

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL
BRIAN L. SCHWALB

April 11, 2023

VIA ELECTRONIC MAIL

Attorney General Jason S. Miyares
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Attorney General Miyares:

As the Attorney General for the District of Columbia, I share the frustration and anger regarding senseless killings and violent crime expressed in your April 6 letter to local District leaders. No issue is more important to the more than 700,000 residents of the District than enhancing public safety and preventing violent crime. Just like people in Richmond, Portsmouth, Norfolk and Newport News—each of which has experienced increased crime rates substantially higher than the national average over the past several years—residents of and visitors to Washington, D.C. deserve to feel safe and be safe.

Promoting public safety should be a bipartisan endeavor, not fodder for divisive political grandstanding. Developing and implementing practical solutions that will make our communities safer, now and in the long run, requires thoughtful, data-driven analysis and comprehensive, collaborative strategies. While there are several unsupported assertions and conclusions in your April 6 letter with which I disagree, I do agree with your observation that the proximity of our respective jurisdictions means that enhancing public safety is a regional issue which we must address cooperatively. To that end, I hope you will support efforts to improve public safety in the DMV region.

Improving public safety begins with curbing gun violence. As a necessary first step, we need to keep guns out of the hands of individuals who intend to cause harm. In communities around our country—urban, suburban, and rural—the presence of illegal guns is far too pervasive. Gun trafficking patterns remain remarkably consistent year to year from state to state, and most firearms recovered in the District originate in Virginia. According to the two most recent trace data reports from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), *Virginia is, by far, the source state for the most illegal firearms recovered in DC*. Virginia is the source for nearly four times the number of illegal firearms recovered in the District than the next leading source state, Maryland, which has stricter gun laws. In 2020, of the 1,580 illegal firearms recovered in the District, 667 originated in Virginia. In 2021, Virginia was the source state for 619 of the 1,574 illegal firearms recovered in the District. By contrast, the District was the source for only 58 and 67 of the illegal firearms recovered in 2020 and 2021.

Trafficking of illegal guns does not respect state lines, and due to porous borders, we cannot halt the influx of illegal guns entering the District from Northern Virginia on our own. We need your help. One way we can work together to make our communities safer is to advocate for common sense gun control laws in Virginia. **Currently, Virginia law does not:** (i) prohibit or even regulate the sale of ghost guns or high-capacity magazines; (ii) block gun sales to those who pose a danger or who have been convicted of a violent crime; (iii) require all gun dealers (including those selling guns at gun shows and/or online) to be licensed; (iv) require a waiting period before purchasing a gun; or (v) require handgun sales records to be sent to law enforcement. Adopting even one of these reasonable measures would immediately contribute to reducing the presence of illegal guns in the District of Columbia.

I also invite you to join me and Maryland Attorney General Anthony Brown in advocating for DC's autonomy over our local criminal justice system. As you may already know, under the Home Rule Act, the federal government—not locally elected District officials—controls how violent adult offenders in the District are charged, prosecuted, supervised, incarcerated, and released. The chief prosecutor for violent adult felonies committed in the District is the United States Attorney's Office, and the cases it prosecutes are tried in courts that are controlled by the U.S. government—not by the District of Columbia. The federal government similarly controls the Pretrial Services Agency and the Court Services and Offender Supervision Agency. And, when District residents are incarcerated, they are in the custody of the federal Bureau of Prisons, frequently imprisoned hundreds if not thousands of miles away from the District. As a fellow attorney and attorney general, I know you can understand how difficult it is for a community to improve public safety when it lacks meaningful control over its criminal justice system. Given your view that DC's criminal justice system is adversely impacting residents in Virginia, we are hopeful that you will support efforts to expand home rule and autonomy for the District. Only then can locally elected leaders implement the comprehensive criminal justice measures required to enhance the safety of visitors and residents in our nation's capital.

I and my office stand ready to work with you and your colleagues to tackle the most pressing problems that undermine public safety in our respective jurisdictions and in our region. Please let me know if you are willing to work together to make our communities and region safer, healthier, and stronger.

Sincerely,



Brian L. Schwalb

cc: Mayor Muriel Bowser
Members of the DC Council
Attorney General Anthony Brown