



Michael C. O'Malley
CUYAHOGA COUNTY PROSECUTOR

March 13, 2023

To: Lou Tobin, Executive Director
Ohio Prosecuting Attorneys Association

From: On Behalf of Prosecutor Michael C. O'Malley
Ryan Bokoch, Crime Strategies Unit Supervisor
Cuyahoga County Prosecutor's Office

Re: HB 51

The Cuyahoga County Prosecutor's Office (CCPO) has strong partnerships with State and Federal law enforcement and is a regular user of information from the National Integrated Ballistic Information Network (NIBIN). The NIBIN system, which is run by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), quickly identifies when a recovered firearm has been used at a crime scene or when two crime scenes had the same firearm present. Witnesses to these violent events are often hesitant to provide information and, when relying solely on witness statements, law enforcement officers often have few leads. In 2022, there were 8,697 cartridge casings entered into the NIBIN system from Cuyahoga County. Nearly 26% (2,261) of these were connected to at least one additional crime scene. NIBIN has become critical in assisting law enforcement officers by closing the evidence gap and identifying the violent individuals responsible for these shootings. In one example from 2021, a firearm had been used at 20 crime scenes before being recovered by the ATF.

In 2021, the CCPO was awarded the Local Law Enforcement Crime Gun Intelligence Center (CGIC) Grant. CGICs are designed to have, local, state, and federal law enforcement officers work together to prevent violent crime by identifying the most violent individuals in a community and disrupting the violent crime cycle through prosecution. This grant allows the CCPO to coordinate NIBIN leads between the over 60 law enforcement agencies within Cuyahoga County.

An ATF contractor works with CCPO analysts and prosecutors each day to distribute NIBIN leads to the involved agencies. These leads are reviewed weekly at a NIBIN meeting hosted at the CCPO and available for remote viewing over Zoom. The meeting is attended by members of the Cleveland Division Police, ATF agents, Task Force Officers, ATF analysts, CCPO prosecutors, CCPO analysts, and the United States Attorney's Office. On average, there are around 40 leads that are reviewed each week. In 2022, participants at this meeting identified 62

OFFICE OF THE PROSECUTING ATTORNEY

The Justice Center • Courts Tower • 1200 Ontario Street • Cleveland, Ohio 44113
(216) 443-7800 • Fax (216) 443-7601

NIBIN success cases in which it was expected that the NIBIN lead would be used in a prosecution. These success stories are also tracked by using a NIBIN Stamp within the CCPO case managements system. This stamp has been placed on 142 files since its creation and is currently on 43 active cases within the CCPO. Without our partnership with the ATF, these violent criminals would still be terrorizing our community.

In one success story from November of 2022, law enforcement officers had identified a vehicle that was suspected to have been used in several shootings and robberies in Cleveland, Berea, Lakewood, and Cleveland Heights. Two Cleveland Police Detectives, one of which was operating as an FBI Task Force Officer, located the vehicle and were able to stop the stolen vehicle, arrest two offenders, and recover a .40 caliber Glock firearm. The same day, another Cleveland Police Detective, assigned to the CGIC and operating as an ATF Task Force Officer, test fired the gun and transported it the Medical Examiner's office and had it entered into NIBIN. The following day, NIBIN revealed that the firearm was a match to the shooting and robbery in Cleveland Heights one month earlier. The CCPO was able to use this evidence to charge both suspects without waiting weeks or months.

NIBIN evidence is critical to the success of Crime Gun Intelligence Centers (CGIC) and our effort to prosecute violent individuals within the State of Ohio. The violent crime problem in Ohio takes a collective effort from all stake holders pulling resources together. State and Federal law enforcement officers are working hand in hand to tackle this problem every day. The proposed bill would disrupt this valuable partnership, prevent firearms from being entered into NIBIN, and would only serve to benefit the violent criminals in our streets.

Sincerely,



Ryan Bokoch