

# Building a Safe Chicago

Calling for a Comprehensive Plan

November 3, 2016

## Signatories

- American Civil Liberties Union of Illinois
- AIDS Foundation of Chicago
- BPI
- Cabrini Green Legal Aid
- Chicago Alliance Against Sexual Exploitation
- Chicago Coalition for the Homeless
- Chicago Council of Lawyers
- Chicago Urban League
- Children & Family Justice Center, Bluhm Legal Clinic, Northwestern University Pritzker School of Law
- Communities United
- Community Renewal Society
- Criminal & Juvenile Justice Project, Mandel Legal Aid Clinic, University of Chicago Law School
- Earthheart
- Enlace Chicago
- First Defense Legal Aid
- Health & Medicine Policy Research Group
- Illinois African American Coalition for Prevention
- Illinois Children's Mental Health Partnership
- Illinois Collaboration on Youth
- Illinois Consortium on Drug Policy
- Illinois Council Against Handgun Violence
- Illinois Justice Project
- Jewish Council on Urban Affairs
- John Howard Association
- Juvenile Justice Initiative
- Kenwood Oakland Community Organization (KOCO)
- Lawndale Christian Legal Center
- Leaders Up
- League of Women Voters of Chicago
- League of Women Voters of Illinois
- Mikva Challenge Juvenile Justice Council
- Mikva Challenge Teen Health Council
- Mothers Against Senseless Killings
- New Life Centers of Chicagoland
- New Moms, Inc.
- Peace and Justice Committee, St. Nicholas Church
- People for a Safer Society
- Planned Parenthood of Illinois
- Precious Blood Ministry of Reconciliation
- Restore Justice Illinois
- Safer Foundation
- Sargent Shriver National Center on Poverty Law
- Strengthening Chicago's Youth
- Target Area DevCorp
- Treatment Alternatives for Safe Communities (TASC)
- United Congress of Community & Religious Organizations
- Uptown People's Law Center
- Voices for Illinois Children

# Building a Safe Chicago

## Calling for a Comprehensive Plan

Within the last two years, decades of homicide reduction in Chicago have not only slowed, but sharply reversed. It is too early to tell whether our increased gun violence will become part of a longer-term pattern, or is a temporary deviation from an overall decline. What we do know is that several of our neighborhoods are – and have been – experiencing persistent and disproportionately high levels of violence. It ripples through families and communities and should be a matter of concern to every Chicago resident. We need to focus on doing what works. It may seem difficult to abandon longstanding but failed policies and embrace accountability, but it is simplistic and wrong to characterize the justice system as insufficiently punitive and to prioritize temporary crime suppression tactics over lasting crime reduction strategies. Experts have cautioned that we cannot arrest,<sup>1</sup> prosecute,<sup>2</sup> or imprison<sup>3</sup> our way out of the problem. In this document, we call for a comprehensive plan on a scale adequate to address root causes of violence, setting out five core components of such a plan and offering smart tools for decision-making.

## Background

Highly-politicized national attention to gun violence in our city began in earnest with the 2008 election of a Chicagoan to serve as the first African-American President of the United States.<sup>4</sup> Increasing over the course of eight years of vigorous local and national debate about guns, race, policing, and crime (culminating in the present election cycle), the political intensity surrounding discussions of Chicago has thwarted progress toward sound antiviolence policy in our city at least as often as it has fostered it. Chicago's issues are urgent and serious, with distinctive complicating factors, but the underlying nature of our problems is far from unique among American cities.

In recent years, our state has increased penalties for firearm possession six times, instituting new mandatory minimum sentences.<sup>5</sup> As a result, the number of Illinoisans incarcerated for possessing a weapon in violation of licensing laws tripled, while arrests remained flat.<sup>6</sup> Consistent with research showing that sentence severity is unlikely to deter violent crime,<sup>7</sup> homicide rates fell no faster here than they did in states which had not increased such sentences -- and seem to have increased at a faster pace.

Yet claims persist that still-longer prison terms for unlawful gun possession, including further constraints on impartial sentencing by a judge, are necessary in order to address gun violence. Lively policy discussions of the matter in the Illinois General Assembly in 2013 revealed that our state's longstanding practice of lengthening prison terms piecemeal and in isolation as a rash response to crime has contributed to debilitating, overcrowded, and counterproductive levels of incarceration. Public calls for a complete reevaluation of the nature and function of Illinois' criminal justice system resulted in the creation of a bipartisan legislative committee in 2014<sup>8</sup> and the commitment of Governor Bruce Rauner in February 2015 to reduce state prison population 25% by 2025.<sup>9</sup> Yet, over the course of 45 committee meetings as of this writing, neither body has convened a thorough discussion of whether any of the current mandatory minimum prison terms for gun possession are consistent with best practices.

Worse, despite years of near-constant local media coverage of gun violence, Chicago remains without a comprehensive plan to prevent and respond to it. Such a plan is sorely needed. Residents of our city, like all Illinoisans, deserve an approach in which seriousness of purpose is conveyed by justice system results, not longer and more

mandatory prison terms. Residents of our city, like all Illinoisans, cannot afford more blame-shifting and cost-shifting in lieu of investment to prevent violent crime.

There are innumerable bright spots – individual community members, organizations, service providers, teachers, businesses, philanthropists, pastors, police officers, justice personnel, and policymakers who focus each day on building positive change. But too often, their ingenuity and best efforts are undercut. Promising practices are not brought to scale, struggle in implementation, or are adopted reluctantly and in name only, only to be abandoned at the first sign of difficulty. Systems suffer from routine lack of program assessment, fidelity, and transparency. Meanwhile, bedrock public services and supports relied upon by hundreds of thousands of Chicagoans suffer death by a thousand cuts, widening historic and racialized gaps in opportunity, health, education, and safety. The deep-end criminal justice system, unreasonably expected to compensate for all of the above, is characterized as our first political priority or our only remaining hope, despite the fact that it is our most expensive and least effective tool.

Chicago can do better. We call on residents, media, and stakeholders alike to redirect Chicago’s immense political will away from reactionary and unproven policies, and to focus exclusively on developing a truly comprehensive public safety and violence prevention plan -- one that is grounded in principles of effectiveness, system accountability, and equity. Such a plan will: 1) put public health first; 2) reduce illegal handgun availability; 3) tailor punishment to the crime; 4) ensure police effectiveness, and 5) invest to achieve equity.

## I. Put Public Health First

In civic society, individual and community safety is a paramount goal; and Chicago’s safety is threatened by gun violence that is contagious within social groups, in the manner of many diseases.<sup>10</sup> Although it can seem inevitable to residents whose daily lives are most severely impacted, gun violence – like all social epidemics of violence – is both treatable and preventable. Effectively preventing and controlling violence requires a multi-faceted, collaborative, trauma-informed public health approach that addresses the complex factors underlying violence and builds on the assets of youth, families, and communities.<sup>11</sup>

Taking a public health approach to violence prevention is similar to taking a public health approach to curing disease. First, researchers, community partners, and community residents define and monitor the problem.<sup>12</sup> Then, communities identify

the populations and locations at highest risk, uncovering both risks and protective factors, to help focus prevention efforts.<sup>13</sup> Next, groups develop and test evidence-based strategies and programs to address violence at the individual, family, community, and societal levels.<sup>14</sup> Finally, coalitions assure wide-scale adoption of successful evidence-based methods, by educating about violence prevention and fostering partnerships to strengthen, expand, and generate new efforts.<sup>15</sup>

The Centers for Disease Control and Prevention-funded Urban Networks to Increase Thriving Youth Through Violence Prevention (“UNITY”) led by the Prevention Institute have developed a set of recommendations for a comprehensive approach to community violence prevention based on input from stakeholders in the nation’s largest cities and on evidence regarding the effectiveness of the approaches.<sup>16</sup> UNITY has identified the following key characteristics in choosing strategies to prevent violence:

- Reduce risk factors and increase resilience factors
- Strengthen communities, families and young people
- Oriented to changing norms about violence
- Place- or population-based
- Prioritize prevention
- Balance immediate, intermediate, and long-term priorities
- Brought to scale
- Culturally competent and relevant
- Developmentally appropriate.<sup>17</sup>

UNITY has recommended the following strategies that share these characteristics:

Primary prevention, or “upfront,” strategies are those that everyone needs to be safe and thrive.<sup>18</sup> These include:

- **Positive early care and education** fosters age-appropriate social, emotional, and cognitive skill development within the context of strong attachments and relationships.<sup>19</sup> An excellent local example of positive early care is Educare, an organization of schools seeking to combine high-quality education with community-based programs for low-income families.<sup>20</sup> The first Educare school was founded on Chicago’s South Side and inspired the development of Educare schools across the country.<sup>21</sup>
- **Positive social and emotional development** supports a process of growing self-awareness and self-regulation, often measured by an ability to pay attention, make transitions from one activity to another, control impulses, and cooperate with others.

- **Parenting skills** programs train parents and other caregivers on developmental milestones and culturally appropriate, effective parenting practices to support a nurturing, safe, structured environment. A variety of organizations in Illinois deliver evidence-based parenting programs, including Educare,<sup>22</sup> Be Strong Families,<sup>23</sup> the Changing Children’s World’s Foundation,<sup>24</sup> Metropolitan Family Services,<sup>25</sup> and Parenting 4 Non-Violence.<sup>26</sup>
- **Quality after school programming** provides safe and enriching activities with structure and supervision during non-school hours.
- **Youth leadership** programs support and engage young people in decision-making and give them age-appropriate authority.
- **Social connections in neighborhoods** strengthen ties (characterized by trust, concern for one another, willingness to take collective action for the community good, and increased social sanctions against violent behaviors) among neighbors and community members.
- **Universal, school-based violence prevention** strategies foster a positive and safe school climate in which young people learn violence prevention skills (e.g., conflict resolution, impulse control, anger management, problem solving, empathy, bystander, and anti-bullying). Illinois was the first state to require schools to address social-emotional learning and many districts, including Chicago Public Schools, have implemented evidence-based programs to support social-emotional learning universally and for youth at risk.<sup>27</sup>
- **Economic development** strategies improve economic conditions and viable non-criminal economic opportunities with training and support for communities, families, and youth most at risk for violence.

Secondary prevention, or “in the thick,” strategies are those designed for people who may be at increased risk.<sup>28</sup> These include:

- **Mentoring** provides supportive, non-judgmental role models who can form a strong and enduring bond with young people who are at risk. Chicago programs such as Becoming A Man have been shown to have positive outcomes.<sup>29</sup>
- **Mental health services** ensure early identification and provision of quality, affordable, therapy and support to address trauma and anxiety and to enhance coping skills.
- **Family support services** provide integrated family services (e.g., therapy, case management, home visiting, income support, employment services and support) to families in need so that they are able to achieve self-sufficiency and foster nurturing and trusting relationships within the family. The ability of

human services organizations to provide this type of comprehensive array of services has been seriously jeopardized by the budget situation in Illinois.

- **Conflict interruption/street outreach** programs reduce violence, injury, and lethality through detection, interruption and de-escalation with street outreach workers in highly impacted neighborhoods and change the thinking and behaviors of the highest risk persons. Illinois has substantially reduced these programs as well.<sup>30</sup>

Tertiary prevention, or “aftermath,” strategies deal with the consequences of violence after it has occurred to reduce the chances it will re-occur.<sup>31</sup> These include:

- **Mental health services** ensure provision of quality, affordable mental health and substance abuse treatment (including individual, group, and/or family therapy) and ongoing support for young people who have already demonstrated violent or seriously delinquent behavior to reduce the risk of future violence and crime. Illinois’ behavioral health system has significant inadequacies.<sup>32</sup> Proposed changes, such as allowing use of Medicaid funds for crisis intervention training for police officers and allowing Medicaid reimbursement for behavioral health services in the last 90 days of incarceration, are likely to have direct effects on reducing violence.<sup>33</sup>
- **Successful reentry** programs support a successful transition from a period of incarceration/detention to the community and reduce recidivism with services during incarceration and extending to post-release (e.g., housing assistance, job placement and support, education support, case management, income support, restorative justice, family support, substance abuse and mental health services, tattoo removal).

Many of the public health strategies described above may seem deceptively familiar to Chicago policymakers. But scale, staffing, population targeting, program fidelity and evaluation – all of which require multi-year, multi-agency, intergovernmental strategy and stable funding – are critical elements. Failing to implement a comprehensive approach to violence prevention is the equivalent of delivering a single vaccination: protective for the individual, but doing nothing to eradicate a problem as it cannot affect contagion and disease within the larger population.

It is important to note that the CDC-funded UNITY approach is an all-inclusive, prioritized strategic plan to prevent violence. It is a scaffolding on which to build a comprehensive public health approach and bring it to scale to sufficiently cover each of the recommended populations. It should not be used as an a la carte menu to selectively fund or cut programs in isolation, but as a complete blueprint for efforts requiring sustained attention and investment.



### Smart Tools for Decision-Making: Put Public Health First

- Prevent violence, reduce risk, and treat trauma using proven approaches that include the highest-risk people.
- Design, build, fund, and assess a comprehensive plan to keep Chicagoans safe, using a collaborative public health process.
- Consistently prioritize public health approaches -- especially prevention -- including during upward trends in violence.

## II. Reduce Illegal Handgun Availability

As described in the previous section, violence prevention that includes addressing the social conditions that create cycles of trauma and violence, as well as driving demand for illegal weapons, must be a top priority. But attention to supply makes a difference as well – gun access is of course instrumental to gun violence. Guns make violence more lethal; despite similar rates of overall violence, firearm homicide rates among American adolescents and young adults are eight times higher than rates in other high-income countries.<sup>34</sup>

In many respects, our state gun regulations are tough but fair; the Law Center to Prevent Gun Violence rates Illinois laws a “B+” – more than one full letter-grade higher than any other non-coastal state.<sup>35</sup> Illinois shares a border with six states that have significantly looser gun laws, including two “F” states.<sup>36</sup> Accordingly, 60% of guns confiscated in Chicago from reputed gang members originated out-of-state.<sup>37</sup>

Due to federal funding that has been largely frozen by Congress, influenced by the lobby of a gun industry whose products are frequently traded on illegal secondary markets, very little national research exists on illegal gun prevalence. This makes it difficult to compare Chicago’s handgun habits (e.g. rates of ownership, possession, and trade) with those in peer cities. Existing research on the secondary gun market in Chicago does show that fifteen percent may come through straw purchasers who are buying the guns on behalf of a prohibited person.<sup>38</sup>

Gun dealers are the most critical link between gun manufacturers and the public, according to the Bureau of Alcohol, Tobacco & Firearms (ATF).<sup>39</sup> While most gun dealers operate responsibly, 90% of crime guns in the United States can be traced to only 5% of gun dealers – and a handful of the most notorious are based in Illinois.<sup>40</sup> Our state does not currently license gun dealers, who must only be licensed by the ATF – a chronically-understaffed federal agency with capacity to inspect a gun dealer only about once every 17 years.<sup>41</sup>

Fifteen states and the District of Columbia have a licensure requirement. In total, 26 states have enacted some sort of dealer regulation to fill gaps in federal firearms laws and to make sure gun dealers are behaving responsibly.<sup>42</sup> State gun dealer licensure would require videotaping of sales, control of inventory to avoid unreported loss, and background checks for employees, which can reduce the number of problematic dealers and interrupt the flow of illegally-transferred guns.<sup>43</sup>

#### Smart Tools for Decision-Making: Reduce Illegal Handgun Availability

- **Require Illinois gun dealers to be licensed, in order to:**
  - **Track lost or stolen gun shop inventory.**
  - **Identify and track probable straw purchasing incidents.**
  - **Focus enforcement efforts on the small number of bad-actor dealers.**

### III. Tailor Punishment to the Crime

Chicagoans are now familiar with formulaic press releases indicating that a certain gun-related tragedy could have been averted if only the shooter – or the shooting victim, or both – had served a longer prison sentence for having possessed a gun. Such stories are both literally true and highly misleading. If Adam is behind bars today, he cannot shoot Ben on the street today. But if Carl takes over Adam’s drug business when he goes to prison, Carl might shoot Ben today.<sup>44</sup> Or Adam may leave prison more likely to shoot Ben than he was when he was sent away.<sup>45</sup> Adam’s son Darrin is more likely to grow up in poverty and experience family instability.<sup>46</sup> On the other hand, if Adam is *not* locked up for gun possession, chances are good that he actually *won’t* shoot Ben<sup>47</sup> – especially if the reasons he was carrying a gun in violation of the law are investigated and resolved.

Illinois is in a period of rapid flux when it comes to possessing loaded handguns in public.<sup>48</sup> This used to be highly illegal, no matter what – and our gun possession laws are written as though everyone who breaks them intends imminent violence (“aggravated unlawful use of a weapon”).<sup>49</sup> This is more than just a terminology issue; gun possession is also sentenced more heavily than some violent crimes.<sup>50</sup> Just prior to legalized concealed-carry, penalties for unlawful gun possession were increased six times from 2000-2012, tripling the number of weapons offenders in Illinois prisons.<sup>51</sup>

## Responding to Risk and Correcting Behavior

Gun possession, including unlawful possession, is highly prevalent behavior;<sup>52</sup> is usually defensive (not offensive) in motivation,<sup>53</sup> and yet is associated with both increased risk of victimization and with increased aggression.<sup>54</sup> In other words: a lot of people have illegally possessed a firearm – most of the time, no one notices and nothing terrible happens, but they put themselves and others at higher risk of violence.

A criminal justice system focused on correcting illegal gun-carrying behavior should:

- Incorporate a neutral assessment of individual harm, intent, and risk;
- Address behavior in a manner that addresses and decreases underlying risk; and
- Punish proportionately, in a way that allows restoration to useful citizenship.<sup>55</sup>

In Illinois, meeting any of these three objectives with our criminal code would require *rolling back* existing penalties -- not increasing them for yet a seventh time since 2000. Mandatory minimum sentences disproportionately impact people of color, while exposing people with low risk and fewer arrests to harsh penalties.<sup>56</sup> They punish people without taking intent, risk, or circumstances into consideration, while effectively transferring sentencing authority away from neutral judges and granting it to prosecutors.<sup>57</sup> Illinois law applies a mandatory minimum sentence of incarceration (no possibility of probation) to an unlicensed possessor of a loaded gun in public -- even for a first offense.<sup>58</sup> In every one of the six states that border Illinois, probation is not only available for a first offense, but for a second and a third offense as well, when the circumstances warrant it.<sup>59</sup> Even California, with generally tough gun regulations and an infamous third-strike law, permits probation for both first- and second-time unlawful gun possessors.<sup>60</sup>

Comprehensive diversion assessment of every gun possession case is an important goal. Criminal penalties that increase contact with higher-risk offenders, strain families, and create economic devastation in communities seldom achieve their intended public safety goals, including via incapacitation, due to replacement and recidivism rates and individual, family, and community risk factor increase.<sup>61</sup> Additionally, such interventions neither assess nor address underlying motivations for unlawful behavior.

Structured diversion of low-risk offenders and community-based supervision of medium-risk offenders promotes accountability, while protecting them from close contact with high-risk offenders in crowded and violent prison conditions, which is known to increase recidivism and therefore decrease public safety.<sup>62</sup> Making probation available for a crime also opens up new and better sentencing tools available to judges, including effective programs like Adult Redeploy Illinois, which uses state funds to support local services and sanctions for otherwise prison-bound offenders.<sup>63</sup> While first-time unlicensed public possession of a loaded gun is not probationable, most typical Illinois felonies are -- even on a second or third offense. A third offense of unlawful gun possession (with no co-occurring crime) carries a mandatory prison sentence of 6-30 years.<sup>64</sup> Possessing a firearm while committing an otherwise-probationable felony in Illinois (say, unlawfully possessing a single prescription pill) carries a mandatory 15-30 years for a first-time offender.<sup>65</sup> Illinois sentences for nonviolent gun possession are not only disproportionately mandatory and lengthy when compared to regional states' penalties, they are misaligned with other crimes in Illinois, including offenses against another person, like aggravated battery.<sup>66</sup>

Paying extremely close attention to “repeat violent gun possessors” – by any definition – is essential. But the best way to ensure that someone who has a gun unlawfully does not pick up another one, nor escalate into violence, is to assess and address the reasons for their gun possession. Is it for defense in a dangerous neighborhood? Because it conveys status? To protect an illegal business? To initiate or continue a pattern of violence? Courts can respond effectively to all of these situations when judges are able to tailor a wide range of sentencing options and programs to the details of each case. Mandatory prison terms circumvent finding out what the problem is and resolving it – a true public safety priority.

### **Prison and permanent felonies are most destructive to young people.**

Modern research is clear that the brains of adolescents and adults operate very differently from each other and that adolescence lasts longer than previously believed. Portions of the brain governing self-control and rational decision making are not fully-developed until well after the age of 18, with psychological maturity occurring near the age of 25.<sup>67</sup> Young adults' reduced ability to make rational decisions in the heat of the moment, particularly in the presence of peers, resembles the ability of younger teens as much or more than those of adults – a reality that affects not only the incidence of offending, but culpability and method of rehabilitation.<sup>68</sup> Because of

the connection between developmentally-driven impulsivity and offending, young adults may not be able to be deterred by threats like adult criminal court or lifelong consequences such as felony convictions.<sup>69</sup>

Yet although many young adults engage in risky and impulsive behavior that includes illegal, dangerous, or harmful activities, most offenders aged 18-24 are right on the cusp of permanently discontinuing this behavior. This is true regardless of the type of offense; research on behaviors including gang membership, gun carrying, and drug dealing shows that, like property and violent offenses in general, involvement in these activities peaks during late adolescence and early adulthood, but quickly subsides.<sup>70</sup>

Illinois therefore gives permanent felony records and lengthy sentences in adult prisons to a large number of young people who were just about to permanently cease offending. This practice erects enduring obstacles to education, employment, and housing during the very time (transition to adulthood) when these are most determinative of life course trajectory and restoration to useful and successful citizenship. Our state's practice is expensive on the front end and self-defeating to our state's safety, economy, and human capital in the long run.<sup>71</sup>

At a minimum, young people aged 18-20 require individualized, age-appropriate intervention and adjudication modeled on the juvenile system, and young adults aged 21-24 should be eligible for suspended sanctions in criminal court, including deferred prosecution, that can allow them to more easily move past their mistakes while still being held accountable.

Because of their large number, rapid growth and transition, current or future parenthood, and promising rehabilitative prospects, investing in the right approach with young adults creates positive ripple effects over the course of decades.

### **Smart Tools for Decision-Making: Tailor Punishment to the Crime**

- **Laws should recognize and respond to evidence that most unlawful gun possession is nonviolent, but risky.**
- **Reduce repeat gun possession by identifying and addressing its causes.**
- **Evidence-informed programs delivered via probation show promise for medium-to-high risk gun possessors – especially young people – and are more proportionate, effective responses to many repeat gun possession cases than prison terms.**
  - Example: Defensive gun carrying behavior may occur among persons who have experienced trauma and struggle with co-occurring substance abuse disorders.

- PTSD and substance abuse disorders are not successfully addressed in IDOC -- and are frequently exacerbated by the prison setting
- Such issues can be successfully treated in a community setting while under specialized probation supervision.

## IV. Ensure Police Effectiveness

The more that police are trusted to be fair, the more likely people are to assist them and to comply with the law -- even those who are more likely to commit serious violent crimes.<sup>72</sup> Conversely, publicized instances of police brutality suppress not only community contributions to police investigations, but even 911 calls for direct emergency assistance for up to a year afterward, especially in African-American neighborhoods.<sup>73</sup> In polls conducted this summer, “A majority of black Chicagoans doubt that calling the police will improve a dangerous situation. Forty-two percent said they thought calling the police would not make much difference, and twelve percent said they thought it would actually make matters worse.”<sup>74</sup>

In general, lack of trust between police and community members harms public safety.<sup>75</sup> Yet unlawful gun possession in particular may relate to police effectiveness more directly than any other type of crime:

*“People who felt chronically unsafe and unprotected believed the law to be illegitimate—particularly in its application rather than its general substance—and, thus, were more likely to obtain an illegal firearm, allowing them to take control over their own safety.”<sup>76</sup>*

If the crime of unlicensed gun carrying, primarily motivated by self-defense, is largely committed by people who feel unsafe and unprotected, it is easy to see how police effectiveness can impact real or perceived need for safety.

One basic measure of police effectiveness is responsiveness to the most urgent 911 calls, those involving life-threatening emergencies. Frequently overshadowed by other police accountability concerns, a lawsuit against the Chicago Police concerning racially inequitable deployment of policing resources has been in progress for the last five years.<sup>77</sup> It alleges that police take at least twice as long to respond to the highest-priority calls in neighborhoods of color, contrasting the number of calls with no available responding officer (“Radio Assignment Pending”) in majority-black Chicago Lawn (885) to majority-white Town Hall (17) for a given period.<sup>78</sup> Since the

City has not settled the suit it seems unlikely that inequitable deployment issues have been entirely resolved. In a news item from October 2016, a woman living a block and a half from a police station in a majority-black neighborhood claimed to have called 911 three times before police responded after she used a crowbar to knock out a man who broke into her home and sexually assaulted her.<sup>79</sup>

Solving the most serious and violent cases is another core measure of police effectiveness, recursive with positive community relations. As of October 3, CPD closed only 21.0 percent of homicide and 2.6 percent of nonfatal shooting cases in 2016.<sup>80</sup> When nearly 95% of shootings are unsolved, it is clear that shooting witnesses and victims do not believe that involving the formal justice system will protect their safety, or that of their loved ones.

Fortunately, the Mayor's Police Accountability Task Force (PATF) released dozens of specific reforms across five major subject areas in April 2016.<sup>81</sup> The nature and scope of the findings and recommendations are too many to repeat here. But fully implementing the suggested reforms to increase safety, efficiency, and transparency will make policing in our city more effective at reducing gun violence, both in addition to and because of improved community relations. However, fidelity to suggested reforms is a huge undertaking and will require immense public pressure and political will; the U.S. Department of Justice's concurrent investigation of the Chicago Police Department is its "biggest ever."<sup>82</sup>

Some have called for an increase in the use of stop and frisk as a strategy to reduce gun violence. There is no evidence that the systemic use of this practice has an impact on crime. In New York, when stops dropped, crime did as well.<sup>83</sup> Here in Chicago, when stops decreased after the release of the Laquan McDonald video and the later implementation of statewide legislation and an ACLU agreement with the City, the number of gun seizures increased, as compared to the previous year.<sup>84</sup> Further, the use of stop and frisk harms the relationship between the community and police. Stop and frisk is invasive and happens on the street in front of your neighbors. With reasonable suspicion, police officers are allowed to touch outside of your clothes, all over your body, in a search for weapons. Unsurprisingly, a study in Chicago showed that people who were stopped and frisked are less trusting of the police.<sup>85</sup> Stops often involve innocent behavior—in Chicago, there were over 250,000 that did not result in a ticket or arrest in the summer of 2014, concentrated in African-American communities.<sup>86</sup>

Others have pointed to hiring more police as a violence reduction strategy. It is unclear whether adding more police into an unreconstructed system of inequitable deployment and insufficient oversight and training can positively impact violence. Experts recommend relying upon evidence-based policing strategies, rather than hiring surges, to handle increased violence.<sup>87</sup> Chicago already has a high number of sworn officers per capita.<sup>88</sup> Officials have debated whether or not additional police hiring was required.<sup>89</sup> They currently indicate that a top-to-bottom analysis has revealed the need to hire additional sworn officers – but this analysis is not yet public.<sup>90</sup>

We believe attention is best spent on improving policing by developing a plan for full implementation of the reforms in the Mayor’s Police Accountability Task Force.

With better response and improved trust, there will be more willingness from the public to report crimes and help solve them. Dedicating more police resources away from suppression tactics and toward responsiveness is also likely to increase safety and perceptions of safety sufficient to reduce incidences of illegal gun-carrying.

#### **Smart Tools for Decision-Making: Ensure Police Effectiveness**

- **Build trust through responsiveness and accountability.**
  - **Develop equitable response in police services.**
  - **Adopt Mayor’s Police Accountability Task Force reforms.**
  - **Increase closure rates of violent crimes.**

## **V. Invest to Achieve Equity**

Chicago’s rates of gun violence and its public safety disparities are glaring symptoms of deep divisions between residents’ opportunities and daily experiences. Chicago is one of the most racially-segregated major cities in America,<sup>91</sup> and America’s most segregated cities tend to have the highest rates of violence.<sup>92</sup> As in many other parts of the U.S., the increasing number of people living in high poverty communities in Chicago has risen sharply in recent years – an increase that predates the Great Recession.<sup>93</sup> Recent state and local cuts to social services are shredding Chicago’s safety net and threaten to intensify already-epidemic inequality in our city and around the state.<sup>94</sup>

When poverty is multidimensional, concentrated, and isolating, its negative effects are more pronounced.<sup>95</sup> Chicago’s geographically-clustered, racialized, intergenerational disadvantages cross several axes: education,<sup>96</sup> housing,<sup>97</sup> employment,<sup>98</sup> wealth,<sup>99</sup> mobility.<sup>100</sup> Additionally, Chicagoans residing in the city’s



most violent neighborhoods experience reduced access to many of the city's important political and cultural institutions, which isolates and marginalizes their experiences.

While in recent years, public officials have acknowledged the critical role of inequality in public safety,<sup>101</sup> public spending has not prioritized human development. Over the last several decades, many resources that otherwise could or would have gone to such have efforts have been poured into expanding the justice system. A new report details how this national trend has impacted Illinois priorities. In 1982, the United States already imprisoned people at the third-largest per capita rate in the world, behind only China and the USSR.<sup>102</sup> But over the next thirty years Illinois doubled down on this investment, pursuing public safety almost exclusively through further expansions of policing and prisons.

As a result, Illinois taxpayers spent \$83 billion more on criminal justice than we would have if we had simply kept our already-high rates of incarceration level.<sup>103</sup> By pursuing incarceration-based responses to public safety challenges, Illinois made existing social problems significantly worse. In 2010, the Pew Center on the States produced a groundbreaking study that showed the linkage between low economic mobility and incarceration in African-American communities.<sup>104</sup> The report found that so many residents, particularly men, had been touched by the justice system and systemically locked out of the traditional workforce, it was very difficult for them to break out of the cycle of poverty.<sup>105</sup> The report noted that the impact on their families, especially children, was significant.<sup>106</sup>

Undoing the scope of economic and social damage caused by criminal justice expansion will take concentrated effort. Yet economic development plans leverage public resources and public funds to support human and private capital gains disproportionately concentrated among Chicago's least at-risk residents. Even inexpensive, common-sense tools like community benefits agreements, which can provide a meaningful opportunity for a city's poorest residents to participate in economic development initiatives, are underutilized.<sup>107</sup>

A large-scale shift in public spending priorities is required. At annual spending of \$4.5 billion above 1982 levels, Illinois' overinvestment in the criminal justice system is an amount of money equivalent to providing:

- 25,000 new living wage jobs (\$2.5 billion),
- Quality after-school care for 100,000 children living in poverty (\$445 million),
- 43,000 families with affordable housing via Renters Tax Credits (\$203 million), and

- 20,000 new social workers, psychologists, conflict mediators, mental health counselors, and drug treatment counselors (\$1.3 billion)<sup>108</sup>

An intelligent and equitable public safety strategy will realign public spending priorities to channel resources into strengthening (not suppressing) residents most at risk, while paying special attention to reducing opportunity gaps across all public services. Doing so will create a smarter, healthier, more stable and productive Illinois – and a safer Chicago.

### Smart Tools for Decision-Making: Invest to Achieve Equity

- **Prioritize community-based alternatives to pretrial detention and incarceration and reinvest savings into community-based prevention and early intervention.**
- **Reassess traditional spending priorities by program and neighborhood.**
  - **Determine demographics of potential beneficiaries of publicly funded projects.**
  - **Restructure projects to reduce existing service and investment gaps, especially racial- and poverty-related gaps.**
- **Work with economically-disadvantaged communities to set spending priorities.**

## Conclusion

We acknowledge the large amount of work – logistical, political, evaluative, participatory – that will be required to develop a truly comprehensive public safety plan that deviates from traditionally-accepted but ineffective criminal justice approaches. We appreciate and stand ready to support the work undertaken by any stakeholders who accept this challenge.

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<sup>1</sup> Andrew V. Papachristos, *Opinion: CPD's Crucial Choice: Treat its list as offenders or as potential victims?* CHICAGO TRIBUNE (July 29, 2016). “There is no way to arrest ourselves out of the gun-violence problem. To ignore someone's vulnerability as a victim and instead give him the label of an ‘offender’ only reinforces the way in which America devalues the

lives of young people of color and ignores our desperate need for reform in America's justice system.” *Id.*

<sup>2</sup> Zach Fardon, *Opinion: Federal prosecutors in Chicago going hard on gun crimes*, CHICAGO SUN-TIMES (October 28, 2016). <http://chicago.suntimes.com/opinion/opinion-federal-prosecutors-in-chicago-going-hard-on-gun-crimes/> “I have said repeatedly that we cannot prosecute our way out of the violence problem in Chicago. It will take a multi-faceted approach including, among other things, improved educational opportunities, jobs and social services. Criminal enforcement is an important part of the solution, and our office’s commitment to doing our best on that front will not waver.” *Id.*

<sup>3</sup> “Community-based programs and focused policing interventions in general have been found to be effective in reducing violence in some settings (e.g., high-risk physical locations) and appear to be more effective than prosecutorial policies, including mandatory sentences.” NATIONAL ACADEMIES OF SCIENCE, INSTITUTE OF MEDICINE AND NATIONAL RESEARCH COUNCIL, *Priorities for Research to Reduce the Threat of Firearm-Related Violence*, THE NATIONAL ACADEMIES PRESS AT 7. *See also* Franklin E. Zimring, *Commentary: False Premise of Gun Sentences*, CHICAGO SUN-TIMES (October 16, 2013).

<sup>4</sup> *See* Google Trends data, “Chicago Violence” 2004-2016, Region: US, Topic: News, <https://www.google.com/trends/explore?q=%22chicago%20violence%22&geo=US&date=all&cat=16#TIMESERIES>.

<sup>5</sup> Pub. Acts 091-544, 091-690, 094-072, 096-829, 096-1107, 097-237. *See* ILLINOIS SENTENCING POLICY ADVISORY COUNCIL, TRENDS ANALYSIS: UNLAWFUL USE OF A WEAPON (January 2014), at 3 (Fig. 1) [http://www.icjia.state.il.us/spac/pdf/spac\\_trends\\_analysis\\_report\\_09\\_2014.pdf](http://www.icjia.state.il.us/spac/pdf/spac_trends_analysis_report_09_2014.pdf).

<sup>6</sup> ILLINOIS SENTENCING POLICY ADVISORY COUNCIL, *supra* note 5, at 12 (Fig. 10).

<sup>7</sup> Stephanie Kollmann and Dominique D. Nong, *Combating Gun Violence in Illinois: Evidence-Based Solutions*, Bluhm Legal Clinic, Northwestern Law <http://www.law.northwestern.edu/legalclinic/cfjc/documents/Gun%20Violence%20Memo%20-%20Final.pdf> (October 17, 2013) at 5 (summarizing deterrence research and explaining that severity prevents deterrence by reducing swiftness and severity of punishment).

<sup>8</sup> 98<sup>th</sup> ILLINOIS GENERAL ASSEMBLY, JOINT CRIMINAL JUSTICE REFORM COMMITTEE, *Final Report Submitted Pursuant to House Joint Resolution 96*, (January 2015), at <http://www.ilga.gov/reports/special/98Joint%20Committee%20Final%20Report.pdf>.

<sup>9</sup> *See* ILLINOIS STATE COMMISSION ON CRIMINAL JUSTICE AND SENTENCING REFORM, <http://www.icjia.org/cjreform2015/about/>.

<sup>10</sup> Andrew V. Papachristos, Anthony A. Braga, and David M. Hureau, *Social networks and the risk of gunshot injury*, 89 J. URBAN HEALTH 992-1003 (2012).

<sup>11</sup> *See generally*, Corinne David-Ferdon and Thomas R. Simon, *Striving To Reduce Youth Violence Everywhere (STRYVE): The Centers for Disease Control and Prevention’s national initiative to prevent youth violence foundational resource*, CENTERS FOR DISEASE CONTROL

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AND PREVENTION (2012), *available at*:

[https://www.cdc.gov/violenceprevention/pdf/stryve\\_foundational\\_resource-a.pdf](https://www.cdc.gov/violenceprevention/pdf/stryve_foundational_resource-a.pdf).

<sup>12</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, NATIONAL CENTER FOR INJURY PREVENTION & CONTROL, *The Public Health Approach to Violence Prevention*, <http://www.cdc.gov/violenceprevention/overview/publichealthapproach.html> (page last updated March 25, 2015).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Urban Networks to Increase Thriving Youth through Violence Prevention, “Preventing Violence Before it Occurs: Overview of the UNITY Roadmap,” [https://www.preventioninstitute.org/sites/default/files/publications/UNITY\\_RoadMap\\_Prevention\\_053109.pdf](https://www.preventioninstitute.org/sites/default/files/publications/UNITY_RoadMap_Prevention_053109.pdf) (last updated Mar. 25, 2015).

<sup>17</sup> *Id.* at 1–3.

<sup>18</sup> *Id.* at 3.

<sup>19</sup> *Id.*

<sup>20</sup> Educare, <http://www.educareschools.org/>.

<sup>21</sup> Educare Chicago, <http://www.educareschools.org/schools/chicago/>.

<sup>22</sup> Educare, <http://www.educareschools.org/our-approach/educare-model/> (teaching parents how to champion their children’s education).

<sup>23</sup> Be Strong Families, “Parent Program Community Projects Preparing to Launch,” <http://www.bestrongfamilies.net/tag/chicago/>.

<sup>24</sup> Changing Children’s World Foundation, <http://www.changingchildrensworlds.org/> (Geneva, Illinois).

<sup>25</sup> Metropolitan Family Services, <https://www.metrofamily.org/>.

<sup>26</sup> Parenting 4 Non-Violence, <http://parenting4nonviolence.org/>.

<sup>27</sup> MAYOR’S COMMISSION FOR A SAFER CHICAGO, STRATEGIC PLAN FOR 2015, [https://www.cityofchicago.org/city/en/depts/mayor/supp\\_info/the-mayor-s-commission-for-a-safer-chicago.html](https://www.cityofchicago.org/city/en/depts/mayor/supp_info/the-mayor-s-commission-for-a-safer-chicago.html) at 26 (“[Chicago] launched a first-of-its-kind summer program for youth at risk of involvement in violence. One Summer Chicago Plus combines employment with mentoring and social-emotional learning experiences.”) and at 39 (“Chicago Public Schools has adopted School Climate Standards, and promotes evidence-based social-emotional skill-building programs throughout its schools . . .”).

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<sup>28</sup> UNITY Roadmap, *supra* note 16, at 3.

<sup>29</sup> See UNIVERSITY OF CHICAGO CRIME LAB, *Research and Policy Brief, BAM—SPORTS EDITION*,” <https://crimelab.uchicago.edu/page/becoming-man-bam-sports-edition-findings> (July 2012).

<sup>30</sup> Charles Ransford, *et al*, *The Relationship between the Cure Violence Model and Citywide Increases and Decreases in Killings in Chicago (2000-2016)*, CURE VIOLENCE <http://cureviolence.org/wp-content/uploads/2016/09/2016.09.22-CV-Chicago-Memo.pdf> (September 2016).

<sup>31</sup> UNITY Roadmap, *supra* note 16, at 3.

<sup>32</sup> The State has committed to its improvement through a “Health and Human Services Transformation.” See HHS TRANSFORMATION, <https://www.illinois.gov/sites/hhstransformation/Pages/default.aspx>.

<sup>33</sup> The first component of the Transformation is a request by the state to the federal government for a “1115 Waiver,” to allow changes to Medicaid behavioral health services. NOTICE OF PUBLIC INFORMATION ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES: SECTION 1115 RESEARCH AND DEMONSTRATION WAIVER, [https://www.illinois.gov/hfs/SiteCollectionDocuments/Notice\\_of\\_Public\\_Information\\_Waiver\\_090216rev.pdf](https://www.illinois.gov/hfs/SiteCollectionDocuments/Notice_of_Public_Information_Waiver_090216rev.pdf).

<sup>34</sup> EG Krug, *et al*, *Firearm-related deaths in the United States and 35 other high- and upper-middle-income countries*, 27 INT. J. EPIDEMIOL. 214-221 (1998).

<sup>35</sup> LAW CENTER TO PREVENT GUN VIOLENCE, <http://gunlawscorecard.org/>.

<sup>36</sup> *Id.*

<sup>37</sup> Philip J. Cook, *et al*, *Some Sources of Crime Guns in Chicago: Dirty Dealers, Straw Purchasers, and Traffickers*, 104 J. CRIM. L. & CRIMINOLOGY 717-759, 718 (2015).

<sup>38</sup> *Id.*, at 743.

<sup>39</sup> BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, US DEPARTMENT OF THE TREASURY, *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers* ix–x (June 2000).

<sup>40</sup> *The Truth about Gun Dealers in America*, BRADY CENTER TO PREVENT GUN VIOLENCE, <https://www.bradycampaign.org/sites/default/files/TheTruthAboutGunDealersInAmerica.pdf>.

<sup>41</sup> Jennifer Mascia, *Only 7 Percent of Licensed Gun Dealers Were Inspected Last Year*, THE TRACE, <https://www.thetrace.org/2015/10/gun-store-atf-inspection/> (October 29, 2015).

<sup>42</sup> Fact Sheet, *Illinois Gun Violence Prevention Coalition: Supporting the Gun Dealer Licensing Act*.

<sup>43</sup> *Id.*

<sup>44</sup> Substitution of one person's unlawful conduct for that of someone who is deceased or imprisoned is known as "replacement" effect, one reason that projected benefits of incapacitation may be overestimated. Robert Apel and Hilde Wermink, "Estimating the Effects of Incapacitation," *ENCYCLOPEDIA OF CRIMINOLOGY AND CRIMINAL JUSTICE* 1378-1384 (2014).

<sup>45</sup> Several studies have not found a significant overall incarceration impact on recidivism rates, e.g., Daniel S. Nagin and G. Matthew Snodgrass, *The Effect of Incarceration on Re-Offending: Evidence from a Natural Experiment in Pennsylvania*, 29 *J. QUANT CRIMINOL* 601 (2013). However, for younger and lower-risk people, any period of detention may increase risk and recidivism. Anna Aizer and Joseph Doyle, *Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned Judges* 28 (June 2013) (working paper), available at [http://www.mit.edu/~jdoyle/aizer\\_doyle\\_judges\\_06242013.pdf](http://www.mit.edu/~jdoyle/aizer_doyle_judges_06242013.pdf).

<sup>46</sup> Ross Parke and K. Allison Clarke-Stewart, *The Effects of Parental Incarceration on Children: Perspectives, Promises and Policies*, in *PRISONERS ONCE REMOVED: THE IMPACT OF INCARCERATION AND REENTRY ON CHILDREN, FAMILIES, AND COMMUNITIES* (Jeremy Travis and Michelle Waul, eds.) 189-232 (2003).

<sup>47</sup> Jens Ludwig, *Analysis of Potential Costs and Benefits of Illinois HB2265/SB2267: Sentence Enhancements for Unlawful Use of a Weapon (UUW) Offenses*, UNIVERSITY OF CHICAGO CRIME LAB, [http://crimelab.uchicago.edu/sites/crimelab.uchicago.edu/files/uploads/Mandatory%20Minimum%20BCA%2020131008\\_revised.pdf](http://crimelab.uchicago.edu/sites/crimelab.uchicago.edu/files/uploads/Mandatory%20Minimum%20BCA%2020131008_revised.pdf) (October 7, 2013). Of 340 gun possessors placed on probation in 2011, Ludwig found that 7% were rearrested for a serious violent crime, of which 0.8% were homicide arrests, within the first year. *Id.* at 4, fn5. Persons placed on probation for gun possession have historically had three-year recidivism rates similar or lower to people placed on probation for aggravated battery. ILLINOIS SENTENCING POLICY ADVISORY COUNCIL, *supra* note 5, at 8.

<sup>48</sup> *District of Columbia v. Heller*, 554 U.S. 570 (2008), applied to states via *McDonald v. Chicago* 561 U.S. 742 (2010); *Moore v. Madigan*, No. 12-1269 (7th Cir. 2012); Firearm Concealed Carry Act, P.A. 98-63 (eff. 7-9-13).

<sup>49</sup> See, e.g., 720 ILCS 5/24-1 (unlawful use of a weapon), 720 ILCS 5/24-1.6 (aggravated unlawful use of a weapon).

<sup>50</sup> 720 ILCS 5/12-3.05(h) (most forms of aggravated battery are not subject to mandatory prison time).

<sup>51</sup> ILLINOIS SENTENCING POLICY ADVISORY COUNCIL, *supra* note 5, at 12 (Fig. 10).

<sup>52</sup> Statistics on adult gun carrying prevalence are hampered by the federal defunding of gun violence prevention research. Youth surveys reveal that 9% of Illinois male high schoolers self-report having carried a gun at least one time in the previous 30 days. CENTERS FOR DISEASE CONTROL, YOUTH RISK BEHAVIOR SURVEY 2015, Table 10, [http://www.cdc.gov/healthyyouth/data/yrbs/pdf/2015/ss6506\\_updated.pdf](http://www.cdc.gov/healthyyouth/data/yrbs/pdf/2015/ss6506_updated.pdf).

<sup>53</sup> While more guns are used (brandished, fired) criminally rather than in lawful self-defense, handguns are overwhelmingly possessed with defensive intent. Alex Yablon, *How Handguns Became the Good Guy's Gun of Choice*, THE TRACE, <https://www.thetrace.org/2016/09/good-guy-handgun-ownership-harvard-survey/> (last updated October 11, 2016) “The surging popularity of handguns, a category that includes pistols and revolvers, has coincided with a rising interest in gun ownership for the purpose of self-defense.” *Id.* “Sixty-three percent of respondents cited self-defense against other people as one of the primary reasons for owning a gun.” *Id.*

For information about similar motivations of unlawful possessors (perceived need for self-defense in lieu of law enforcement protection), see Melissa Barragan, *et al.*, “*Damned if You Do, Damned if You Don't*: Perceptions of Guns, Safety, and Legitimacy Among Detained Gun Offenders, 43 CRIM. JUST. & BEHAV. 140 -155 (2016). “Three themes emerged from analysis of the data: (a) Experiences with community violence created a sense of perpetual insecurity and, consequently, the need to be armed at all costs; (b) interactions with law enforcement affected respondents’ feelings of safety and their beliefs about legitimate police authority; and (c) concerns about safety and experiences with police together colored perceptions of legal fairness and the legitimacy of the law overall.” *Id.* at 144-145.

<sup>54</sup> See generally *Firearms Research*, HARVARD INJURY CONTROL RESEARCH CENTER, <https://www.hsph.harvard.edu/hicrc/firearms-research/>.

<sup>55</sup> “All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship.” Ill. Const. 1970, art. I, §11.

<sup>56</sup> Traci Schlesinger, *The failure of race neutral policies: How mandatory terms and sentencing enhancements contribute to mass racialized incarceration*, 57 CRIME & DELINQUENCY 56 (2011).

<sup>57</sup> *A Plea for Change: American prosecutors have too much power. Hand some of it to judges*, THE ECONOMIST, <http://www.economist.com/news/leaders/21621784-american-prosecutors-have-too-much-power-hand-some-it-judges-plea-change> (October 4, 2014).

<sup>58</sup> 720 ILCS 5/24-1.6(d)(2).

<sup>59</sup> See Ind. Code § 35-47-2-1; Iowa Code § 724.4; Ky. Rev. Stat. § 527.020; Mich. Comp. Laws § 750.227, § 777.52 (increasing prior record score based on one prior low severity felony, but not increasing minimum prison sentence of zero months); MO. Rev. Stat. § 571.030; Wis. Stat. § 941.23, 939.6(1) (permitting a two-year maximum sentence extension as a “repeater” upon a third conviction within a five-year period, while still allowing a sentence of probation).

<sup>60</sup> See Cal. Penal Code § 25850(c).

<sup>61</sup> Frank Zimring, *THE CITY THAT BECAME SAFE: NEW YORK’S LESSONS FOR URBAN CRIME AND ITS CONTROL* 165-66, 188 (2012) (explaining that incapacitation was unlikely to have been a factor in New York’s violence reduction); Ludwig, *supra* note 47 at 5 (estimating that an additional 6,083 person-years of incarceration might generate a

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serious violent crime reduction of 400 out of 65,729 = 0.6%, not accounting for “replacement” value, potential for increased recidivism upon release, or other confounding factors).

<sup>62</sup> Kollmann and Nong, *supra* note 7 at 11 (explaining potential for increased likelihood of recidivism, particularly of younger and lower-level offenders, as a result of being incarcerated in overcrowded Illinois prisons).

<sup>63</sup> Adult Redeploy Illinois (ARI) reallocates “State funds to local jurisdictions that successfully establish a process to assess offenders and provide a continuum of locally based sanctions and treatment alternatives for offenders who would be incarcerated in a State facility if those local services and sanctions did not exist.” 730 ILCS 190/20(b).

<sup>64</sup> Armed habitual criminal statute, 720 ILCS 5/24-1.7.

<sup>65</sup> Armed violence statute, 720 ILCS 5/33A-3(a).

<sup>66</sup> *See* note 50, *supra*.

<sup>67</sup> Sara B. Johnson, Robert W. Blum, and Jay N. Giedd, *Adolescent Maturity and the Brain: the Promise and Pitfalls of Neuroscience Research in Adolescent Health Policy*, 45 J. ADOLESCENT HEALTH 216-221 (2009).

<sup>68</sup> “[T]he psychosocial capacities that undergird the ability to resist peer pressure may continue to develop throughout late adolescence and into early adulthood. . . . [T]he presence of peers makes adolescents and youth, but not adults, more likely to take risks and more likely to make risky decisions.” Margo Gardner & Laurence Steinberg, *Peer Influence on Risk Taking, Risk Preference and Risky Decision-Making in Adolescence and Adulthood: An Experimental Study*, 41 DEV. PSYCH. 625, 634 (2005). *See also* Karol Silva, *et al*, *Peers Increase Late Adolescents' Exploratory Behavior and Sensitivity to Positive and Negative Feedback*, J. RESEARCH ON ADOLESCENCE 25.3 (2015).

<sup>69</sup> ILLINOIS JUVENILE JUSTICE COMMISSION, *Raising the Age of Juvenile Court Jurisdiction: The Future of 17-Year-Olds in Illinois' Justice System*, <http://ijjc.illinois.gov/rta> (2013) at 24; Jill M. Ward, *Deterrence's Difficulty Magnified: The Importance of Adolescent Development in Assessing Deterrence Value of Transferring Juveniles to Adult Court*, 7 U.C. DAVIS J. JUV. L. & POL'Y 253, 267 (2003).

<sup>70</sup> Richard Rosenfeld, *et al*, *Special Categories of Serious and Violent Offenders: Drug dealers, gang members, homicide offenders, and sex offenders*, in FROM JUVENILE DELINQUENCY TO ADULT CRIME, Rolf Loeber and David P. Farrington, eds., 118-149 (2012).

<sup>71</sup> Melissa S. Caulum, *Postadolescent Brain Development: A Disconnect Between Neuroscience, Emerging Adults, and the Corrections System*, 2007 Wis. L. Rev. 729 (2007).

<sup>72</sup> Andrew V. Papachristos, Tracy L. Meares, and Jeffrey Fagan, *Why Do Criminals Obey the Law? The Influence of Legitimacy and Social Networks on Active Gun Offenders*, 102 J. CRIM. L. & CRIMINOLOGY 397-440.



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- <sup>73</sup> Matthew Desmond, Andrew V. Papachristos, and David S. Kirk, *Police Violence and Citizen Crime Reporting in the Black Community*, 81 AMERICAN SOCIOLOGICAL REVIEW 857-876 (October 2016).
- <sup>74</sup> Monica Davey and Giovanni Russonello, *In a deeply divided Chicago, Most Agree: City is Off Course*, THE NEW YORK TIMES (May 6, 2016), available at: <http://www.nytimes.com/2016/05/07/us/chicago-racial-divisions-survey.html>.
- <sup>75</sup> Samuel Bieler, *et al*, *Engaging Communities in Reducing Gun Violence: A Road Map for Safer Communities*, URBAN INSTITUTE, [http://www.urban.org/research/publication/engaging-communities-reducing-gun-violence-road-map-safer-communities/view/full\\_report](http://www.urban.org/research/publication/engaging-communities-reducing-gun-violence-road-map-safer-communities/view/full_report) (April 28, 2016).
- <sup>76</sup> Barragan, *et al*, *supra* note 53 at 144-45..
- <sup>77</sup> See ACLU OF ILLINOIS, Case Overview, *CANA v. City of Chicago*, <http://www.aclu-il.org/cana-v-city-of-chicago22/>.
- <sup>78</sup> ACLU OF ILLINOIS, “Chicago police deployment scheme results in inequitable, unfair service for minority neighborhoods, suit says,” <http://www.aclu-il.org/chicago-police-deployment-scheme-results-in-inequitable-unfair-service-for-minority-neighborhoods-suit-says/> (October 27, 2011).
- <sup>79</sup> Craig Wall, *Chicago woman beats alleged rapist with crowbar, knocks him unconscious*, FOX32 CHICAGO, <http://www.fox32chicago.com/news/local/212314670-story> (last updated October 19, 2016).
- <sup>80</sup> Rob Arthur, *Chicago Police Are Shooting Fewer People Since An Officer Killed Laquan McDonald*, FiveThirtyEight <http://fivethirtyeight.com/features/chicago-police-are-shooting-fewer-people-since-an-officer-killed-laquan-mcdonald/> (October 31, 2016).
- <sup>81</sup> POLICE ACCOUNTABILITY TASK FORCE, *Recommendations for Reform: Restoring Trust Between the Chicago Police and the Communities they Serve*, <https://chicagopatf.org/wp-content/uploads/2016/04/PATF-Complete-Recommendations-.pdf> (April 2016).
- <sup>82</sup> Lisa Fielding, *U.S. Attorney: Fed Probe Into Chicago Police Department Is Biggest Ever, Ongoing*, CBS CHICAGO <http://chicago.cbslocal.com/2016/09/26/u-s-attorney-fed-probe-into-chicago-police-department-is-biggest-ever-ongoing/> (September 26, 2016).
- <sup>83</sup> James Cullen, *Ending New York’s Stop-and-Frisk Did Not Increase Crime*, BRENNAN CENTER <https://www.brennancenter.org/blog/ending-new-yorks-stop-and-frisk-did-not-increase-crime> (April 11, 2016).
- <sup>84</sup> Chip Mitchell, *Police Data Cast Doubt on Chicago-Style Stop-and-Frisk*, WBEZ NEWS <https://www.wbez.org/shows/wbez-news/police-data-cast-doubt-on-chicagostyle-stopandfrisk/d79738c6-b5a2-494d-acaf-e659969b3e6b> (May 4, 2016).

<sup>85</sup> Wesley G. Skogan, *Stop-and Frisk and Trust in Police in Chicago*, NORTHWESTERN INSTITUTE FOR POLICY RESEARCH, <http://www.ipr.northwestern.edu/publications/papers/2016/WP-16-08.html> (June 23, 2016).

<sup>86</sup> ACLU OF ILLINOIS, STOP AND FRISK IN CHICAGO, [http://www.aclu-il.org/wp-content/uploads/2015/03/ACLU\\_StopandFrisk\\_6.pdf](http://www.aclu-il.org/wp-content/uploads/2015/03/ACLU_StopandFrisk_6.pdf) (March 2015).

<sup>87</sup> “The substantially larger (and statistically significant) effect sizes from meta-analyses of police strategies indicate that policymakers who want police to have an impact on crime would be better suited investing resources in new evidence-based strategies than funding surges in police hiring.” YongJei Lee, *et al*, *Conclusions from the History of Research into the Effects of Police Force Size on Crime—1968 through 2013: A Historical Systematic Review*, 12 J. EXP. CRIMINOLOGY 431-451 (2016).

<sup>88</sup> Another theory being offered to explain the increase in Chicago gun fatalities is the size of the police force. Chicago has the second largest municipal force in the country. The city has just over 12,000 sworn officers (44 officers per every 10,000 residents), while New York has just under 35,000 sworn officers (41 officers per every 10,000 residents). Los Angeles has just under 10,000 sworn officers (25.9 officers per every 10,000 residents), despite having the second largest population. *Police Employment, Officers Per Capita Rates for U.S. Cities*, GOVERNING <http://www.governing.com/gov-data/safety-justice/police-officers-per-capita-rates-employment-for-city-departments.html>.

<sup>89</sup> Mick Dumke, *Rahm’s Spin vs. City Hall’s Plea for Federal Help*, CHICAGO SUN-TIMES, <http://chicago.suntimes.com/news/the-watchdogs-rahms-spin-vs-city-halls-plea-for-federal-help/> (October 28, 2016).

<sup>90</sup> Tracy Siska, *FOIA Seeking CPD Staffing Analysis*, CHICAGO JUSTICE PROJECT, <http://chicagojustice.org/2016/10/21/foia-seeking-cpd-staffing-analysis/> (October 21, 2016).

<sup>91</sup> Lolly Bowean, *Segregation Declines in Chicago, but City Still Ranks High, Census Data Show*, Chicago Tribune <http://www.chicagotribune.com/news/ct-segregation-declines-neighborhoods-change-met-20160103-story.html> (January 4, 2016).

<sup>92</sup> Drake Baer, *Milwaukee Shows What Segregation Does to American Cities*, NEW YORK MAGAZINE, <http://nymag.com/scienceofus/2016/08/milwaukee-shows-what-segregation-does-to-american-cities.html> (August 17, 2016).

<sup>93</sup> P.A. Jargowsky, *THE ARCHITECTURE OF SEGREGATION: CIVIL UNREST, THE CONCENTRATION OF POVERTY, AND PUBLIC POLICY*, CENTURY FOUNDATION (2015).

<sup>94</sup> See, e.g., details of “stopgap” budget shortfalls, Leslie Helmcamp, *Invest in Youth, Not Prisons*, VOICES FOR ILLINOIS CHILDREN FISCAL POLICY CENTER <http://www.voices4kids.org/investinyouthnotprisons/> (August 2016) at 11.

<sup>95</sup> Elizabeth Kneebone and Richard V. Reeves, *The Intersection of Race, Place, and Multidimensional Poverty*, BROOKINGS INSTITUTION,

<https://www.brookings.edu/research/the-intersection-of-race-place-and-multidimensional-poverty/> (April 21, 2016).

<sup>96</sup> “In Chicago, 96 percent of both black and Latino students attend majority-poverty schools.” Janie Boschma and Ronald Brownstein, *The Concentration of Poverty in American Schools*, THE ATLANTIC <http://www.theatlantic.com/education/archive/2016/02/concentration-poverty-american-schools/471414/> (February 29, 2016).

<sup>97</sup> Stephanie Schmitz Bechteler, *100 Years and Counting: The Enduring Legacy of Racial Residential Segregation in Chicago in the Post-Civil Rights Era (Part one -- Impact on Residence, Housing and Transportation)*, THE CHICAGO URBAN LEAGUE, [http://www.thechicagourbanleague.org/cms/lib07/IL07000264/Centricity/Domain/1/CULTivate%20Part%201\\_Residential%20Segregation%20and%20Housing-Transportation\\_Final%20Draft\\_3-1-16\\_10P.pdf](http://www.thechicagourbanleague.org/cms/lib07/IL07000264/Centricity/Domain/1/CULTivate%20Part%201_Residential%20Segregation%20and%20Housing-Transportation_Final%20Draft_3-1-16_10P.pdf) (March 2016).

<sup>98</sup> Teresa L. Córdova, et al, *Lost: The Crisis Of Jobless and Out Of School Teens and Young Adults In Chicago, Illinois and the U.S.*, GREAT CITIES INSTITUTE, UNIV. OF ILLINOIS AT CHICAGO (January 2016), available at: <https://greatcities.uic.edu/2016/02/01/lost-the-crisis-of-jobless-and-out-of-school-teens-and-young-adults-in-chicago-illinois-and-the-u-s/>.

<sup>99</sup> Tom Houseman, *How Segregation Creates Chronic Unemployment, Poverty Traps, and Crime*, OAK PARK REGIONAL HOUSING CENTER, <http://www.oprhc.org/2016/08/how-segregation-creates-chronic-unemployment-poverty-traps-and-crime/> (August 31, 2016).

<sup>100</sup> Bechteler, *supra* note 97.

<sup>101</sup> COMMUNITY ANTI-VIOLENCE AND RESTORATION EFFORT (CARE FOR CHICAGO) *City-County Action Plan*, <http://www.ccachicago.org/wp-content/uploads/2015/08/CARE4Community-Action-Plan.pdf> (July 2012).

<sup>102</sup> COMMUNITIES UNITED, ET AL, *The \$3.4 Trillion Mistake: The Cost of Mass Incarceration and Criminalization, and How Justice Reinvestment Can Build a Better Future for All*, <http://communitiesunited.org/sites/apncorganizing.org/files/PROOF%20Communities%20United%20JR%20report%20%28for%20print%29%20%281%29.pdf> (October 17, 2016).

<sup>103</sup> *Id.*; Illinois state fact sheet.

<sup>104</sup> THE PEW CHARITABLE TRUSTS, *Collateral Costs: Incarceration’s Effect on Economic Mobility* [http://www.pewtrusts.org/~media/legacy/uploadedfiles/pes\\_assets/2010/collateralcosts1pdf.pdf](http://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2010/collateralcosts1pdf.pdf) (2010).

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

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<sup>107</sup> Community benefits agreements and project labor agreements, especially those that focus on first source referral, local hire, and apprenticeship expansion programs, can provide a meaningful opportunity for a city's poorest residents to participate in economic development initiatives. Employment and opportunity access are important to consider for both construction-phase and permanent jobs related to a development. They are crucial to development projects that are directly or indirectly subsidized by public funds, concentrating development's economic benefits inside the tax base, indirectly benefiting residents citywide, in addition to providing direct benefits to both employers and employees. See Kathleen Mulligan-Hansel, *Making Development Work for Local Residents: Local Hire Programs and Implementation Strategies that Serve Low-Income Communities*, THE PARTNERSHIP FOR WORKING FAMILIES, <http://www.forworkingfamilies.org/sites/pwf/files/publications/0708-MakingDevelopmentWorkForLocalResidents.pdf> (July 2008).

<sup>108</sup> Analysis of COMMUNITIES UNITED, *Illinois Fact Sheet* (October 2016).