



David A. Clarke Jr.
Sheriff

Milwaukee County Sheriff's Office

NEWS RELEASE

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Sheriff Calls for Federal Prosecution of All Straw Purchase and Felon in Possession of Firearm Cases Based on Evidence of Milwaukee County Court System Leniency

Milwaukee, WI – A comparative analysis of federal prosecution of straw purchases (generally those who pass background checks and then forward guns to criminals or others forbidden from purchasing them) versus recently released data in cases handled in Milwaukee County circuit court shows disparate treatment in how those convicted are sentenced.

If you are prosecuted in Milwaukee County circuit court you are likely to receive no prison time. Probation is a more likely outcome. In the federal system, however, you are more likely to go to federal prison for a significant period of time. Knowing that you are likely to go to prison upon conviction of these straw purchase offenses will deter people in the long run from buying a firearm for a prohibited person, who too often uses it in a street crime.

Sheriff David A. Clarke Jr. issued the following statement:

“It is inconceivable for a conviction that carries a maximum prison sentence of ten years to have the average sentence handed out by a state court be 7 months, while the average sentence handed out in federal court results in a prison sentence of nearly four years. Criminals fear the federal system of prosecution and sentencing. I think I now know why. Criminals like the revolving door nature of the Milwaukee County court system. They like the system’s get-out-of-jail-free culture.

This is a more common sense approach to gun violence reduction than attacking law abiding citizens’ rights and making it more difficult to purchase a firearm for lawful purposes like self-defense and an exercise of their constitutional rights. President Obama and nearly every member of Congress have called for a crackdown on straw purchase violations.”

Chief Ed Flynn recently said that ‘the other thing we need, we need it to be a felony to straw purchase.’ (It currently is a felony at both state and federal levels). Chief Flynn continued to say that, ‘if you go in there and buy a gun for your boyfriend the felon, you should know that you’re going to go to prison.’

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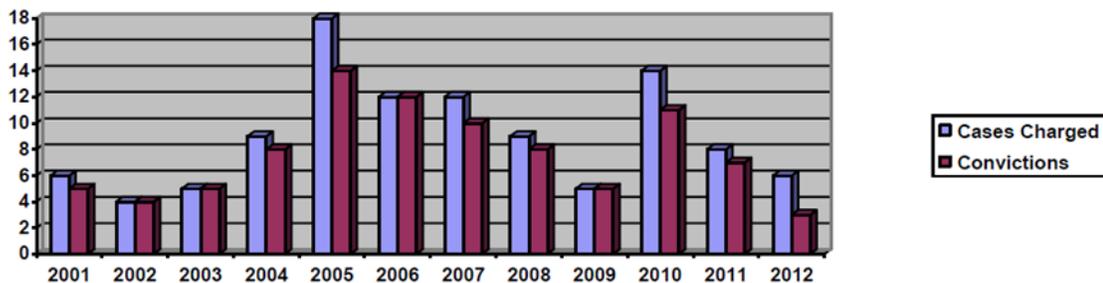
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Clarke’s statement continued:

“That is one of the few things in this debate that there is nearly unanimous agreement on, and we do not need a host of new laws to accomplish this. We need the United States Attorney General Eric Holder to issue a policy directive and for District Attorney John Chisholm to comply.”

Sheriff Clarke is currently waiting for data from the Milwaukee County District Attorney’s Office on prosecution and sentencing of felon in possession of a firearm cases in order to do comparative analysis on how these cases are handled in federal court. Clarke revealed that getting this additional crime category data from the Milwaukee County DA has been like pulling teeth. “I think I know why,” Clarke said. “I am calling on all area elected officials to join me in calling for federal prosecution of straw purchase firearms violations.”

Straw Purchase Cases 2001-12	Federal	Milw. Co. Circuit Court
Total number of cases	108	43
Percentage of convictions	85%	46%
Percentage convicted receiving a prison sentence	85%	20%
Average confinement sentence	4 years	7 months
Percent convicted receiving no custodial time	5%	30%
Percent of issued cases dismissed, amended down	8.3% (9) (dismissed)	34% (15) (amended/reduced down, dismissed pursuant to plea to another charge, or dismissed)



As the data confirm, Federal convictions bring higher conviction rates, and longer and more certain prison sentences. Street criminals fear the federal system of prosecution, but not state court prosecutions.

Note: See attached document which lists the cases on the Federal statute affecting those who lie to secure weapons for prohibited persons: 18 U.S.C. 922(a)(6), or *Knowing(ly) making of false statement in connection with purchase of firearm.*

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