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### Judge ends Newark's gun-offender program

She says evidence is lacking that city's strategy was even working

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Essex County's top judge has scrapped a four-year-old program to crack down on chronic gun offenders in Newark, saying there was no evidence it did anything to curb crime.

State Superior Court Assignment Judge Patricia Costello said she no longer saw the benefit of setting aside a judge, prosecutors and probation officers to handle the city's gun-possession cases.

"It didn't work the way it was intended," Costello said of the program, called Gun Strategy. "Stopping it gives us an opportunity to come with something that works better."

Authorities say they will find other ways to lock up gun offenders. But the shutdown comes at a difficult time in Newark, where Mayor Cory Booker has made gun violence a top priority of his administration.

"It runs contrary to all our current efforts to combat violence," said Anthony Campos, Booker's acting police chief. "My violence problem involves guns, so don't take something from me now."

Conceived as a pilot program in 2001 and implemented in 2002, Gun Strategy's goal was to curb an upturn in illegal gun activity by focusing attention on a relatively small segment of criminals who were repeatedly getting arrested with guns. When one of these people was arrested, they were flagged by police, handled by a single prosecutor, assigned to the same judge and targeted by probation officers and social services providers.

The program quickly focused almost exclusively on raising bails for gun offenders.

By all accounts, bails increased under Gun Strategy. But Costello, who sits in Newark, said there never was an effort to determine if the program really worked. She said the agency that designed the program --the Police Institute at Rutgers-Newark -- kept track of who the offenders were and what bails they received, but didn't produce any data to show if they stopped using guns.

"The idea was to keep people from doing it again, but there was no way to measure the success and failure of the program," Costello said. "I want to stress that it wasn't from a lack of sincere effort to help people. But it probably wasn't achieving anything more than what we were already doing."

There is also the troubling fact gun crime has gone up, not down. Despite an overall drop in Newark crime, shootings and homicides have steadily risen since 2002, the year Gun Strategy started, according to police statistics. Homicides increased from 65 in 2002 to 97 last year and non-fatal shootings increased each year from 236 in 2002 to 322 last year, according to Newark Police.

Police also are on pace to seize a record number of firearms from the streets, which they attribute in part to an upsurge in the market for illegal guns.

Even so, Gun Strategy was popular among Newark cops, who viewed it primarily as a way to use higher

bails to keep criminals off the streets. Most of the 920 people flagged as Gun Strategy defendants had long criminal records, and, police reasoned, would likely be committing more crimes if they weren't in jail.

"These people are mostly players with extensive criminal histories and this took them out of the game for a while," Campos said. "So why would we not continue a program in which an individual in possession of a handgun receives a higher bail?"

But Costello, who inherited Gun Strategy when she became Essex County's assignment judge in 2004, said she had objections about using bail as a crime deterrent rather than its legal purpose of ensuring that a defendant shows up in court. She said she was troubled by other "criminal justice issues" raised by Gun Strategy, but wouldn't elaborate.

Michael Wagers, director of the Police Institute, acknowledged that Gun Strategy never grew much beyond a tool to raise bails. But ending Gun Strategy won't help, he said.

"We understand the judge's decision, but that decision negatively affects the community that is suffering from gun violence," Wagers said. "Maybe we should have made sure the program evolved, but we put a patch in place to deal with the problem and it seemed to be working."

Essex County Prosecutor Paula Dow, who had three prosecutors assigned to Gun Strategy, said the program allowed her to closely monitor cases and stop another chronic problem: the regular downgrading of firearms charges. She said she asked Costello to reconsider her decision but has since come to terms with it.

Dow promised that gun cases won't fall through the cracks now that Gun Strategy is over. The county still prosecutes firearms cases out of an Operation CeaseFire program in Irvington and Newark, and still refers cases to a federal Project Triggerlock initiative that targets gun offenders, she said. Her office is also implementing a courthouse-wide system of "vertical prosecutions" in which one prosecutor will handle the same case -- including gun cases -- from start to finish.

"The judge's decision to pull from the program will be met by our move to vertical prosecutions," Dow said.

Police are in favor of vertical prosecutions, and would like to take the fight against illegal guns further. Campos is in the process of creating a new unit that would investigate people who possess guns, how they got them and how the guns were brought into Newark. He is also emphasizing gun seizures in his gang unit and taxicab protection program and in Booker's safe-schools initiative.

Costello said she is willing to consider new options in authorities' campaign against gun violence.

"Everyone's looking for a solution, and we'd like to be part of the solution," she said.

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