



Statement of Elizabeth Wieser  
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Before the

The Committee on the Judiciary & Public Safety  
The Honorable Charles Allen, Chairperson

Public Hearing

“Firearms Trafficking in the Washington Metropolitan Region and Legislative  
Strategies to Respond to Firearm Violence” and  
Bill 23-18, the “Ghost Gun Prohibition Amendment Act of 2019

October 3, 2019  
10:00am  
Room 412  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW Washington,  
District of Columbia 20004

Good morning Chairman Allen, Councilmembers, staff, and residents. I am Elizabeth Wieser, and I have the privilege of serving as the Deputy Attorney General for the Public Safety Division of the Office of the Attorney General (“OAG”). I am pleased to appear on behalf of Attorney General Karl A. Racine before the Committee on the Judiciary & Public Safety to testify on “Firearms Trafficking in the Washington Metropolitan Region and Legislative Strategies to Respond to Firearm Violence” and in support of Bill 23-18, the “Ghost Gun Prohibition Amendment Act of 2019.”

Attorney General Racine stands ready to work with Council, Executive, Neighborhood Groups, as well as the Attorney General Community to combat the proliferation of illegal firearms in the District of Columbia. At OAG, we take gun offenses very seriously and prosecute them aggressively. Our statistics show 535 youth arrested for gun offenses in 2018. As of September 30<sup>th</sup> of this year, we have already seen that number, and since October 1<sup>st</sup>, several more juvenile gun cases have already been presented to OAG. Our papering and prosecution rate in the juvenile section remains at 85 percent. This year, our Criminal Section has been presented with 58 cases by law enforcement. We prosecuted 52 of them and no-papered only 6. Consistent with Juvenile papering rates, we prosecute about 85% of our adult cases. Our particular challenge with the juvenile cases is youth as young as thirteen years old having access to and carrying firearms. When a youth enters the justice system, we strive to learn the underlying reasons for the conduct which caused them to be arrested. Through the rehabilitative process of the Family Division, we try to address the needs of each youth we see in hopes that early intervention with holistic services will help keep youth from becoming further entrenched in the justice system.

We have also invested in violence prevention strategies to stem gun violence before it starts. OAG's Cure the Streets pilot program launched in August 2018 as a response to an uptick in shootings and homicides concentrated in certain areas of the District. Over the last year, Cure the Streets operated out of the National Association for the Advancement of Returning Citizens and has employed up to 19 individuals who have worked in two specific neighborhoods to de-escalate violence, mediate conflict, and make community members feel safer. The Cure the Streets model comes from the public health approach to violence reduction, seeking to interrupt violence through prevention, link person at high risk for being involved in violence to resources to change their behavior, and change community normalization of violence. It is not possible to stop all shootings and homicides using Cure the Streets but, as Violence Interrupters and Outreach Workers build trust on the ground with community members and high risk individuals, it becomes more and more likely that when conflict starts brewing, or tensions between rival crews builds, that someone will call a trusted violence interrupter to mediate those situations and prevent violence.

With the support of the City Council, OAG is extending the violence reduction pilot to four additional small geographic sites. The new sites will likely be located with one in Ward 7, two in Ward 8 and one in Ward 5, although the boundaries of the sites are still being charted. We are currently in the process of identifying nonprofit community groups respected in the target communities to host those new sites. We hope to launch the new sites in mid to late October.

In addition to its violence prevention pilot, OAG has convened meetings with Attorney General Brian Frosh of Maryland and Attorney General Mark Herring of Virginia to discuss the flow of firearms between our borders. These are crucial relationships as the bulk of the guns recovered from crimes in the District come from these two states. We also meet with our federal

and local law enforcement partners to explore new ways to enforce against illegal gun trafficking. Community groups like Moms Demand Action have also been key allies on this issue. The Council, and specifically this Committee, have been excellent in exploring ways to stop gun violence. One key example is our new Red Flag or ERPO law that was passed in December, 2018. This new law helps keep the District and its residents safe by quickly removing guns from people who are considered a danger to themselves or others. In fact, OAG just litigated its first successful ERPO petition in DC Superior Court in a case that was initiated by the Metropolitan Police Department. The hard work and collaboration with MPD yielded the safe seizure of a handgun and a rifle in that case.

OAG also appreciates the Mayor's efforts in combating gun crime, particularly the introduction of Bill 23-18, which is currently before the Committee today.

OAG urges the Council to approve Bill 23-18, the "Ghost Gun Prohibition Amendment Act of 2019." As defined in the bill, "Ghost guns" are firearms that, after the removal of all parts other than a receiver, cannot be detected by a metal detector. Generally, these are guns that are largely 3D printed in plastic, and the blueprints for such guns can be downloaded from the internet. These guns are a threat to public safety in the district, and Bill 23-18 would take the crucial step to amend the District's firearms control laws to outlaw them in our city. To achieve that purpose the legislation amends *the Firearms Control Regulations Act of 1975*<sup>1</sup>, and *An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes.*<sup>2</sup>

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<sup>1</sup> approved September 24, 1976 (D.C. Official Code§ 7-2501.01 et seq.) (2012 Repl. & 2017 Supp.)

<sup>2</sup> approved July 8, 1932 (47 Stat. 650; D.C. Official Code§ 22- 4501 et seq.) (2012 Repl. & 2017 Supp.)

Ghost guns undermine the District's commonsense gun regulations and threaten public safety in three key ways. First, they allow people to circumvent important registration requirements. The District of Columbia has a comprehensive statutory scheme regulating the possession, licensing, and registration of firearms. Certain types of weapons are prohibited entirely. District of Columbia law prohibits certain persons from possessing firearms; such as: (1) those who have been acquitted by reason of insanity within the last five years, or have been voluntarily or involuntarily committed to a mental hospital or institution in that time; (2) have been convicted of a felony, persons with a history of violent behavior, under indictment for a crime of violence or a weapons offense, or convicted within the previous five years of certain other offenses. Persons ineligible to possess firearms under District of Columbia law will easily be able to obtain downloadable guns (and gun parts) that they can produce at home using a 3D printer.

Second, ghost guns allow people to bring firearms into sensitive locations and evade detection. Because they are made of plastic, these are guns that would go undetected by metal detectors at our schools, airports, museums and even this very building.

And finally, when people download and print 3D plastic guns, the firearms have no serial number. This makes them untraceable, depriving law enforcement of a crucial tool to solve and combat gun crime.

OAG has been concerned about the threat of ghost guns for some time. In 2018, Attorney General Racine joined the District as a plaintiff in *State of Wash. v. U.S. Department of State*.<sup>3</sup> We are suing to prevent the consummation of a settlement by the federal government with a company

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<sup>3</sup> No. 2:18-cv-01115-RSL (W.D. Wash.)

that planned to distribute 3D-printed gun plans on the internet. The State Department had proposed (as part of that settlement) to remove 3D-printed guns from the list of items that may be lawfully exported, which would also allow plans for 3D-printed guns to be distributed on the internet.

On August 27, 2018, in the Washington State case, Judge Robert S. Lasnik granted the plaintiffs' motion for a preliminary injunction. His ruling prevents the settlement from moving forward, but the State Department has indicated that it plans to issue a proposed rulemaking which would allow plans for 3D-printed to be put on the internet. While we await a final decision in the case, it is critical that the District act legislatively against the threat of 3D-printed plastic Ghost Guns.

I will note, that there is already a provision of federal law, part of the *Undetectable Firearms Act of 1988*, which prohibits the manufacture, sale, or possession of a firearm not detectable by standard metal detectors or x-ray machines. The Act requires firearms to contain enough metal (3.7 ounces, about the same weight as a regular teaspoon or a bar of soap) to be detectable by standard airport screening devices. Thank you for the opportunity to testify today. I am happy to answer any questions that you may have for OAG.