



**TASK FORCE CHAIRS:**

NEW YORK CITY COUNCIL MEMBERS

**FERNANDO CABRERA AND JUMAANE D. WILLIAMS**



**A REPORT TO:**

NEW YORK CITY COUNCIL SPEAKER

**CHRISTINE C. QUINN**

**DECEMBER 21, 2012**





## New York City Council Members **Fernando Cabrera • Jumaane D. Williams**

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**December 21, 2012**

**Dear Speaker Quinn,**

Last year you charged us as Chairs of the Task Force to Combat Gun Violence to make recommendations to the City Council on how to decrease shooting incidents in our city, so that one day all New Yorkers live in a city that is healthy and free of gun violence. Attached you will find the Task Force's recommendations.

The work and the recommendations contained in this report could not be more urgent. This year, we have seen the tragic mass shootings in Aurora, Colorado, Oak Creek, Wisconsin, Clackamas, Oregon and Newtown, Connecticut. Right here in our own city, we have experienced at least 1,312 shooting incidents and 228 gun related homicides. Although mass shootings may be different in the magnitude of the tragedy, they have a similar impact upon the families and communities they affect and require the same collective action to stem the violence.

This report calls for a comprehensive community-based response to gun violence, including recommendations for programs that the City can fund in neighborhoods with the most gun violence as well as state and federal legislation that will make New York and all Americans safer. We are pleased that, under your leadership, over \$4 million has already been allocated to begin implementing the Task Force's recommendations.

We want to thank all of the members of the Task Force. We could not have created such thoughtful recommendations without their expertise, dedication, and hard work.

Our work is not done. Now it falls on all of us to take action and implement these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to be "F. Cabrera".

**Fernando Cabrera**  
Council Member  
14<sup>th</sup> District, Bronx

A handwritten signature in black ink, appearing to be "J. Williams".

**Jumaane D. Williams**  
Council Member  
45<sup>th</sup> District, Brooklyn







## MISSION

The Task Force to Combat Gun Violence was created in September 2011 by the New York City Council in response to a series of shootings in the city. Its mission was to deliver recommendations to the City Council that, when implemented, will decrease gun violence in New York City. The ultimate result that the Task Force is seeking is that these and other strategies reduce gun violence in our city to the point where **all New Yorkers live in communities that are healthy, supportive, and free of gun violence.**

While the recommendations contained in this report include suggestions related to law enforcement policies and state and federal legislation, and the Task Force recognizes that law enforcement strategies are obviously a critical piece in reducing gun violence, the Task Force mainly developed recommendations that the City Council could implement directly. Therefore, we focused on the prevention side of the equation, looking at strategies that would help young people in particular avoid carrying and using guns. The Task Force aims to complement current law enforcement strategies, as well as those focused on reducing the availability of guns, with recommendations that can be implemented quickly by the City Council – with the goal of preventing and diverting those individuals most likely to commit shootings from participating in gangs and engaging in violence.

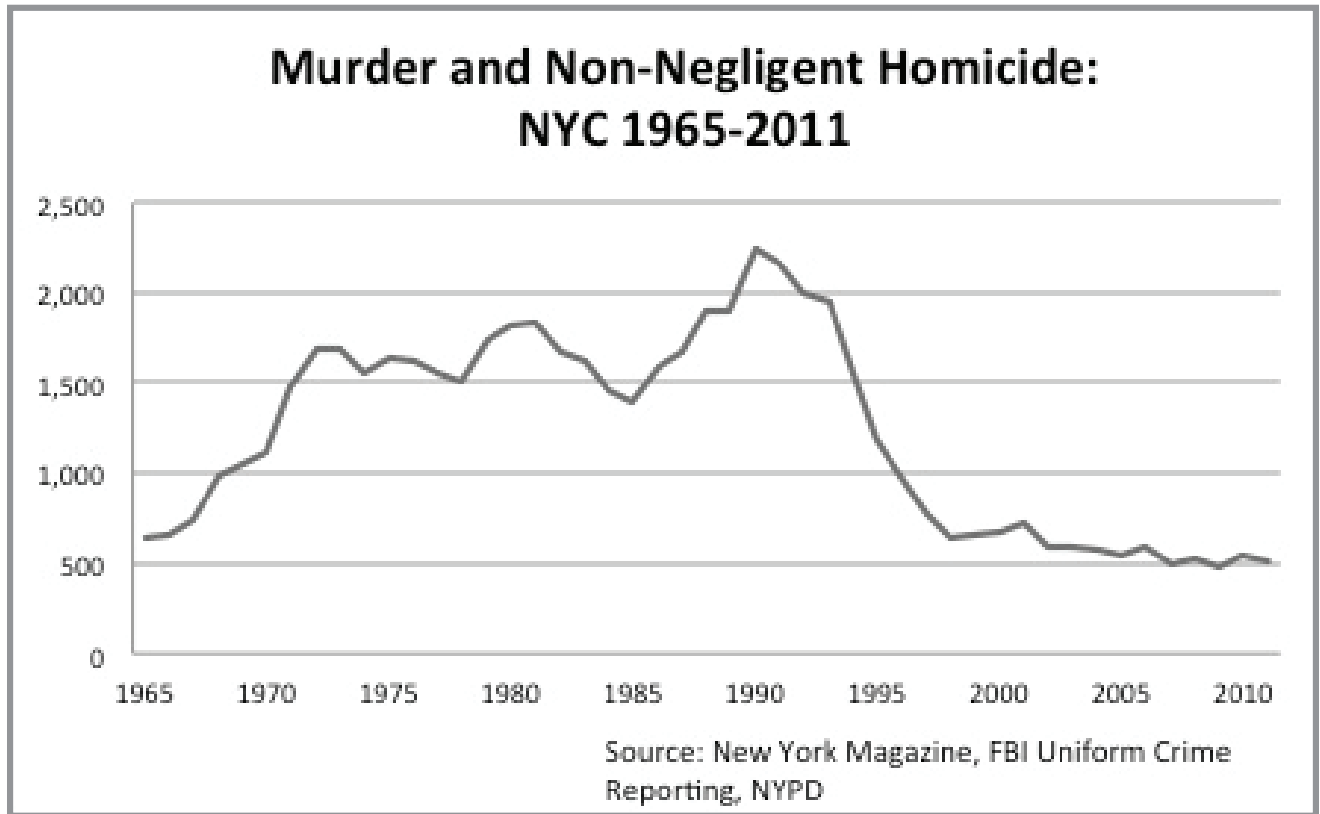
The Task Force reviewed available data to identify the causes of gun violence and to evaluate and select our recommendations. The Task Force started by identifying our overall goal, then used data and local experts to determine the factors that are contributing to the recent trends and to identify recommendations and programs.

The Task Force, which is comprised of many people who are deeply engaged in combatting gun violence in the community, also drew on our own expert knowledge and front-lines experience. Because developing effective strategies to reduce gun violence is still very much an evolving field, the Task Force believes it will be important to measure and track the effectiveness of the programs that result from our recommendations in order to determine best practices going forward.



## BACKGROUND

Gun violence has claimed the lives of over 30,000 people in the United States each year since 2006<sup>1</sup>. New York City has averaged more than 500 homicides<sup>2</sup> – almost 300 of them due to a shooting<sup>3</sup> – each year for the last 10 years. It should be noted that this is down from a high of 2,245 homicides in 1990<sup>4</sup>. Murder rates declined significantly in the 1990s and have continued to decline through the 2000s.



Compared to other cities across the country, New York City continues to be the safest, with one of the lowest murder rates among major U.S. cities. As evident from the graph below, New York City's homicide rate has been under 10 per 100,000 for the past decade and more recently been closer to 5 per 100,000. Boston, Houston, Chicago, Philadelphia and Washington, DC still had homicide levels over 10 or 15 per 100,000 as of 2010.

<sup>1</sup> Center for Disease Control's National Center for Injury Prevention and Control [www.cdc.gov/ncipc/wisqars/](http://www.cdc.gov/ncipc/wisqars/)

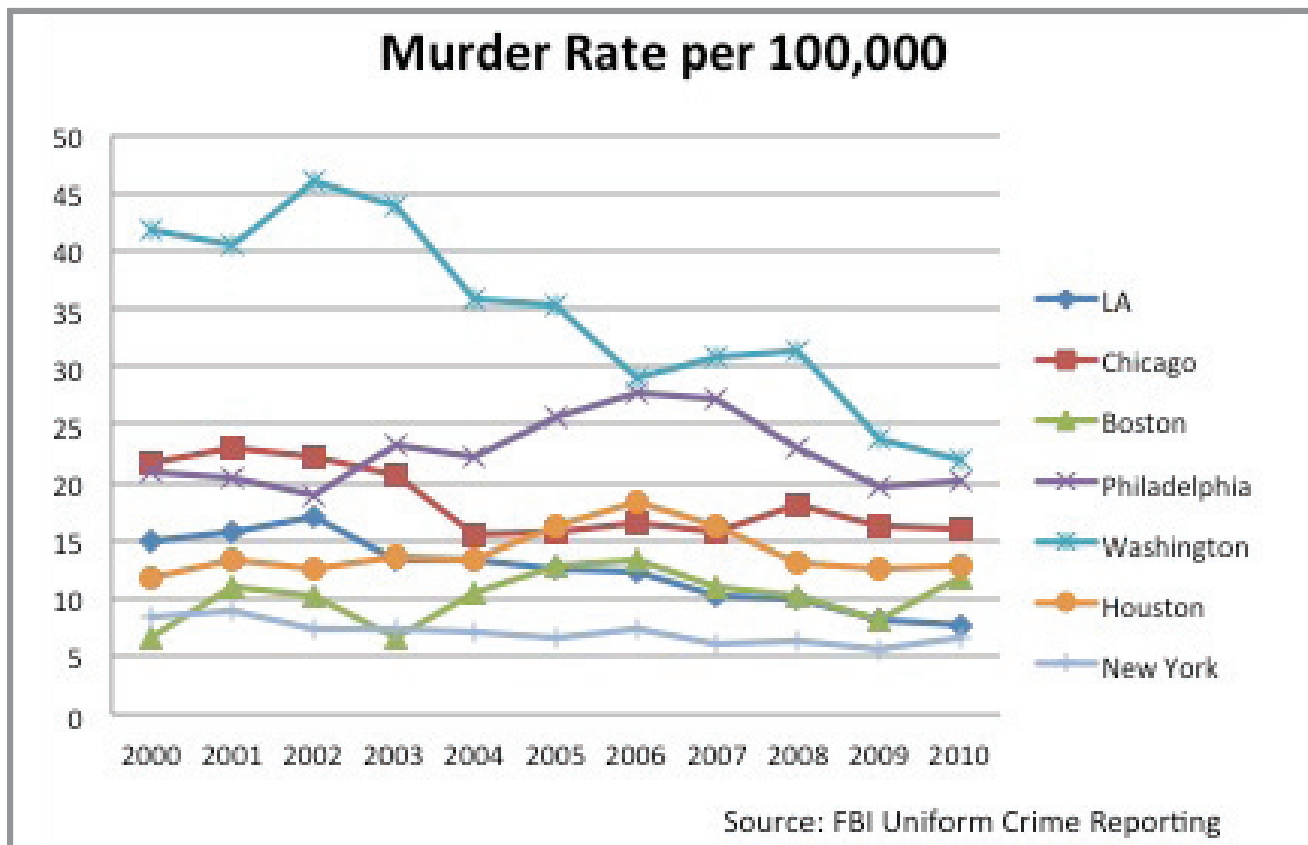
<sup>2</sup> NYPD Citywide Seven Major Felony Offenses 2000-2011

[http://www.nyc.gov/html/nypd/downloads/pdf/analysis\\_and\\_planning/seven\\_major\\_felony\\_offenses\\_2000\\_2011.pdf](http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/seven_major_felony_offenses_2000_2011.pdf)

<sup>3</sup> NYPD, Shooting Incidents 2007-2011

<sup>4</sup> New York Magazine <http://nymag.com/news/features/crime/2008/42603/index5.html> (1965-1984)

FBI Uniform Crime Reporting Statistics (1985-2010), NYPD (2011)



While overall homicides are low compared to other cities and past history, the fact remains that each year there are over 300 children and adults whose lives are ended in this city by a bullet, and over a thousand more New York City residents shot and wounded each year. The State and City of New York have recognized that gun violence continues to be a serious problem and have undertaken many programs and initiatives to combat it. They have enacted numerous stringent gun control statutes and provisions to reduce gun-related crime, accidents, and violence across the City and State, including strict licensing eligibility requirements, the nation's first gun offender registry act, and tight gun sale laws. The New York City Police Department (NYPD) and district attorneys have also worked tirelessly to get guns off the street and to break up violent gangs. The NYPD's anonymous tip line – 1 (866) GUN-STOP – which provides a \$1,000 reward for information leading to the arrest of anyone who possesses an illegal handgun and the recent expansion of their anti-gang unit are examples of these efforts.

Many illegal guns, however, come from locations out of the State. According to the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), more than 85 percent of the guns recovered at crime scenes in New York City were first sold by retailers in other states<sup>5</sup>. To combat this tide of illegal guns and the resulting gun violence, the NYPD has formed a specialized Firearms Suppression Division. Mayor Bloomberg also co-founded a national coalition of more than 700 mayors who fight for common sense laws to keep guns out of the hands of criminals. As a result of these efforts, in 2006, the City investigated and sued 27 out-of-state firearms dealers who were among the top suppliers of guns involved in crimes in New York City. A Johns Hopkins study of several dealers that settled with the City showed that those dealers' supply of crime guns that ended up in New York City dropped by 75 percent<sup>6</sup>.

Aware of this background and the existing programs being implemented in New York City, The Task Force sought to better understand some of the probable causes of gun violence and recent trends by looking even deeper at the current data. The following section discusses the data the Task Force reviewed as well as their findings on the causes and trends.

<sup>5</sup> <http://www.atf.gov/statistics/download/trace-data/2009/2009-trace-data-new-york-nyc.pdf>

<sup>6</sup> <http://www.nyc.gov/html/cjc/html/crime/guns.shtml>



## **DATA, ANALYSIS, AND FINDINGS**

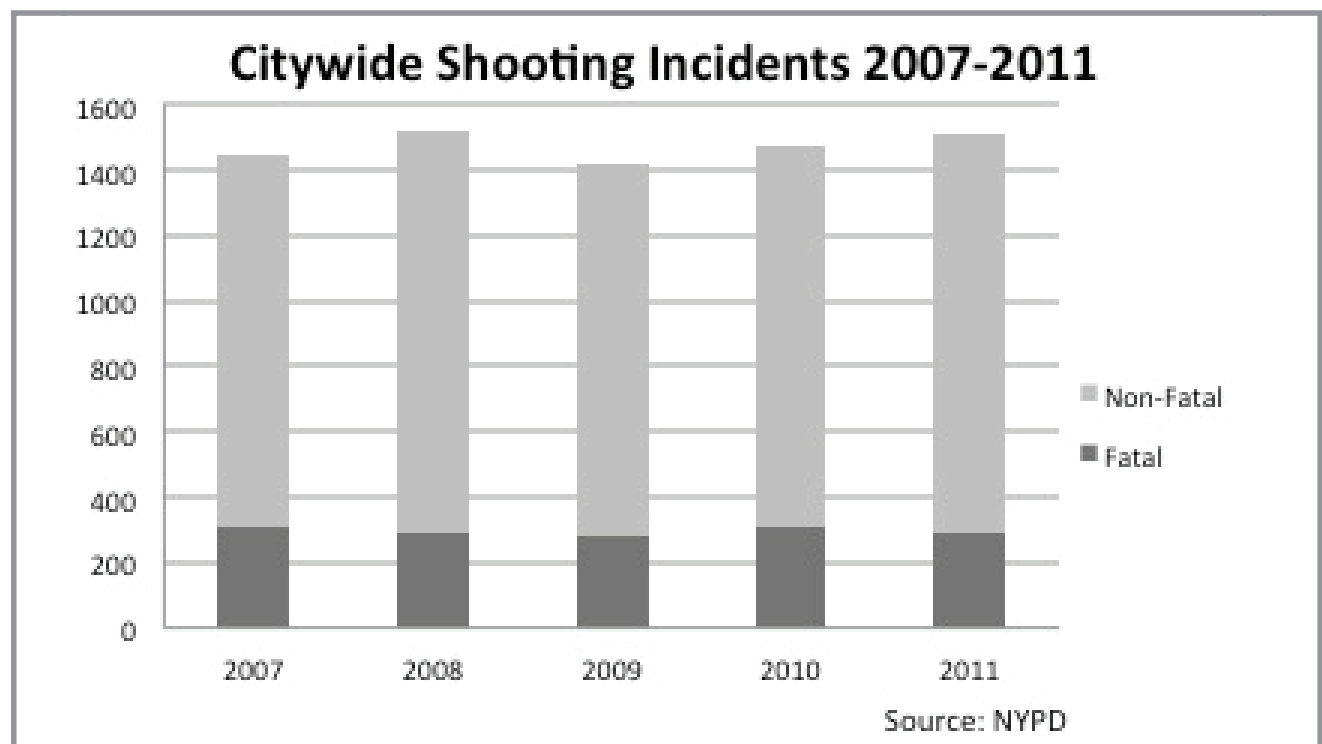
In order to better understand the scope of gun violence in New York City and to determine the best trend line indicators or metrics to measure gun violence going forward, the Task Force began its work by looking at the available data related to gun violence, including homicides, shooting incident data, and gun arrests, at both the precinct and citywide levels.

The Task Force chose to use shooting incidents, defined as police reports of a bullet hitting a person, as the primary data source. This measure does not include all reports of shots fired, based on the NYPD representation that reports of shots fired are not always verified, which makes shooting incidents data more reliable.

Homicide data, while an important indicator on a nationwide level to compare cities, was determined to be only a secondary data source at this time, since it is not currently disaggregated by weapon used at the precinct level. This would make it hard to see trends related to gun violence by neighborhood. Gun arrest data was also reviewed but determined to be a poor candidate as the lead indicator to track success in reducing gun violence because it is unclear which way it is desirable for the trend to go. A decrease in gun arrests might mean that there is less gun violence or less enforcement. An increase might mean the opposite – more violence or much more enforcement.

When the Task Force first started its work, shooting incident data was not reported on the NYPD's website. Given the importance of this data for measuring gun violence going forward, the Task Force appreciates that the Police Department recently added shooting incident data by precinct to their website. The Task Force encourages the NYPD to make this data available by sectors within each precinct as well, and to break out the numbers by fatal and non-fatal incidents.

The Task Force reviewed past shooting incident data to get a bigger picture of the issue, as well as any trendlines. Over the last five years shooting incidents citywide have fluctuated. The chart below shows that incidents increased from 2007 to 2008, then decreased in 2009, only to increase again in 2010 and 2011. For 2012, as of December 9th, the number of shooting incidents is 8 percent lower than the same time last year. While no clear trendline therefore exists, the number of shootings is unacceptably high and the goal of the Task Force is to provide recommendations that will help turn the curve and lead to a clear and constant trend of year-after-year reductions in gun violence.





Another important finding, and one that is consistent with anecdotal evidence, is that shooting incidents are concentrated in a small number of neighborhoods. Of the total shooting incidents, 44 percent occur in only 15 percent of police precincts and 82 percent are in only 40 percent of police precincts. (There are 76 total police precincts)<sup>7</sup>. Homicide and gun arrest data also mirrored this finding, showing significant levels of concentration within certain neighborhoods. The fact that certain neighborhoods within cities disproportionately suffer from gun violence is not unique to New York City but common across the country. While these neighborhoods are still disproportionately affected by gun violence, homicides are down significantly in these neighborhoods compared to prior periods, tracking the citywide trend. In fact, the 40th Precinct, which encompasses the South Bronx, saw a 44 percent decrease in murder and a 23 percent decrease in shooting incidents when comparing 2012 (through November 4, 2012) with the same period in 2011. At the same time, the 75th Precinct, which encompasses the East New York section of Brooklyn, saw a 37.5 percent decrease in murder and a 14 percent decrease in shooting incidents as well.

In addition to data showing that violence is concentrated in certain neighborhoods, Task Force members' experiences and academic reports<sup>8</sup> show that within these neighborhoods, violence is concentrated among a particular segment of the population: predominantly young men between the ages of 14-24. Because violence is usually concentrated in urban, high poverty neighborhoods of color, those at risk of gun violence are also predominantly young men of color.

This high level of concentration suggested that the Task Force should focus on solutions that target the unique needs and characteristics of these specific neighborhoods, rather than pursuing a more generalized citywide approach. It also suggested targeting not just neighborhoods generally, but the youth in those neighborhoods that are most at risk.

The Task Force also spent time discussing the nature of gun violence in our communities and what is known in the academic literature. During this discussion, the Task Force came up with what we felt were the biggest factors contributing to gun violence. We then developed recommendations specifically focused on addressing these issues.

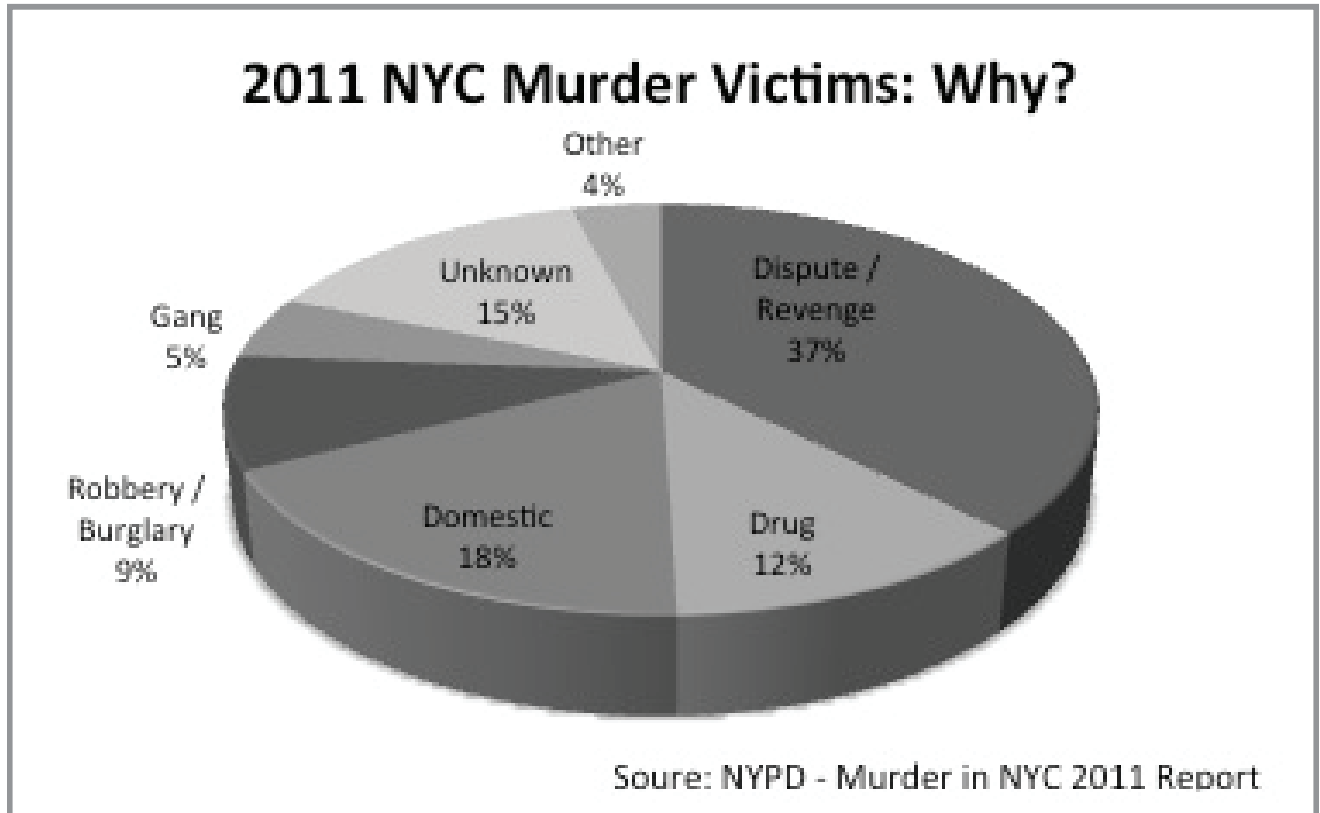
The Task Force members said that many youth in these communities were never taught ways to deal with conflict without violence. The Task Force members felt that this inability to peacefully resolve conflict is a major contributing factor to gun violence. In fact, data on homicides in New York City in 2011 showed that the leading reason for homicides was conflict or revenge. The data shows that 38 percent of homicides were due to conflict or revenge whereas drugs only accounted for 12 percent and gang activity 5 percent<sup>9</sup>.

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<sup>7</sup> Ibid

<sup>8</sup> John M. Klofas, et al, Strategic Approaches to Community Safety Initiative (SACSI) in Rochester, NY (US Department of Justice, National Institute of Justice, 2005)

<sup>9</sup> NYPD Murder in NYC 2011 Report



While some people are carrying guns and using guns with the specific intention of committing a crime, the Task Force also believes that the high prevalence of guns in some communities is causing even more people to carry guns for perceived safety reasons. This, we believe, can lead to additional shootings that evolve from escalating personal conflicts.

The Task Force also believes that the lack of constructive activities like after-school programs in sports, arts, and technology, coupled with an absence of jobs and economic security in these communities, is creating conditions for youth to gravitate towards negative activities like crime, gangs, and violence. The Task Force members felt strongly, based on our experience, that the at-risk youth are seeking positive activities and that the ones that have turned their lives around have done so using positive activities. Furthermore, the Task Force is encouraged by evidence<sup>10</sup> suggesting that this is true, activities for at-risk youth are helpful in reducing violence amongst youth.

Finally, the Task Force felt that a lack of services in the community, including mental health services, was contributing to gun violence. For example, a youth with undiagnosed or untreated mental illness might be more likely to be involved in gun violence than someone who is getting treatment and support.

<sup>10</sup> National Research Council. (2012). Reforming Juvenile Justice: A Developmental Approach. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.



# RECOMMENDATIONS

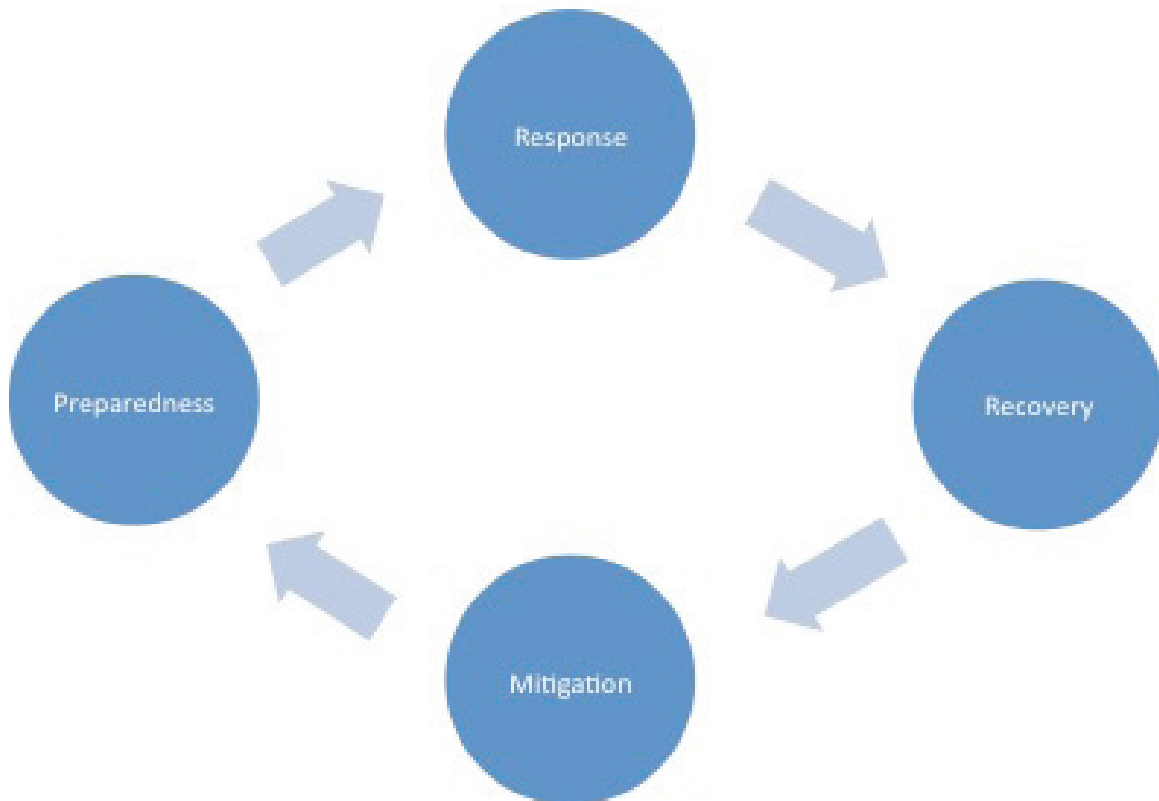
## Shooting Incident Crisis Management System

The factors contributing to gun violence that the Task Force cited are diverse. Because they covered so many different types of services and responses, the Task Force decided that a multiagency and multidisciplinary approach would be optimal. In reviewing existing models, the crisis management system employed by emergency management programs seemed the most promising and relevant for adaptation.

The crisis management system brings together all agencies involved in an emergency and focuses on the four stages of a crisis: Response, Recovery, Mitigation, and Preparedness. The goal is to provide a swift, coordinated response to the immediate crises, while minimizing the impacts of future events through prevention and preparedness. Modeling this approach, the Task Force recommends creating a Shooting Incident Crisis Management System in New York City with programs that target each stage of the cycle.

The Task Force envisions the system applying to gun violence incidents as follows: In the immediate response and recovery to a shooting incident, police, mental health services, and non-profit community outreach workers should all be involved. There should also be coordination among housing and education agencies in case any transfers are necessary. For mitigation and preparedness efforts, there should be conflict mediation services, job programs, public messaging, and information about local services. With increased coordination and action at all stages of a shooting, the City will be better able to deal with each incident and prevent future shootings.

As you will see in the next section, the Task Force recommends that the Crisis Management System be employed in areas with the highest concentrations of gun violence, starting with five pilot neighborhoods.





## **Pilot Neighborhoods**

The Task Force recommends that the Crisis Management System be piloted in one neighborhood in each borough. If this model proves successful, it should be replicated in other high gun violence neighborhoods. The five neighborhoods selected were the locations in each borough most impacted by gun violence:

- ➔ East New York, Brooklyn (75th Police Precinct)
- ➔ South Bronx (40th Police Precinct)
- ➔ South Jamaica, Queens (113th Police Precinct)
- ➔ North Harlem, Manhattan (32nd Police Precinct)
- ➔ North Staten Island (120th Police Precinct)

The Task Force selected the target neighborhoods by looking at each of the data sources mentioned earlier. In three of the boroughs (Brooklyn, Queens, and Staten Island) all data sources (shooting incidents, homicides, gun arrests) showed that one neighborhood had the highest levels of gun violence. In the other two boroughs (Manhattan and the Bronx), the data was not as consistent. Therefore, the Task Force looked across the three indicators and determined the neighborhood that ranked highest based on all indicators.

Based on its findings, the Task Force recommends implementing the following programs and services in each of the target neighborhoods as part of the Crisis Management System.

## **CureViolence Program**

The Task Force recommends that the CureViolence (formerly known as CeaseFire Chicago) program be implemented in each of the five target neighborhoods in New York City. The CureViolence program has been implemented in a number of cities across the country, including a few sites in New York City funded by the Federal Department of Justice, the Governor, NYS Senate, NYC Department of Health, and the Mayor's Young Men's Initiative. The National Conference of Mayors has also affirmed its support for the program<sup>11</sup>. Academic studies evaluating its effectiveness have shown varying results, with successful programs seeing shooting incidents decrease between 16-34% following implementation<sup>12</sup>. Findings indicated that inconsistent funding or unsatisfactory hiring practices created less successful programs.

The CureViolence program uses a public health approach in addressing gun violence. The program is based on the premise that gun violence can be compared to a communicable disease – that if it is not treated, it will spread, and the best way of fighting it is to focus on those most at risk.

The CureViolence program, therefore, attempts to deal with the problem by working to change community norms and the behavior of those most at risk. Public health campaigns on other issues have focused efforts on changing behaviors in order to decrease those public health problems (for example: soda, vaccination campaigns, anti-smoking, safer sex practices).

Based on these principles, the CureViolence program hires staff to work with at-risk youth in neighborhoods with the highest concentrations of gun violence. This staff seeks to establish trust among these youth and help them develop skills to modify their behavior. They work to mediate disputes and prevent new acts of gun violence in response to previous acts of violence, while also seeking to connect youth to services to help them to avoid violence.

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<sup>11</sup> [http://usmayors.org/resolutions/80th\\_Conference/cs08.asp](http://usmayors.org/resolutions/80th_Conference/cs08.asp)

<sup>12</sup> Wesley Skogan, et al, 2009, Evaluation of CeaseFire-Chicago, Washington, DC: US Department of Justice, Office of Justice Programs, National Institute of Justice.





There is another strategy that focuses on the most at-risk youth that is being tried in cities across the country called “focused deterrence.” In this model, the most at-risk youth are called into a meeting with police, prosecutors, and community leaders and told that violence will not be tolerated and, in fact, will be met with severe and specific punishment. If, however, they avoid violence, services are offered to help them change the direction of their lives. This model has also shown success in reducing gun violence in studies that have been conducted<sup>13</sup>.

In the focused deterrence model, the intervention is primarily led by law enforcement with support from community organizations. For example, the youth list is first developed by the city police and prosecutors based on their crime data, whereby in the CureViolence model, the community group uses its knowledge of the neighborhood to develop the list of youth to focus on and how to help them.

The Task Force recommended expanding CureViolence because we supported a community-based approach and had seen initial positive results from the CureViolence programs piloted in New York City under the SNUG program and the Crown Heights SOS program.

Additionally, Governor Cuomo has funded new focused deterrence programming statewide modeled on Yale Professor Tracy Meares’ work in this area, which include three pilot programs in the city. The Manhattan District Attorney’s office is coordinating one in East Harlem, the Bronx District Attorney’s office is coordinating one in the South Bronx, and the Center for Court Innovation and the Brooklyn District Attorney’s office are co-chairing one in Brownsville, Brooklyn. The Task Force is encouraged by this initiative and looks forward to seeing the results. Given that the ultimate goal is to reduce the number of lives cut short by violence, and there is no one clear solution, the Task Force supports a multiplicity of efforts to be tried and evaluated so that we can better know what works in the unique New York City environment.

## Mental Health

The Task Force also recommends that mental health services be made available in the target neighborhoods. These services can provide critical supports for prevention, as well as in the response and recovery from an incident.

Family and friends who have been affected by an incident of violence often need counseling and support. In the Task Force’s proposed model, after a shooting takes place, a local community group will provide counseling and therapeutic services to the victim’s family, friends, and other community members impacted by the crime. In some communities, clergy provide this support; in others there is a network of parents who have previously lost children to gun violence that now support new families facing this tragedy. The Task Force recommends supporting these institutions in the target neighborhoods.

In addition to therapeutic services, the Task Force recommends that professional mental health services be made available directly to youth who have been or may become involved in gun violence. The Task Force identified mental illness as a significant contributing factor to crime, and considered both therapeutic services and professional therapy and care as prevention tools. The lack of community-based services, as well as the stigma associated with mental health care among community members, makes treatment of mental health issues difficult. By making both therapeutic and professional mental health care services more available within the target neighborhoods, and by connecting providers to community programs, the Task Force hopes to provide more at-risk youth with vital health care services.

## Legal Services

The Task Force recommends that legal support be available in each of the target neighborhoods. The legal support will help at-risk youth and their families navigate different issues. In some cases, families might need help getting

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<sup>13</sup> Anthony A. Braga and David L. Weisburd, 2011, *The Effects of Focused Deterrence Strategies on Crime: A Systematic Review and Meta-Analysis of the Empirical Evidence*, *Journal of Research in Crime and Delinquency*.



## **Task Force to Combat Gun Violence**

connected to government services, including health, childcare, and income support. They might also need help with safety transfers in public housing and schools. Families might also have housing and immigration issues that they need assistance with in order to move or otherwise improve their circumstances.

Legal services can help to educate service providers and community members concerning criminal consequences of behaviors and provide advice as to how to effectively negotiate encounters with law enforcement. Finally, legal services could also help with individuals who are involved and aware of circumstances around shooting incidents. Those individuals may not know their rights or might be hesitant to participate in an investigation because of other criminal justice involvement. While those individuals are able to contact the police and prosecutors, some are reluctant to do so. The Task Force believes that some people may be more willing to speak with law enforcement if they have access to legal support.

## **Job Readiness and Training**

The Task Force recommends that job readiness and training programs be made available to at-risk youth. Youth who are at high risk of being engaged in gun violence often have diverse barriers to finding a job. A successful program would be able to not only teach soft skills, like interviewing and work culture, but also provide or link youth to skills training or education and literacy support. The Task Force recommends a comprehensive program that can provide all of these services.

## **School-Based Conflict Mediation**

Many interactions that escalate into gun violence involve youth attending our schools. Unfortunately, many students do not know how to respond to and de-escalate conflicts. Therefore, a program that mediates individual conflicts in school and teaches students strategies to diffuse conflicts will help mitigate and prevent gun violence overall.

School-based conflict mediation centers and conflict mediation and resolution training can help change the culture of conflict and violence. Much like the CureViolence model, they can stop one incident from escalating and provoking another, potentially more violent, incident.

## **Inter-Agency Coordination**

The Task Force recommends that the City play a greater role in mitigation of further violence. There should be monthly meetings hosted by city government and attended by CureViolence program managers, non-profit service providers involved in community building and violence prevention, and city agencies. The meetings will involve ongoing tracking, planning and coordination of services. These meetings should review the latest data and gun incident cases and discuss ways that strategies in the affected communities could be improved. The following city agencies should be involved:

**Department of Education**, with staff from the Office of Safety and Youth Development and representing conflict mediation and Substance Abuse Prevention and Intervention Specialists (SAPIS);

**Department of Youth and Community Development**, with staff from After School Programs and Summer Jobs Programs;

**Department of Probation**, with staff from Diversion Services;

**Administration for Children's Services/Juvenile Justice**;



**New York City Police Department**, with staff from Community Affairs and staff representing school safety officers; and

**Department of Corrections**, with staff from Reentry Programs.

The Task Force also recommends that agencies that help families move out of dangerous situations coordinate with the CureViolence program so that these transfers are prioritized and facilitated. Two such agencies are:

**New York City Housing Authority (NYCHA):** Many incidents of gun violence happen in the city's public housing developments. Families and individuals might need a transfer for safety reasons and to prevent further incidents.

**New York City Department of Education:** Following a shooting incident, there may be young people who need a transfer to another school for safety reasons.

## Peacekeepers

The Task Force recommends that community-based agencies enlist and train volunteers to donate time to be present on the streets to help prevent violence. Adults can volunteer to prevent violence during school opening and dismissal times as well as during situations where large crowds are present.

## Information Distribution

The Task Force believes that there is a general lack of knowledge about the existence and availability of programs and services in many communities. As a result, the Task Force recommends that information packets that list the services that are available in the neighborhood, including the location of those services, should be developed and made widely available. The information packets may also provide information on how residents can contact and interact with government agencies, including the Department of Youth and Community Development, the Department of Education, and the New York City Police Department.

# OTHER RECOMMENDATIONS

## Youth SHIELD (Youth Safe Havens, Improved Environments, Local Development)

The Task Force has observed that in many high-crime neighborhoods, there are places where, due to lack of maintenance and/or deterioration of infrastructure, residents feel unsafe. Residents have expressed that these infrastructure issues – lack of lighting, overgrown trees, vacant lots, etc. – have created spaces that invite crime and put residents at risk.

The Task Force recommends that the City Council work with local residents, community leaders, and relevant city agencies to survey the target neighborhoods and identify locations where extra lighting, landscaping, graffiti removal, playground maintenance, vacant lot cleanup, and other infrastructure improvements can be made to enhance public safety. The Task Force recommends that the community – including local youth – be involved in this infrastructure work.

This recommendation was announced by Speaker Christine Quinn at her 2012 State of the City Address and work is already underway.



## **Audio Shot Tracking Technology**

The Task Force recommends that the City evaluate available technologies that use audio systems to track gun shots. The available systems use multiple audio sensors to identify when and where shots are fired.

While independent data is still being collected, the companies that develop these technologies report significant benefits, such as reducing response time to incidents by quickly alerting the police to shots fired instead of waiting for reports from the community. They are said to increase the frequency with which police respond to shots fired, as many shootings are said to otherwise go unreported. These technologies are also said to more accurately inform police of exactly where shots are fired and how many different weapons are present.

The NYPD has told the Task Force that they are piloting one such technology, and the Task Force looks forward to seeing the data and results from that pilot.

## **Public Education Campaign**

Public health advertising campaigns have proven very effective in combatting what were believed to be deeply entrenched attitudes that contribute to issues like smoking and obesity. The Task Force recommends using a similar model to develop a public education campaign to help change attitudes and ultimately decrease levels of gun violence. We recommend multiple distinct but related campaigns targeted at different segments of the population—youth, families and communities, and all city residents and leaders.

## **Policing Strategies**

Community policing uses a proactive approach in which police officers work with the community to identify problems and treat community members with respect and cultural sensitivity. Furthermore, police must maintain a good relationship with various stakeholders in the community, including non-profits, community leaders, and elected officials.

According to NYPD patrol guides, the NYPD already practices some level of community policing. The NYPD assigns some members to the community policing unit, but according to the patrol guide, all members of the force are expected to carry out the goals of community policing. Among their duties, community policing officers patrol the beat and confer with residents and business persons within the beat area to determine the nature and extent of a crime. The Task Force recommends that community policing be increased and be made more visible in areas of high gun violence in order to overcome the fear and mistrust that prevent individuals from cooperating with authorities and encourage people to take action to make their communities stronger and safer.

The Task Force also supports “focused deterrence strategies” - policing strategies that focus on the individuals most at risk of gun violence. This strategy, which targets limited resources to those individuals most at risk, can be compared to the current strategy of “hot-spot” policing, where a neighborhood is more broadly targeted with additional police officers, which is expected to decrease violence and crime. As discussed earlier, the Task Force supports more targeted interventions and looks forward to the results of the focused deterrence pilots.

## **Youth Programs**

The Executive Budget for Fiscal Year 2013 proposed \$206 million in cuts to critical youth programs across the City. The Task Force found this proposal unacceptable and sent a letter to the Bloomberg Administration in which City Council Members recommended that youth programs be preserved.



Youth programs are important to guide young people away from illegal activity. Such drastic cuts in youth services would have compelled tens of thousands of working parents to consider leaving their children at home, unsupervised. The risk that these unattended youth face of falling into the pervasive culture of juvenile violence is too great for the City to afford.

Fortunately, the City Council acted on the advice of the Task Force and youth advocates and preserved funding for youth programs in the FY 2013 budget. The Task Force urges the Administration and the City Council to make youth programs a priority and to continue or increase funding for these programs in the future.

## Stop, Question, and Frisk

“Stop, Question and Frisk” is the phrase used to describe the right of a police officer, who has a “reasonable” suspicion that criminal behavior is occurring, to briefly stop an individual for questioning, and then possibly pat him or her down (or “frisk”) for weapons. The legal requirement, founded in the rights guaranteed by the Fourth Amendment, is that police officers must have “probable cause” to seize and search a person or his or her effects. However, in the interest of crime prevention and detection, the United States Supreme Court has deemed the limited intrusion of a “Stop, Question, and Frisk” to be a valid exception to this general rule. Conducted properly, therefore – which is to say, based on reasonable suspicion – a Stop, Question, and Frisk does not infringe on an individual’s Fourth Amendment rights. As such, the New York State criminal procedure law codifies the right of police officers to conduct stop, question and frisks, and the NYPD patrol guide provides guidance on the proper procedures to be followed by police officers.

Specifically, the patrol guide contains the instruction that an officer who has a reasonable suspicion that a person has, is, or is about to commit a felony or misdemeanor ought to first stop the individual and request identification and an explanation of the suspicious conduct. Among the factors that may contribute to reasonable suspicion are: the demeanor of the suspect, the gait and manner of the suspect, any information received from third parties, and the person’s proximity to the scene of a crime. According to the patrol guide, after an officer has stopped an individual based on this reasonable suspicion, the officer may frisk the individual if the officer “reasonably suspects” that they or others are possibly in “danger of physical injury.” The patrol guide directs officers to elevate the encounter to a search if the frisk reveals something which may be a weapon, noting that only the areas where an object was felt during a frisk may be subject to a more intensive search.

In 2011, the NYPD conducted 685,724 stops, 87 percent of which were of black or Latino New Yorkers. In light of these facts, members of communities across the City have raised concerns about, among other things, racial profiling and reports of excessive use of force. Three federal class action lawsuits (Floyd v. The City of New York; Davis v. The City of New York; Ligon v. The City of New York) involve questions of whether the manner in which NYPD conducts its Stop Question and Frisk practice in various contexts is constitutional.

Questions also exist about the public safety benefits of Stop, Question and Frisking so many individuals, considering the low hit rates for criminal activity and the small percentage of stops that lead to an arrest or recovery of a weapon. Academic research is inconclusive about neighborhood correlations and any causal link between Stop, Question and Frisk and homicides and shooting incidents.

The Task Force is raising this issue because aggressive use of Stop, Question, and Frisk is said by its supporters to decrease the number of guns on the street and thereby decrease gun violence. The Task Force, however, has a number of concerns about the practice.

The Task Force is concerned that such extreme Stop, Question and Frisk activity can, and does, lead to deep divisions and distrust between police and New Yorkers. The Task Force is also concerned with alleged productivity measures for Stop, Question, and Frisk. If an officer feels pressure to maximize Stop, Question, and Frisk activity, he or she may use it inappropriately. Although the Task Force takes no position on whether such measures exist, the Task Force urges the NYPD to make sure they do not exist.



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The Task Force therefore believes that while the police should stop and question people whom they suspect are committing or about to commit a crime, the recent scale of stop, question, and frisk is unnecessary, and the practice, as it is currently implemented, must end and significant reforms must be carried out to address all concerns.

Speaker Christine Quinn sent a letter to Police Commissioner Kelly on February 7, 2012, seeking reforms to the use of Stop, Question, and Frisk and calling for changes in four key areas: training, supervision, monitoring and transparency, and discipline. The Police Commissioner responded and agreed to some of the changes that the Speaker called for. Recent data released by the NYPD shows a decline in the number of stops conducted. For instance, there was a 34 percent decrease in the overall number of stops conducted in the 2nd Quarter of 2012 when compared to the 1st Quarter of 2012 (133,934 stops between April 2012 and June 2012 compared to 203,500 stops between January 2012 and March 2012) and a 48 percent decrease in the overall number of stops conducted in the 3rd Quarter of 2012, when compared to the 1st Quarter of 2012 (105,988 stops between July 2012 and September 2012 compared to 203,500 stops between January 2012 and March 2012). Although this trend is encouraging, the Task Force would like to see continued efforts to ensure that the use of Stop, Question, and Frisk as a policing strategy is re-structured and administered in a way that reduces unnecessary stops while preserving the ability of the NYPD to maintain public safety.

## LEGISLATIVE RECOMMENDATIONS

The Task Force believes there is legislation at the local, state and federal level to help mitigate the problem of gun violence. Additionally, there are bills that would exacerbate the problem that should be defeated.

### The Task Force Supports the Following New York State Legislation:

*S.675C Peralta / A. 1157B Schimel*

**Microstamping** – This bill requires all semiautomatic handguns manufactured or delivered to any licensed NYS dealer to be able to microstamp ammunition, which is an advancement over existing ballistic identification technology. California passed similar legislation under Governor Schwarzenegger.

*S.676 Peralta / A. 3597 Kavanaugh*

**Gun Dealer Employee Background Checks** – This bill requires all employees of dealers in firearms to submit to state and national criminal background checks. Currently only the dealers themselves need to undergo a background check, creating an environment where people with criminal records could seek to become employees of firearms dealers for easy access to firearms.

*S. 3573 Adams / A.5866 Jeffries*

**Ban on Large Capacity Ammunition Feeding Devices** – It is illegal to sell or possess a large capacity ammunition magazines that hold over 10 bullets. However, current law allows the sale of such large capacity ammunition clips if they were manufactured before 9/13/1994. This law would close that loophole and ban the sale and possession of all high capacity magazines, regardless of when they were manufactured.

*S.86 Squadron / A. 5926 Kavanaugh*

**Ban on Sale, Use or Possession of 50-caliber or Larger Weapons** – These weapons are amongst the most dangerous yet are readily available to civilians in gun stores. This law would ban these highly dangerous weapons and create an incentive for people to turn theirs in.

*S.965 Peralta / A.361 Paulin*

**Improving Gun Dealer Regulations** – This bill creates certain practices and stringent record keeping and reporting to prevent gun sales to criminals; requires dealers to display and store weapons in secure manner; requires dealers to submit inventory to law enforcement; and requires dealers to take certain actions before selling to customers.



*S.725 Peralta / A.380 Paulin*

**Five Year Renewable Permitting** – This bill extends statewide the practice in New York City of requiring renewal of firearm permits every five years. Currently, except in the counties of Suffolk, Nassau, and Westchester, and the City of New York, once you are licensed for a firearm, the license is permanent. Five-year statewide renewal procedures would provide regular confirmation that the licensee is still qualified to have a firearm.

*S.1440 Squadron / A.1479 Rosenthal*

**Strengthening the Assault Weapons Ban** – This bill broadens the definition of “assault weapon” to ban possession and sale of any weapon that has one prohibited characteristic rather than two, as current law requires. In addition, this bill expands the duties of the superintendent of state police with respect to identifying assault weapons. The Task Force urges the State to ensure that such law has no grandfathering provision so that all assault weapons defined in the law make their way off our streets.

*S.7836 Gianaris*

**Universal Background Checks** – This bill requires that all firearm sales be conducted through a licensed firearms dealer, so that all legal requirements are met, including a background check on the prospective purchaser. This bill would close the private sale loophole created by federal law, which accounts for up to 40% of all gun sales nationwide.

*S.7837 Gianaris*

**Regulating Ammunitions Sales** – This bill creates a robust framework of regulations to be imposed on ammunitions dealers, such as requiring these dealers to obtain permits, to retain detailed records, and to conduct inventory checks twice a year to account for any lost or stolen items.

*S.7834 Gianaris*

**One Gun A Month** – This bill prohibits the sale and purchase of more than one firearm arm during any thirty-day period so as to reduce the number of guns entering the illegal market by preventing gun traffickers from buying guns in bulk and reselling them to prohibited purchasers.

**Reform the Juvenile Justice System for 16 and 17 Year Olds that Commit Minor Crimes** – New York State is one of only two states in the nation that treats all 16 and 17 year olds who commit crimes as adults<sup>14</sup>. Every year, about 45,000 to 50,000 youths aged 16 and 17 are arrested in New York, overwhelmingly for minor crimes, and prosecuted as adults in the criminal court system. The Task Force believes that adolescents should be treated as such and that doing otherwise does not improve public safety or the quality of life in communities. In fact, research studies suggest that 16 and 17 year old adolescents who are tried and sentenced as adults have higher recidivism rates, re-offend sooner, and will go on to commit violent crimes at a higher rate. The Task Force urges the State Legislature to pass legislation that would create a juvenile justice system that is focused on rehabilitation, mental health treatment, remedial education, and holistic family intervention for 16 and 17 year olds who commit minor offenses. This would help New York City adolescents change their behavior early on while avoiding the burden of having a criminal record which hinders their future success.

## **The Task Force Supports the Following Federal Legislation:**

*S. 436 Gillibrand/Schumer / H.R. 1781 McCarthy*

**Fix Gun Checks Act of 2011** – This bill would ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system. It also requires a background check for every firearm sale, regardless of whether or not the sale takes place with a federal firearm licensee.

<sup>14</sup> North Carolina is the other state, however, there have been recent talks about the North Carolina legislature taking steps to change their system.



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*S. 1973 Gillibrand*

**Gun Trafficking Prevention Act of 2012** – This bill makes trafficking or assisting in trafficking of firearms a federal crime; calls for stiff penalties to deter gun trafficking, including greater penalties for “kingpins” who organize gun trafficking rings; and makes it unlawful to ship or receive two or more firearms where the individual knows or has reason to believe that the firearms have been unlawfully obtained.

*S. 32 Lautenberg / H.R. 308 McCarthy*

**Large Capacity Ammunition Feeding Device Ban** – This bill prohibits the transfer or possession of large capacity ammunition feeding devices that are capable of holding more than 10 rounds of ammunition and are used to shoot mass numbers of people quickly without reloading. (These are the types of devices used in the mass shootings at Columbine, Fort Hood, Tucson, Virginia Tech, Aurora, and Sandy Hook Elementary School.)

*S.3458 Lautenberg / H.R. 6241 McCarthy*

**Stop Online Ammunition Sales Act of 2012** – This bill amends the federal criminal code to require the licensing of ammunition dealers and thereby prohibiting those without a license to sell, transfer, or manufacture ammunition. Furthermore, this bill requires licensed dealer to only transfer ammunition through face-to-face sales where identification can be verified and to maintain records of all ammunition sales.

*Not Yet Introduced*

**A Renewal of the Federal Assault Weapons Ban** – A bill that would reauthorize and further strengthen the now-expired Public Safety and Recreational Firearms Use Protection Act, which, as part of the Violent Crime Control and Law Enforcement Act of 1994, placed restrictions on the manufacture of certain assault weapons for civilian use. Assault Weapons are intended for military use and they therefore allow civilians to fire multiple rounds of ammunition in short periods of time without the need to manually re-engage the weapon between shots. According to the Justice Department, the Federal Assault Weapons Ban was responsible for a 6.7% decline in murders nationwide.

*Not Yet Introduced*

**One Gun-A-Month Bill** – A law that would limit handgun purchases to 1 per 30-days for an individual. Proponents support such laws in the effort to keep criminals or would-be criminals from amassing large numbers of handguns in a short period of time. Gun traffickers frequently purchase large numbers of cheap handguns from states that lack such laws in order to transport and sell them within states that have such laws. The state of Virginia had a similar law in effect for 19 years until it was recently repealed. The law was initially enacted because Virginia was the number one source for crime guns in New York and elsewhere, and it is for this reason that it is imperative to have a federal law regulating the number of guns purchased within a 30-day timeframe nationwide.

*Not Yet Introduced*

**Federal Microstamping Bill** – This would require that all guns manufactured or delivered for use in the United States be equipped with microstamping technology. Currently California has a microstamping requirement and there is legislation pending in New York State for the same thing. However, this is a requirement that should be nationwide for all guns used/purchased/made in the United States.

## **The Task Force Opposes the Following New York State Legislation:**

*S. 6784 Ball / A.9086 Kolb*

**Non-Resident Carry Bill** – This bill creates a process for the issuance of a temporary permit to carry or possess a firearm for persons who are not residents of New York State and provides an affirmative defense to possession of a loaded firearm by certain people. This bill creates reciprocity for persons licensed in other states.





A.3268 Schimminger

**Make New York a “Shall Carry” State Bill** – This bill changes the licensing standard in New York, which is currently considered a “may carry” standard, meaning that the licensing authority in each county can make the ultimate determination of who gets licensed based on their own standards. This bill would change that law to mean that anyone who passes a background check can carry a concealed weapon regardless of whether or not the licensing authority (in the case of New York City, the NYPD) might disagree.

S. 281 Maziarz

**Stand Your Ground Bill** – This bill repeals New York State’s “duty to retreat” clause and authorizes a person to use physical force, including deadly physical force in defense of a person, premises, dwelling, residence, or vehicle.

## **The Task Force Opposes the Following Federal Legislation:**

H.R. 822 Stearns

**National Right-to-Carry Reciprocity Act of 2011** – This bill overrides the laws of every state by forcing each state to recognize the concealed carry permits from any other state, thus creating a race to the bottom. Currently, New York State does not recognize any out-of-state concealed firearm permits and strictly limits New York residents who are licensed to carry concealed permits. This bill would undercut New York State and New York City’s licensing framework.

H.R. 1093 King, S.

**Bureau of Alcohol Tobacco, Firearms and Explosives “Reform” Bill of 2011** - This bill would undermine federal agents and local police as they continue their fight against illegal guns. For example, this bill would permit ATF to seek only limited penalties for many of the most dangerous public safety violations, it gives extra protections to gun dealers that break gun laws repeatedly, it reduces the DOJ’s authority to inspect gun transaction records, and it removes the requirement that federally licensed dealers report multiple handgun sales to state or local law enforcement.

## **CONCLUSION**

The Task Force to Combat Gun Violence is deeply concerned about the devastating impacts of gun violence on the communities and residents of our city. The Task Force believes that the recommendations contained in this report can help turn the curve and lead to a decrease in gun violence, and to do so continually. By piloting a shooting incident crisis management system in five New York City neighborhoods, the Task Force hopes to develop new solutions and new models to attack this devastating problem citywide. While this combination of programming has not been tried before, the Task Force believes that it offers the best chance of having a positive impact and preventing further gun violence. The Task Force looks forward to the implementation and evaluation of the pilot and to further refining it and expanding it elsewhere based on the findings. By working directly with our young people – the ones who are most at risk of being involved in gun violence – and giving them the support they need, this work can save lives and change futures.