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NEWS RELEASE

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Straw Purchase Arrests Go Nowhere in Milwaukee County Court System

Milwaukee, WI – Statement from Sheriff David A. Clarke Jr. on straw purchase claims by anti-gun advocates:

The anti-gun crowd is pushing for more serious penalties for those who buy guns for people who are prohibited from owning them, more commonly known as straw purchases. Now that is something I can get behind. There is one problem, however. A lenient judiciary and watered-down prosecutions lead to no serious consequences or prison time for those convicted of straw purchases.

What we end up with is more unenforced laws. I am including the evidence (see attached pdf document, "Straw Purchasing 2001-2012) that has gone on in Milwaukee County on this violation for the past ten years. Probation, stayed sentences and in one case a four-day stay in a local jail are the norm for straw purchases.

Between 2001 and 2012, data gleaned from the Milwaukee County District Attorney's office reveals that a meager 43 cases were issued for straw purchase violations...the so-called gun trafficking charge the anti-gun advocates are pushing. Only 20 people were convicted of that offense; a 46% conviction rate for the crime that we are professing to take so seriously. A remarkable 34% of issued cases saw the crime reduced, amended, or plead down, or dismissed entirely in exchange for a negotiated plea to a separate charge.

Even for those actually convicted of the straw purchase, the sentences handed down ranged from fines and no custodial time, and the more common outcome: probation and short stays in the county jail. In only four cases did a conviction for the crime result in the perpetrator serving time in a state prison. In only two cases did they serve two years or more.

Keep in mind that a person convicted under the straw purchase statute can be sentenced up to 10 years and fined no more than \$25,000. Prior to 2003, the penalty was no more than 15 years in a state prison and a fine not to exceed \$50,000. The bottom line is that in Milwaukee County there is no will between prosecutors and courts to attach consequences to this behavior. We don't need new laws when the criminal justice system will not enforce the ones we already have.

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In a sleight of hand, the anti-gun crowd pushes for “get out of jail free” programs like “second chance”, “community corrections” and other failed attempts at social engineering that send a signal to criminals that they are not really serious about cracking down on gun trafficking violations. At the same time, the left drags out their race-baiting demagogues to accuse the police and the criminal justice system of disparate treatment and racism and claim that it is too costly to lock people up when arrests are made for gun violations.

I have seen this charade played out for most of my 35 years in law enforcement. If we need a national strategy to reduce violence, it is that all gun crimes be prosecuted federally, like local communities did in the past under gun violence programs like Project Trigger-Lock and Ceasefire. Federal convictions bring longer and more certain prison sentences. Street criminals fear the federal system of prosecution, not state court prosecutions. They count on getting a third, fourth and fifth second chance in a state court. Additionally, serving time in a federal prison gives relief to states struggling to keep corrections costs under control. States then will not have to fall victim to soft-on-crime programs.

Skip all the theatrics being performed by the anti-gun crowd. Take the money that will be wasted on trying regulate things via universal background checks, banning Internet sales of ammunition and large capacity magazines and a ban on so-called assault weapons (none of which will make a difference to a criminal) and instead provide that money to local school districts that cannot afford to hire police officers or armed security to protect children and teachers in schools.

Criminals don't follow laws!

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