

The Joshua Project Operations Protocol for Participating Partners

I. The Mission

The Joshua Project is a pilot program designed to reduce firearm violence within an area roughly equivalent to the old Third Precinct in the City of Detroit. The Project is modeled on programs in Boston, Minneapolis, Indianapolis, and several other cities that controlled gun violence by raising the stakes for groups at the highest risk both of committing gun violence and of being the victims of gun violence.¹ These groups may be traditional "gangs" or loose organizations of criminally active individuals.

Like the programs on which it is based, the Joshua Project employs a zero-tolerance policy when a group member in the target precinct commits gun violence. Law enforcement officials associated with the Joshua Project not only vigorously prosecute the offender but also leverage all available law enforcement tools against other members of the same group. Use of a gun by any member results in strict and sustained law enforcement attention for everyone in the group. The zero-tolerance policy does not replace day-to-day law enforcement activities but instead directs additional attention to illegal behavior by group members.

The Joshua Project also seeks to deter gun violence by increased monitoring of former offenders to ensure they do not commit crimes again. When firearm-related crimes occur, teams of prosecutors and investigators aggressively investigate and prosecute those responsible. Finally, the Joshua Project works with community groups to offer alternatives to crime.

To implement the program, the Joshua Project relies on an innovative partnership among local, state and federal agencies as well as the state courts. Participating partners are the Michigan Department of Attorney General (AG), the Detroit Police Department (DPD), the Michigan Department of Corrections (MDOC), the United States Department of Justice (DOJ) and the Wayne County Sheriff's Department (WCSD).

II. The Strategy

The Joshua Project has four components that have proven successful in similar programs:

- (1) Enforcement of a zero-tolerance policy against gangs, and other violent criminal groups operating within the target precinct, when a group member commits gun violence;

¹ See Appendix A for a description of the programs in Boston, Minneapolis, and Indianapolis.

- (2) Close monitoring of probationers and parolees to decrease the likelihood that they will again commit crimes;
- (3) Aggressive investigation and prosecution of firearm-related crimes; and
- (4) Community involvement to offer alternatives to crime.

A. The Zero-Tolerance Policy against Groups

The Joshua Project focuses on traditional, well-established organized crime groups as well as small groups of criminally active individuals who have been involved in shootings. Participating law enforcement partners gather information on groups of youths who commit gun violence in the target precinct and share the information with each other. If there is a shooting by a group member, the law enforcement agencies immediately enforce the zero-tolerance policy against all members of the group.

1. Identification of Groups

The AG, the WCSO, the Federal Bureau of Investigation, and several divisions of the DPD² collect intelligence on the criminal groups in the target precinct, then meet monthly to identify groups with known members in either a whole group or a sub-group of a larger gang. The role of the patrol officer is vital, since much of this information comes from street-level intelligence. Once a group is identified, the agencies generate a full background file, including criminal histories of all members. Collateral information such as the names of family and friends of a group member are also maintained. At later meetings, the agencies continue to share additional information on the group and its members. The files are updated at these meetings and also informally by prosecutors working within the precinct.

Information on groups and group members is maintained by the AG at the Detroit office. All participating partners have access to this information.

2. Enforcement of Policy

When a group member commits gun violence, law enforcement partners immediately implement the zero-tolerance policy. The maximum sentence allowed by law is approved by Assistant Attorney Generals after the conviction of the offender. At the same time, additional law enforcement attention is directed against other members of the group. Law enforcement officials thoroughly debrief members to identify other groups, their whereabouts, and their criminal activity.

The Joshua Project uses a variety of law enforcement tools against group members. Group members with outstanding warrants are arrested and prosecuted. New crimes committed by

² These include the DPD Investigative Operations Division, DPD plain clothes patrol officers, DPD uniformed patrol officers, DPD Gang Squad, DPD Violent Crimes Task Force, DPD Narcotics Division, and DPD.

group members are vigorously investigated and prosecuted. Undocumented group members are referred for deportation proceedings. When necessary, an Assistant Attorney General (AAG) appears at court proceedings to inform the court of the group member's associations and background to ensure that a high bond and maximum sentence are applied.

Parole conditions, including curfews, prohibitions on possession of firearms and/or ammunition, and prohibitions on association with known felons, are strictly enforced. Parole officers may immediately arrest a group member for any violation of an order of parole. Immediately following a shooting, the MDOC and the DPD conduct home visits of identified group members to determine whether they are complying with the conditions of their parole or probation.

B. Monitoring of Probationers and Parolees

Increased monitoring of probationers and parolees is a critical law enforcement tool in reducing firearm violence. Scrupulous enforcement of release conditions has contributed to the success of such programs in other cities, since parolees and probationers comprise a large percentage of the groups committing gun crimes and are also likely to be victims of those crimes. The Joshua Project monitors probationers and parolees in two different ways: home visits and call-in meetings.

1. Home Visit Program

The MDOC and the DPD conduct home visits of probationers and parolees to prevent future crime and to spread the message that gun violence will be met with a zero-tolerance policy. Corrections officers work day and night shifts and seek face-to-face contact with each probationer and parolee to ensure that conditions of parole or probation are being followed. Visits are conducted over four days, during both daytime and evening hours, including weekends. On the first two days, the teams visit all of the addresses at least once at night. If face-to-face contact is not made with the parolee or probationer, the teams then revisit the home during the remaining two days of the schedule.

Two methods are used to identify the homes to be checked. First, the residences of all parolees and probationers in the Third precinct are mapped using a computer software application. This mapping software is used to identify those parolees and probationers that reside in close proximity to where recent firearm assaults have occurred. The parolees and probationers are then home checked by the MDOC agents to ensure compliance with their conditions of parole or probation and to determine that the individual has information regarding the shooting in question. Second, parolees and probationers are identified for home checks by their criminal history and likelihood of recidivism. Parolees and probationers with a violent history with a gun are home checked first. Offenders with the most serious criminal histories are visited with the most frequency. Regardless of the nature of the crime, each parolee and probationer can expect to be visited at home at least once per year by Joshua Project team members.

All parole or probation violations found during the course of a home visit are handled in accordance with the policies and procedures of the MDOC.³ To achieve the goal of deterrence, maximum penalties are sought for all violations.

2. Call-In Meetings

Call-in meetings inform parolees and probationers of the goals of the Joshua Project and warn them of the consequences of gun violence. There are three types of call-in meetings: general meetings for all parolees or probationers in the target precinct, special meetings for those parolees and probationers that are members of identified groups, and meetings involving those persons living in close proximity to recent shootings in the precinct. The latter group is identified using the mapping software described above. Call-in meetings last approximately forty-five minutes and occur twice a month.

At all of the call-in meetings, representatives of the AG, MDOC, DPD, and DOJ give presentations on the Joshua Project. Attendees are advised of the home visit program and the strict enforcement of release conditions. At the special meetings for parolees and probationers who are group members, the Joshua Project representatives inform the attendees that the Joshua Project has identified the members of their group and that a zero-tolerance policy is in effect if any member commits gun violence. Arrests and prosecutions of group members are dramatically displayed. The zero-tolerance policy is clearly defined by example for the attendees.

Probationers and Parolees who are notified of a call-in meeting are required to attend. Those that fail to attend the meeting will be considered in violation of the terms of their parole or probation.

C. Investigation and Prosecution of Firearm-Related Crimes

Law enforcement agencies associated with the Joshua Project aggressively investigate and prosecute firearm-related crimes in the target precinct to deter others from committing such crimes. A team of three AAG's and three full-time investigators from the DPD work together in the precinct. Police officers obtain immediate assistance from the AAGs instead of waiting for an on-call prosecutor, and AAGs write search and arrest warrants at the precinct when necessary.

The team focuses on the following crimes committed with firearms:

- Assault with the Intent to Commit Murder;
- Assault with the Intent to Do Great Bodily Harm less than Murder;
- Armed Robbery;
- Felony Firearm;

³ MDOC, *Parole Violation Processing*, OP FOA 06.06.115; MDOC, *Parole Violation Response Guideline*, CFJ-175; MDOC, *Probation Violations*, PD 06.06.120.

- Carjacking; and
- Home Invasion in the First Degree

The team also investigates and prosecutes other crimes committed with a firearm—domestic violence related assaults and criminal sexual conduct if an identified group member is involved.

DPD investigators are responsible for investigating and preparing the cases for the firearm-related crimes. The investigators notify the AAGs when a crime occurs, respond to crime scenes and assume responsibility as officers in charge, interview all victims and witnesses, request search warrants in a timely fashion, follow up on all forensic testing of physical evidence, and ensure that witnesses appear for court dates. In carrying out these duties, the DPD investigators use all resources available to them, including information known to other units such as the DPD Gang Squad and the DPD Violent Crimes Task Force.

The AAGs are responsible for prosecuting the firearm-related crimes with the goal of obtaining the maximum sentence after a reasonable assessment of the strengths of the case. The AAGs use vertical prosecution; that is, they follow each case from its beginnings to the final disposition. The AAGs also assist in the investigation of the crimes by drafting search warrants and petitions for investigative subpoenas,⁴ and maintain information generated through the investigations at a central location. The AAGs report to the First Assistant Attorney General in charge of the operations of the Joshua Project who, in turn, reports to the Division Chief of the Criminal Division.

A strict plea policy is in place for these crimes. No reduced plea is allowed for a felony-firearm charge unless compelling circumstances arise. No reduced plea is allowed for the capital offenses of Armed Robbery and Carjacking; if the victim is injured, the defendant must also plead to the crime of felony assault. Any reduction in the charge for Assault with the Intent to Murder must fit a rational view of the evidence. The AAG considers the nature of the injury sustained by the victim, the type of firearm used, the number of shots fired by the defendant, the circumstances surrounding the shooting, and the reasonable impact of a defense to the shooting. Any plea to less than the capital offense must include a sentence of incarceration with the MDOC. The First Assistant Attorney General for the Joshua Project must approve any pretrial resolution of a case.

D. Community Involvement

Community involvement is an integral component of the Joshua Project. AAGs meet monthly with community organizations in the Third Precinct to discuss the mission of the project and seek the community's input on strategies to reduce gun violence. The AAGs update the organizations on the Project's successes and examine the areas in which the Project needs to improve. Community organizations provide critically important information on the groups committing firearm violence and on recent crimes and who may have perpetrated them.

⁴ MCL 767A.1 *et seq.* governs the application and use of investigative subpoenas.

1721 Junction St.
Detroit, MI 48209
313-842-3450

III. The Logistics

Many different agencies are involved in the Joshua Project. The Joshua Project provides monthly training sessions on a variety of topics to share the partners' talents and expertise. In addition, weekly progress meetings are held to coordinate the efforts of all of the partners.

A. Training

The Joshua Project holds monthly training sessions for interested partners. With the advice of other agencies, the AG schedules the calendar of topics. The AG provides a central location for the training sessions and coordinates with the instructing agency on the presentation, providing whatever assistance may be needed. Topics involving the current state of and application of the law of Michigan are taught by the AG. Topics that combine a legal and practical subject matter, such as the limits of home visit searches and interaction with the occupants of a home, are taught through a combined presentation by the AG and another agency with expertise.

B. Progress Meetings

Monthly, the AG, the DPD, and the MDOC meet to discuss the Joshua Project and plan future activities. As needed, other partners of the Joshua Project also attend the meeting. The meeting is held at the DPD Headquarters.

At the meeting, the agencies review the month's offender visits, focusing on those offenders that could not be contacted. New arrest warrants for violations stemming from these visits are forwarded to DPD's Fugitive Apprehension Service Team for immediate execution. Information on group activity from the visits is discussed. The agencies also review the current status of group identification and the zero-tolerance policy. Current investigations and prosecutions are examined. Finally, the agencies establish goals for the following month.

IV. Long-Term Initiatives

The Joshua Project is working on a long-term initiative to reform the operation of probation: the addition of conditions to the standard order of probation to deter probationers from committing crimes, and revisions to the criminal code to allow warrantless arrests of probationers for probation violations.

Many of those who commit gun violence, as well as those who are the victims of gun violence, are youths on probation. Nearly half of the defendants charged with perpetrating a homicide with a firearm in Detroit during 2004 were either on probation when the homicide

was committed or had recently been on probation.⁵ Sixty percent of the defendants were between the ages of 17 and 24.⁶ More than one-third of homicide victims killed with a firearm in 2004 were between the ages of 17 and 24,⁷ of which 26 percent had been on probation⁸.

A. Reforming Probation Orders

Felony probationers who are convicted in Wayne County receive a standard order of probation listing the terms of their supervisory sentence.⁹ The Joshua Project has asked the WCCC to add the following conditions to the standard order on cases charged out of the Third Precinct:

- Establishment of curfews
- Restriction on specific locations where a probationer can be present
- Requirement that a probationer attend Joshua Project call-in meetings
- Prohibition on possession of firearms and/or ammunition
- Prohibition on association with known felons
- Provision allowing warrantless searches of a probationer's home and person.¹⁰

The enhanced probation order would increase the effectiveness of the Joshua Project. Youthful offenders in groups are more likely to be probationers than parolees. The proposed conditions would serve to isolate probationers from people, places and activities that could lead to recidivism. A curfew restriction, for example, keeps probationers in their home at a time when most criminal activity takes place. The provision allowing warrantless searches would better enable the MDOC to conduct home visits and monitor high-risk probationers. In addition, the court could use the condition to monitor high-risk probationers and enforce orders.

The Joshua Project also seeks to add the same conditions to existing probation orders for probationers who reside in the target precinct. An order of probation may be amended ex parte. There is no requirement that the defendant be given notice or an opportunity to be heard before the amendment as long as the ex parte change does not involve incarceration.¹¹

⁵ In 2004, 43 out of 154 homicides charged (46%) were committed by active or former probationers.

⁶ In 2004, 93 out of 154 homicides charged were committed by persons between 17 and 24 years old.

⁷ In 2004, 133 of 384 homicide victims (35%) were between 17 and 24 years old.

⁸ In 2004, 35 of the 133 victims between 17 and 24 years old had been on probation.

⁹ MCL 771.2(2).

¹⁰ The standard parole order used by the MDOC contains all of these requirements except for curfew and location restrictions. The Joshua Project also proposes adding the same curfew and location restrictions to parole orders and amending existing orders where cause exists. See MCL 791.236; *Lane v Dep't of Corrections*, 383 Mich 50; 173 NW2d 209 (1970).

¹¹ *People v Britt*, 202 Mich App 714, 716; 509 NW2d 914 (1993).

Because the provision allowing warrantless searches would waive a constitutional protection, adding the condition to an existing probation order would require the participation of the probationer. A defendant could be ordered before the sentencing court and the change could be entered at a probation hearing. This would also allow the court to gauge the probationer's progress. If the probationer failed to attend the hearing, a bench warrant could be issued.

B. Reforming the Criminal Code

A probation officer cannot currently arrest a probationer without a warrant.¹² The Joshua Project seeks to add a new statutory provision to the criminal code that would allow such arrests if there are reasonable grounds to believe the probationer has violated a condition of probation:

MCL 771.4b. Probationer, arrest without warrant on reasonable suspicion of probation violation.

Sec. 4b. A probation officer, a parole officer, a peace officer of this state, or an employee of the department other than a probation or parole officer who is authorized by the director to arrest parole violators may arrest without a warrant and detain in any jail of this state a probationer if the probation officer, parole officer, peace officer, or authorized departmental employee has reasonable grounds to believe that the probationer has violated the conditions of probation.

MCL 791.239 allows a parolee to be arrested based on a reasonable belief that the parolee has committed a violation of his parole order. The Joshua Project seeks to amend the statutory provision as follows:

MCL 791.239. Arrest without warrant; detention of paroled prisoner or probationer.

Sec. 39. A probation officer, a parole officer, a peace officer of this state, or an employee of the department other than a probation or parole officer who is authorized by the director to arrest parole violators may arrest without a warrant and detain in any jail of this state a paroled prisoner or a probationer if the probation officer, parole officer, peace officer, or authorized departmental employee has reasonable grounds to believe that the paroled prisoner has violated parole or a warrant has been issued for his or her return under section 38 or has reasonable grounds to believe that the probationer has violated the condition of probation.

These changes are consistent with the powers given to law enforcement officers in other states, such as Massachusetts,¹³ and would allow MDOC officers to immediately arrest a probationer for a probation violation during home visits. While probation violations may increase as a result of this proposed legislation, the goal is not to arrest more probationers. Instead, the Joshua Project seeks to reduce firearm-related violence in the target precinct by using enforcement of probation orders as a means of deterrence.

¹² MCL 771.4.

¹³ ALM GL ch. 279, sec 3.

V. Measuring Success

The Joshua Project is successful if the number of shootings reported in the target precinct decreases. The number of shootings will be measured by two comparisons:

- (1) A comparison of the number of shootings in a given month in the target precinct with the same month in previous years, and
- (2) A comparison of the number of shootings in the target precinct with the shootings in an area of comparable population size in Detroit, such as similarly populated precinct.

The Joshua Project is also successful if its components are implemented throughout the remaining precincts in Detroit. This is measured by whether the Wayne County Prosecutor's Office, the DPD and the MDOC create a similar program in the other precincts of Detroit.

APPENDIX A: SIMILAR PROGRAMS IN OTHER CITIES

I. Boston: Operation Ceasefire

After Boston experienced a rapid rise in youth homicides between the late 1980s and early 1990s, the city joined with state and federal prosecutors, corrections agencies and social service organizations to create an innovative program to reduce gun violence.¹⁴ Operation Ceasefire began in 1995 with the realization that most of the homicides were committed with handguns, by and against chronic offenders who were members of loosely organized "groups." A substantial percentage of the perpetrators and victims were on probation. Between 1990 and 1994, 80% of the perpetrators of youth homicides had been or were on probation, while 56% of the victims had been or were on probation.

Operation Ceasefire focused on gangs that committed violent firearm assaults in the city. After a perpetrator of a shooting was found to have an association with a group, all members of that group were subjected to intense law enforcement scrutiny. Once several members of the targeted group had been successfully prosecuted and incarcerated, other groups operating in the area began to effectively police themselves.

One of the most effective tools in Operation Ceasefire was strict enforcement of probation and parole conditions. Those on probation received special attention since they were at high risk of being either a victim or a perpetrator of violent crime. Police officers joined probation officers in conducting home checks of probationers during the hours of 7:00 p.m. to midnight, which resulted in seizure of weapons and narcotics. Operation Ceasefire also used community call-ins of probationers to deliver the message that violent behavior—particularly gun violence—by any member of a group would evoke an immediate and intense response directed at all members of the group.

The results were dramatic. Gun violence in Boston in the highest risk demographic fell by approximately two thirds. After enhanced supervision for high-risk probationers was initiated, the affected district did not have a single fatal shooting of a victim under the age of 17 between 1994 and 1997.¹⁵ Although Boston has experienced a rise in the number of homicides in recent years, the number of homicides in 2005 is 22% below the number reported in 1995 when Operation Ceasefire began.¹⁶ The recent increase in homicides is attributable to a demographic increase in the number of teenagers and young adults, as well as cutbacks to youth programs.¹⁷

¹⁴ For a detailed description of Operation Ceasefire, see David M. Kennedy and Anthony Braga, *Reducing Gun Violence, The Boston Gun Project's Operation Ceasefire*, National Institute of Justice (2001).

¹⁵ Communication by William Stewart, Deputy Chief of Probation of the Dorchester Court, Dorchester, MA

¹⁶ Boston Police Department, 2005 Uniform Crime Reports.

¹⁷ Boston Globe, January 1, 2006.