



STATE OF RHODE ISLAND
OFFICE OF THE ATTORNEY GENERAL

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Attorney General

March 31, 2022

The Honorable K. Joseph Shekarchi
Speaker of the House of Representatives
State House
Providence, RI 02903

The Honorable Dominick J. Ruggerio
President of the Senate
State House
Providence, RI 02903

Re: Annual Gun Crimes Report: 2021

Dear Speaker Shekarchi and President Ruggerio:

At the core of the Attorney General's mission and one of my top priorities has been ensuring the safety of Rhode Island's communities. To that end, our Office has waged the battle against gun violence and violent crime on two primary fronts. We have brought new resources and coordinated strategies to focus our collective law enforcement efforts on the true drivers of violent crime. At the same time, we have continued to seek out and advocate for stronger laws and tools that we know we need to prevent gun violence in Rhode Island.

At this point, I hope there can be no question regarding the prevalence of guns and gun violence in Rhode Island, and no question regarding how seriously this Office takes these cases. In May 2021, nine people were wounded in the City of Providence's largest mass shooting in history. Investigators seized over 500 rounds of ammunition in various calibers as well as 12 pistol and rifle magazines, four of which were large capacity magazines able to hold over 30 rounds. [In November of 2021, our Office announced the indictment of six individuals in connection with this shooting.](#)

For the past three years, this Office has submitted reports to the General Assembly, consistent with its statutory duties under R.I.G.L. § 42-9-12.1, providing certain statistics involving firearms offenses on an annual basis. For each of those years, I have noted the inherent limitations of the data required for those reports and expressed concerns regarding the incomplete picture they may paint with respect to the prevalence of guns and gun violence in our communities, as well as the criminal justice system's efforts and ability to hold perpetrators accountable.

For these reasons, I was pleased last session when the General Assembly amended this statute to expand both the categories of information that we are required to report, as well as the sources of data from which we are authorized to pull information. And while our new reporting requirements do not technically take effect until March of 2023, we began to track and compile additional data for the last few months of 2021 and are prepared to offer the General Assembly a preview of what these data will show.

Accordingly, pursuant to our obligations under R.I.G.L. § 42-9-12.1, the Office submits the attached report for 2021. This year's report will begin with an overview of the Office's recent efforts to combat gun violence and violent crime, combining existing legal tools with new resources, strategies, and initiatives. The report will then provide a summary of recently enacted gun violence prevention legislation and the ways in which our Office is already using these new laws to make Rhode Islanders safer. Finally, this report will present data for 2021—both that which is presently required by the statute, as well as a preview of the new data which will be required in next year's report.

Combatting Violent Crime in Rhode Island:

In 2021, the Office launched an important initiative to reduce violent crime—and particularly gun-related crimes—in Rhode Island's urban communities. The [Urban Violent Crime Initiative](#) is a prosecutor-led partnership with the Providence, Pawtucket, and Central Falls Police Departments, the Department of Corrections, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives. Working together, prosecutors, investigators, and analysts at these law enforcement agencies are gathering data and intelligence, analyzing the information to identify patterns of criminal activity to support investigations and prosecutions, and setting violent crime enforcement priorities. We have taken several key steps to ensure the success of the Urban Violent Crime Initiative including (i) deputizing officers from law enforcement agencies in Providence, Pawtucket, and Central Falls to provide a greater ability to investigate suspects and crimes that cross municipal jurisdictions, (ii) securing a \$340,000 grant from the U.S. Department of Justice to fund the multi-year hiring of a crime intelligence analyst and procurement of data and intelligence analysis tools, and (iii) procuring a National Integrated Ballistic Information Network “NIBIN” machine that analyzes ballistic evidence and plays a key role in solving gun crimes.

These efforts are generating early, significant results:

- [In July of 2021, the Office announced the arraignment of multiple individuals on drug trafficking and firearms charges.](#) Investigators seized a .40 caliber ghost gun with a 30-round magazine containing 23 rounds and a laser attachment, and a 9mm Smith and Wesson semi-automatic pistol with an obliterated serial number, along with over 1,500 fentanyl pills. [One Defendant was sentenced to serve 8 years in prison.](#)
- [In November of 2021, we charged two individuals with 36 felony counts stemming from an illegal firearms trafficking investigation.](#) As part of the investigation, investigators seized multiple illegal firearms, including: a Polymer80 9mm semi-automatic ghost gun with a 30-round large capacity magazine; a Radical Firearms RF-15 5.56mm pistol; a Ruger LCP .380 semi-automatic pistol; a Springfield Armory XD45 semi-automatic pistol; several hundred rounds of various types of ammunition and firearms parts. They were also charged with selling at least an additional six firearms to six individuals, including to those who are legally prohibited from possessing firearms.
- [In December of 2021, we announced charges against two individuals with multiple drug and firearms offenses.](#) Investigators seized 8 firearms—two assault rifles, a shotgun, and five handguns—along with thousands of rounds of ammunition.

We expect that these investigations and prosecutions will build over time as further partnerships are finalized, more data is gathered, and the benefits of this close and unprecedented collaboration between Rhode Island's urban law enforcement agencies are realized.

In 2022, we also look forward to significantly enhanced capacity to investigate violent crime when the Office's recently procured NIBIN machine is fully operational. NIBIN machines allow us to analyze a shell casing from one shooting and identify connections between that shooting and any other shooting within that jurisdiction or in neighboring jurisdictions. With NIBIN capacity stretched, the wait time on these critical analyses is anywhere between 3 and 6 months. Our own fully operational NIBIN machine will allow us to draw these connections within 24 hours.

Legislative Efforts to Reduce Gun Violence:

Since the beginning of my Administration, I have repeatedly advocated for common-sense measures aimed at preventing gun violence in Rhode Island. Recognizing that there is no one solution or easy fix, these bills have sought to address the root causes of gun violence in Rhode Island. I'm grateful to the legislature for passing important pieces of gun violence prevention legislation during the past three sessions, as we have already put these newly enhanced laws to good use.

Ghost Guns: Upon passage in 2020, this legislation amended Title 47 Chapter 11 of the Rhode Island General Laws to provide certain definitions relative to "ghost guns" and among other things, prohibited the manufacture, sale and possession of ghost guns, including 3D printed firearms. Our prosecutors are seeing a significant amount of ghost guns associated with violent crime in Rhode Island, as they are sought out more and more by those who are otherwise prohibited from lawfully possessing guns in Rhode Island. In fact, our Office has charged seventy-seven (77) cases pursuant to this legislation since it became law in 2020. [By way of example, in May of 2021, we announced a four-year prison sentence for a Cranston drug dealer who possessed a ghost gun and large capacity magazine.](#) In that case, investigators seized a 9mm semi-automatic pistol without identifying marks, a partially loaded 30-round 9mm pistol magazine, and various amounts of 9mm and .380 caliber ammunition.

Straw Purchasers: This legislation, which became law in 2021, prohibits an individual from purchasing a firearm on behalf of another individual who is prohibited from possessing firearms. The legislation also prohibits sale or transfer on behalf of another. This amendment has only been effective since the second half of 2021, but our prosecutors are seeing more and more of these cases.

2021 Report Pursuant to R.I.G.L. § 42-9-12.1:

Pursuant to R.I.G.L. § 42-9-12.1, the Attorney General is required to provide the General Assembly with an annual report, providing certain data and information involving firearms offenses. For the 2021 reporting year, the report is required to contain (1) the total number of cases with respect to charges involving a firearm in all courts in the state of Rhode Island filed during the calendar year, and specifically those pending at the end of the reporting year; and (2) for each case disposed of during the reporting year:

- The procedural step at which the case was disposed;
- The type of disposition; and
- The sentences and fines imposed.

Appended to this letter, please find attached data for calendar year 2021 in the form of an Excel spreadsheet. Consistent with the requirements of the statute, this data was generated by the courts, and is being provided to the General Assembly as it was provided to this Office. With respect to the total number of cases, as well as those pending at the end of the year, we offer the following summary tables.

Pending cases as of January 1, 2021:

| County | No. of Pending Non-Warranted Indictments and Information Cases | No. of Pending Warranted Indictments and Information Cases |
|-------------------------------|---|---|
| Providence (Includes Bristol) | 255 | 206 |
| Kent | 10 | 16 |
| Washington | 7 | 11 |
| Newport | 6 | 8 |
| Totals: | <u>278</u> | <u>241</u> |

Pending cases and total dispositions, as of December 31, 2021:

| County | No. of Pending Non-Warranted Indictments and Information Cases | No. of Pending Warranted Indictments and Information Cases | Total No. of Cases Disposed in 2021 |
|-------------------------------|---|---|--|
| Providence (Includes Bristol) | 353 | 211 | 299 |
| Kent | 22 | 18 | 15 |
| Washington | 12 | 8 | 16 |
| Newport | 13 | 9 | 10 |
| Totals: | <u>400</u> | <u>246</u> | <u>340</u> |

As in previous years, there remain inherent limitations with the attached data that may create an inaccurate perception. Accordingly, I offer the following points of clarification:

First, for Providence and Bristol counties, where the vast majority of firearm offenses occur, the statistics provided to us by the statewide judicial information system include only cases in which a “G” is appended to the case number. This designation signifies that a particular case includes gun charges, and these cases, following indictment or information charging, are assigned to the Superior Court’s Gun Court. Thus, these cases do not fully capture the dispositions in *all* cases involving a firearm, including those that are initiated in the District Courts. For example, many of the most serious cases involving firearms are referred to the Providence County Superior Court Daily Criminal Calendar (Courtroom 9) *prior* to indictment or information charging, because defendants may be on probation and/or bail at the time of the new firearms arrest. Additionally, many of those matters are resolved by plea along with a waiver of indictment or information. When a firearms case is resolved in this way, sometimes, inadvertently, a “G” is not appended to the case number. In the rare case where this might occur, such cases are not included in the statistics which may form the basis of this report.

Second, although it may seem counter-intuitive, this report also includes dispositions in cases where a defendant did not actually possess or use a firearm. Consider a case involving multiple defendants arrested in a home after execution of a search warrant, where only one defendant can be proven to have possessed a firearm. The other individuals may be charged with other offenses, such as possession of a controlled substance, yet because they are all charged together as co-defendants in a single case, by court practice the case is assigned to the Gun Court.

The report also includes cases where a firearms offense has been dismissed. It is important to note that most, if not all, dismissals occur for one or more of the following reasons: (1) the defendant has pleaded guilty to a charge more serious than a firearms charge (e.g., murder, first degree robbery) and received a more serious sentence in consideration of dismissal of the firearms charge; (2) a superseding indictment or information has been filed by this Office bringing additional charges against a defendant, which requires dismissal of the original case; (3) the victim is unwilling or unavailable to testify, and their testimony is necessary to meet our burden of proof; or (4) the Court suppresses evidence necessary to meet our burden of proof.

Preview of Data Required in Next Year's Report:

In 2021, the General Assembly amended R.I.G.L. § 42-9-12.1 to require an additional category of information with respect to disposed cases: “whether the firearm or firearms at issue in each case was a rifle, semi-automatic rifle, shotgun, revolver, semi-automatic handgun, or miscellaneous firearm.” While this new requirement does not take effect until the 2022 report, which will be due in March of 2023, we began compiling data shortly after passage of the amendment in 2021. Guided by a desire to better understand the drivers of gun violence in this State, we have begun compiling this data not only to comply with the new statutory requirements, but we are also compiling additional data above and beyond the statutory requirements to help us paint a clearer picture with respect to guns and gun violence in Rhode Island.

We believe these new data tell a different and equally important part of the story. Rhode Island's communities are inundated with firearms, many of them capable of causing significant harm and destruction in a short amount of time. More specifically, from September 1, 2021, through December 31, 2021, the Office piloted an effort to collect additional firearms data from approximately 143 firearms-related cases charged during that time. These reflect cases where a firearm was involved in the commission of a crime—regardless of whether or not a firearm was ultimately seized or whether or not firearms charges were ultimately brought. Of these 143 cases:

- 25 involve multiple guns
- 113 involve pistols – encompassing 111 semi-automatic handguns and 17 revolvers
- 16 involve long guns - 13 rifles, 3 semi-automatic rifles, and 3 shotguns
- 17 involve ghost guns
- 3 involve air/bb guns
- 28 involve multiple magazines
- 24 involve a magazine with a capacity of between 16 and 29 rounds
- 14 involve a magazine with a capacity of over 30 rounds

I hope that the foregoing provides some useful context for this report, and that the preview of the new data we are collecting helps us all better understand the gun violence challenges in our State. Our staff continues to work hard on behalf of the people of Rhode Island, and I am proud of their work. As always, I remain available to discuss this report and answer any questions you or any member of the General Assembly may have.

Sincerely,



Peter F. Neronha
Attorney General