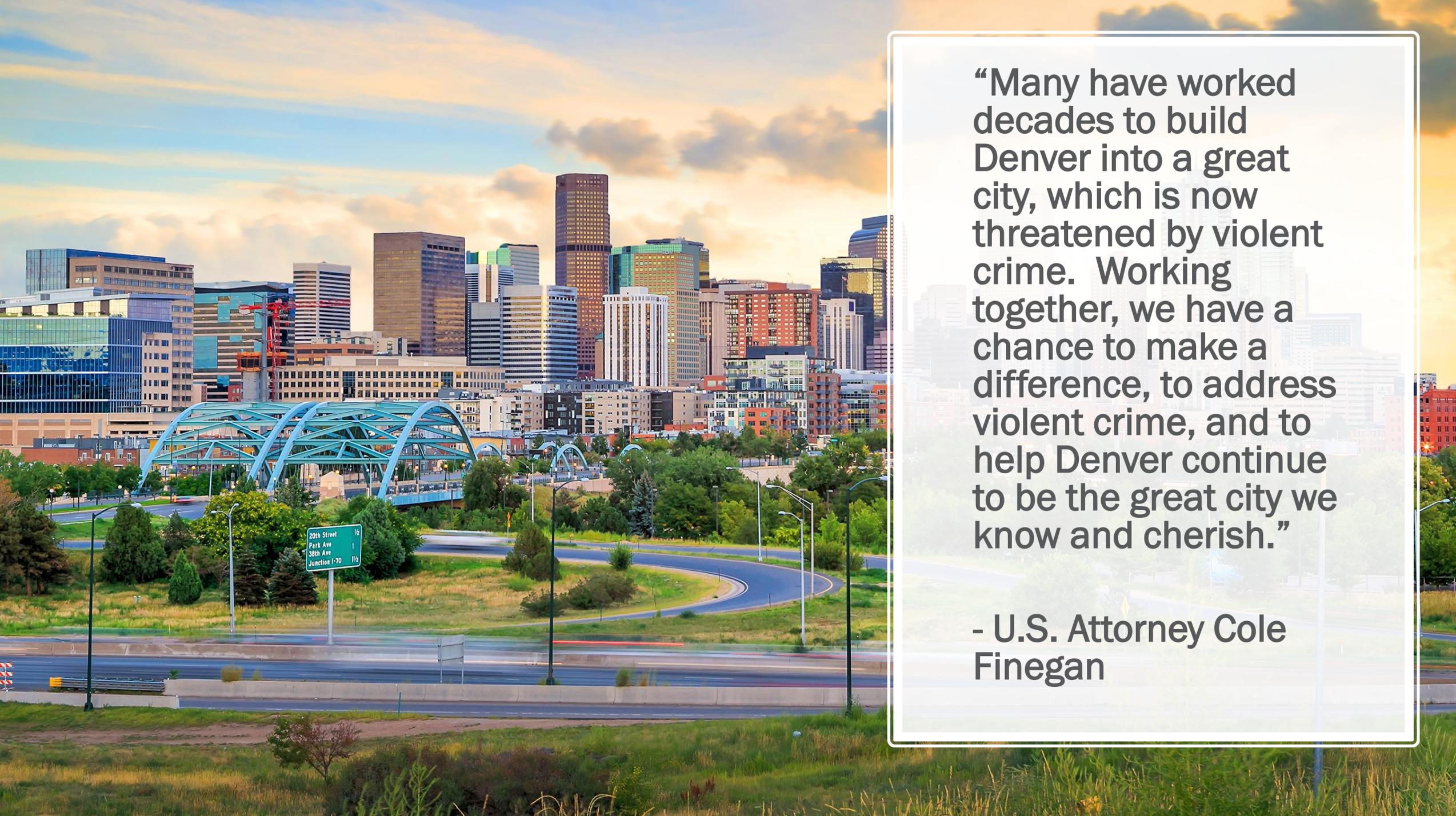
- Continuing existing relationships with federal partners to leverage resources on large gun cases and remove illegal guns from Denver's streets.

***“[T]his challenge of crime ... is an issue that affects everyone, and we must address it squarely.”***

-Mayor Michael B. Hancock

# Denver Wants to Be Safe





“Many have worked decades to build Denver into a great city, which is now threatened by violent crime. Working together, we have a chance to make a difference, to address violent crime, and to help Denver continue to be the great city we know and cherish.”

- U.S. Attorney Cole Finegan



## U.S. Attorney's Office Partnering with other Municipalities

- Aurora entered this same partnership in June 2022, becoming the first to do so
- In Colorado, USAO may also partner with Colorado Springs and Pueblo

# Partnership Proposal – Creation of a SAUSA Unit

- Partnership between U.S. Attorney’s Office (“USAO”) and City Attorney’s Office (“CAO”)
- 4 Associate Assistant City Attorneys will serve as a Special Assistant United States Attorneys (“SAUSA”) to deal specifically with the surge of gun crime in Denver
- Will work with & under supervision of USAO to prosecute cases involving felons in possession of a firearm under 18 USC § 922

# Partnership Proposal – Work Details

- Positions added to CAO Prosecution and Code Enforcement Budget
- Selected in coordination between CAO and USAO
- Will work out of USAO office and federal courthouse
- Approximately 30-40 cases per SAUSA attorney annually
- **Will handle Denver Cases – only**

# 2022 Supplemental Budget Request

- 4 Associate Assistant City Attorneys added to CAO Budget
- \$154,000 from General Contingency Fund to cover four months of salaries and benefits
- Two-year limited positions
- Salaries to be added in 2023 & 2024 budget submission

# A Data-Driven Approach To Protecting our Community

This data-driven approach utilizes the Denver Crime Lab, the National Integrated Ballistic Information Network (“NIBIN”) and the Crime Gun Intelligence Center (“CGIC”) to connect a particular firearm or shell casing to previous shootings.

USAO uses this data to identify and prosecute the most violent offenders who are particularly dangerous to our community

USAO can do more under federal law:

- Any felony can be a predicate for federal prosecution
- Felon cannot possess a gun or **ammunition**
- Federal prosecution may be possible even when a gun is not recovered
- Greater penalties available (max 10 years)



DENV



# Why this Partnership?

Some Felons Can Legally Possess Guns Under Colorado Law

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# State Law: Possession of a Weapon by a Previous Offender (“POWPO”)

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- Some felons may legally possess firearms under current Colorado law
- POWPO is limited to felonies under the Victim’s Rights Act (“VRA”) unlike federal law
- DPD & the DA’s office, therefore, **cannot seize firearms** from these felons – the guns remain on our streets



# 4 arrested at Maven Hotel, police feared a 'Las Vegas-style shooting' during All-Star Game in Denver

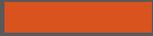
Sources tell Denver7 16 long guns, body armor and hundreds of rounds of ammo found inside hotel room



- Defendant “G. Rodriguez” had three prior felonies, including escape and drugs
- G. Rodriguez cannot be charged with POWPO as it is currently written, because he was not convicted of a qualifying felony
- But he can be charged under federal law

# 18 USC § 922, Felons in Possession of a Firearm or Ammunition

- **First:** The defendant knowingly possessed a firearm or ammunition;
- **Second:** The defendant was convicted of a felony (i.e. a crime punishable by one year or more of prison) before possessing the firearm or ammunition;
- **Third:** While possessing the firearm or ammunition, the defendant knew they had been convicted of a felony; and
- **Fourth:** The firearm or ammunition at some time was moved from one state to another or from a foreign country to the United States.



# A Problem in Common: Violent Crime

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LOCAL NEWS

# LoDo safety operation seizes 19 illegal guns in 3 weeks

by: [Joshua Short](#)

Posted: Apr 25, 2022 / 10:13 PM MDT

Updated: Apr 26, 2022 / 08:41 AM MDT

May 23, 2022 - News

## Firearm homicides in Denver surged in 2021



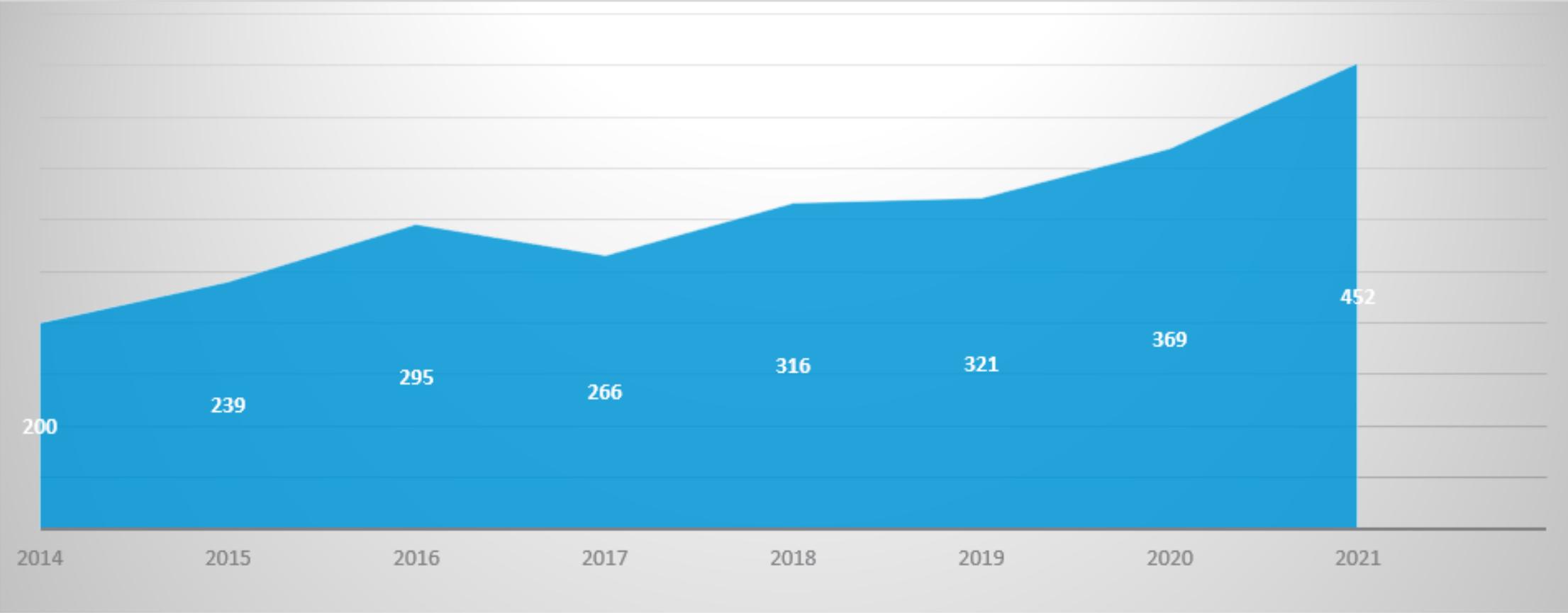
Alayna Alvarez

ALERT TOP STORY

## Gun violence on the rise in Denver, police brace for possible bloody summer

Carol McKinley May 24, 2022 Updated May 28, 2022

# Possession of Weapon by Previous Offenders – Involving Firearms More than Doubled From 2014 to 2021



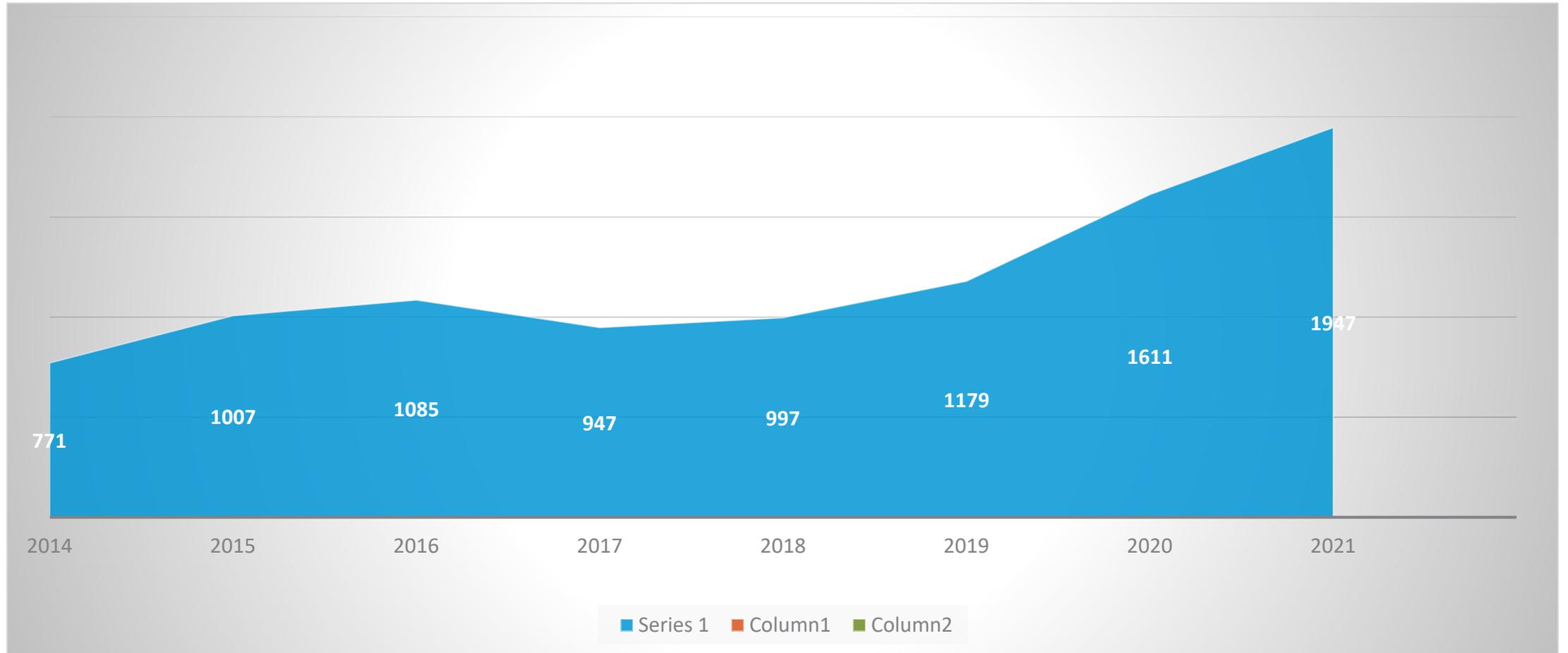
## POWPO numbers on the rise even under current state law

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- On average, 353 cases are filed annually
- 2021 saw a 34.8% increase over the prior three years
- 108 cases are already filed as of May 8, 2022



# Aggravated Assaults Involving Firearms More Than Doubled from 2014 to 2021

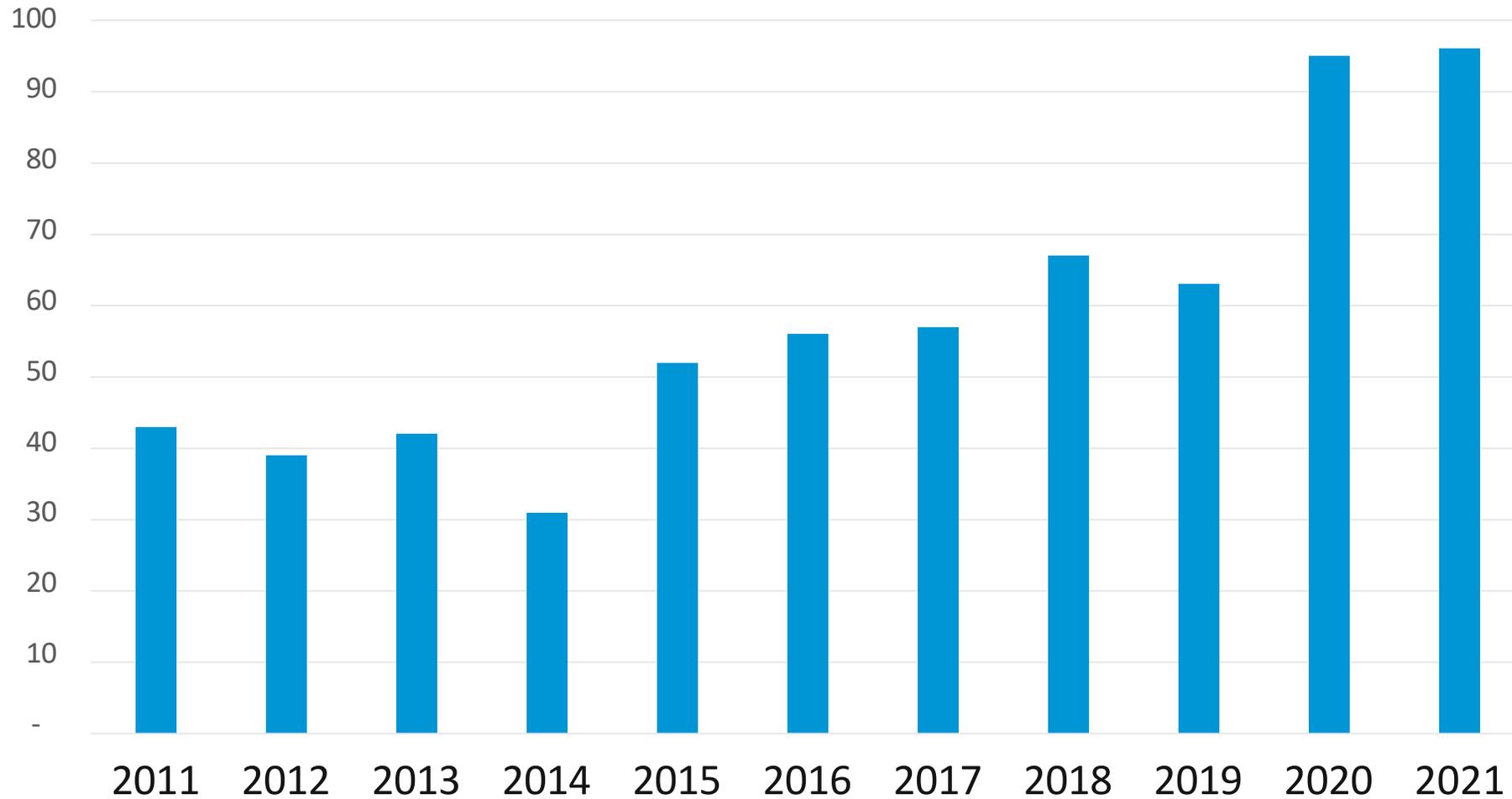


## Aggravated assaults in Denver continue to increase

- On average, 1,262 cases filed annually
- 2021 saw a 34.8% increase over the prior three years
- 784 cases already filed in 2022



## Murders In Denver 2011-2021: Spiking toward 20-year high

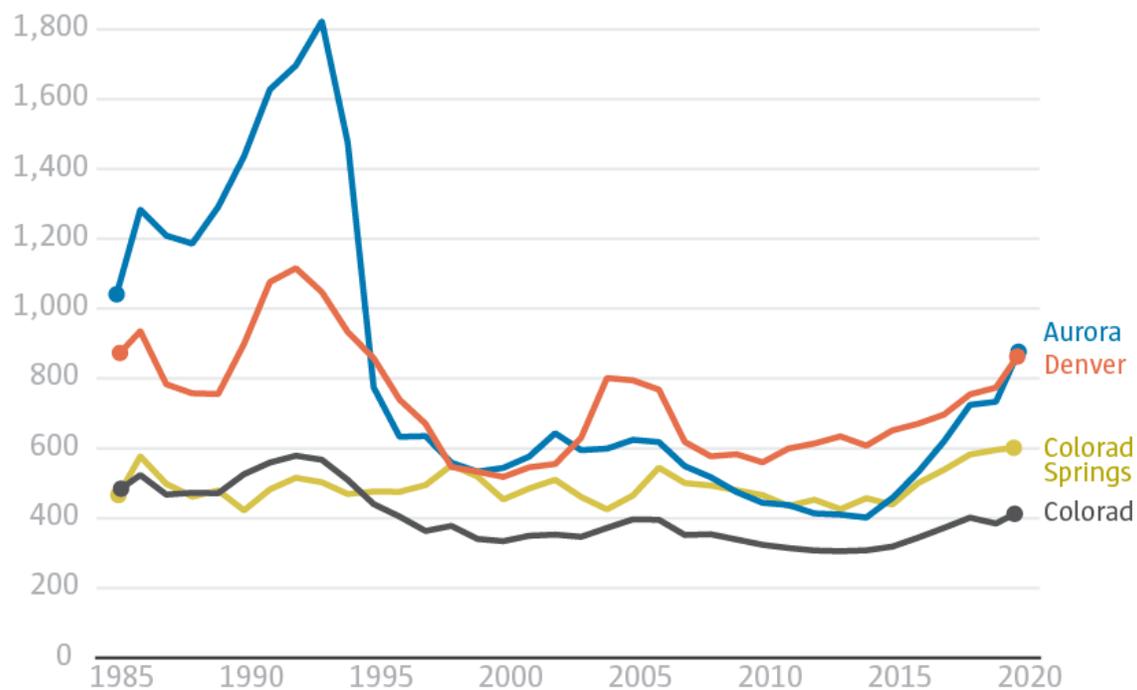


## Rising violent crime rates

Colorado's violent crime rate, which includes homicides, rapes, robberies and aggravated assaults, started to tick upward in 2014 after eight years of decline. It has risen nearly every year since then, though it remains lower than the rates recorded between 1985 and 1995. The state's largest cities also saw violent crime rates rise in the last decade.

### VIOLENT CRIME RATES

*Per 100,000 people, 1985-2020*



Source: Federal Bureau of Investigation  
Uniform Crime Reporting Program

Kevin Hamm, *The Denver Post*

# Gun Violence Rising Nationwide

New Report from John Hopkins Center for Gun Violence Solutions

April 28, 2022

## Five Fast Facts for Firearm Fatalities in 2020

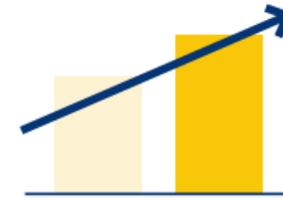


There were  
**45,222**  
gun deaths in the U.S.



The highest number of gun deaths ever in the U.S.

### Gun deaths increased from 2019 to 2020



Firearm homicides

**increased by 35%**



For the second time in three years, more than 24,000 people died by gun suicide

### Gun violence has a disproportionate impact



Black males ages 15-34 were over

**20x** more likely to be a victim of gun homicide

than their white counterparts

### States with stronger gun laws have lower rates of gun violence



Someone living in Mississippi was

**8.5x** more likely to die by gun violence

than someone living in Hawaii



LAWS



GUN VIOLENCE



LAWS



GUN VIOLENCE

An aerial photograph of the Colorado State Capitol building in Denver, Colorado. The building is a large, white, neoclassical structure with a prominent central dome and a clock tower. The surrounding cityscape includes various modern and older buildings, streets with cars, and a view of snow-capped mountains in the distance under a cloudy sky. A semi-transparent white box with a thin black border is centered over the building, containing the text.

# Partnering to Thwart Surging Gun Violence

# Mutual Opportunity

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- An immediate, short-term investment is needed to help Denver address its alarming surge in violent gun crime
- Will be able to hold more felons accountable for illegally possessing firearms and ammunition in Denver
- Will reduce the number of guns in the hands of people willing to hurt others
- Will serve as a model for other jurisdictions suffering from spikes in violent crime



# General Fund Contingency

The City Charter requires that the proposed budget for the General Fund shall include no less than two percent of total estimated expenditures for unbudgeted expenditures. Fiscal Policy outlines criteria that include:

- An unexpected event such as a natural disaster or accident;
- Large unappropriated payouts or personnel costs such as retirement payout or midyear salary adjustments that cannot be absorbed by agency appropriation;
- Unfunded mandates as a result of legislation;
- Planned one-time expenditures that advance a programmatic or financial outcome.

There are two other “reserves” to be used under natural disaster or economic downturn circumstances. Both must be replenished.

# Current Request

**City Council approval of the following supplemental budget request:**

\$154,000 for the Special Assistant to the US Attorney program, includes:

- Four Associate Assistant City Attorneys
- This will fund salaries and benefits from September through the end of 2022

Note that there are expenditures associated with filing of cases, which will be covered by the US Attorney's Office. Space and technology will be covered by the US Attorney's Office also.

This is for ongoing costs and will impact the 2023 Budget.

# Contingency and Supplemental Overview

<b>Total Original Contingency</b>	<b>\$29,400,000</b>
<b>Supplementals Approved to Date</b>	
City Council – Special Revenue Fund(CB22-0229)	\$111,100
City Attorney’s Office – Liability & Claims Fund(CB22-0571)	\$2,000,000
Available Contingency	\$27,288,900
<b>Supplementals Pending</b>	
CB22-0738 - CPD/TS Supplemental	\$775,000
<b>Contingency Subtotal should pending be approved</b>	<b>\$26,513,900</b>
Supplemental Request through BR22-XXXX (CAO)	\$154,000
<b>Available Contingency if approved</b>	<b>\$26,329,900</b>

# Timeline



Questions?