

Toward a Fair and Justice Response to Gun Violence

West Creek Ranch, Sept. 2-6, 2019
Summary of Meeting Discussion

Prepared by Professor Andrew Papachristos,
Northwestern University

Guiding Theme and Overarching Goals

Each year more than 40,000 people are shot and killed by a gun and another 100,000 are shot and survive. And on any given day, nearly 2.3 million people are in U.S. jails and prisons while another 4.5 million are under some other form of criminal justice supervision. The impacts of both gun homicide and non-fatal shootings *and* the criminal justice system disproportionately burden individuals and communities of color.¹ Black Americans, for example, are ten times more likely to die by gun homicide than white Americans and 1 out of 3 Black men will experience some form of incarceration in their lifetimes. Among Hispanics, the homicide victimization rate is nearly twice as high as it is for whites, and Hispanics are imprisoned at a rate that is 1.4 times the rate of whites. History and research continually demonstrate that such disparities are driven by racially discriminatory policies and practices and that such enduring patterns of inequality impact the contours of daily life from the water we drink and the air we breathe to the schools our children attend and the likelihood that someone will be shot, killed, or incarcerated. Quite simply, some communities are more deeply impacted by gun violence *and* the criminal justice system—and part of this is by historical design.

Each year more than 40,000 people are shot and killed by a gun and another 100,000 are shot and survive. And on any given day, nearly 2.3 million people are in U.S. jails and prisons while another 4.5 million are under some other form of criminal justice supervision.

Despite the fact that gun homicide and non-fatal shootings and the criminal justice system directly impact the same communities, efforts and actions to reduce the harms of gun violence and criminal justice overreach are often siloed and rarely speak to each other. Gun violence prevention and intervention efforts often focus on the here-and-now, directing efforts towards saving lives of those immediately at risk through outreach, service provision, ministry, and focused law enforcement. Gun policy experts and advocates direct their energies towards the laws and practices governing gun ownership, gun use, and gun commerce, at the local, state, and federal levels. Criminal justice reformers focus on the inequities within the system and devise ways to change policies and practices that encompass what cops do on the street, what prosecutors and judges do in the courtroom, and how justice can be served more

fully in non-criminal justice settings. Some, but not all, of these efforts directly confront legacies of racism, sexism, and other forms of inequities and abuse; others do not. Some focus on specific laws and policies, while others focus on broad narratives. Data-informed practices are at the core of some interventions and prevention efforts, and yet have been largely ignored by some practitioners and policy-makers. Some approaches prioritize the voices of those most immediately impacted by gun violence and the criminal justice system, while the presence of victims and advocates are nearly silent in others.

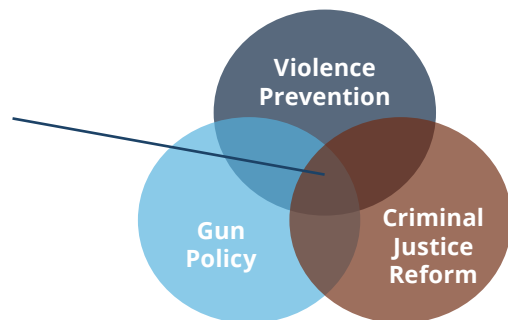
¹Gun suicides, which account for roughly two-thirds of all gun deaths annually and disproportionately impact white men, are not discussed here as the foci of the report is on gun violence and its overlap with the criminal justice system.

In September of 2019, The Joyce Foundation brought together 27 thought and action leaders from across the country to discuss the overlap between criminal justice reform, gun policy, and violence prevention with the explicit goal of developing an agenda for research, policy, practice, and narrative that reduces *both* the harms of gun violence *and* the criminal justice system. Participants included: violence prevention practitioners; police, sheriffs and prosecutors; researchers; policy experts; advocates; clergy; and funders. The point of this gathering was to focus on the commonalities between these different fields and approaches and to engage in candid conversations about the challenges, gaps, biases, and politics that might hinder progress in reducing harm. Four goals guided the five days of working sessions and meetings:

1. Develop a common framework/narrative on the issue of gun violence in urban communities;
2. Identify immediate and longer-term opportunities for collaboration across sectors;
3. Identify actionable next steps, including concrete recommendations for research, policy and practice change in multiple domains (including policy makers, the law enforcement community, advocates, researchers, violence prevention practitioners, the media, and funders); and
4. Explore opportunities for the group to continue to collaborate on these issues moving forward.

Defining Our Terms

Work at the intersection of violence prevention, gun policy and criminal justice reform seeks to advance policy and enforcement approaches to reduce the availability and presence of guns **without** contributing to disparate racial outcomes in the criminal justice system; and to increase public sector support for and utilization of alternatives to incarceration that incorporate community-based violence prevention models.



Violence Prevention: With the goal of reducing and preventing violence, violence prevention refers to programs that are community-based and (sometimes) locally supported, engaging in one-on-one or group intervention, including those that address root causes of violence. Often but not exclusively addressed to gun violence. Also include prevention programs aimed at domestic violence, suicide.

Gun Policy: Seeks to reduce gun violence in all its forms by advocating for laws and policies and practices to be enacted, implemented, enforced and funded by federal, state and/or local actors. Focused on risk posed by easy availability of guns. Gun policy considers: who should be prohibited from gun possession based on risk; what types of guns are acceptable in civilian society and what types should be limited; where should guns be allowed and in what public spaces should they be restricted; and how should commerce in guns be regulated.

Criminal Justice Reform: Seeks to address racial disparities in the criminal justice system and reduce mass incarceration. We define "criminal justice system" to include policing, where reform goals include reducing police violence and improving legitimacy and accountability. Also includes prosecutorial reform, sentencing reform, corrections reform and re-entry.

Leading with Values

The group began with the central notion that, whatever form it might take, the work emanating from the group should *lead with values*. Three central values emerged throughout the week which should guide the subsequent actions and efforts of the group.

1. ***Elevating Human Dignity***. The working group held fast to the central principle that its efforts should begin from the foundational value of treating people with dignity and respect and should be grounded in the principle of fairness. It is not enough to simply condemn inequality; rather, the group's efforts should explicitly elevate human dignity and amplify narratives of fairness, justice, and equity.
2. ***Antiracist***. Just as the group felt that condemning inequality was insufficient, so too did it believe that condemning racism was not a strong enough position. The group expressed a desire that its efforts be more explicitly *antiracist*. At a minimum, this entails acknowledging the systems of power not just within larger American society but also within the violence prevention, gun policy, and criminal justice spaces. The group reflected on finding meaningful and actionable ways to embody these values in the projects that might flow from its efforts.
3. ***Harm Reduction/Safety***. The group focused squarely on the value of harm reduction/safety along two dimensions. First, that the goal of policies and efforts should have the explicit goal of *fewer people harmed by guns*. This value refers to direct injuries, harms, trauma, and violence caused by firearms themselves, most notably gun homicides and assaults, as well as to indirect injuries including: vicarious trauma and exposure to gun violence in one's neighborhood or family; as well as the economic, social, physiological, and historical injuries, harms, and trauma that may result from some law enforcement responses to gun violence. This led to a second dimension of a harm reduction/safety value: *lessening the harms caused by punitive policing, prosecution and sentencing relating to guns*. This second value seeks to cast a light on the damages, intent, and unequal impact of the enforcement of certain gun laws and policies which are intended to reduce the harms of gun violence but which may themselves perpetuate existing power structures and inequities.

Guiding Questions

After establishing these core values, the West Creek Participants engaged in a series of discussions to consider two central questions:

1. What are the points of intersection, tension, and opportunity, and types of activities, policies, and practices that link criminal justice reform, gun violence prevention and intervention, and gun policy reform?
2. What are some actionable ways to move the discussion beyond West Creek?

Turning first to the points of intersection, the group's discussion illuminated four core considerations:

- The role of guns must be acknowledged. The group considered the substantial evidence of the harmful effects of easy access to guns (including carrying guns in public places) in

terms of gun homicide, non-fatal shootings, and gun suicide, with communities of color hardest hit by gun homicide and non-fatal shootings. Participants pointed to research showing that policies that reduce easy availability of guns, such as firearm owner licensing, extreme risk protection laws, and limitations on public carry of guns are effective at reducing gun violence and injuries. Communities of color are also the most impacted by police and extremist violence. While acknowledging the role of guns, some participants pointed out that gun restrictions may have also exerted a disproportionate burden on communities of color; raising these conversations at a current historical moment when extremist views are increasingly visible raises additional tensions. A key challenge is thus to keep the role of guns in the foreground and ensure that policies and actions taken to address guns are also fair, equitable, and promote human dignity and public safety.

- A focus on policy solutions to reduce access to guns has crowded out community-based and community-led violence prevention and intervention approaches, such as street outreach and violence interruption, focused deterrence, cognitive behavioral therapy, and wrap-around services for persons at high risk of violence – approaches that have a strong evidence base to support them. The value of safety must extend beyond the justice system. These approaches are sometimes described as reducing the demand for guns.

Gun manufacturers and sellers that supply guns into impacted communities have been largely exempted from accountability...

- While many at West Creek agreed that there are some regulations and prohibitions that show evidence of reducing gun violence, questions were also raised about the racial impact of such laws. The most vivid example at the forefront of the West Creek values and themes of the tension at the intersection of criminal justice reform, gun policy, and gun violence prevention was the definition of and responses to illegal gun possession. Many municipalities and states—and the federal “felon in possession” statute—classify the mere possession of a gun by a prohibited person as a “violent crime,” even when the act of carrying itself is the sole legal infraction (i.e., the gun was not used in commission of another crime or in an act of aggression or violence). And, in many cases, gun possession carries with it sentence enhancements, mandatory minimum sentences, higher levels of bail, etc. Participants also cited research finding that many of those who carry guns illegally are doing so for their own protection and may have no intent to use the gun in an act of violence or crime. West Creek Participants also called for a closer look at the current classification of prohibitors, especially the “convicted felon” category. Given the well-documented racialized history of mass incarceration and the criminal justice system, this category of prohibited individuals may generate further disparities for young men of color. Questions were raised about the general classification as well as the duration of this prohibition.
- Who should be held accountable for gun violence? A civil society cannot simply ignore or tolerate the harms caused by guns. Survivors demand justice which often includes punishment

of offenders, yet current criminal enforcement efforts too often center on illegal gun possessors, resulting in high rates of incarceration in communities of color and low clearance rates for gun crimes (including gun homicides and non-fatal shootings) in many cities. Communities have the right not to live in fear and to live safely. However, the group discussed the need to explore alternative formulations of accountability, including holding the gun industry accountable for the harms caused by its products. Gun manufacturers and sellers that supply guns into impacted communities have been largely exempted from accountability, either by explicit policies such as the Protection of Lawful Commerce in Arms Act which gives broad immunity to the gun industry, or by lack of regulatory oversight and enforcement. The agency charged with oversight—the Bureau of Alcohol, Tobacco, Firearms, and Explosives—has been unable or unwilling to adequately perform that function due to a combination of lack of resources, restrictive budget riders, and longstanding internal tension over what should be the focus of the agency (criminal enforcement versus regulatory oversight). Gun industry interests have been able to use their influence to direct enforcement away from regulations and sales. By contrast, current enforcement efforts center on illegal gun possessors, resulting in high rates of incarceration in communities of color.

Turning next to the actionable ways to move the discussion beyond West Creek, key takeaways can be grouped into three general areas: Narrative Change, Research, and Policy and Practice.

Narrative Change

There was overwhelming consensus that the dominant narrative surrounding gun violence lacked the voices of those most proximate to gun violence and ignored basic facts and ground truths pertaining to gun violence itself as well as possible solutions.

With regard to **proximity**, those telling the main narrative of gun violence—especially in the press, the academy, and in policy spaces—more often than not tend to be removed from the lived experiences of communities most impacted by gun violence. The lack of proximity leads to ignoring the historical arc of race, discrimination, and dominance relationships in the United States and how these harms may play out in modern discussions around guns and gun violence. In contrast to debates around gun policy and violence, some attendees pointed to the manner in which discussions around mass incarceration now more fully acknowledge such racialized histories and their impact on contemporary policies and practices, and encouraged that gun violence prevention and gun policy efforts take a similar approach. A significant narrative shift requires activating, supporting, and amplifying the voices of the communities most impacted by gun violence to help determine, shape, and deliver a new narrative. Many participants in the room are engaged in exactly these sorts of mobilization in communities, but often lack large political platforms or momentum to see these efforts translated into policy, action, and funding.

Consistent with the Stated Values, West Creek Participants felt that future efforts at the intersection of gun violence prevention and criminal justice reform should actively recruit, elevate, and promote persons of color, individuals from underrepresented groups, and individuals from communities most impacted by gun violence into key positions and spaces within criminal justice reform, gun violence prevention, and research. In the short term, this means ensuring that discussions such as the ones at West Creek embody these principles. In the long term, this means

supporting efforts at strengthening human capital and leadership development to improve future generations of leadership.

The West Creek Participants stopped short of developing a new narrative platform, though all believed that one possible **next step** would be to stimulate future discussions and meetings around this issue. Some key thoughts expressed by the group for such messaging and narrative discussions might include:

- Acknowledging the importance of race in all discussions.
- Discussing the impact of criminalization of certain types of gun offenses.
- Reducing the demand for guns.
- Addressing the need for accountability when dealing with gun crimes, especially those that involve actual violence or harm to others and the community, while taking a broader look at who should be held accountable, including those producing and supplying the guns.
- Understanding that possessing and carrying a firearm in public increases risk of harm to both the carrier and the community, and that it is legitimate for government to regulate public possession and carry, while also acknowledging that many of the ways policy makers have chosen to design and enforce firearm laws, including classifying possession as a violent crime, increase inequity and the carceral state.
- Reframing the narrative surrounding gun possession to more clearly state that possession itself is not (and need not be) a violent crime and can—and should—be distinguished from using the firearm in an act of aggression or violence (e.g., rape, robbery, kidnapping). How we talk, discuss, and use language in this context matters.

Importantly, Participants believed there was also a need, regardless of whatever narrative might emerge, to develop a coordinated messaging campaign to deliver such a narrative to different people in different communities. Furthermore, rather than a “deficit” narrative, the West Creek Participants also believed that in order to avoid mistakes of the past and present, new narratives should also be more “solutions based.” That is, while harms of gun violence and guns should be readily acknowledged, new narratives need to move beyond “punishment” and “justice” to understand a wider range of gun violence prevention efforts that work, reduce harm, promote human flourishing and dignity, advance public safety, and prioritize community-based solutions. New narratives should also stress that punitive approaches—especially incarceration—may, in fact, be the least effective in reducing gun violence. Finally, any new narrative should include an intentional focus on the role of the gun industry in enabling gun violence in the communities most impacted.



Research

The continued need for strong research came up as a consistent theme to better understand what works (and what doesn't work) in reducing gun violence and the disparate impact of both gun violence *and* gun policy. West Creek Participants raised the idea of "evidence based" and "data informed" in at least two distinct ways. The first was, perhaps, in the more traditional sense of supporting research and research questions to inform interventions, policies, and practices. Nearly all at West Creek recognized the impact of the gun lobby on stymied research efforts on basic science and the lack of connections across disciplines and domains.

Within the current state of research, some at West Creek stressed mounting evidence of "what works" and "what doesn't." The difficulty, as noted by several participants, is that such research does not readily make its way into the hands of those doing the work. Thus, while there are frequent academic presentations and policy briefs, West Creek Participants noted that a key obstacle/need was to ensure that such information is packaged for and made available to those directly engaging in the work of gun violence prevention and criminal justice reform at all levels in an easily accessible and affordable (preferably, free) way.

Develop ways to "humanize" (rather than "weaponize") data and research, especially by ensuring research is directly tied and made available to those most impacted.

The second manner in which West Creek Participants discussed the phrase "evidence-based" was as a note of caution to consider how this phrase might be used to exclude certain groups and topics in order to elevate others, to narrowly define research questions, and to (possibly) reinforce the status quo of certain policy and programmatic responses to gun violence (i.e., criminal justice responses). As with the Narrative Change conversation, West Creek Participants stressed the deep need to expand the types of questions being asked and the types of people doing the questioning. This should entail specific attempts to include voices of those most impacted by gun violence and creating and supporting pathways into the research space. Data-informed need not be divorced from community-informed, and an emerging goal of many at West Creek was to develop new approaches to research that incorporate and prioritize such principles.

With regard to specific research topics, questions, and needs, the West Creek Group generated several key ideas.

- Expand focus on gun violence beyond homicides to consider non-fatal injuries, trauma, and community level collateral consequences.
- Consider collateral (intentional and unintentional) harms that flow from criminal justice policies and practices associated with gun violence prevention/intervention.
- More in-depth study of the costs of gun violence in cities.

- Develop ways to “humanize” (rather than “weaponize”) data and research, especially by ensuring research is directly tied and made available to those most impacted.
- Ensure that research on guns and gun violence consider some sort of equity impact/ analyses to evaluate effects on communities of color.
- Research considering how gun possession does or does not relate to violent behavior and how this, in turn, might feed back onto harmful policies and practices.
- Evaluate the categories of persons prohibited from gun ownership, the duration of the prohibitions and the firearm rights restoration processes. These policies have been in place since enactment of the Gun Control Act of 1968, and have not been fully investigated.
- Develop a pipeline for new generation of researchers in these areas, especially from the most impacted groups, to ensure a more vibrant and diverse set of leaders in this area.

Policy and Practice

Discussions on policy and practice began by noting the frequent disconnect between the two as well as the modest engagement with research on “what works.” A consistent refrain was the lack of connection between “upstream” and “downstream” causes and solutions to gun violence, where “upstream” refers to those social and environmental conditions (e.g., ecological risk factors, historical conditions, etc.) as well as the source or supply of guns into communities, while “downstream” refers to the consequences of such upstream conditions or individual



level characteristics as well as the enforcement of gun laws and policies on individual users and communities. Discussions generated consensus around several key points for further exploration.

- Nearly unanimous agreement around elevating policies and practices that are proven to work in reducing gun violence and those doing the work itself.
- Budgets, especially city budgets, typically fail to consider and fund gun violence prevention outside of the space of policing or criminal justice responses. If, as one participant put it, “budgets reflect our values,” then city budgets are sorely misaligned with both research and the voices of those most impacted by gun violence.
- There is a dire need for city and state budgets to include real commitments to community-level and non-criminal justice-oriented gun violence prevention efforts. Many at West Creek called for more serious analyses, discussion, and dissemination of the findings pertaining to city-level budgets as they relate to public safety and gun violence.

- Related to this previous point, there was a strong consensus around the values of developing city and statewide offices of gun violence prevention that operate outside of the criminal justice space and are built on consensus, collaboration, and community oversight and control. These offices should be designed to “co-create public safety” by leading and coordinating community level responses on all scales.
- Promote firearm licensing policies, but also assess their racial impact. Recent research supports firearm owner licensing as effective at reducing gun homicide (including in urban counties), suicide, and diversion of guns to illegal users. An important consideration in evaluating licensing policies is the degree to which law enforcement discretion in issuing licenses may reflect racial biases.
- Increase oversight and accountability of gun manufacturers and sellers. As noted above, West Creek participants stressed the lack of federal oversight and regulation of the gun industry. Opportunities for greater oversight include: policy reforms to increase oversight authority of ATF; shifting enforcement resources to the supply chain, starting with firearms manufacturers, to reduce the inflow of guns into the underground market; and repealing the Protection of Lawful Commerce in Arms Act to remove the almost blanket civil immunity now granted to gun manufacturers and sellers. In addition, research supports the effectiveness of stricter oversight of gun sellers, including at the state and/or local level. Further work is needed to develop these strategies and demonstrate their impact on gun availability, gun violence, and enforcement patterns.
- Further attention needs to be paid to diversion efforts (especially by prosecutors and involving community organizations) to allow for the healing, safety, and addressing of issues that lead to gun carrying in the first place. This is especially true for younger and first-time gun carriers in order to avoid label of “violent offenders.” Graduated responses can be developed for subsequent offenses, again, keeping in mind the important distinction between violent and non-violent offenses.

Conclusion

Taken together, the West Creek group came to (some) consensus that three principles should guide the group’s efforts, that each idea or project that might emerge should embody them. In so doing, the intersectional work of the group should (as one attendee synthesized): **reframe, rethink, and restate** gun violence prevention and policy and criminal justice reform. **Reframing** these issues entails changing narratives and practices to acknowledge the harms caused by guns, include local interventions/solutions, and avoid negative criminal justice outcomes and solutions that increase gun violence. **Rethinking** how we approach policies and practices as well as emphasizing that the consequences and values of those practices must center on avoiding unnecessary direct and indirect consequences. **Restating** these issues entails articulating both short-term and long-term consequences of policies, practices, and laws so as to avoid the historic traumas and inequities that currently define this space.

Participant List

Rabbi Peter Berg, *The Temple: The Hebrew Benevolent Congregation*

Julie Biehl, *Northwestern Pritzker School of Law*

Eddie Bocanegra, *Heartland Alliance*

DeVone Boggan, *Advance Peace*

John Chisholm, *Milwaukee County District Attorney*

Ed Chung, *Center for American Progress*

Jerry Clayton, *Washtenaw County Sherriff*

Eric Cumberbatch, *NYC Mayor's Office to Prevent Gun Violence*

Tim Daly, *The Joyce Foundation*

Lynda Garcia, *Leadership Conference on Civil and Human Rights*

Eric Gonzalez, *Brooklyn District Attorney*

Kevin Hall, *Tucson Police Department*

Josh Horwitz, *Educational Fund to Stop Gun Violence*

David Hureau, *University at Albany–SUNY*

Alise Marshall, *Public Welfare Foundation*

Michael McBride, *Faith in Action*

Soledad McGrath, *The Joyce Foundation*

Sharone Mitchell, *Illinois Justice Project*

Scott Moyer, *Jacob and Valeria Langeloth Foundation*

Dave Olson, *Loyola University Chicago*

Andrew Papachristos, *Northwestern University*

Chelsea Parsons, *Center for American Progress*

Nick Suplina, *Everytown for Gun Safety*

Nina Vinik, *The Joyce Foundation*

Daniel Webster, *Johns Hopkins Bloomberg School of Public Health*

Bruce Western, *The Justice Lab at Columbia University*

Lynne Wiora, *The Joyce Foundation*

**Special thanks to the Arthur M. Blank Family Foundation
and West Creek Ranch for their support of this project.**

An aerial night photograph of a city grid, likely New York City, showing a dense pattern of illuminated streets and buildings. The sky is a mix of deep blue and purple, with a hint of orange from the setting or rising sun. The perspective is from a high altitude, looking down at the city.

TheJoyceFoundation

www.joycefdn.org

 @JoyceFdn