

Gun Violence Prevention and Justice Reform

The Joyce Foundation's Gun Violence Prevention & Justice Reform Program works to build safe and just communities through a comprehensive approach built on three pillars: (1) reducing gun violence; (2) supporting constitutional policing; and (3) reducing the overreliance on incarceration of young people. Gun violence remains an urgent challenge for the City. Although shootings and homicides have declined from their peak in 2016, our violent crime still outpaces other major cities and devastates too many families and communities. At the same time, the City's response to violence has long been hampered by the deep mistrust between the Chicago Police Department and the communities it serves, fueled in part by overly aggressive policing tactics. A 2018 [Urban Institute study](#) of young adults from Chicago neighborhoods experiencing the highest rates of gun violence illustrates the tense dynamics. The study revealed that of the young adults surveyed who indicated they carry guns, many had been victims of gun or other forms of violence, relied on guns for safety, and held negative perceptions of police. While Chicago has taken important steps toward rebuilding trust between the Chicago Police Department and the communities it serves, that work is still fragile, and communities of color continue to bear the burden of overincarceration. To build safe and just communities for all Chicagoans, we offer the following recommendations for Chicago's next mayor.

I. Commit to and fully fund community-based programs and intervention strategies

- Maintain and fully resource an Office of Violence Prevention. In 2018, Mayor Emanuel [created](#) a new Office of Violence Prevention (OVP) in the mayor's office, a first for the City. Other cities, including New York and Los Angeles, have well-staffed and experienced units charged with developing and executing a holistic and coordinated approach to violence prevention. While Chicago's OVP is still in its infancy, with the support of the Joyce Foundation and other area foundations, it has undertaken a city-wide assessment of Chicago's current violence prevention programs, a review of national best practices, and is developing strategic options for how to best organize the office. We recommend moving forward to staff and operationalize the OVP as an immediate priority for the next administration.

The City has previously invested resources through Chicago Public Schools, the Public Health Department and the Department of Family and Support Services to provide for the implementation of community-based programs and intervention strategies. However, given that most violence in the City is highly concentrated among less than 1% of residents and in a subset of City neighborhoods, the lack of a central coordinating body has prevented the City from more precisely targeting these efforts to those communities and residents who would be most positively impacted by this type of investment. Beginning in 2016, the Joyce Foundation and other funders and partners formed the [Partnership for Safe and Peaceful Communities](#) (PSPC) to raise funding and awareness for a number of highly targeted interventions informed by academic research and best practices from other cities. While these efforts are significant, they were never intended to provide a permanent funding stream. Quite the contrary, PSPC was designed to jump start investment, provide proof of concept, and create a bridge to public sector funding. Now in its third year, the time is right for the new OVP to take over the funding and coordination of these interventions.

PSPC's strategy is centered around delivering intensive, targeted supports to those individuals at greatest risk of being involved in gun violence, either as a victim or shooter. These programs,

including street outreach, conflict mediation, and behavioral interventions, have proven to reduce violence in cities across the country, and are being evaluated in Chicago. The OVP should commit to fully funding these interventions with local resources and by leveraging other available funds, including federal resources from the Victims of Crime Act (VOCA) and grants administered by the Illinois Criminal Justice Information Authority (ICJIA), among others. These funding streams are essential. The [inVEST Campaign](#) estimates that it will cost \$150 million per year to support the type of evidence-informed local strategies that are needed in the City moving forward.

II. **Implement law enforcement strategies to curb the flow of illegal guns**

Chicago has a gun violence problem because Chicago has a gun problem. Easy access to guns fuels the violence and makes it more lethal. In 2018, Chicago Police took almost 10,000 guns off the streets, many more than New York or Los Angeles. Research shows that policies and practices that reduce the easy availability of guns result in lower rates of homicide and non-fatal shootings.

- Continue comprehensive tracing and analysis of all crime guns. Routine tracing of all recovered firearms is key to effective enforcement of firearm laws. More specifically, trace data can be used to identify gun dealers who sell a disproportionate number of crime guns, allowing law enforcement to focus heightened scrutiny towards them. Likewise, individual traffickers and straw purchasers can be identified through trace data. The City should analyze and publish an annual review of gun trace data to identify the sources of crime guns in the city. In [2014](#) and [2017](#), the Mayor's office released reports providing comprehensive information about how illegal guns entered the City and surrounding areas and, in so doing, identified gun dealers who were overrepresented in selling firearms that were later used in crime. Increasing the frequency of these reports would allow CPD to identify trafficking patterns and trends, and could include more detailed information on sources of guns recovered in each of the City's neighborhoods. Doing so would provide a new and effective tool for educating and engaging community members about gun trafficking and the harms of straw purchasing.
- Ensure the City's Firearm's Investigative Team is appropriately resourced, fully integrated into the Chicago Police Department, and coordinated with all necessary and relevant law enforcement partners in the region. Integrating this team's work with the entirety of the department is essential in order to leverage their expertise in ongoing investigations and to help in the clearance of cases.
- Crack down on stolen guns. Chicago should more strongly and publicly prioritize the enforcement of reporting requirements for lost or stolen guns. By definition, a stolen gun is an illegal gun, and reporting a theft to law enforcement puts police on notice that an illegal gun has entered the community. More importantly, lost and stolen gun reporting deters straw purchasing by allowing for prosecution of purchasers who falsely claim that their gun was lost or stolen after it has been used in a crime, and provides police with another enforcement tool against straw purchasers. Gun thefts are increasing in Illinois, with nearly 5,000 guns stolen in 2017. An analysis by [The Trace](#) found that nearly 500 guns recovered in Chicago each year were stolen. While current Illinois law requires gun owners in the state to report lost or stolen guns, they very often fail to do so. This lack of compliance stems in part from a failure to enforce the law in recent years. The City should publicly prioritize the enforcement of this law and encourage other communities in the state to do the same.

- Direct the Law Department to explore litigation approaches. While the federal Protection of Lawful Commerce in Arms Act (PLCAA) makes it much more difficult for municipalities to sue gun dealers, there are circumstances under which lawsuits, or even the threat of lawsuits, against dealers can be an effective strategy. For example, if a gun dealer sells a firearm and they have reason to know the buyer was a straw purchaser, the dealer could be sued for knowingly violating the law and/or negligent entrustment. Advocates used this approach to sue [Badger Guns in West Milwaukee, Wisconsin](#), where a jury returned a \$5.7 million verdict against the negligent dealer.
- Take a leadership role in promoting a regional approach to combatting illegal guns. The City should instruct all relevant agencies and offices to cooperate with and support investigations and other strategies outside the City that could disrupt firearm trafficking into the region.

- *Promote regional gun tracing and data sharing.* While the City is already tracing all guns recovered within City limits, that is not the case across all jurisdictions in the state and surrounding areas. Despite the value of crime gun tracing and the availability of ATF's eTrace system for use by all U.S. law enforcement agencies, this service is widely underutilized by local police departments. In some cases, local departments lack the technical expertise needed to fully utilize the system and in other cases, lack the resources to staff such efforts internally. The next Mayor should take every step possible to encourage surrounding communities to trace all crime guns, up to and including requesting the State to require tracing for all guns and for the State to provide the resources and technical assistance for local agencies to do so.

In addition, it is essential that these agencies "opt-in" to e-Trace's collective data sharing to share this trace data with other agencies in the state. Crime guns often move between jurisdictions, and guns recovered in multiple cities are often connected to common offenders. Recognizing this, Illinois was among the first states to develop this opt-in program after it was launched in 2013. However, not all local law enforcement agencies have "opted-in" to this program. As part of a collaborative, regional approach to illegal guns, Chicago should encourage all jurisdictions in Illinois and neighboring states to opt-in to the ATF's collective trace data sharing program.

- *Develop regional investigations.* Because there are no gun stores located in the City of Chicago, all crime guns originate outside the city limits. As identified by the City's 2017 gun tracing report, 40% of Chicago's crime guns originated at federally licensed dealers primarily located in suburban Cook County. Other sources include northwest Indiana. Addressing the sources of illegal guns therefore requires a regional approach that includes investigations against these gun dealers.

In 2019, the [Combating Illegal Gun Trafficking Act](#) will take effect, providing a new tool for preventing trafficking by creating greater oversight of gun sellers. More specifically, the new law creates a process for all federally-licensed firearms dealers (FFLs) to be certified by the Illinois State Police. The new law further requires training for employees, on-site security measures, and regular inspections, among other provisions. The City can support full implementation and enforcement of the new law by sharing trace data and investigative leads with state and local law enforcement partners to help identify the source of crime guns and to allow for more targeted oversight of suspect gun dealers.

III. Take all necessary steps to remove guns from high-risk persons

CPD is well known for removing thousands of illegal guns from Chicago's streets every year. There are additional efforts CPD can and should take to remove guns from high-risk persons, including those who are or have been legal gun owners.

- Require CPD to remove guns from prohibited persons. If a FOID cardholder who resides in the City is later identified as being prohibited, the Illinois State Police will revoke this individual's FOID card. However, it is currently up to local law enforcement to ensure that this now prohibited individual is complying with the law. While there are likely some changes to this system that can and will be addressed at the state level, until then it is incumbent upon CPD to take the lead in the immediate dispossession process.
- Support the implementation of the Firearm Restraining Order. A new Firearm Restraining Order (FRO), enacted in 2018 and taking effect on January 1, 2019, enables family members or law enforcement to petition a court to temporarily remove firearms from someone who poses a risk to themselves or others. Experience in other states has shown that these types of laws have reduced firearm deaths, particularly suicides. These laws have also disarmed individuals planning mass shootings in schools and in other settings. However, the impact of the FRO on reducing gun violence will depend on law enforcement's commitment to using the law, and the public's awareness that the FRO provides a legal process for keeping firearms from people intending to harm themselves or others. While the state will largely depend on the Illinois Law Enforcement Training and Standards Board and the Judicial Education Division of the Administrative Office of the Illinois Courts to train local law enforcement and the courts on how to administer the law, it will be up to local partners, including the new Mayor and CPD, to raise awareness among the general public that they can and should use this tool to disarm individuals they know to be at risk. The new Mayor could also support the implementation of this law by ensuring that all applicable agencies and departments within city limits, including CPD, are adequately trained in how to use this new tool.

IV. Champion policies at the state and federal levels that would reduce the easy flow of illegal guns into Chicago

While Illinois has some strong gun laws, there are still significant gaps that must be closed to prevent unnecessary gun deaths and injuries. Chicago should advocate for several changes to Illinois state law including:

- Modify the current firearm purchase license. The Firearm Owner's Identification (FOID) system should be strengthened to require an in-person application, fingerprinting, and a duration of 5 years (instead of 10). [Recent research](#) by Johns Hopkins University has found that in large, urban counties where firearm homicide tends to concentrate, purchaser licensing laws were associated with an 11% reduction in firearm homicide. In addition, purchaser licensing laws with in-person applications were associated with greater protective effects and providing law enforcement discretion to deny licenses was associated with the largest reduction in firearm homicide. While Illinois already has a purchaser license system on the books, it is arguably the weakest of all purchase licensing laws in the country. Small modifications to the law would go a long way in reducing gun violence in the state, and in particular, the Chicago region.

- Require gun removal from prohibited persons. While CPD should take all necessary steps to disarm persons who become prohibited from possessing firearms (see above), legislation to require gun removal under these circumstances is needed statewide. If, after issuance of a FOID card, individuals are identified as prohibited and fail to surrender their FOID card and/or firearms upon notice of revocation, law enforcement should be required and resourced to dispossess these prohibited individuals of their firearms. The alleged mass shooter in the recent Aurora, IL tragedy had his FOID card revoked, but did not surrender his firearm. In 2018 alone, [10,818 people had their FOID cards revoked in Illinois](#), but only 2,616 submitted the required reports confirming surrender of their guns.
- Limit bulk handgun sales and purchases. Laws restricting bulk sales and purchases of handguns are designed to reduce the number of guns entering the illegal market and to stem the flow of firearms between states. Gun traffickers often buy firearms in bulk, then turn around and sell them on the street, often in states with more restrictive gun laws. Studies show that handguns sold in bulk sales to the same individual purchaser are frequently used in crime. Research has shown that limiting gun purchases to no more than one per month can reduce interstate gun trafficking.
- Prohibit or strictly regulate possession of assault weapons and high capacity magazines. Large capacity magazines are typically associated with semi-automatic assault weapons, but are also used with semi-automatic handguns. They pose a particular danger because they increase the capacity and lethality of the weapons that use them. The Chicago Police Department reportedly recovered approximately 200 assault weapons in 2018. Assault weapons pose a particular threat to law enforcement officers. According to an analysis by the [Violence Policy Center](#), 25% of law enforcement officers slain in the line of duty were killed with an assault weapon. Assault weapons are banned in 7 states and regulated in 2 others, while high capacity magazines are banned in 10 states.
- Strengthen law requiring lost and stolen gun reporting. Since 2013, Illinois has required gun owners to report guns that are lost or stolen. Modest changes would make the law much more effective. First, a violation of the lost and stolen reporting statute should result in a criminal offense eligible for arrest, not simply a ticket, and any person who fails to report the loss or theft of multiple firearms should have his or her FOID card suspended or revoked. The current penalty structure allows a gun trafficker to receive multiple violations, keep his or her FOID card, and continue to legally buy guns for dissemination in the illegal market. Second, because law enforcement is required under the current law to establish that the person had “knowledge” of the loss or theft, an offender can still misrepresent that he or she did not know the firearm went missing and avoid sanction. A rebuttable presumption should be written into the law that presumes knowledge of a firearm’s loss or theft within a reasonable period of time after the firearm goes missing.

Chicago should also advocate for several changes to federal gun laws including:

- Require background checks for all gun sales in the country. Federal law requires background checks only for guns sold by federally licensed dealers. An estimated 22% of guns are transferred by unlicensed sellers and are not subject to background checks. Requiring all gun purchasers to

pass a background check, regardless of the status of the seller, would address this loophole and close known trafficking channels.

- Modernize and fund the ATF, while rescinding limitations on use of firearm trace data and other essential enforcement tools. In 2003, Congress barred the dissemination of ATF gun-trace information to researchers and advocacy groups and severely restricted use of the data in litigation by state and local governments (the “Tiahrt Amendment”). This limitation was just the latest in a decades-long effort to curtail the ability of ATF to carry out its mission to oversee the firearms industry and enforce federal firearms laws. The Tiahrt Amendment also prohibits ATF from requiring that firearms dealers conduct a physical inventory, and requires background check records to be destroyed within 24 hours. The ATF should be given the resources and authority to modernize its infrastructure and carry out its mission free from the Tiahrt restrictions.
- Ban assault weapons and high capacity magazines. Even if Illinois is successful in banning assault weapons and high-capacity ammunition magazines, a federal ban should still be enacted.
- Fund the Centers for Disease Control and Prevention (CDC) to research gun violence as a public health issue. In 1996, Congress prevented the agency from spending any funds to “advocate or promote gun control.” At the same time, Congress reduced the funding appropriated to the CDC by \$2.6 million—the exact amount that the CDC spent on gun violence research the previous year. In 2011, a similar rider was added to the National Institutes of Health (NIH) budget. Although the FY 2018 budget clarifies that the rider does not preclude the CDC from researching the causes of gun violence, the lack of a dedicated appropriation has resulted in almost no federally funded research on the prevention of gun violence. Given the size and scope of this public health issue – 40,000 killed and at least 100,000 more injured every year by guns – there is an urgent need for this funding.
- Increase funding for violence prevention and intervention programs. Although mass shootings draw the most public attention, as we know from our experience here in Chicago, these incidents account for only a small fraction of the gun violence that occurs each year. Far more common are incidents of interpersonal violence that become fatal due to the easy availability of guns. The federal government must increase its investment in evidence-informed violence reduction strategies that engage all community stakeholders, such as Group Violence Intervention, Cure Violence, and Hospital-based Violence Intervention, among others.

V. Support efforts to ensure police accountability and rebuild police-community trust

- Support full implementation of the Chicago Police Department consent decree. Law enforcement should not be the only tool to achieve public safety but at present, it is the primary and most visible one. Chicago can transform the Chicago Police Department into a department that provides for the well-being of its officers while engendering the trust, support and cooperation of the community. The recently approved Chicago consent decree mandates the overhaul of police department training, supervision, use of force tactics, accountability mechanisms, and other regulations to help restore trust in the police and ensure a safe and effective police department. It represents extensive and lengthy negotiations between the City and the Illinois Attorney General’s Office and incorporates community input. While the consent decree may be imperfect, it contains a comprehensive set of needed reforms and marks the beginning of a potentially long

and difficult path to transforming our City's police department and its relationship with the citizens it serves. Chicago should signal a deep commitment to the consent decree process and provide the leadership, staffing, and fiscal resources necessary to ensure complete, swift and consistent implementation.

- Support creation of a civilian oversight board for the Chicago Police Department. The 2016 Police Accountability Task Force identified civilian oversight of the department as a central but missing component of the department's existing accountability infrastructure. Although the consent decree addresses the issue of police accountability to some extent, this complementary mechanism is intended to outlive any oversight mechanism imposed by the consent decree process. The City Council has weighed competing ordinances for the creation of a civilian oversight board, some more robust than others. The next mayor should prioritize the creation of a civilian oversight board, or similar governance structure, that gives real voice and authority to communities to ensure accountability, establish trust and enhance police legitimacy.
- Sustain and expand community policing efforts. Citizens in high crime, economically disadvantaged communities have little input into how they are policed. Aggressive and harmful policing practices entrench feelings of mistrust, which further undermines the department's efforts to keep communities safe. To bridge this divide, communities must be given the opportunity to provide meaningful and constructive input into how they are policed. Giving communities a real voice in policing practice and policy development helps strengthen relationships between police and communities, restores the legitimacy of the department, and helps officers and communities come together as equal partners to coproduce public safety. The department has already embraced community policing as a governing philosophy motivating all efforts to improve policing practices and policies. Chicago should support two complementary initiatives to help advance these efforts:
 - *Support and expand the Chicago neighborhood policing initiative.* This pilot initiative, supported by the Joyce and John D. and Catherine T. MacArthur Foundations, is an intensive community policing approach that prioritizes relationship building and focusing on the top priorities of the community. Modeled on the Neighborhood Policing structure in New York City, the initiative is designed to create a true community policing structure that promotes accountability, problem-solving, and increased positive contact between police officers and neighborhood residents. The initiative is supported by academic experts in policing from New York University's [Policing Project](#) and Northwestern University's [Neighborhood & Network](#) Initiative .
 - *Support the Youth Safety Advisory Council and other efforts by the Chicago Police Department to meaningfully engage youth and young adults in policy and practice change.* As illustrated by the Urban Institute study, youth are at the heart of the issues of violence and community police relations in Chicago; any community policing solution must also have youth at its core. Youth are often treated as the problem rather than an essential part of the solution, and the perspectives and experience of young people are rarely considered. Yet our youth have shown us time and again – most recently through powerful and strategic leadership in efforts to reduce gun violence in Chicago and throughout the country – that they understand and care deeply about the complex issues facing our communities, are capable of engaging with and asking tough questions of our leaders, and can lead in the development of innovative solutions to our most pressing challenges. The department is already partnering with local organizations, such as Mikva

Challenge, to develop programs and build an infrastructure by which the department will receive regular input from youth. For the past two years, Mikva has facilitated the Youth Safety Advisory Council which is made up of a diverse group of high-school aged youth from throughout the city. The Council works directly with the department and provides recommendations on violence prevention and police-youth relations. These efforts are critical to repairing the significant gap that exists between officers and our city's most vulnerable populations.

- Prioritize and direct resources towards efforts to improve clearance rates for homicides and shootings. An imperfect but traditional way of measuring performance of a police department is the clearance rate for criminal offenses – the rate at which there is an arrest turned over for prosecution for a particular crime in a given year. Low clearance rates suggest a greater risk to public safety. In Chicago, clearance rates for homicides and shootings are at an abysmal and historic low, with a rate of 17 percent for homicides in 2017 and about 5 percent for nonfatal shootings. While there may be several factors behind this grim statistic, a significant factor is the lack of trust between communities and police. [A joint report](#) by the Urban Institute, the Joint Center for Political and Economic Studies, and the Joyce Foundation highlighted that the lack of trust between police and communities harms public safety, in part, because it results in residents being less willing to report information about homicides and other forms of violence to the police. The Los Angeles Police Department noted that their robust police-community relations program was a significant contributor to improvement of clearance rates in homicide cases. Strengthening community policing efforts to achieve the coproduction of public safety should be part of a broader effort to improve clearance rates.

VI. Strengthen the City's Leadership in Justice Reform Efforts

Addressing issues at the intersection of gun violence and justice system reform is uniquely challenging. The issues are intertwined. According to the University of Chicago Crime Lab, most gun violence victims and individuals accused of committing gun crimes in Chicago are African American men, with approximately 80 percent of Chicago's homicide victims in 2015 and 2016 having had at least one prior arrest. Similarly, individuals arrested for a homicide or shooting in 2015 and 2016 had at least one prior arrest. The traditional "tough on crime" response to gun violence has resulted in Illinois repeatedly increasing mandatory minimum sentences for gun offenses. These sentencing laws have little basis in empirical analysis or the needs of individuals and communities. In addition, mandatory minimum sentences disproportionately impact individuals of color, while exposing individuals with low risk and fewer arrests to harsh penalties, with no consideration to the impact that these responses have on the likelihood of future offending. This response has created a crisis of legitimacy not only for police, but for the broader criminal justice system. While much attention in criminal justice reform is focused at the state and federal level, there are several ways in which Chicago's municipal leadership can be a critical component of comprehensive, community and data-driven efforts to protect public safety in an equitable, just, and effective manner:

- Join and become an active participant in [Mayors for Smart on Crime](#), a national network of city leaders who are committed to public safety and criminal justice policies that are just, proportional, comprehensive, and driven by data and evidence. Through Mayors for Smart on Crime, mayors from a diverse cohort of cities throughout the country are sharing best and promising practices, as well as developing and supporting efforts to improve police-community relations, divert youth from the justice system, expand access to community-based services, and reduce local jail populations.

- Co-lead an inter-governmental, collaborative effort with county, state, and federal allies in the justice reform community to ensure justice system policies and practices are holistic, humane and proportionately responsive. From the establishment of the first juvenile court, Illinois has been a leader in justice reform. With a new administration in Springfield committed to promoting a holistic and comprehensive approach to justice reform, Chicago is poised to help ensure local needs and concerns are appropriately reflected. Jurisdictions that have or are actively engaged in successful criminal justice reform efforts often share the common characteristic of having an effective, collaborative infrastructure. A [framework](#) for successful collaboration recommended by the Justice Management Institute emphasizes institutionalized collaboration at the leadership and operational levels of agencies, to include a common purpose, shared vision and trust, as well as detailed problem analysis and ongoing evaluation of results. Through this framework, leaders will be able to adopt a consistent narrative on their related public safety strategies, coordinate and promote intersectional work, identify existing gaps, and develop innovations to reform the criminal justice system. A new and innovative joint initiative by the National League of Cities, the National Association of Counties, and the National Conference of State Legislatures, focused on reducing unnecessary jail incarceration for young adults, illustrates the value of identifying and aligning policies at the municipal, county, and state level. For example, joint efforts can lead to improved data collection and sharing, and more effective pretrial alternatives. The county has already prioritized the need for collaboration in the [2018 Cook County Policy Roadmap](#), the county's five-year strategic plan and through other current reform initiatives, some of which include participation from city agencies such as the police department. This provides a strong foundation for the next mayor to join other policy makers in taking a more active role in championing existing and future reform efforts.

- Assess budgetary priorities to ensure they reflect the appropriate scope of policing and of the criminal justice system. An effort to examine budgetary structures to better understand the percentage of funds dedicated to enforcement versus prevention, treatment, and recovery activities is an important first step in restructuring and realigning funds to prioritize more effective responses to social issues, rather than relying primarily on law enforcement, and to help ensure these priorities reflect community values.