

U.S. COMMISSION ON CIVIL RIGHTS

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BUSINESS MEETING

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FRIDAY, NOVEMBER 17, 2023

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The Commission convened at Commission Headquarters, 1331 Pennsylvania Avenue, Northwest, Suite 1150, Washington, D.C., at 9:00 a.m., Rochelle Garza, Chair, presiding.

PRESENT:

ROCHELLE GARZA, Chair

VICTORIA FRANCES NOURSE, Commissioner

GLENN D. MAGPANTAY, Commissioner

MONDAIRE JONES, Commissioner

STEPHEN GILCHRIST, Commissioner

J. CHRISTIAN ADAMS, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner

MAURO MORALES, Staff Director

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STAFF PRESENT:

David Mussatt - Director, RPCU

TinaLouise Martin - Director OM

David McGuire - Chair of the Connecticut
Advisory Committee

COMMISSIONER ASSISTANTS PRESENT:

John K. Mashburn

Carissa Mulder

Thomas Simuel

Irena Vidulovic

Alexis Fragosa

Nathalie Demirdjian-Rivest

Yvesner Zamar

Stephanie Wong

SIGN INTERPRETERS:

Jeremy Mann

Edward Knight

Morgan Lee

Jamie Sycamore

A-G-E-N-D-A

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P-R-O-C-E-E-D-I-N-G-S

9:07 a.m.

CHAIR GARZA: Good morning. This briefing of the United States Commission on Civil Rights comes to order at 9:08 a.m. on November the 17th of 2023. And it takes place at the Commission Headquarters at 1331 Pennsylvania Avenue, Northwest, Suite 1150, Washington, D.C. 20425.

Good morning, everyone. I am the Chair of the Commission. My name is Rochelle M. Garza. Joining me today in person for this briefing are Vice Chair Nourse, Commissioner Heriot, Commissioner Jones and Commissioner Magpantay. On the phone, if you can confirm you're present after I say your name, I believe we have Commissioner Adams? Commissioner Gilchrist? Commissioner Kirsanow?

COMMISSIONER GILCHRIST: I am present.

CHAIR GARZA: Good morning, Commissioner Gilchrist. Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Here.

CHAIR GARZA: Good morning. Will the court reporter confirm for the record that you're present?

COURT REPORTER: I am present.

CHAIR GARZA: Good. Mr. Staff Director,

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1 will you confirm for the record that you are present?

2 MR. MORALES: I am present.

3 CHAIR GARZA: Great.

4 I. INTRODUCTORY REMARKS

5 CHAIR GARZA: I welcome everyone to our
6 briefing entitled, Racial Disparities in Violent Crime
7 Victimization in the United States. Prior to
8 commencing this hearing, I must address the nationwide
9 rise that we have seen in reports of hate crimes and
10 harassment, especially the alarming spike in
11 disturbing incidents and threats to Jewish, Israel,
12 Muslim, Arab, and Palestinians in the United States.
13 All of these communities have a history of
14 marginalization and scapegoating that we must never
15 forget.

16 The Commission has a long history of
17 denouncing hate crimes that occur in this country.
18 For example, our work on hate crimes, anti-Semitism on
19 campus, Islamophobia after 9/11, and our recent report
20 on anti-Asian hate after the pandemic all denounce
21 bias and hate motivated acts of violence. This
22 Commission stands for equal, fair and safe treatment
23 for all people, regardless of race, color, religion,
24 sex, age, disability or national origin. And today's
25 briefing is absolutely no different.

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1 In today's briefing the Commission seeks
2 to gain an understanding about how the U.S. Department
3 of Justice uses tools such as gathering data on
4 victims of violent crimes to perform their duty
5 enforcing the U.S. Constitution and Federal Civil
6 Rights Law.

7 We will examine the following. What data
8 indicates regarding increases crime affecting minority
9 communities, whether there are gaps in data or other
10 research regarding race and national origin in the
11 jurisdiction of DOJ. And review what responses the
12 federal, state and local agencies have made in recent
13 years aligned, or not aligned, to the research that
14 has been conducted by the DOJ into racial, ethnic and
15 gender disparities between groups of crime victims in
16 the United States.

17 Today we're going to hear testimony from
18 nearly two dozen speakers that encompassed former
19 government officials, law enforcement, community
20 representatives and individuals that have been
21 impacted by violent crimes as we seek to garner an
22 understanding of the current trend in violent crime
23 rates affecting minority communities. Specifically,
24 we're going to hear from Panel 1, which will include
25 current and former government officials. Panel 2 will

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1 include community stakeholders and victim advocates.
2 Panel 3 will include individuals impacted by crimes.
3 Panel 4 will include researchers and policy experts.
4 And the day will conclude with an open public comment
5 session during which the Commission will hear from
6 members of the public who wish to present additional
7 information for our consideration.

8 So I'd like to thank all of the
9 individuals who joined us today to focus on this
10 critical topic. Your testimony will help us fulfill
11 our mission to be the nation's eyes and ears on civil
12 rights.

13 I would like to thank our staff that has
14 diligently worked on preparing this briefing report.
15 I would like to thank Marik Xavier Brier, Bridget
16 Brew, Julie Grieco from our Office of Civil Rights
17 Evaluation.

18 I would also like to thank our staff for
19 the logistical preparation of this briefing. I know
20 how much work goes into setting this up so I
21 appreciate that. Pamela Dunston, Essence Perry,
22 Julian Nelson-Saunders. You all are doing the
23 majority of the work, I appreciate that.

24 I will now turn over the floor to my
25 Republican colleague, Commissioner Heriot, who will

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1 give an opening statement, or remarks, on behalf of
2 Republican Commissioner Adams, who spearheaded this
3 project but unfortunately is not here with us today.
4 Commissioner Heriot.

5 COMMISSIONER HERIOT: Thank you, Chair
6 Garza. The most fundamental duty of any government is
7 to ensure that citizens are able to live peaceably
8 free from violence and coercion. Sure, governments
9 build roads and deliver the mail, too, and that's
10 nice. And in the modern world they even try to tell
11 us what sort of showerheads we should be using. But
12 in the end the most important function is to keep
13 violence and coercion at bay for all Americans, not
14 just for favored groups.

15 In the Jim Crow South, one of the most
16 severe problems faced by African American communities
17 was that many law enforcement officers just didn't
18 give a damn. Especially when it came to Black-on-
19 Black crime it just didn't interest them.

20 Swedish sociologist and Nobel Laureate
21 Gunnar Myrdal exposed their neglect in his influential
22 1944 book about race relations in American entitled,
23 An American Dilemma. But not a lot was done about it
24 in Myrdal's time.

25 As crime rose to unacceptable levels in

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1 the 1970s through early '90s, Congressman Charles
2 Rangel, with the full support of the Black Caucus,
3 which he chaired on in the mid-1970s, pointed out that
4 the Black community was disproportionately victimized
5 by crime. He pushed for stricter controls in drugs
6 and greater police protection in African American
7 neighborhoods. And eventually his view prevailed.
8 Law enforcement agencies began to take crime in
9 minority neighborhoods as seriously as they take crime
10 in White neighborhoods.

11 When law-abiding people don't need to be
12 constantly worrying about crime, they can spend their
13 time achieving their own personal goals. Instead of
14 staying home after they can take a course in a county,
15 at a local community college. Instead of spending
16 money on bars to put on their windows they can spend
17 it on starting a business.

18 Whole neighborhoods can blossom. People
19 feel more comfortable coming out at night. And once
20 they come out their presence reduces crime all the
21 more. Businesses are formed restaurants, stores and
22 hair salons.

23 Alas, in the last several years we have
24 been moving the bit backwards on this issue and as a
25 result violent crime has risen. For example, as of

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1 October 28th in Washington, D.C. there have been 821
2 carjackings in the year 2023. That's more than double
3 the number from last year. Neighborhoods are
4 suffering.

5 And while we cannot bring crime down to
6 zero without creating a police state that I think
7 almost nobody wants, we can do a lot better than we've
8 been doing. I guess every generation needs to learn
9 the lesson anew.

10 Defunding the police was not the solution
11 to our race related problems. And when federal state
12 and local governments pass laws with tough on crime
13 names, but contents that are anything but, we are
14 worse off. More crime means more victims.

15 The Commission had a tough time agreeing
16 to hold this briefing but I'm glad that we are now
17 here and ready to go. I am very much, I very much
18 look forward to hearing from the witnesses today. And
19 so I think I'm, with no further ado, let me turn it
20 back over to the Chair.

21 CHAIR GARZA: Thank you, Commissioner
22 Heriot. I now turn to Vice Chair Nourse to give some
23 remarks.

24 VICE CHAIR NOURSE: Thank you, Chair.
25 Thank you very much, Chair Garza.

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1 Slogans fly while crime is discussed in
2 America. I know this from having worked on the Senate
3 Judiciary Committee in 1990 for then Senator Biden on
4 the 1994 crime bill.

5 Since 1990 crime has dropped precipitously
6 if you look at the FBI's website. That's the good
7 news. But in other terms we are in the same sorry
8 state we were then.

9 In my experience, too many people refuse
10 to listen to things that they don't already believe.
11 Some do not want to hear that we are awash in guns and
12 little children must be drilled on how to resist a
13 mass shooter. Some do not want to hear that police
14 officers are working class people who are trying to do
15 good. Some do not want to hear that the very people
16 who distrust the police the most are the ones who need
17 the most protection.

18 The only way to solve this is to think
19 beyond the slogans and to say all of the above. We
20 need to do all of this. And the victims who will
21 testify today deserve our highest appreciation and
22 deference. In their honor we must move beyond the
23 glib and trite to consider explanations that are not
24 what we assume or might want to hear. Thank you very
25 much.

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1 CHAIR GARZA: Thank you, Vice Chair
2 Nourse. I'm now going to turn us to beginning our
3 briefing with a few housekeeping matters.

4 During the course of the testimony and the
5 question and answer period I caution all speakers,
6 including our Commissions, to refrain from speaking
7 over each other for ease of transcription, and to
8 allow for sign language translation. I'd ask that we
9 allow for individuals who might need to view the sign
10 language translation to sit in the seats with a clear
11 view.

12 We have Patty Pacynski, who is a licensed
13 clinical social worker with the Executive Office for
14 the United States Employee Assistance Program. She is
15 here because of her clinical expertise and extensive
16 experience in the field of trauma. We have asked her
17 to be here with us today to support us through these
18 important but difficult conversations. She will be
19 available if you need assistance. So please let a
20 staff member know that you would like to speak with
21 her, and our staff will direct you to the appropriate
22 place.

23 As I mentioned before, after the four
24 panels and an afternoon break we will reconvene at
25 4:25 p.m. for a public comment period. If you are

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1 interested in participating in the public comment
2 period, during each person will have up to five
3 minutes to speak, we will be honored to hear from you.

4 Spots at the public comment period are
5 allotted on a first come, first serve basis. So if
6 you did not already sign up for a spot online you may
7 sign up at the registration desk now. The spots will
8 be available until filled.

9 If you are one of the individuals who
10 signed up online, please check in at the front desk so
11 we can hold your spot.

12 For any member of the public who would
13 like to submit materials for our review, our public
14 record will remain open until December 15th of this
15 year. Materials can be submitted by mail to the U.S.
16 Commission on Civil Rights Office of Civil Rights
17 Evaluation 1331 Pennsylvania Avenue Northwest, Suite
18 1150, Washington, D.C. 20425 or by email. The email
19 address is victimsofcrimes@usccr.gov. So
20 victimsofcrimes@usccr.gov.

21 During the briefing each panelist will
22 have seven minutes to speak. After each panel
23 presentation Commissioners will have the opportunity
24 to ask questions within the allotted period of time.
25 I will recognize Commissioners who wish to speak.

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1 I will strictly enforce the time
2 allotments given to each panelist to present his or
3 statement. And unless we did not receive your
4 testimony until today, you may assume that we have
5 read your testimony.

6 So if you can summarize it, we will
7 appreciate that so you can make the best use of the
8 seven minutes that you have been allotted. So please
9 focus your remarks on the topic of our briefing.

10 And I ask my fellow Commissioners to be
11 cognizant of the interest of each Commissioner to ask
12 questions. Please be brief in asking your questions
13 so we can move quickly and efficiently through today's
14 schedule. I will step in to move things along if
15 necessary.

16 Panelists, please notice the system of
17 warning lights that we have set up in front of you.
18 When the light turns from green to yellow, that means
19 you have two minutes. Two minutes remaining. When
20 the light turns red panelists should conclude your
21 statements so you do not risk me cutting you off mid-
22 sentence. My fellow Commissioners and I will do our
23 part and keep our questions and comments concise.

24 And now we turn to our first panel,
25 Current and Former Government Officials.

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1 II. PANEL 1: CURRENT & FORMER GOVERNMENT OFFICIALS:

2 CHAIR GARZA: And I'm going to introduce
3 our speakers for the panel in the order in which they
4 will speak.

5 We have with us today Alex R. Piquero.
6 University of Miami, Former BJS Director. Welcome.
7 Good morning.

8 Tom Hogan. Thomas Hogan?

9 MR. HOGAN: Tom.

10 CHAIR GARZA: Tom. Tom Hogan, Former
11 Federal Prosecutor and District Attorney in Chester
12 County, Pennsylvania.

13 Adam Gelb, President and CEO, Council on
14 Criminal Justice.

15 James Mercy, Director, Division of
16 Violence Prevention, CDC.

17 Paul Pazen, Retired Police Chief, Denver.

18 And Steve J. Mulroy, District Attorney for
19 Shelby County Tennessee, Former Federal Prosecutor.

20 I'm now going to ask each of the speakers
21 to raise your right hand to be sworn in. Will you
22 swear and confirm that the information that you are
23 about to provide to us is true and accurate to the
24 best of your knowledge and belief?

25 (Witnesses sworn.)

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1 CHAIR GARZA: Thank you all so much. Dr.
2 Piquero, you can begin.

3 DR. PIQUERO: Good morning, Commissioners.
4 My name is Alex Piquero. I'm a professor of
5 sociology and criminology and distinguished scholar of
6 arts and sciences at the University of Miami in Coral
7 Gables, Florida. I also previously served as the
8 director of the Bureau of Justice Statistics. I'm the
9 first Hispanic to ever do so, whose mission is to
10 collect, analyze, disseminate all data on crime and
11 justice issues.

12 I'll focus my remarks today on data
13 related to racial and ethnic disparities among victims
14 on crime as well as issues surrounding disaggregated
15 data. Let me begin by stating, unequivocally, that
16 the federal government plays a fundamental role in
17 addressing civil rights issues within criminal
18 justice. In order to document and address civil
19 rights issues, there is a need for a complete
20 disaggregated data.

21 At present however, there are significant
22 gaps across local, state and federal data concerning
23 victims and offenders regarding violent crime and
24 their demographics. Specifically at the federal level
25 there are two main data collection systems. The FBI's

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1 Arrest or Incident Based Reporting System, and the
2 Bureau of Justice Statistics National Crime
3 Victimization Survey. They measure the same phenomena
4 but in different ways.

5 The FBI data focuses mainly on
6 characteristics of the offender and the crime
7 incident. All of you are very familiar with the FBI's
8 change from summary reporting system to NIBRS. Those
9 data came out last year.

10 And the NIBRS estimates were estimates
11 because we don't have complete information from all
12 law enforcement agencies in the United States. In
13 fact, it was less than two-thirds, or it was about
14 two-thirds of all law enforcement reported in the
15 first year. This year those reports got better, but
16 we're still lagging in federal data on all 18,000 some
17 odd law enforcement agencies.

18 The Bureau of Justice Statistics, NCVS
19 data, the Crime Victimization Survey, is actually a
20 really nice complement to the FBI's data. The NCVS
21 survey actually collects information on over 200,000
22 individuals from over 100,000 households. It asks
23 about victimization experiences, demographic
24 characteristics of both the victim and the perceived
25 offender, as well as whether or not people reported

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1 their victimization and then sought services for their
2 victimization. We can go into numbers should you want
3 that information as well.

4 One of the nice things about the NCVS is
5 it has information on the race, ethnicity and gender
6 status of the individuals. Something that you don't
7 have at that level of detail in the FBI data
8 collection.

9 Right before I left BJS I issued a report
10 that's online that you can actually look at that looks
11 at race and Hispanic origin differences in
12 victimization since the early 2000s. The first ever
13 report that actually documented this information.

14 I want to highlight three specific
15 findings. First, as the Commissioner noted, we have
16 seen a drop in victimization in the United States
17 since early 1990s. That changes at the local level
18 for certain cities and for certain crime types,
19 especially in the last three years.

20 Second, during the last five year period,
21 what we've seen with respect to the NCVS data on
22 victimization is that when you look at across race you
23 don't find many differences. However, when you unpack
24 race and ethnicity you find significant differences,
25 especially with respect to violent victimization which

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1 is overwhelmingly non-White.

2 Moreover, what you do find is that when
3 Whites are victimized, they're by White offenders,
4 when Blacks are victimized, they're by Black
5 offenders. And when Hispanics are victimized, they're
6 typically by Hispanic offenders, showing that most
7 victimization is intra not interracial. The key point
8 that you can only find through data in the NCVS.

9 As well, throughout the first six months
10 of 2023, as director of BJS I was co-chair of an
11 interagency working group that was called for in
12 President Biden's accountable policing executive
13 order. We were tasked with summarizing the knowledge
14 about federal data with respect to policing. Where
15 are the gaps in that.

16 On May 25, 2023, three years to the date
17 of the killing of George Floyd, we released our report
18 to the President entitled Equity and Law Enforcement
19 cData Collection Use and Transparency.

20 One of our central points centered on the
21 need for disaggregated data of all forms within the
22 criminal justice statistical system to include age,
23 sex, gender orientation, race, ethnicity, immigration
24 status and so on. There remains a significant gap in
25 our understanding of crime and victimization in the

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1 U.S. and the nation cannot move forward toward true
2 equity and equality without such data.

3 Absence significant improvements in data
4 collection, reporting and dissemination, policy
5 makers, researchers, academics, practitioners, and the
6 American public will not have the information they
7 need to make evidence informed decisions.
8 Disaggregated data, transparent data, reporting and
9 dissemination practices are a key part of building
10 trust between the community and criminal justice
11 actors and serve as the foundation to ensure that our
12 justice system respects the dignity and rights of all
13 persons and provides equal treatment to all.

14 Before closing I want to highlight two of
15 my own studies that are relevant to the issues at
16 hand. That highlights the power of disaggregated
17 data.

18 In the first study we look at the
19 imposition of fines on juvenile offenders in Allegheny
20 County, which is Pittsburgh. And we what found was
21 that financial penalties were associated with higher
22 recidivism and that non-Whites were more likely to
23 still owe costs and restitution upon case closing.

24 In a second study we just published in
25 Florida, which is really important because we were to

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1 look at Hispanic offenders as well, we found that
2 Florida courts were more likely to assign fees to
3 Black and Hispanic youth in disadvantage areas. And
4 they levied higher fees when they do, and that youth
5 with court debt were more likely to have future system
6 involvement. In particular, Black youth with
7 restitution had a high recidivism likelihood.

8 In short, monetary sanctions imposed on
9 youth, for example, in the juvenile justice system has
10 a potential deleterious impact on recidivism. And it
11 varies by race and ethnicity.

12 While significant challenges remain, I am
13 confident that there is enough moment and interests
14 within and outside the federal government to improve
15 the collection of data, especially as it pertains to
16 key demographic information regarding offenders and
17 victims. And the locations of those victimizations.

18 Data, especially disaggregated demographic
19 data, is critical to informing policy and practice as
20 we seek to drive down the violence that effects our
21 communities. Including here in the District. The
22 American people deserve nothing less. Thank you very
23 much.

24 CHAIR GARZA: Thank you, Dr. Piquero.
25 We'll now hear from Mr. Hogan. If you would proceed.

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1 MR. HOGAN: May it please the Commission,
2 I have three simple points to make here today. People
3 usually ask me to turn off the microphone not turn it
4 on.

5 (Laughter.)

6 MR. HOGAN: So the three simple points
7 are: there is extreme racial disparity in homicide
8 victimization in the United States, particularly in
9 our cities. Second, it is so extreme that some young
10 men in some of our most dangerous cities would be
11 safer at war, on the front line of combat than they
12 are on their own streets. And the third point is that
13 DOJ has the capacity and capability to start to fix
14 these disparities right now.

15 So my name is Tom Hogan. I am currently a
16 law school professor, South Texas College of Law in
17 Houston. In a prior life I was a local prosecutor. I
18 was a federal prosecutor for the Department of
19 Justice. One day I woke up and I was the elected
20 district attorney in Chester County Pennsylvania.
21 When I wasn't in public service, I was at law firms
22 usually doing criminal defense. So I've looked at
23 this from every side of the aisle.

24 So I look at homicides because it's the
25 one statistic, as Professor Piquero knows, that really

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1 is reliable all across the justice system. Every
2 agency captures it, and we know that it is reliable.
3 And a dead body catches a lot of notoriety. So it is
4 a very reliable statistic. And the public pays
5 attention to it because it's how they judge: are we
6 safe in our cities?

7 So my three main points now. I started
8 with raw statistics. If I can get the first graph up?
9 So I looked at six cities. Chicago, Los Angeles,
10 Philadelphia, Birmingham, St. Louis, and Baltimore.
11 Six cities across the United States. And what I
12 looked at was their base rate of the homicide
13 population of each race, and then the homicide
14 victimization.

15 And if you look at Chicago, this is very
16 typical. Whites, 33.1 percent of the population,
17 eight percent of the homicide victims. Black, 29.2
18 percent of the population, 76 percent of the homicide
19 victims. Hispanic, 28.7 percent of the population,
20 12.4 percent of the homicide victims. Asian, 6.8
21 percent of the population, .4 percent of the homicide
22 victims.

23 This is typical of every city I looked at.
24 In every city, the White, Hispanic, and Asian
25 population, the population was much greater than the

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1 homicide victim population. But for the Black
2 citizens, their homicide victimization rate was much
3 higher than their base rate in the population.

4 The worst city actually was Los Angeles,
5 which actually has less than ten percent of Black
6 residents, but they were at over four times the
7 population rate in the homicide. Over 40 percent of
8 the homicide victims in Los Angeles are Black. Huge
9 disparities.

10 So some very good researchers in medicine
11 and criminology looked at this in a commonsense way,
12 and if you could move to the next slide, and said,
13 let's compare this to the risks of war. And what they
14 found was, in two of those cities I looked at,
15 Philadelphia and Chicago, the young men in the ten
16 most dangerous zip codes in those cities would
17 actually be safer in the front line of combat, in war
18 in Iraq or Afghanistan, than they are in their own
19 home streets.

20 That is an outrage in the United States of
21 America, that if a judge was looking to sentence a
22 young man for a crime, he'd be safer sending him to
23 war than back to his own home streets in Philadelphia
24 or Chicago.

25 So what can we do about this? Now I know

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1 the federal government, the answer a lot of times is,
2 well, it's a local problem, local government will have
3 to take care of it. But you know, I look back at this
4 and I realize that back in the history of DOJ, at one
5 time they played a very significant role in taking on
6 these racial disparities and crime overall.

7 The Department of Justice, in the 1990s
8 and early 2000s, started with something called
9 Operation Ceasefire, and then morphed it into a large
10 scale operation across the nation called Project Safe
11 Neighborhoods. It concentrated on what we call the
12 "power few": the five percent of violent offenders who
13 cause over 50 percent of violent crime in the United
14 States.

15 And it gave them a carrot and stick
16 approach. The carrot was, we'll give you training,
17 we'll educate you, we'll give you vocational
18 opportunities, we'll give you counseling. That's the
19 carrot. The stick is, if you don't decide to go that
20 way, then that 50 percent of violent crime you are
21 causing, you're going to be incapacitated with long
22 federal sentences.

23 And it worked. Violent crime went down in
24 every city where we applied these programs. And it
25 worked best for our minority communities. They were

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1 the ones that saw the biggest drop in violent crime.

2 So I got curious and said, what's DOJ up
3 to now? And if I can see the next slide please. I
4 looked at DOJ's level of prosecutions over the last
5 ten years. What you see actually is a very steady
6 downward trend. That spike in 2018 and '19, that's
7 just immigration. All right. Take those out and you
8 see a steady downward trend.

9 By 2022, last year, DOJ is at its lowest
10 level of prosecutions since 1998. They have abandoned
11 our inner cities. They need to come back into play to
12 protect our most disadvantaged communities. And they
13 already have the blueprint. They have Operation
14 Ceasefire and Project Safe Neighborhoods.

15 And the good news is, since it only
16 focuses on that five percent of violent offenders, it
17 doesn't cause mass incarceration. Instead, what it
18 causes is mass safety across the United States.
19 Justice is what we're looking for here. We need to
20 protect our most disadvantaged citizens.

21 Right now, DOJ, according to this graph,
22 has not only the capability, because they've done it
23 before, but they have the capacity. They could move
24 up their level of prosecutions by just 10,000 cases.
25 Take on the hundred most violent criminals in the

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1 hundred largest cities in the U.S. and everybody, but
2 particularly are most disadvantaged citizens, would be
3 much safer.

4 So the bad news: there are extreme racial
5 disparities in homicide victimization across the
6 United States. The good news: DOJ has the opportunity
7 to fix this. They have the capacity and the
8 capability right now to get to work and get back in
9 the game protecting our most vulnerable citizens.
10 Thank you.

11 CHAIR GARZA: Thank you, Mr. Hogan. We're
12 now going to hear from Mr. Gelb. If you could please
13 proceed?

14 MR. GELB: Yes. Thank you very much.
15 It's great to be here with you this morning. I'm Adam
16 Gelb, President, CEO and founder of the Council on
17 Criminal Justice, which is a nonpartisan think tank
18 and invitational membership organization. If you're
19 familiar with the Council on Foreign Relations you can
20 think of CCJ as sort of the criminal justice analog of
21 CFR, except a good bit younger and way hipper.

22 (Laughter.)

23 MR. GELB: My job this morning is to put
24 some of these crime trends and disparities, with
25 respect to violent victimization, in context with how

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1 that plays out in the criminal justice system.
2 Particularly in imprisonment. And that's been a good
3 bit part of the focus of CCJ. Let me try to unpack
4 this.

5 So I want to just note at the beginning,
6 similar to what Mr. Hogan said here, that is really
7 important to distinguish population-based disparities
8 from behavior-based ones. Almost all public
9 discussion of disparities revolves around the former
10 and discounts the possibility of the latter. However,
11 as you just demonstrated, multiple data sources and
12 homicide trends indicate that Black individuals
13 experience far higher levels of offending and
14 victimization.

15 And it's also important to note that
16 scholars have concluded that this is not due to any
17 type of inherent factor but is largely explained by
18 disproportionate exposure to a nexus of discriminatory
19 historical, structural, and economic factors.

20 So we've been working very intensely with
21 two researchers at the Georgia State University, Bill
22 Sabol and Thaddeus Johnson, and other leading experts
23 to try to understand the extent to which the criminal
24 justice system might be mirroring or magnifying these
25 disparities that occur in society and offending. And

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1 to work to advance understanding of why these
2 disparities in the system have been declining over the
3 past 20 years and to identify which policies and
4 practices might further narrow the disparities
5 imprisonment.

6 So, I'm going to try, quickly here, to
7 walk through three pieces. There is fairly extensive
8 written testimony. I'm not going to try to hit
9 everything in here, but three of the five points of
10 the written testimony about violent crime trends,
11 disparity, and imprisonment. And if I have time a
12 little bit of issues around what we know from data
13 about police-community trust.

14 So first I want to hit crime trends, long-
15 term and short-term. Professor Piquero explained to
16 you the two different sources. If we could hit the
17 next slide please.

18 You see here, the first one that he
19 mentioned, the Uniform Crime Reports here. And you
20 see the huge rise from the '60s to the peak in 1991.
21 And then the slide, in reported crime to police, 50
22 percent lower in '22 than it was in 1991.

23 And then if you move to the victimization
24 slide, the next piece, you can see that reflected in
25 the NCVS as well with that long slide. There's a bit

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1 of an anomaly, we shouldn't talk about it today, but a
2 bit of anomaly here between the NCVS and the UCR for
3 what happened in 2022 with the police reports showing
4 a drop in violent crime and the victimization survey
5 showing an increase. And that's something that a
6 number of people, including people at the department
7 are trying to figure out why there is more of a
8 discrepancy that happened in this past year than there
9 has been before.

10 Now if you switch to the next slide. If
11 you put that, those long-term drops in violence and
12 other types of crime in the context, you see here the
13 work we've been doing at CCJ in the last few years to
14 try to track what's happening in more real time by
15 pulling samples of cities that provide data
16 consistently in real time on their public portals.
17 And the way to read this chart is to see that every
18 one of these bars compares each year to 2019.

19 So if you look at homicide you see the
20 rise in 2022, it went up in the sample of about three
21 dozen cities, 24 percent. And then in 2021 homicide
22 was 40 percent higher than it was in 2019. And then
23 you see for homicide and gun assaults the peaking and
24 returning, hopefully back to pre-pandemic levels.

25 You see some property crimes dropping. To

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1 put it in context, as stores closed and people stayed
2 at home making it harder to burglarize homes. And
3 then this real anomaly here with motor vehicle theft,
4 which is spiking and continues to spike.

5 If you go to the next slide please. How
6 does this play out in imprisonment disparity. We've
7 been tracking over the past 20 years. This is broken
8 out by offense, by note that the overall Black-White
9 imprisonment disparity has dropped from about 8.2:1,
10 Blacks to Whites, to 4.9:1. And that's largely
11 mirrored in that trend line for violence, which has
12 dropped from 8.3 to 6.2.

13 Notice the huge slide in the drug
14 imprisonment disparity. It's about a 75 percent
15 reduction in the Black-White imprisonment disparity.

16 Next slide please, will show that the
17 narrowing of that disparity gap in imprisonment for
18 violent crimes is a function of both a drop in the
19 Black rate and an increase in the White rate. Both
20 things move there.

21 We should hit the next slide please. And
22 why don't you pass that one as well so I can get
23 through this.

24 There are two parts, right, to prison
25 population function of two things. How many people go

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1 in and how long they stay. So we've been unpacking
2 this, and what we're finding is that if you look at
3 the behavior base rate here, in terms of what is
4 coming to the court system, that is, new court
5 commitments to prison per arrest, not a base
6 population rate, you find that in terms of the system
7 playing the hand that it's dealt versus looking at
8 population rates, you see the narrowing almost to one-
9 to-one. And the way to read that chart is, a
10 disparity ratio of one is parity 1:1. And disparity
11 ratio of two is 2:1.

12 And you see some of these lines starting
13 to get pretty close to one, meaning parity for how the
14 courts are processing the cases that are coming in to
15 them.

16 Let's hit the next slide please. And when
17 you look at the NCVS and the offending rates by race,
18 and offender counts of who was the assailant in non-
19 fatal violent cases you actually have a situation that
20 occurred in the last few years where there is actually
21 a reverse disparity occurring, where White people are
22 more likely to be imprisoned for these offenses than
23 would be predicted by their rate of offending in the
24 community.

25 So let me finish up by just concluding

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1 that we're not going to make a huge dent in the
2 disparities in imprisonment until we reduce the rate
3 of violent offending and the disparity in the rate of
4 violent offending between the races, until we reduce
5 the length of stay of prison terms, or until we make
6 changes in the influence of criminal history on
7 sentence length. Thank you very much.

8 CHAIR GARZA: Thank you, Mr. Gelb. We're
9 going to now hear from Dr. Mercy.

10 DR. MERCY: Good morning, members of the
11 Commission. My name is Jim Mercy, I'm Director of the
12 Division of Violence Prevention at the nation's
13 leading public health agency, the Centers for Disease
14 Control and Prevention.

15 I am grateful for the opportunity to speak
16 with you about CDC's efforts to better understand and
17 reduce persistent racial and ethnic disparities in
18 violence. The CDC is committed to preventing violence
19 related injuries, deaths and behaviors associated with
20 all forms of violence. Sadly, while homicide, the
21 most severe form violence has been the third leading
22 cause of death among youth in the United States, it
23 has been the leading cause of death among young Black
24 males, 10 to 34 years of age for decades.

25 My remarks will focus on, first, national

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1 data documenting racial and ethnic disparities in
2 homicide, and non-fatal assault injuries. Second,
3 predominate drivers of these racial and ethnic
4 disparities. And third, evidence-based approaches to
5 reducing racial and ethnic disparities in violence.

6 The CDC monitors patterns and trends in
7 violence related deaths and non-fatal injuries using a
8 range of data systems. These data systems provide a
9 picture of the magnitude of victimization due to
10 violence in the U.S. and its disproportionate impact
11 on racial and ethnic minorities.

12 In 2022 there were almost 25,000 homicides
13 in the U.S. Homicide rates for Black people were ten
14 times higher; for American Indian and Alaskan Native
15 people, five times higher; and for Hispanic people,
16 twice as high as those for non-Hispanic White people.

17 Most homicide victims are male and young.
18 Black, American Indian and Alaskan Native, and
19 Hispanic males ages 10 to 34 are at greatest risk of
20 dying from homicide. And their rates far exceed those
21 for non-Hispanic White males in this age group.

22 In 2022, 79 percent of all homicides were
23 the result of firearm injuries. The firearm homicide
24 rate increased nearly 35 percent between 2019 and
25 2020. And it increased eight percent more in 2021

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1 resulting in the highest rate since 1993.

2 However, the recent increase in firearm
3 homicides was not equally distributed among all
4 populations. Young people, males, Black people, and
5 American Indian, Alaskan Natives experienced the
6 largest increases in 2020. These increases resulted
7 in the widening of long withstanding racial and ethnic
8 disparities in firearm homicide rates.

9 Many people experience nonfatal injuries
10 associated with violence. Approximately 1.5 million
11 people are treated in U.S. emergency departments each
12 year for injuries resulting from violence inflicted by
13 others.

14 Data from the National Hospital Ambulatory
15 Medical Care Survey for 2019 through 2021 indicate
16 that emergency department visit rate for assault
17 injuries was 4.5 times as high for Black, non-Hispanic
18 people compared to White, non-Hispanics. The same
19 rate was 1.5 times as high for Hispanic people
20 compared to White, non-Hispanics.

21 There are three features of these
22 disparities worth noting. First, racial and ethnic
23 disparity for violence are greater for the more
24 serious violent outcomes. That is, disparities are
25 greatest for homicide followed by non-fatal injuries.

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1 Second, racial and ethnic disparities are greatest
2 among male adolescent and young adults. And third,
3 when rates of violence increase, racial and ethnic
4 disparities of violence increase as well.

5 I would like to point to some key factors
6 that drive racial and ethnical disparities in violent
7 victimization. Most central are neighborhood and
8 community conditions such as poverty, access to
9 quality education, employment opportunities and
10 affordable housing. These conditions are
11 disproportionately experienced by racial and ethnical
12 minority communities. And research consistently shows
13 that they drive disparities in the risk for violence.

14 The influence of these social determinants
15 and violence can also be understood in terms of their
16 impact on the likelihood that children and adolescents
17 who experience trauma associated with adverse
18 experiences, such as child maltreatment or living with
19 a parent who has substance abuse or mental health
20 problems, cumulative exposure to childhood adversity
21 affects health and the probability of being a victim
22 or engaging in violence.

23 Over the past 40 years much has been
24 learned about preventing violence. A range of
25 evidence-based policies, programs, and practices for

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1 addressing different types of violence can be found in
2 a series of CDC publications called resources for
3 action.

4 I'd like to share some examples of the
5 evidence for preventing and reducing racial and ethnic
6 disparities in violence from the perspective of,
7 first, what can be done to address individuals at high
8 risk, secondly, the locations where violence is most
9 likely to occur, and thirdly, the social and
10 structural conditions that contribute to violence.

11 First, evidence-based approaches to
12 addressing the needs of people at greatest risk for
13 experiencing violence include, for example, street
14 outreach programs. These programs help to interrupt
15 conflict in communities and connect populations of
16 highest risk of violence with services.

17 Evaluations have shown promising results
18 for multiple outcomes, including firearm violence.
19 Also, when people are injured from violence there can
20 be a window of opportunity to provide help. Hospital-
21 based programs can connect them and their families
22 with services. Hospital-based programs have shown
23 reductions in multiple violence related outcomes.

24 Second, we can improve the physical
25 conditions within the community locations where

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1 violence is mostly likely to occur. For example,
2 multiple cities have had success with revitalizing
3 vacant lots, also referred to as greening programs.
4 This increases opportunities for positive social
5 interactions and reduces the likelihood of violence.
6 And benefits those areas with the highest poverty.

7 We can also make sure students arrive to,
8 get home safely to and from school. Chicago safe
9 passage provides students with safe routes to and from
10 school by placing community members along these roads
11 to monitor and assist with student safe travel.
12 Studies have shown benefits of school attendance, but
13 also reductions in violent crime.

14 Third, the evidence supports addressing
15 the underlying conditions that contribute to the risks
16 of violence. We can help strengthen economic and
17 household stability through approaches like housing
18 assistance, childcare subsidies, tax credits and
19 livable wages. These approaches can lift families out
20 of poverty, reduce stress and contribute to reductions
21 in violence.

22 We need new solutions. We need solutions
23 not just informed by criminal justice but also by
24 public health. Thank you very much.

25 CHAIR GARZA: Thank you, Dr. Mercy. Chief

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1 Pazen, if you could proceed?

2 CHIEF PAZEN: Thank you. My name is Paul
3 Pazen. I have the great pleasure of being the former
4 Police Chief in Denver, Colorado. I served the city
5 that I was born and raised for 28 years.

6 It is an honor to be here to share
7 perspective from on the ground. I've been able to see
8 this firsthand during my entire career.

9 Very proud of the efforts that we have
10 made in Denver. We have led the country, and beyond,
11 with our alternative response. Like the STAR Program,
12 continuum of crisis care, co-responders, outreach case
13 coordinators to address mental health.

14 We've also led the country in some of our
15 approaches regarding nonfatal shootings. We have the
16 highest clearance rate anywhere in the country on a
17 nonfatal shooting, which is just as important as a
18 fatal. The difference between a homicide and a
19 nonfatal shooting is luck. And you can't continue the
20 same old type of investigations on those cases or else
21 you're going to have future homicides.

22 I'm proud of the fact that we have
23 utilized evidence-based approaches from across the
24 country. We had a PhD assigned to my office, and we
25 also hired an academic to consult with us to identify

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1 what approaches work and what approaches don't work.

2 We utilized Ceasefire Project Safe
3 Neighborhoods, PNI. Hotspot policing. Anything and
4 everything that is out there.

5 What I can tell you is crime is on the
6 rise. Despite law enforcement's utilization of these
7 effective approaches our homicide rate, particularly
8 the disparities in our communities of color matches
9 that, as you've heard here. Eighty-four percent of
10 the murder victims in Denver are persons of color.
11 And that does not match with the population of our
12 city.

13 I do want to address, quickly, the '90s
14 crime spike that we had because I've lived through
15 that as a young police officer addressing it. We
16 shouldn't use that benchmark and say that because
17 we're below the '90s that things are fine.

18 As a matter of fact, crime shouldn't be an
19 issue in the United States at all when you start
20 talking about the advances in technology, in science,
21 in DNA, the proliferation of cameras, Ring cameras,
22 the city cameras that the people have, the license
23 plate readers that we have, the crime gun intelligence
24 being able to identify guns that are involved in
25 cases. The lessons learned over the years on how to

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1 appropriately investigate these cases.

2 Crimes should not be a topic of
3 conversation. We should have learned from the years
4 and years of experience, as well as the new technology
5 that has helped us.

6 The criminal justice system is just that,
7 a system. And often times when we're talking about
8 the crime issues we point that finger right at law
9 enforcement and say, why is crime up. Well, I can
10 tell you, as somebody that has held the hand of a 20-
11 year-old who lost his mother to gun violence, as
12 somebody that continues to communicate with a brother
13 who lost his sister to violence, that in too many
14 cases individuals are not being held accountable for
15 violent and repeat offenses.

16 Of the mother, three of the four
17 perpetrators or offenders in this particular case were
18 out on supervision. They had previous cases pending.

19 So, the police had actually done their job, but the
20 other aspects of the criminal justice system are not
21 keeping pace with that.

22 Same with the brother who lost his sister.

23 This individual was out on three violent offenses,
24 all three involving a weapon, and was released on a PR
25 bond only to shoot a 32-year-old mother with a AR,

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1 stolen AR-15.

2 We have to look at what is working and
3 what is not working. And that is all aspects of the
4 criminal justice system. I did a report comparing
5 Denver and Colorado Springs. Both departments have
6 remarkably high clearance rates. Eighty percent and
7 74 percent respectfully for homicides.

8 But what happens at that next level? And
9 in the Fourth Judicial District of Colorado Springs,
10 that DA files cases 94.8 percent of the time and holds
11 people accountable for the cases that are solved. In
12 Denver, it's 35 percent of the time.

13 And you can look similarly, Fresno and
14 Oakland. Kansas City, Kansas, Kansas City, Missouri,
15 that when people are held at the cities that are doing
16 well, there is accountability for violent and repeat
17 offenders.

18 I live in one of the most beautiful states
19 in the entire country, Colorado. Unfortunately,
20 because of many of the policy challenges that we've
21 made over the last 12 years, we're number one in auto
22 theft, and this is per hundred thousand residents,
23 this was crime rate. Number one in auto theft, number
24 two in property crimes, number four in total crimes.
25 We have the fourth worst recidivism rate anywhere in

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1 the country.

2 And the people that are being harmed are
3 the communities of color in our cities and in our
4 state. Why? Why does it matter?

5 We talked a lot about some of the drivers
6 of crime. There is continuing research that points to
7 trauma as being the greatest indicator of future
8 violence when young people are exposed to violence,
9 when they're victims of violence or they see violence
10 take place in their neighborhoods. There is a higher
11 propensity or highly likelihood that future violence
12 will occur.

13 So what is the answer? The answer is
14 enough. We have to have enough police officers, which
15 we don't in Denver, and many places across the country
16 don't have enough. We have to have enough
17 consequences. And you have to have enough support.
18 And right now, unfortunately I do not believe that we
19 have enough of any one of these areas that can help
20 address crime in a fair and just manner. Thank you
21 for your time.

22 CHAIR GARZA: Thank you, Chief Pazen. We
23 will now hear from our last panelist, Mr. Mulroy.

24 MR. MULROY: Good morning. Thank you.
25 It's an honor to be here. I have a diverse

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1 perspective on criminal justice racial disparities.
2 I've been both the DOJ civil rights attorney and a
3 federal prosecutor. I've done prosecution and
4 defense.

5 I have legislated on criminal justice and
6 civil rights issues, which are the two areas that I
7 published on and taught as a law professor. And now
8 I'm the elected DA in Memphis and Shelby County, which
9 unfortunately has an extremely high crime problem.
10 And also a lot of high profile civil rights
11 violations. Including this year, the tragic killing
12 of Tyre Nichols.

13 But sadly, Shelby County's situation is
14 not unique. We are a slightly majority Black county
15 in population, but 90 percent Black in homicide
16 victims. And this echoes the national trend. DOJ
17 data shows that despite the fact that our country is
18 about 13 percent Black in population, almost 50
19 percent of homicide victims are Black.

20 A recent National Academies press study
21 shows that both Black and Native American residents
22 are by far the most likely to be victimized by violent
23 crime of any kind. And while some data suggests that
24 the nonfatal racial disparity, nonfatal violence
25 racial disparity has been narrowing, the murder

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1 disparity remains stubbornly high.

2 Also stubbornly high, of course, are
3 racial disparities in the other end of the criminal
4 justice system. So our slightly Black majority county
5 has 80 percent Black defendants in our system.

6 DOJ a few years back sued our juvenile
7 system for discrimination citing statistics showing
8 that even if you were to control for criminal history
9 and offense level a Black teen was two to three more
10 times likely than a White teen counterpart to be
11 arrested, detained and transferred to adult court.
12 There are of course any number of studies that show
13 that persons of color are more likely to be stopped,
14 searched, arrested and convicted.

15 Persons of color are disproportionately
16 both victims and defendants. So crime is a civil
17 rights issue.

18 It's not paradoxical to conclude that
19 minority neighborhoods are both over-policed and
20 under-policed. Racial profiling occurs for non-
21 public-safety-related minor offenses, but at the same
22 time those neighborhoods don't get the kind of
23 intensive investigations and crime prevention
24 strategies that the higher crime rates clearly would
25 call for.

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1 Just as, and that's of course the subject
2 of a current DOJ pattern and practice investigation in
3 Memphis. Just as it's not paradoxical to say we need
4 to do better for victims but also stop profiling, I
5 don't think there is any inherent conflict between
6 criminal justice reform and public safety, despite the
7 claims of some who try to blame recent rises in crime
8 on reform.

9 In Memphis, our consistent crime solution
10 for more than a decade has been to lock more people up
11 and lock them up longer. It was manifestly a failure.
12 We've had steadily rising violent crime rates
13 throughout that period.

14 In Tennessee as a whole, between 1991 and
15 2018 we doubled our prison population. A 68 percent
16 rise in incarceration rate making us 22 percent higher
17 than the national average with an accompanying
18 significant increase in sentence lengths. And during
19 that time, our crime levels skyrocketed to well above
20 the national average and stayed well above the
21 national average, even during periods when the
22 national crime rate dropped.

23 And America, as a whole, of course mirrors
24 this dynamic. You're familiar with this statistic,
25 we're five percent of the population, 25 percent of

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1 the incarceration population globally. And we have
2 the number one homicide rate among developed
3 countries.

4 Comparing reform and traditional
5 jurisdictions belies any notion that reform breeds
6 crime. Per capita murder rates are 40 percent higher
7 in red states than blue states. I know there are some
8 that say, well, that really doesn't matter, the real
9 problem is blue cities in red states, but that doesn't
10 work either.

11 Just last year there was an article in the
12 Economist, hardly a left leaning publication, which
13 said that the recent crime rates were really the same
14 in reform DA jurisdictions and traditional DA
15 jurisdictions. That Economist article cited a 2021
16 study by the George Mason University Antonin Scalia
17 School of Law. Again, hardly a progressive left
18 leaning biased organization. As well as other studies
19 as well.

20 A study last year by the University of
21 Toronto studied 65 cities, and each individual county
22 in Florida and California, comparing the reform
23 jurisdictions to the non-reform jurisdictions and came
24 to a similar conclusion.

25 One final data point I'll just throw out

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1 is that, in the first dozen years of our century, New
2 York and New Jersey saw crime rates fall faster than
3 the national average. Even as they reduced their
4 prison population by a fourth. During a period of
5 time in which the overall national prison
6 incarceration rate rose by ten percent.

7 Time does not permit me to go through all
8 the different data points that make this same point.
9 And I am not trying to argue that reform jurisdictions
10 are uniformly better performing in crime metrics. But
11 what I am saying is that if you take a look at all of
12 the data, the data does not support the "reform raises
13 crime" narrative.

14 And I believe there's a plausible
15 intuitive explanation for these reams of data. One
16 which might suggest a course of action on the racial
17 disparities in crime victimization problem that we're
18 talking about today.

19 Minority communities, I think at least one
20 of the panelists has already noted, minority
21 communities, or perhaps it was the Commissioner, need
22 the most help from law enforcement, but at the same
23 time are understandably the most skeptical of law
24 enforcement fairness and the fairness of the criminal
25 justice system as a whole. I believe that reforms can

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1 restore public confidence in those minority
2 communities, and in the public generally, in the
3 fairness of our criminal justice system and thus
4 incentivize those communities to cooperate more with
5 law enforcement. Providing tips, reporting crimes,
6 serving as witnesses.

7 In my view this community cooperation is
8 the single most important thing that we can do to bend
9 the curve on crime. The most pressing civil rights
10 issue of our time. Thank you.

11 CHAIR GARZA: Thank you, Mr. Mulroy. At
12 this point we're going to open up for questions. We
13 can start with the folks on the phone, if there are
14 any questions there. Okay, hearing none, are there
15 any questions here? Commissioner Nourse?

16 VICE CHAIR NOURSE: Well first of all, I
17 want to thank all of you, that was incredibly
18 informative. And shows the range of really
19 thoughtful, hard work that you've done because this is
20 a wicked problem. It resists simple solutions.

21 And in my view we have to start embracing
22 what we just heard, which is that there are
23 contradictions here. That going too far in any one
24 direction is going to cause problems. So yes, under-
25 policing and over-policing can exist simultaneously.

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1 So, you know, Chief Pazen, I'm so happy to
2 see you. My daughter went to college in Denver and
3 it's a safe city, but you must be frustrated. And I
4 get that.

5 I just wanted to ask you, you know, I
6 worked on something called an assault weapons ban.
7 And I know people like guns in the west. I have no
8 problem with hunters, but I have never understood the
9 idea that people should have an AR-15. And we are
10 awash in guns.

11 How much of a role do you think that has
12 played in recent crime spikes? If you can just speak
13 to it from your experience.

14 CHIEF PAZEN: Thank you very much, I
15 appreciate it. Denver historically has been
16 remarkably a safe city. It was the seventh safest
17 city in the country. That was in 2016. And we have
18 fallen from that chart significantly unfortunately
19 last year. So 2022 we were the number one city for
20 auto theft per capita again. So relatively safe, but
21 maybe your car is not that safe in Denver.

22 (Laughter.)

23 CHIEF PAZEN: Guns. I think all of us get
24 in trouble when we start talking about guns and the
25 Second Amendment. What I can tell you is that it is a

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1 wicked problem. And it's a, just like we talked about
2 trauma, right? That's a cycle.

3 VICE CHAIR NOURSE: Yes.

4 CHIEF PAZEN: Something that I have never
5 expected. Somebody that I grew up with, high school,
6 just texted me in the last week wanting to purchase a
7 gun and get training on firearms. And a couple weeks
8 before that my neighbor came to me and, well, where
9 can I buy one and where can I get training on a
10 firearm.

11 People feel the need to purchase guns.
12 People that never would have or never owned them in
13 the past because they don't feel safe. And if you
14 don't feel safe, that is a failure of our government.

15 That's civil rights as well. Whether the freedom of
16 individuals to be able to live without fear in their
17 community is an aspect of this. And when you have
18 people that have gone their entire lives opposing any
19 type of firearm in the home now reconsidering or
20 thinking about it, you got a problem.

21 And so when people buy guns, like this,
22 often times they don't properly secure their guns.
23 And these guns are stolen in burglaries, they're
24 stolen in cars. Or when they steal the whole car and
25 the gun is left inside, now that gun ends up on the

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1 street. So it perpetuates this cycle.

2 So really, from my perspective the answer
3 is, addressing crime, reducing that fear of crime and
4 then you don't have these extremely high gun sales
5 that often end up on the streets and in the hands of
6 people that are willing to do it.

7 I'm so sorry to take up more time, but,
8 you know, what Panelist Hogan was talking about, there
9 is a very small number of individuals who are willing
10 to point a gun at somebody and pull the trigger.
11 Fortunately that number is very small. For us to be
12 effective we have to properly identify, investigate,
13 adjudicate, and hold those individuals accountable.
14 And that's how we can reduce the increases, the spikes
15 that we've seen in murders and gun violence.

16 VICE CHAIR NOURSE: Thank you very much.

17 CHAIR GARZA: Commissioner Jones?

18 COMMISSIONER JONES: Thank you, Madam
19 Chair. And thanks to all of you for the important
20 testimony you have provided today. Those of you who
21 have served or continue to serve in law enforcement.
22 Special thanks to you for helping to keep us all safe.

23 I will just note, before asking my
24 question, that Vice Chair Nourse's question was about
25 AR-15s, assault weapons in particular. And, Chief

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1 Pazen, you didn't address that, you talked about
2 handguns.

3 So let me ask, Dr. Mercy. In your
4 submitted testimony you said that in 2022, 79 percent
5 of all homicides were the result of firearm injuries,
6 and the firearm homicide rate increased significantly
7 in recent years resulting in the highest rate since
8 1993. And you know that 1993 is a pretty significant
9 date in modern times, especially because of the
10 assault weapons ban.

11 From 1994 to 2004 we saw the assault
12 weapons ban considerably reduce the number of mass
13 shootings in this country. And so I'm just curious to
14 hear your thoughts on the importance of an assault
15 weapons ban at combating the scourge of this uniquely
16 American epidemic of mass shootings in America from a
17 public health perspective.

18 DR. MERCY: Well, as a government employee
19 I can't speak to the policy. I will say 1993, and
20 that time period was also significant. And that was
21 the middle of the crack epidemic as well. And there
22 is some evidence that the assault ban had some
23 influence. But it's difficult to be certain.

24 One thing about firearms in general we
25 know is that the involvement of a firearm in an act of

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1 violence dramatically increases the likelihood of a
2 severe outcome, of a homicide. So the involvement of
3 firearms really exacerbates the health impact of these
4 events. So the more lethal a weapon that's used in an
5 event, the more likely the outcome is to result in
6 severe injury or death.

7 You know, there is a lot of research that
8 has been done that supports the idea, speaking to the
9 issue of safety, that having a gun in the home
10 actually increases your risk, or household members'
11 risk, of homicide and suicide. And so I think that's
12 another piece of information that people need to
13 understand before they purchase a firearm, that it may
14 not have the effect of protecting them, but may
15 actually increase their risk of very serious outcomes.

16 COMMISSIONER JONES: Mr. Gelb, it seemed
17 like you wanted to say something as well in response
18 to my question?

19 MR. GELB: I probably shouldn't but I
20 will.

21 (Laughter.)

22 MR. GELB: I feel like there are two cross
23 currents, speaking of holding two thoughts in your
24 head at the same time. We have a lot of advocacy in
25 this country right now around getting guns out of

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1 hands of people and trying to make sure that they're
2 not being carried. Especially the assault rifles.

3 And we also have a lot of advocacy around
4 saying people are unsafe in their communities so of
5 course they're carrying guns and we shouldn't actually
6 arrest them for carrying guns because we should
7 actually understand why they're doing that. And it's
8 a government failure that is causing that gun
9 carrying. So we shouldn't fail them and then arrest
10 them for having failed them for carrying guns.

11 I don't know the solution, but I did just
12 want to call attention to the fact that we have some
13 fairly strong advocacy on both sides of this equation
14 right now.

15 CHAIR GARZA: Mr. Mulroy, did you have a
16 comment?

17 MR. MULROY: I was just going to say, to
18 the extent that we're talking about the need for
19 people to carry guns for self-protection in high crime
20 areas, you know, what everyone thinks about that
21 argument, that doesn't preclude the idea that there
22 should be reasonable regulation of guns. And in our
23 Tennessee, in my state a few years ago we passed
24 permitless carries so we don't even have safety
25 regulations or any kind of precautions.

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1 And of course, you don't really need an
2 AR-15 for self-defense in the neighborhood. And the
3 whole Second Amendment premise of Justice Scalia in
4 the Heller case was a right of self-defense, which
5 doesn't necessarily extend to AR-15s. I just thought
6 it would be useful to add that for context.

7 CHAIR GARZA: Well, I'll ask my question
8 after you, Commissioner Heriot, please.

9 COMMISSIONER HERIOT: Okay. I'd like to
10 also thank all the panelists here. This has been very
11 interesting.

12 I think my question is probably for Mr.
13 Hogan because I think he probably came closest to what
14 I was thinking of. One of the things that I have been
15 hearing lately, including hearing from people here at
16 the Commission, is that all of this isn't really a
17 civil rights issue, that we're talking about racial
18 disparities and crime victimization but it's not
19 really, really a civil rights issue. You know, much
20 of it is within race. Which seems odd to me. But do
21 you have any comment on that?

22 Do you have any thoughts about this notion
23 of just this not being a civil rights issue?

24 MR. HOGAN: I'm going to say wow. The
25 idea of it not being a civil rights issue because it

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1 might be a Black man killing another Black man, it
2 sounds like something that Bull Connor might have
3 said. I mean, that's a horrible sentiment.

4 So, I mean, Jesse Jackson actually said
5 back in the '90s, this is the number one civil rights
6 issue in the United States. And it's still true
7 today.

8 So from a personal perspective my response
9 is, every homicide is a tragedy. It doesn't matter
10 what color the victim is, every homicide is a tragedy.
11 That's someone's son, brother, father, uncle. And
12 it's almost always men.

13 From a statistical perspective though, I
14 think it's interesting to look at Jill Leovy's book,
15 Ghettsoside. Very good book. And it talks about, and
16 this will certainly ring true for the other members of
17 the panel who worked in law enforcement, if you don't
18 control every homicide and nonfatal shooting, you are
19 buying more homicides and shootings because you are
20 going to get into retaliatory violence.

21 If you don't solve that first homicide,
22 the street keeps score. And if law enforcement can't
23 take care of that homicide or take that nonfatal
24 shooter off the street, the street will. And then
25 that one homicide turns into two, and that two turns

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1 into five, and that five turns into ten.

2 And we're seeing that right now because
3 we're not taking that five percent of shooters off the
4 street who are really driving violent crime. So that
5 sentiment really bothers me. It really worries me
6 from both a personal and a statistical standpoint.

7 COMMISSIONER HERIOT: You've made me feel
8 a little bit guilty. I've got that book Ghettside on
9 my bedside table and I haven't read it yet. Maybe
10 it's time that I do.

11 CHAIR GARZA: Well, first of all, thank
12 you all so much for your testimony today. I feel like
13 there might be something underlying a lot of the
14 testimony that we heard this morning. And that has to
15 do with some of the social determinants of health that
16 impact crime and poverty. I think the term was child,
17 adverse childhood experience.

18 I would like to hear more about, you know,
19 those issues, right? How do we start looking at this
20 issue from the perspective of protecting victims so
21 that they don't become victims again, or commit crimes
22 themselves?

23 What are the opportunities that we have in
24 order to provide victim services support because I
25 know that that's something that is very lacking for

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1 individuals. So I just wanted to leave that question
2 open to the floor. So whoever would like to begin
3 answering that.

4 DR. MERCY: I can speak a little bit to
5 that, Commissioner Garza. You know, there is a
6 classic story in public health about people by a
7 riverside and they're enjoying themselves and then
8 they see people floating down the river and they go in
9 and they rescue them and take them out, then more
10 people come and they rescue them and take them out.
11 Finally, somebody says, I'm going to run up and see
12 why they're falling in the river, where it's coming
13 from.

14 So these issues that we're talking about,
15 like exposure to adversity among children, adolescents
16 have upstream factors that are influencing them.
17 Poverty, racism. And I think if we don't address
18 those factors and really focus upstream, while we're
19 giving the services needed to treat the trauma that
20 they experience, that ultimately we're not going to
21 reduce the supply of victims and perpetrators of
22 violence. That ultimately that's what we have to
23 focus on.

24 So I'll leave you with that, but I think
25 both are important. Treating, providing those

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1 services that, we have evidence-based services that
2 can help people in trauma, but at the same time moving
3 upstream to address the things that are really driving
4 and causing this.

5 CHAIR GARZA: Yes, Dr. Piquero.

6 DR. PIQUERO: Thank you. Thank you, Jim.

7 I've said in my own work that we can be smart on
8 crime if we're smarter on people and smarter on
9 places.

10 My dad, who was a Cuban political refugee
11 who came to the United States when he was a teenager,
12 used to change oil in this big old '98 that made nine
13 miles a gallon. And he used to do it with Quaker
14 State. And some people remember Quaker State, but
15 they had this great slogan. And the slogan was, you
16 can pay me now or you can pay me later.

17 The absolute best thing we can do is
18 invest in people and in communities when those people
19 are small. When they're born. In the first few years
20 of their life. Because you have a kid who is born
21 today who might pick up a gun in 15 years. You have a
22 kid who is 5 today who might pick up a gun in 10
23 years, and you have a 16 year old kid who might have a
24 gun right now.

25 You have to do all of those things, not

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1 just one of those things. And too many people think
2 there is just one little thing that's going to solve
3 this problem, it's not. It's hard work, it's
4 investment and it takes leadership from the top of
5 local law enforcement, local politicians all the way
6 up to the federal level. There is no easy solution,
7 but there are solutions. And that's what we can't
8 lose sight of.

9 CHAIR GARZA: Thank you. Mr. Mulroy?

10 MR. MULROY: Just very quickly, on that
11 note. One way of sort of operationalizing this, that
12 we're talking about in Shelby County is, you know, in
13 our juvenile court system we have a dependency and
14 neglect docket. Those are the people that are coming
15 from broken homes and the parents are either abusive
16 or neglectful, they have other types of problems.
17 They're not, this is not a criminal docket.

18 But about 70 percent of the kids in that
19 docket end up in the delinquency docket. And then a
20 large percentage of those end up in the serious
21 delinquency docket which means they will be
22 transferred to adult court. So we have a pipeline
23 there.

24 And so, the more that we can focus
25 resources on those kids that are in the dependency and

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1 neglect docket, it's not only a humane thing but it's
2 a cost effective thing because it will mean down the
3 road we'll have less crime.

4 CHAIR GARZA: Mr. Hogan?

5 MR. HOGAN: Commissioner Garza, thank you.

6 First, we have to start early. By the time that,
7 when I was in law enforcement, I got hold of it, it
8 was too late. We are not social workers when we are
9 police officers, when we are prosecutors. That
10 problem needs to be taken care of much earlier, when
11 those folks are young, and that's when we need to
12 focus on them.

13 Dr. Piquero is exactly right, we've got to
14 get in earlier and start addressing that issue. But I
15 will give you this note of optimism. I believe in
16 human agency. And out of these, all these people who
17 have enormous trauma and enormous disadvantages that
18 they grew up with, 99.5 percent of them grow up to be
19 great people. Wonderful working people with great
20 lives. So I believe that they can make those choices
21 and succeed even past the problems that they have.

22 And then we need to identify the folks
23 that need our extra help early on as much as we can
24 because then, the Chief will agree with me here, if we
25 can get rid of crime entirely in the United States

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1 that would be what we're all shooting for. But it's
2 going to take work across everybody in this panel and
3 all the Commissioners, combining all of our skills at
4 every level to do that.

5 CHAIR GARZA: Well thank you all so much,
6 I appreciate your comments. I have done a bit of a
7 criminal defense work, and I have worked with children
8 in the past and it's something that is very important
9 to me, so.

10 I know that we have a question on the
11 phone. Commissioner Gilchrist. Your question is
12 going to be the last question.

13 COMMISSIONER GILCHRIST: Madam Chair,
14 thank you so much. I think the last panelist actually
15 alluded to my question.

16 What I wanted to dive into, just a little
17 bit, was the relationship between both prosecution and
18 law enforcement. And specifically, since these folks
19 are current government officials, or former government
20 officials, I was curious to know and get their
21 perspective on the checks and balances in that process
22 of seeking justice. So if somebody wants to comment
23 on that, that's perfectly fine.

24 But I really thank them very much for this
25 testimony today. Very enlightening and I certainly

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1 appreciate your willingness to testify.

2 CHAIR GARZA: Chief Pazen?

3 CHIEF PAZEN: I'll jump in just real
4 quickly on this. I think the last Commissioner's
5 point is something that we need to take action on
6 moving forward. Right now, you could go to
7 denvergov.org/police and you can see everything that
8 the police department is doing. You can look at the
9 individual record of a police officer, previous use of
10 force. Anything that you want. It gets more opaque,
11 it gets more murky the further up the criminal justice
12 system that you go.

13 In fact, our courts, if you try to
14 evaluate how a particular courtroom is doing, the
15 survey questions don't even indicate whether or not
16 they are effective in their duties, it is how polite
17 they were to folks coming in. Do they treat their
18 staff with respect, things of that nature.

19 And it's like, if we want to find out what
20 is working and what is not working, we need a holistic
21 view of the entire criminal justice system, the
22 police. We need fair and just police doing
23 constitutional policing making sure that the people's
24 rights aren't violated. You need prosecutors that are
25 effective, courts, and corrections.

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1 So we are starting to see some of that
2 now. The less you see consistent work by police,
3 prosecutors and judges, you are going to get racial
4 disparities. And they are increasing once the federal
5 sentencing guidelines stopped being mandatory. So
6 that is something that we need to think about, and
7 something for the federal government to think about.

8 CHAIR GARZA: Okay. Well thank you all so
9 much. I want to say thank you to all of our panelists
10 for your time, your testimony. It's very much
11 appreciated. And we're going to be taking all of that
12 under advisement.

13 III. BREAK

14 CHAIR GARZA: So we're going to take a
15 brief break. We're going to break until 10:35, at
16 which time we'll commence with the second panel. So
17 thank you all so much.

18 (Whereupon, the above-entitled matter went
19 off the record at 10:26 a.m. and resumed at 10:41
20 a.m.)

21 CHAIR GARZA: Okay, we will now come back
22 to order. It is 10:41. And we're going to go ahead
23 and proceed with our second panel, Community
24 Stakeholders & Victim Advocates.

25 IV. PANEL 2: COMMUNITY STAKEHOLDERS & ADVOCATES

1 CHAIR GARZA: Thank you all for being here
2 this morning. During the briefing each panelist will
3 have seven minutes to speak. After each panel
4 presentation Commissioners will have an opportunity to
5 ask questions within the allotted time period. And as
6 before, I'll recognize each Commissioner who wishes to
7 speak.

8 Of course I am going to strictly enforce
9 the time allotments given to each panelist to present
10 his or her statement. And unless we did not receive
11 your testimony until today, you may assume that we
12 have read it. So you can summarize it, and will
13 appreciate that so you can make the best use of the
14 seven minutes allotted. So please focus your remarks
15 on the topic of our briefing.

16 Panelists, please note the system of
17 warning lights that we have set up in front of you.
18 When the light turns from green to yellow, that means
19 two minutes remain. When the light turns red
20 panelists should conclude your statements so that you
21 do not risk me cutting you off mid-sentence. I will
22 not do that, I will allow you to finish your thoughts.

23 My fellow Commissioners and I will do our
24 part and keep our questions and comments concise. So
25 in the order in which they will speak, our panelists

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1 this morning are Ruth Abaya, Senior Director, Health
2 Alliance for Violence Intervention.

3 Donald Northcross, Founder and CEO,
4 National OK Program.

5 Nel-Sylvia Guzman, Deputy Director, Safe
6 Sisters Circle.

7 Angela Ferrell-Zabala, Executive Director
8 of Moms Demand Action.

9 Alice Hamblett, Senior Policy Manager,
10 Common Justice.

11 Heather Warnken, Executive Director,
12 Center for Criminal Justice Reform, University of
13 Baltimore School of Law.

14 So I'm going to ask each of you all to
15 raise your hand. Your right hand to be sworn in.
16 Will you swear and confirm that the information that
17 you are about to provide us is true and accurate to
18 the best of your knowledge and belief?

19 (Witnesses sworn.)

20 CHAIR GARZA: Thank you so much. Dr.
21 Abaya, you can begin.

22 DR. ABAYA: There we go. Thank you. Good
23 morning. It's a privilege to have the opportunity to
24 testify about this important issue. And I'm grateful
25 to the Commission on Civil Rights for choosing to

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1 bring attention to the civil rights implications of
2 how we understand and respond to violent crime and
3 community violence.

4 So my name is Ruth Abaya. I'm a Pediatric
5 Emergency Medicine Physician in the City of
6 Philadelphia. I'm also the senior director for health
7 systems in CVI integration at HAVI, the Health
8 Alliance for Violence Intervention, which advances
9 hospital-based violence intervention programs, or
10 HVIPs, a leading public health approach to community
11 violence intervention.

12 In my time as a physician, I have cared
13 for and borne witness to far too many people whose
14 lives have been deeply impacted, or ended, prematurely
15 due to violence. In my time working with my local
16 health department, the city saw some of the highest
17 rates of gun violence ever recorded. And it became
18 clear how the same communities that experienced high
19 levels of violence also experienced lower access to
20 social determinants of health.

21 Several core rights that were foundational
22 to the origins of this nation were, for these
23 patients, deeply impeded by the near constant threat
24 of violence in their predominately Black and Brown
25 communities. In 2022, 87 percent of firearm injury

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1 victims in the City of Philadelphia were non-Hispanic
2 Black individuals. Concurrently, there were notable
3 disparities in access to important resources such as
4 life-sustaining employment, specifically for Black men
5 and boys.

6 These all represent layers of disadvantage
7 one upon the other that created an ideal environment
8 for violence to thrive. And these trends are not
9 unique to Philadelphia. Homicide is the leading cause
10 of death, as we've heard already this morning, for
11 Black Americans with non-Hispanic Black individuals
12 ten times more likely to die by homicide than their
13 White counterparts.

14 In many places throughout the country,
15 community violence is concentrated, it's cyclical, and
16 it's networked, creating cycles of harm and trauma
17 that often impact multiple generations. Firearm
18 injury is now the leading cause of death for children
19 and youth. These cycles have to be disrupted.
20 Community violence intervention that focuses on the
21 tools of public health have the potential to create
22 meaningful change.

23 A disregard for the rights of communities
24 of color is at the heart of community violence we bear
25 witness to today. Historic disinvestment in

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1 communities of color, such as the discriminatory
2 practice of redlining in the early 20th Century, has
3 been shown to be directly related to current high
4 rates of shooting incidents. And that relationship is
5 mediated by factors such as poverty and educational
6 obtainment.

7 While we want to believe that these
8 discriminatory practices are a thing of the past, the
9 truth is, modern events demonstrate ongoing
10 discriminatory practices by which minority families
11 are excluded from the opportunities available to
12 others.

13 As the primary entity tasked with
14 upholding the civil rights of all people within the
15 United States, the federal government can contribute a
16 great deal to addressing civil rights issues as they
17 occur within criminal justice. I'll give one example,
18 which is the laws that govern law enforcement conduct.

19 As the relationship between communities
20 and public safety officials, or law enforcement, has
21 profound implications for how public safety is
22 achieved as a partnership. And the leadership of the
23 federal government sets the tone for local action. In
24 trauma bays, in resuscitation rooms throughout the
25 country, the rights of patients are challenged when

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1 the line between law enforcement and medical care is
2 crossed, and patients are left unsure of who they can
3 trust.

4 These encounters erode the trust that
5 enables effective violence intervention. To create
6 true safety, it's crucial to invest in trauma informed
7 and equity-focused interventions that seek to
8 transform, rather than criminalize, to lift up rather
9 than push to the side communities of color. Ensuring
10 that their rights are protected in every setting.

11 Investing in programs that specifically
12 address violence that disproportionately impacts
13 minority communities is an important way to make a
14 difference in these inequities. Models such as
15 hospital-based violence intervention programs, that
16 you heard referenced earlier today, rely on credible
17 messengers, or people with known lived experience from
18 communities affected, who have been violently injured
19 themselves in many instances to support patients who
20 have been violently injured from the hospital or
21 trauma center all the way to the community where
22 trauma informed comprehensive care helps these
23 individuals find healing.

24 HVIPs are a powerful member of the
25 community violence intervention ecosystem, which is a

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1 term that references a city's violence prevention and
2 intervention infrastructure that connects multiple
3 entities and departments to implement a comprehensive
4 sleet of strategies to address the dynamics of
5 violence. In a well-functioning local CVI ecosystem,
6 there is a shared vision of public safety and the work
7 of securing adequate funding, coordinating efforts and
8 identifying and responding to those at highest risks
9 is shared and efforts to reduce violence become
10 sustainable.

11 Another key feature of community violence
12 is that its nature can change over time. A critical
13 example of this is the emergence of social media and
14 the recognition that the contagion of violence, once
15 spread through face-to-face interactions, now also
16 occurs in the digital space.

17 Often violence intervention experts are
18 seeing data that does not reflect current trends on
19 the ground because so much of the available data about
20 violence related trends is not in real time.
21 Effective community violence intervention relies on a
22 variety of factors, one of which is timely
23 comprehensive data on where violence is occurring, the
24 nature of that violence, who is affected and what
25 responses are being implemented.

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1 This requires data from multiple sectors
2 including hospital systems, health departments,
3 criminal justice, social media, and community members.

4 National numbers on nonfatal shooting incidents and
5 those impacted remain elusive, though initiatives have
6 been launched to advocate for improving the data
7 infrastructure specifically around firearms.

8 Responding urgently to emerging trends in
9 violence requires timely data that would demonstrate
10 drivers and bring to light inequities. This data then
11 has the potential to actually inform intentional
12 action. The field of community violence intervention
13 needs this type of data integration to be data
14 informed, which is a core tenant of the public health
15 approach.

16 Health systems that provide care to those
17 who are injured and see the long-term health effects
18 of violence and departments of public health that are
19 tasked with promoting community health also have
20 critical contributions to make to the work of defining
21 the scope of violence and responding to it. These are
22 key members of the community violence ecosystem and
23 they can contribute relevant data, convening power,
24 programmatic support and foster a robust violence
25 intervention infrastructure. This work has incredible

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1 potential to effect change if it's done with a focus
2 on equity and justice.

3 Other systems that aim to support
4 survivors of violent injury must also consider how
5 equitably resources are allocated. Those who have
6 experienced violent crime have access to victims of
7 crime assistance programs.

8 However, it's known that survivors of
9 violence who are young male, Black and Brown, are
10 disproportionately underrepresented under victim
11 compensation applicants relative to the proportion of
12 crimes committed against them. This is another source
13 of disparities driven by a range of factors including
14 a lack of knowledge about these benefits, barriers to
15 completions of the application process and hesitations
16 about engaging with law enforcement officials.

17 At times these forms of compensation are
18 contingent upon a subjective assessment of
19 cooperation. Making this process clear and equitable
20 can improve access for all victims and address these
21 disparities.

22 A recognition of the history of community
23 violence and how that impacts current trends, a focus
24 on highly quality timely data to inform violence
25 intervention, strong collaboration and sustained

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1 investments in community violence intervention are
2 essential to a public health approach to violence
3 reduction. Thank you so much.

4 CHAIR GARZA: Thank you, Dr. Abaya. We're
5 going to turn to Mr. Northcross. You can begin.

6 MR. NORTHCROSS: Thank you so much. I
7 want to thank the U.S. Commission on Civil Rights for
8 inviting me here today to participate in this
9 important briefing and to give me the opportunity to
10 share with you how we are addressing this problem with
11 working with the community, police, and other
12 components to address the high incarceration rate, the
13 homicide rate, the violent crime rate, of Black men
14 and boys.

15 We've heard -- I had the opportunity to
16 sit in the first briefing and I heard, you know, some
17 alarming statistics. And, of course, we are all
18 familiar with those statistics. We know what the
19 problems are.

20 And so we want to talk a little bit today
21 -- I want to talk to you about some of the things that
22 we're doing, and how these problems can be addressed,
23 other than just depending on law enforcement, other
24 than depending on just incarceration. We know that
25 that doesn't solve the problem by itself.

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1 So, my name is Donald Northcross. I'm a
2 retired Sacramento County Sheriff's deputy and founder
3 of the national OK Program. As a young Sheriff's
4 deputy, I started the OK Program in 1990. I'd been on
5 the department for about two years, and I got tired of
6 seeing so many Black men and boys killing each other
7 and going to jail. And I looked around for a solution
8 to the problem and I didn't see one, other than
9 building more prisons.

10 I used to come home every night from work,
11 and I would complain to my wife about what I had
12 witnessed on my watch. And in the middle of my
13 complaint, at the end of it, I would always say
14 somebody's got to do something about it. And then one
15 night it dawned on me that I was somebody. That's
16 when I realized that nobody can stop Black men and
17 boys from killing each other but Black men and boys.
18 Nobody. We're the solution to the problem.

19 And so, what we do in the OK Program, we
20 develop a life support system. It's going to take a
21 life support system to solve this problem in our
22 community. We all know that homicide is the number
23 one cause of death of Black men and boys between the
24 ages of one and 44 years old, according to the Centers
25 for Disease Control.

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1 Homicide is -- Black men and boys make up
2 only 6 percent of the nation's population. We account
3 for over 50 percent of the homicides each year. So we
4 know that that's a problem. The question is, how do
5 we address the problem?

6 And, again, I talk about a life support
7 system where we bring together an interconnected
8 network of Black men. That we recruit them, we train
9 them, and we organize them. These men bring together
10 their resources, their experiences, their wisdom,
11 their knowledge and love for each other, to support
12 the daily lives of our boys.

13 Black men are the main component of the
14 system, but, of course, parents and the schools and
15 law enforcement is also another part of the system.
16 We're the only program in the nation that has full-
17 time Black male police officers that the program
18 interviews, carefully selects, and trains to work with
19 Black boys, to work with Black men from the community,
20 to help change the course of Black boys.

21 The police department not only assigns the
22 officers to the program full-time, but they send them
23 to Oakland, at our headquarters, to train for six
24 days. So, we train all of the officers after we
25 carefully select them. We know that it's important to

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1 carefully select the officers.

2 Being a police officer for 20 years, I
3 know that you can get the wrong police officer, even
4 if he's Black, in our community, and he can cause more
5 harm than good. And so, that's why we carefully
6 select them ourselves. We don't allow the police
7 officers just to send us an officer; we carefully
8 select those officers.

9 And then it requires them to come to train
10 for six days, how to coordinate this life support
11 system. And so, once we train these officers, then
12 they go back to their cities and they are assigned to
13 chapters. A chapter is a middle school, and a high
14 school that that middle school feeds into, so that the
15 officers can follow the same boys from sixth grade
16 through twelfth grade and build that long-term
17 relationship with them. Because it's about
18 relationships.

19 Unfortunately, our boys are not going to
20 call the police if they have a legitimate threat made
21 on their life. And I'll say that again. Black boys
22 are the only people I know in the country that won't
23 pick up their phone and call the police if they have a
24 legitimate threat made on their life. They'll deal
25 with it themselves. They'll get some friends and

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1 they'll handle it themselves. Or they'll put a gun in
2 their pocket to be able to address that issue when
3 he's confronted by the person who made the threat on
4 their life.

5 So, what we do, we train those officers
6 and then they go back and they set up a chapter. And
7 then the officer will train how to recruit the boys.
8 We actually go on campus. The officer's on campus all
9 day long and they recruit the boys into the program.
10 We don't just hang a sign on our door and say, we're
11 open for business and wait for the boys to walk
12 through the door. These officers are trained how to
13 connect with these boys. How to approach them. How
14 to let them know that they want them a part of the
15 organization.

16 Number one, we select officers that love
17 their community. You can't run this program without
18 love. This is about love. And so, we're looking for
19 Black male police officers that love their community
20 and that's willing to make the commitment, because
21 this is not just a 9:00 to 5:00 type of job, of
22 assignment. This is, these officers are called at
23 night. Sometimes our boys need help 10:00 or 11:00
24 o'clock at night.

25 That's the only thing that's going to keep

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1 them from putting their gun in their pocket, where
2 they can call a police officer that they know love
3 them and have the authority to mediate conflict
4 between them and other people in the community that
5 could lead to violence.

6 And so, they call these officers, and
7 these officers respond to it. They have take-home
8 vehicles. They dress down. They wear plain clothes.
9 But they're on the campus with these boys every day.
10 They're validating good behavior; they communicate
11 with the teachers.

12 The teachers have a list of the boys that
13 are in the program. And the way the boys join the
14 program, their parents have to sign them up for the
15 program, giving the officers permission to get
16 information from the teachers in terms of academic
17 performance, their behavior, and things of that
18 nature.

19 And so we monitor the boys' progress. And
20 then, so these officers are called. The parents, they
21 make home visits. The parents call these officers if
22 they have a problem even with their own sons. They
23 call the officer because they know these officers love
24 them, and they can trust these officers because of the
25 ones that we -- the officers that we select. These

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1 officers, of course, they come in with a certain
2 amount of love and a desire to do this work.

3 But then they build on those relationships
4 by making home visits to the parents. Getting to know
5 the family members, and letting the parents know that
6 they are available, that you can call me if you have a
7 problem.

8 The officers use their discretion. They
9 don't just run out on every call, but they use their
10 own discretion. I tell the officers if one of these
11 young men call you at 10:00 o'clock at night and he
12 has a problem, then the way you know if you're going
13 to go or not, you think about if it's your own son. If
14 your own son call you with this same problem, would
15 you go? And if you would go for your own son, you
16 have to go for these young men.

17 These officers are paid full-time. This
18 is their job. But we know that it's more than a full-
19 time job. So, we're looking for officers who are
20 willing to make that commitment to respond.

21 This is how we reduce violence in our
22 community when these boys can pick up the phone and
23 call somebody, that's going to be able to respond and
24 address these particular issues. This is how we begin
25 to address it. We use these men that we recruit,

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1 train, and organize also.

2 In Oakland, California, for example, we
3 have over 600 Black men that we recruited, trained,
4 and organized. I don't know any other city can boast
5 that they have 600 Black men that's working with the
6 police. You don't hear Black men and the police
7 working together, quite frankly. So, you have these
8 600 men that these, these men come to our Saturday
9 kick it sessions.

10 We meet with the boys every Saturday on
11 the school campus. And so, we have a curriculum, a
12 leadership and critical thinking skills curriculum
13 where we talk about reducing the homicide rate of
14 Black men and boys.

15 We talk about challenges, choices and
16 consequences. Appropriate and inappropriate behavior.
17 Healthy and unhealthy relationships. Preventing
18 teenage pregnancy.

19 Passion, love, respect. Strategies to
20 handling conflict. Anger recognition and control. We
21 have about 35 topics that we deal with on these boys,
22 with these boys every day.

23 CHAIR GARZA: Mr. Northcross?

24 MR. NORTHCROSS: Yes?

25 CHAIR GARZA: If you can wrap up.

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1 MR. NORTHCROSS: Oh, am I over already?

2 CHAIR GARZA: Yes.

3 MR. NORTHCROSS: Oh, I was worried about
4 taking seven minutes.

5 CHAIR GARZA: I'll let you finish your
6 thought.

7 MR. NORTHCROSS: Okay, no, I'm finished.
8 No, I'm sure I'll be able to answer some more
9 questions as we go along. But I just want to wrap it
10 up by saying that law enforcement is not going to be
11 able to do this. Nobody else -- our women can't do
12 it. Our women have done a tremendous job holding our
13 families together, but Black boys and Black men can
14 only stop Black boys and Black men from killing each
15 other. So let's build that life support system around
16 these young men, and then we can reduce crime in our
17 communities.

18 CHAIR GARZA: Thank you very much.

19 Now we turn to Ms. Guzman, if you can go
20 ahead and get started.

21 MS. GUZMAN: Thank you, Madam Chairwoman
22 and members of the Commission, for the opportunity to
23 speak today. My name is Nel-Sylvia Guzman, and I am
24 the Deputy Director of the Safe Sisters Circle. We
25 are a 501(c)(3) non-profit here in Washington, D.C.

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1 We provide free, culturally-specific, trauma-informed
2 and holistic services to Black women survivors of
3 domestic and sexual violence in Wards 7 and 8.

4 We focus on Wards 7 and 8, known
5 collectively as the East of the River Community,
6 because they are the community with the largest
7 percentage of violent crime, the largest percentage of
8 Black women, and often the most ignored among D.C.'s
9 prominent neighborhoods and communities.

10 Through partnership and support of
11 culturally specific organizations, the federal
12 government can better support and assist victims of
13 violent crime, especially victims of intimate partner
14 violence.

15 Minority communities, especially lower
16 socioeconomic communities, are disproportionately
17 affected by violent crime. In particular, the risk of
18 serious violence for Black individuals remains one and
19 a half to two times greater than those of White
20 individuals.

21 Given my background, my focus today is
22 more nuanced, and my comments will be focused more on
23 violent crime and challenges faced by Black women,
24 especially those perpetrated by intimate partners.

25 I sit here today to say the data that we

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1 have, although there are gaps in the data, the data we
2 have show that domestic violence is the number one
3 health concern for Black women in America. Compared
4 to other ethnicities, Black women are reported the
5 highest rates of intimate partner violence in their
6 lifetime.

7 Although intimate partner violence can
8 vary in how often it happens and how severe it is,
9 violent forms of intimate partner violence, such as
10 physical violence, sexual violence and rape, and
11 intimate partner homicide, disproportionately affect
12 Black women.

13 Black women are three times more likely to
14 die at the result of intimate partner abuse. 17
15 percent of Black women in America experience sexual
16 violence by an intimate partner, and nine percent of
17 Black women are raped by an intimate partner.

18 And these statistics aren't just for
19 cisgender women. Black transgender women account for
20 a disproportionate amount of the victims of fatal
21 violence against transgender, and gender non-
22 conforming people.

23 Black women are overwhelmingly being
24 subjected to violence, harm and murder. But the
25 resources available to them are often limited, or use

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1 a standard approach for all survivors, regardless of
2 their background.

3 This is a problem. We have a large
4 percentage of women who are victims of a violent
5 crime, and there is a lack of recovery support.

6 Generally, fewer than one in three victims
7 of crimes will report receiving the type of
8 assistance that they're requesting. This demonstrates
9 a large gap between the need and the access. Although
10 female victims of serious violence are more likely to
11 ask for assistance when the violence is perpetrated by
12 an intimate partner, about 1 in 10 survivors will have
13 their needs met when requesting services from a
14 domestic violence program.

15 And this only reflects those that ask.
16 Black women face compounding barriers to safety, to
17 asking for help, and then when they ask for the help,
18 to receiving the help.

19 There's two specific challenges they face
20 when dealing with intimate partner violence. First is
21 that many of the victim services related to intimate
22 partner violence are tied to the criminal justice
23 system. So, therefore, many survivors are required to
24 have to choose between involving law enforcement, or
25 getting the support that they need. And many

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1 survivors, regardless of race, have a -- choose not to
2 report to the police.

3 And then the second issue is a lack of
4 culturally-specific organizations and providers who
5 understand and take a multi-layered and intersectional
6 approach to the challenges and obstacles that
7 survivors for each community face when attempting to
8 access services.

9 At the Safe Sisters Circle, we provide
10 culturally-specific services to our survivors through
11 legal counseling and case management services.

12 We define culturally-specific as services
13 from an individual from the same community as the
14 service provider; that creates a comfortable
15 environment where trust is established; where the
16 client's culture is taken into context when developing
17 solutions or strategies to address their problems.
18 It's also where we support those who fall through the
19 cracks in the mainstream systems.

20 I have personally seen firsthand in my
21 time in the field as a attorney providing legal
22 services for Black women, and generally for women
23 survivors in Washington, D.C., the difference between
24 working for a culturally-specific organization and
25 working for other providers.

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1 The Black women survivors are more likely
2 to seek services from organizations that are familiar
3 with their culture, their background, and who they are
4 simply as Black women.

5 We work on the ground with our community
6 actively engaging them, ensuring that we can be
7 trusted sources in all that we do. And we are
8 providing programs that our community want and need.
9 Unfortunately, even our capacity is limited compared
10 to the true need our community has.

11 And this is where the federal government
12 can come in. The federal government can address these
13 disparities of intimate partner violence rates, by
14 investing into culturally specific organizations and
15 partnering with them on every level of the government.

16 Beyond providing direct services,
17 culturally-specific organizations can be that bridge
18 in the gap between government officials and
19 communities that you are looking to engage.

20 Due to America's long history of systemic
21 racism and over-policing, communities of color often
22 do not trust the government or law enforcement
23 agencies. They are viewed as outsiders and they're
24 just not trusted. Investing more into culturally-
25 specific and community-based organizations, and

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1 assisting with expanding their services because
2 they're often the ones most interacting with victims
3 of violent crime, is imperative.

4 Federal funding that is often earmarked
5 for culturally specific organizations, is often
6 substantially less than compared to other funding
7 programs. These funding disparities translate to real
8 world harm because less funding means less survivors
9 that are served.

10 Data for intimate partner violence is
11 among the hardest to gather because most of the times,
12 you're gathering from court records or police
13 departments, and calls. But that data only reflects
14 survivors that have come forward, and that have asked
15 for support. Especially in the Black community,
16 intimate partner violence is under reported.

17 Working with community based organizations
18 and leaders who are often trusted resources will
19 assist the government in gathering some of this data.
20 And would also allow the organizations to take a not
21 one size fits all approach.

22 Working with these community based
23 organizations to assess their capacity, will often be
24 the best way to see if these needs are being met
25 because of their, if the demand is too high compared

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1 to the resources available, we can specifically see
2 where communities need more investment.

3 We at the Safe Sisters Circle are happy to
4 be a resource for anyone looking to begin this task of
5 collecting data, communicating with, or generally
6 better engaging with the Ward 7 and 8 community of
7 Washington, D.C.

8 Thank you.

9 CHAIR GARZA: Thank you, Ms. Guzman.

10 We're going to now hear from Ms. Ferrell-
11 Zabala.

12 MS. FERRELL-ZABALA: Thank you so much.
13 Good morning, my name is Angela Ferrell-Zabala, and I
14 am the Executive Director of Moms Demand Action. Moms
15 Demand Action is the nation's largest grassroots
16 volunteer network and movement to end gun violence.
17 And Moms Demand Action is also part of Everytown for
18 Gun Safety, which is the nation's largest gun violence
19 prevention organization.

20 I'd like to thank the U.S. Commission on
21 Civil Rights for holding this briefing, and for
22 inviting me to share our perspective on this very
23 important issue.

24 I'm a mother of four, and when I had my
25 twins when they were small, I would always tell them

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1 if you get lost, find a mom, she'll help you. That's
2 why I do what I do. I do this to build a country
3 where my kids, and all children, are safe from gun
4 violence.

5 Gun violence, which is currently the
6 number one killer of children, teens, and young
7 adults, in this country. That's especially true if
8 you're Black. Every seven hours, seven hours, a Black
9 boy or teenager dies by gun homicide in the United
10 States.

11 The headlines often paint a disturbing
12 picture that crime, and specifically violent crime, is
13 on the rise. But those are just the headlines. There
14 are other incidents of violence that never make the
15 news, or are never reported to law enforcement. These
16 stories are just as important to tell.

17 Recent crime data, or at least the
18 incomplete data that we have, paints a slightly
19 different picture that violent crime rates are down.
20 But we know that the numbers on their own can't change
21 how individuals, especially those from the most
22 impacted Black and Brown communities, feel when it
23 comes to crime, which is often unsafe, unheard, and
24 unseen.

25 We also know that violent crime does not

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1 happen in a vacuum. There are longstanding structural
2 and systemic inequities in healthcare, education,
3 housing, workforce development, and criminal justice
4 that can drive violent crime.

5 The same is true for interpersonal
6 violence, historical violence, and intergenerational
7 violence. And then, there are the guns. Guns that
8 make violent crime all the more violent, and all the
9 more deadly. On an average day, 120 Americans are
10 shot and killed in this country. And 200 more are
11 wounded, shot and wounded. That amounts to more than
12 43,000 gun deaths each year, 40 percent of which are
13 gun homicides.

14 In 2022 alone, 70 percent of all homicides
15 reported to the FBI involved a firearm. Often, the
16 guns are used in crimes and end up in the hands of
17 individuals with dangerous histories due to loopholes
18 in the background check system, or rogue dealers who
19 sell guns to straw purchasers, and firearms
20 traffickers.

21 As I said, gun violence and specifically
22 gun homicide, has an outsized impact on communities of
23 color. Recent data from the CDC reveals that Black
24 Americans are nearly 12 times more likely to die from
25 gun homicide, than White Americans.

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1 Native Americans are nearly eight times
2 more likely, and Latinx people are over two times more
3 likely with disparities likely being even worse among
4 the latter two groups, because of data collection
5 issues.

6 The same disparities exist among
7 individuals who are shot and wounded. And these
8 disparities worsen if you're also in the LGBTQ+
9 community. While just an estimated 13 percent of the
10 trans population in the United States is Black, 67
11 percent of known trans homicide victims killed with a
12 gun, are Black women.

13 These communities not only bear a
14 disproportionate burden when it comes to the gun
15 violence, but also endure more of the resulting
16 trauma.

17 This trauma is both individual and
18 collective. It's immediate for the people directly
19 impacted. And then it ripples through entire
20 communities. In fact, 59 percent of Americans, or
21 someone that they care about, have experienced gun
22 violence in their lifetime.

23 We are a nation of survivors as generation
24 after generation feels the impact and trauma from gun
25 violence. Survivors and their communities need

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1 services and support on their journey towards healing.

2 Because following an incident of gun violence, one in
3 three survivors report living in fear and feeling
4 unsafe.

5 Gun violence can upend the world in which
6 survivors find themselves, disrupting how they
7 navigate their environments, and relationships.

8 With each incident of gun violence, there
9 is a moment that changes everything. Whether it's
10 homicide or suicide, intimate partner shooting, or
11 hate-motivated shooting, a mass shooting that captures
12 the attention of this nation, or an unsolved shooting
13 that never even makes a headline, the survivors that
14 we work with tell us that their lives are never the
15 same.

16 They also tell us that without the
17 services and support, the trauma of gun violence can
18 result in behaviors that contribute to cycles of
19 violence.

20 So, the work to address the trauma is not
21 only healing work, but it's also prevention work. We
22 know this from the data that we have, but our datasets
23 are incomplete and under-inclusive. And that must
24 change so that we can better understand and solve the
25 crisis effectively, and equitably.

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1 That means strengthening the proven tools
2 and resources we have to prevent gun violence, and
3 help survivors heal, like evidence-based community
4 violence intervention programs.

5 It also means developing new ones, like
6 how to build trust with law enforcement; how to
7 strengthen culturally responsive mental health
8 services for survivors and their communities; and, how
9 to keep firearms out of the hands of those who should
10 never have them in the first place.

11 The headlines can only tell us so much
12 about violent crime and gun violence. That's why the
13 untold stories matter.

14 This Commission will hear a lot of
15 different statistics today, but I want to remind you
16 that behind each number is a real person. A person
17 with a family and friends, and an entire community
18 that was changed forever because of gun violence.

19 So when we're thinking about the
20 solutions, we can't lose sight of the heart of why
21 this work is so important.

22 That's how we make sure that our actions
23 have the most impact. Because whether we are
24 community members or advocates, or lawmakers, we need
25 to hear it all in order to be able to make informed

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1 changes to break the cycle of violence, heal trauma,
2 and keep communities safe.

3 Thank you again for the opportunity to be
4 here and share our views. I look forward to the
5 Commission's questions.

6 CHAIR GARZA: Thank you so much, Ms.
7 Ferrell-Zabala.

8 Ms. Hamblett, you can proceed.

9 MS. HAMBLETT: Good morning. My name is
10 Alice Hamblett, and I'm a Senior Policy Manager at
11 Common Justice. Thank you for inviting us to testify
12 today.

13 As the first alternative to incarceration
14 and victim service program in the country that
15 addresses violent felonies in adult courts, we have
16 seen firsthand how Black and Brown communities are
17 both deeply impacted by violence, and dismissed by
18 institutions that purport to serve them.

19 In New York City, we have worked with
20 victims of violence, and individuals who have caused
21 harm, via our restorative justice model for nearly 15
22 years.

23 Approximately 90 percent of the victims we
24 serve are people of color. Nearly all of our
25 participants live in low-income communities. And many

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1 are first or second generation immigrants.

2 We believe that to successfully address
3 racial and ethnic disparities and violent
4 victimization, we must first recognize and dismantle
5 false but pervasive narratives.

6 In the United States, there is a dominant
7 perception that victims of violence who are worthy of
8 support, of sympathy, of services, are White.

9 The image of an innocent White woman is
10 upheld as the prototypical victim. Meanwhile, Black
11 and Brown people who are violently victimized, are
12 criminalized, ignored, and even blamed for their own
13 harm.

14 Our collective tendency to buck reality,
15 to erase the experiences of Black and Brown survivors,
16 is deeply rooted in racist histories that render
17 people of color as deserving of harm, and as
18 undeserving of assistance. But people of color suffer
19 from violence at disproportionately high rates. And
20 we have known this for some time.

21 According to a 2019 analysis of NCVS
22 survey by Heather Warnken, who is here today, the
23 people most likely to experience violent victimization
24 are Black boys and men, younger than 35, living in
25 metropolitan areas, with household incomes of less

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1 than \$25,000.00 a year.

2 These disparities also map on to specific
3 types of violence, such as intimate partner violence,
4 gun violence, and police violence, all of which affect
5 people of color at rates higher than they do White
6 people.

7 When it comes to meeting survivors' needs,
8 another myth prevails. That the criminal justice
9 system, especially incarceration, is a survivor
10 centered way to facilitate healing.

11 But most survivors do not seek support via
12 the criminal justice system. In fact, according to
13 the Bureau of Justice statistics, roughly only 40
14 percent of victims of violence report their harm to
15 police. And those who do report their harm to police,
16 too often find their voices drowned out by the
17 mechanics of the system.

18 Instead of being asked what they want,
19 what they need, their primary options to achieve
20 justice are a victim impact statement, and the
21 incarceration of the person who hurt them.

22 At Common Justice, our restorative justice
23 program offers another choice. Accountability and
24 healing, without incarceration.

25 Again, the vast majority of the people we

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1 serve come from communities of color. Communities
2 that have been over-surveilled, over-policed, and
3 over-incarcerated all in the name of public safety.
4 Yet they still have suffered from violence.

5 Ninety percent of the survivors we
6 approach with the option to use our restorative
7 justice model to resolve their case, choose it.

8 Why? Because they want safety. For
9 themselves, and for others. And if incarceration
10 worked to secure their safety, they would know by now.
11 When we subscribe to and promote these false
12 narratives, we erase and we criminalize victims of
13 color.

14 So how do we move forward? Beyond our
15 restorative justice model, we at Common Justice are
16 crafting policy changes to address racial and ethnic
17 disparities in victim services.

18 Part of this work is decoupling law
19 enforcement and victim services. Because we know that
20 we cannot continue to force survivors of color to rely
21 upon the systems that oppress them to seek safety.

22 For example, state victim compensation
23 programs can help survivors recoup costs associated
24 with harm. Like medical bills, mental health bills,
25 and burial expenses.

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1 These programs are largely supported by
2 federal dollars via the Crime Victims Fund, which are
3 administered by the Office for Victims of Crime, or
4 OVC.

5 In most states, to be eligible to receive
6 victim compensation, survivors must report their harm
7 to law enforcement.

8 In a country where Black people are three
9 and a half times more likely than White people to be
10 murdered by police, programs that bar survivors from
11 receiving support based on their comfortability with
12 law enforcement, are profoundly racially inequitable.

13 Following the lead of states like Iowa and
14 New Mexico, Common Justice and our partners are
15 working to forward legislation that would allow
16 survivors in New York, to apply for victim
17 compensation without having to go through law
18 enforcement.

19 Reforming these programs is just one
20 example of how to reduce disparities, and how to meet
21 the needs of survivors of color. The federal
22 government also has a responsibility to rigorously
23 analyze victim compensation data.

24 Each state provides demographic data to
25 OVC via annual performance measure reports. This data

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1 must be analyzed in conjunction with state level
2 demographic data on violent victimization.

3 In addition, OVC needs to collect,
4 analyze, and disseminate demographic data pertaining
5 to victim compensation awards and denials. Such
6 analysis can inform policy changes that expand
7 survivors' access to these lifesaving funds.

8 And as we move through these efforts and
9 others, we must center the voices of Black and Brown
10 survivors. And we must provide opportunities for them
11 to lead research and policy solutions with direct
12 involvement, because those who are closest to the
13 problems are indeed, closest to the solutions.

14 Dominant narratives tell us that Black and
15 Brown survivors are unworthy of support, and that our
16 criminal justice system invariably serves the
17 interests of those who have endured harm.

18 Unless we contend with and disrupt these
19 myths, racial and ethnic disparities and violent
20 victimization, and victim services will continue and
21 even grow.

22 We at Common Justice implore the federal
23 government to use its power to eliminate and to
24 illuminate these disparities, to craft creative
25 solutions to stop cycles of violence, and above all,

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1 to uplift the voices of Black and Brown survivors.

2 Survivors of color deserve to be seen, and
3 survivors of color deserve to heal.

4 Thank you.

5 CHAIR GARZA: Thank you so much, Ms.
6 Hamblett.

7 Ms. Warnken, you can proceed.

8 MS. WARNKEN: My name is Heather Warnken
9 and I am the Executive Director at the Center for
10 Criminal Justice Reform, at the University of
11 Baltimore School of Law. I am grateful for the
12 opportunity to participate in this very important
13 briefing today.

14 Prior to my current role, I served as a
15 visiting fellow at the U.S. Department of Justice,
16 Office of Justice Programs, in the first ever position
17 dedicated to bridging the gap between research,
18 policy, and practice, to improve the response to crime
19 victims.

20 Through this role, I facilitated
21 collaboration across federal, state, and local
22 government partners, practitioners, researchers, and
23 directly impacted communities in the design and
24 implementation of equitable data driven programs and
25 policies nationwide.

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1 Through written testimony, I've detailed
2 numerous sub-topics I will not have time to address
3 today. But I have chosen a few key points to
4 highlight, starting with racial disparities in crime
5 victim compensation.

6 Victim compensation, as we've heard, is
7 one of the nation's dedicated resources for helping
8 victims, providing financial assistance for expenses
9 incurred as the result of being a victim of crime.
10 These expenses, such as medical and mental health
11 needs, funeral and burial, and lost wages, are not
12 borne equally.

13 A large body of evidence demonstrates
14 profound racial disparities in risk for violent
15 victimization and its impacts, with low income
16 communities of color bearing the brunt of these costs.

17 In communities where violence is
18 concentrated, the impact of this trauma combines with
19 chronic disinvestments, lack of support services, and
20 an over reliance on policing, prisons, and jails.
21 These conditions often break down social trust and
22 breed cynicism towards government.

23 Compensation programs give government
24 agencies a different way to respond to victimization
25 outside of the criminal-legal framework of arrest,

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1 prosecution, and incarceration. And in doing so, they
2 provide the opportunity for government agencies and
3 community-based organizations to build trusting
4 relationships that are needed to interrupt cycles of
5 violence and solve crime.

6 So, in other words, this is not just about
7 the healing and dignity of victims. This is about
8 public safety. By assisting with these destabilizing
9 expenses, compensation helps reduce the risk of future
10 victimization, and the long-term costs of violence to
11 the state.

12 Across the country, as we've heard,
13 notwithstanding the potential of these programs to
14 meet the needs of survivors and promote systemic
15 legitimacy, compensation has been inaccessible to the
16 majority of victims.

17 A growing body of research demonstrates
18 that Black and Brown victims, in particular those
19 living in low income communities, are least likely to
20 be seen and served as victims of crime.

21 Despite these higher rates of violent
22 victimization, compensation programs
23 disproportionately deny and/or alienate applicants of
24 color, especially Black men and youth impacted by gun
25 and other forms of community violence.

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1 There are a range of problems undermining
2 program effectiveness, including a paradoxical
3 reliance on reimbursement, requiring victims to pay up
4 front the cost of compensable expenses even though the
5 program is intended for people who lack such
6 resources.

7 Unreasonable attempts to promote victim
8 cooperation and reporting to law enforcement, as we've
9 heard. This is especially unjust for victims who may
10 fear or distrust police.

11 Blaming the victim by operating on a
12 flawed model of only supporting, quote, innocent
13 victims, leading to determinations of worthiness that
14 are too often influenced by race and other
15 discriminatory factors, and a harmful reliance on
16 criminal justice system fines and fees to fund these
17 benefits.

18 A proliferation of states have recently
19 introduced or passed legislation designed to improve
20 compensation, and the Department of Justice Office for
21 Victims of Crime will soon release updated guidance
22 from the federal level for the first time in a
23 generation.

24 This is hopeful, needed work. However,
25 compensation reform or any number of other programs

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1 will mean very little without the courage to do the
2 more difficult, longer-term work of changing the
3 culture in which these programs must be implemented.

4 This includes confronting the role of
5 racism in determining whose harm matters, and moving
6 beyond not just talking points that we can't police
7 and prosecute our way out of violence, to actions and
8 investments that repair and rebuild relationships
9 rooted in dignity and a more holistic set of public
10 safety goals.

11 Another area I'd like to highlight is the
12 false dichotomy between who we view as victims, and
13 perpetrators of harm. In addition to stark racial
14 disparities in rates of incarceration that have made
15 the U.S. an outlier across the world, a large body of
16 research has confirmed the prevalence and severity of
17 victimization before, during, and after incarceration.

18 But lesser discussed are the explicit and
19 implicit barriers created to being seen and served as
20 victims after someone has touched the criminal or
21 juvenile justice system, the extent to which we
22 criminalize rather than heal victimization and trauma,
23 and how much more expensive this is.

24 In 2021, while still at DOJ, I had the
25 honor of leading an assessment for the city of

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1 Baltimore on victim services, focused on the response
2 to Black and Brown victims of gun violence.

3 The findings of this report, similar to
4 those I've encountered in my work in numerous other
5 cities, were again laid bare when I participated this
6 summer in the response to victims of the devastating
7 mass shooting in Brooklyn Homes.

8 Too often, residents impacted by violence,
9 especially those who are poor or have ever touched the
10 system previously, are more likely to be criminalized
11 rather than seen as human beings deserving of dignity
12 and support.

13 Even surviving loved ones of homicide
14 victims, witnesses at crime scenes, people fighting
15 for their lives in hospital beds, all experience
16 additional trauma, rights violations, coercion,
17 misinformation, barriers to existing services, in the
18 course of investigations and beyond.

19 Now these dynamics don't just fail victims
20 in their most difficult moments. They profoundly
21 worsen the relationship between the community and
22 police, and the system as a whole. They undermine law
23 enforcement's own investigative goals. They miss
24 opportunities to interrupt cycles of harm.

25 I want to close with a quote from

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1 criminologist Elliott Currie's breathtaking book, A
2 Peculiar Indifference: The Neglected Toll of Violence
3 on Black America. Quote, "America continues to
4 tolerate one of the most fundamental inequalities
5 imaginable, a radical disparity in the very prospect
6 of survival itself. Wealthy countries also have racial
7 and ethnic differences in the risks of violent death
8 and injury, but none even come close to the excess
9 mortality, disability, and suffering that we have come
10 to tacitly accept. And those stark gaps in the risks
11 of violence do not stand alone. They are only one
12 particularly glaring example of a much broader pattern
13 of systemic racial inequalities in health and well-
14 being, that set the United States off sharply from
15 every other advanced nation in the world." End quote.

16 We know a lot about this problem and what
17 it would take to solve it. The question is, do we
18 want to change?

19 CHAIR GARZA: Thank you, Ms. Warnken.
20 Thank you to all of our panelists for your comments.
21 I'm going to, at this point I'm going to open up the
22 questions to the Commissioners.

23 We can start with folks on the phone. I
24 want to give them an opportunity to participate.

25 COMMISSIONER KIRSANOW: Madam Chair,

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1 Kirsanow here.

2 CHAIR GARZA: Commissioner Kirsanow,
3 please proceed.

4 COMMISSIONER KIRSANOW: Thank you. I
5 would like to thank the panelists for their testimony.
6 It was very enlightening.

7 I have a question for I believe it's Mr.
8 Northcross. Mr. Northcross, what are the three most
9 important things you think would reduce violence in
10 the Black community?

11 MR. NORTHCROSS: That's a good question.
12 The three most important things I think, is when we're
13 talking about violence in the Black community, we also
14 understand that we're talking about Black men and boys
15 committing most of the violence, by far in the Black
16 community.

17 And, of course, the only way that's going
18 to stop, I think the main thing is organizing Black
19 men. Getting Black men to step up and take on the
20 responsibility of guiding young Black boys in the
21 right direction.

22 Seventy-two percent of our households are
23 headed by single mothers. There is a void in Black
24 boys' lives, the ones who cause a lot of the crime in
25 our community.

1 So, the number one thing is to get Black
2 men to take that responsibility, to organize
3 ourselves. Nobody else is stopping us from doing
4 that. I don't understand why we're not organizing
5 ourselves, and come together to address this
6 particular issue.

7 So that's the number one thing. The
8 number two thing is to make sure that our boys get
9 educated, that they're in school, that they're
10 performing in school.

11 And I think the other thing is to prepare
12 them to be able to work, to get, we need job
13 opportunities, but also we need to prepare them to
14 work.

15 We have a generation of young men now who
16 are not even prepared to work. They don't understand
17 the importance of going to work on time, doing a day's
18 work for a day's pay. And just taking pride in being
19 able to contribute to society.

20 So I think that organizing Black men to
21 take on that responsibility, making sure our boys
22 understand the value of education, and supporting them
23 through their educational process. And creating
24 opportunities for them to be able to work.

25 And I think that will reduce crime in our

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1 communities.

2 COMMISSIONER KIRSANOW: Thank you.

3 CHAIR GARZA: Commissioner Jones?

4 COMMISSIONER GILCHRIST: Madam Chair?

5 CHAIR GARZA: Oh, okay, Commissioner
6 Gilchrist --

7 (Simultaneous speaking.)

8 COMMISSIONER GILCHRIST: Thank you so
9 much, Madam Chair.

10 CHAIR GARZA: Commissioner Gilchrist?

11 COMMISSIONER GILCHRIST: Yes, Madam Chair.

12 CHAIR GARZA: You can proceed with your
13 question.

14 COMMISSIONER GILCHRIST: I just want,
15 okay, thank you. I just wanted to thank this panel
16 for the information that they shared with us today.
17 It was certainly enlightening, and it certainly helps
18 to inform some of our perspectives about this issue.

19 So, I just wanted to briefly thank them
20 for their testimony today. Thank you, Madam Chair.

21 CHAIR GARZA: Thank you, Commissioner
22 Gilchrist.

23 Commissioner Jones has a question.

24 COMMISSIONER JONES: I, too, want to start
25 by thanking all the panelists for your important

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1 testimony today. And for all that you are doing in
2 your respective areas to solve these problems, these
3 really important problems.

4 I'll go to Mr. Northcross. Based on your
5 testimony, you are doing extraordinary work, work that
6 I am personally very grateful to you for.

7 It also seems to me that it should not
8 fall on people of goodwill, such as yourself, to solve
9 these problems. You ticked off a list of
10 approximately three things you think would be most
11 important at solving for this issue of so-called Black
12 on Black crime.

13 But let's also talk about the social
14 determinants of criminality. You mentioned for
15 example, that only Black men can solve this problem. I
16 want to push back on that, because we do have a
17 federal government. We have governments in all of the
18 states and territories in the United States. And
19 there is, it seems to me, a foundational role to help
20 solve for the issue of crime generally. And, to solve
21 for even the disparities that we are seeing along
22 lines of race and ethnicity.

23 Wouldn't it be helpful to you if the
24 federal government were fully committed to solving for
25 the issue of poverty? Wouldn't it be helpful to you

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1 if the federal government and at the state level,
2 governments were committed to solving for the issue of
3 housing segregation?

4 You did mention workforce opportunities,
5 and so I imagine the answer is yes to the question of:
6 shouldn't government be fully committed to jobs
7 training, especially in inner city communities, and in
8 the Black and Brown communities?

9 And while we're on the subject, let's also
10 talk about the fact that we've got just radically
11 unequal educational opportunities, especially along
12 racial lines in this country.

13 Shouldn't we also solve for that, instead
14 of it falling on people of good conscience such as
15 yourself to try to do? Just yeoman's work.

16 MR. NORTHCROSS: Yes, those are good
17 questions, you know. And I'll be 65 years old in
18 February. And I've never seen the government take
19 this seriously and come up with solutions for this
20 problem. And so, I got tired of wringing my hands and
21 wondering what's going to happen, and when is somebody
22 going to do something about it. There's a lot of
23 different approaches that can be taken, but I'm
24 talking about an approach that's in our hands.

25 I often say that Black men have the means

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1 collectively, to address the issue of homicides in our
2 own community. But we just don't have the mindset to
3 do it. When I say the mindset, I mean the mindset of
4 bringing our resources together that we have.

5 The great comedian Chris Rock said one
6 time, he said that before he became the big Chris
7 Rock, his car stopped on the side of the road and he
8 got out trying to stop people flagging them down. He
9 said the more he waved, the faster they went. He said
10 finally he started pushing his car and when he started
11 pushing his car, everybody started stopping.

12 So I'm saying to Black men in this
13 country, we can't wait until everybody stop to help
14 us. We're dying every day. And if Black men come
15 together and pool our resources together, we have more
16 purchasing power now than we've ever had in the
17 history of this country as Black men.

18 And this takes love to get out with our
19 boys. We've got to get out in our community, let our
20 boys know we love them; create opportunities where
21 they want to be around us; fun activities. Spend our
22 money on things and rewarding them for doing well in
23 school.

24 The government can do that. They can do
25 it, too, but we shouldn't have to wait on them to do

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1 it. And we're going to keep dying as long as we wait
2 on them to do it. I don't believe in asking folks to
3 do something for me that I can do for myself.

4 We can do this, and it's empowering Black
5 men. And when we do that, the nation is going to, and
6 the world is going to stand up and pay attention to
7 Black men who love themselves enough, and love their
8 families and their communities enough to bring our
9 resources together, and address this particular issue.

10 And I stand on it. Again I will say,
11 nobody can stop Black men and boys from killing each
12 other but Black men and boys. That's a state of mind.

13 We have problems in our society as far as
14 inequities. I'll be the first one to admit that. But
15 they've always been there. And we were never killing
16 each other at the rate that we killing each other now.

17 We've been poor in this country for a long time.
18 We've been without resources for a long time. But we
19 didn't turn to killing each other the way we're
20 killing each other now. That's another problem. And
21 that problem lies in the Black community teaching us
22 how to love ourselves, respect ourselves. Love our
23 women.

24 Don't stand by and watch us kill each
25 other. We can stop it. We have to change our

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1 mindset, brother.

2 COMMISSIONER JONES: I appreciate your
3 important work and your passion. It's important, I
4 think especially in jobs like this. There are a lot
5 of White men who grow up in single parent households
6 in America and you don't see the same rate of violence
7 that you've been describing.

8 And I think that has less to do with the
9 state of mind than it does the concentrations of
10 poverty and marginalization and a feeling of
11 hopelessness and helplessness that only the government
12 can solve at that scale.

13 MR. NORTHCROSS: And I'm not disagreeing
14 with you.

15 COMMISSIONER JONES: And it can also be
16 true at the same time, that there is a role for
17 personal responsibility, absolutely.

18 CHAIR GARZA: Commissioner -- Vice Chair
19 Nourse?

20 VICE CHAIR NOURSE: Well, I want to thank
21 all of you, you're all doing what I'd say is God's
22 work.

23 I mean, a lot of people think the
24 government can solve everything but you all are doing
25 this on your own with very little, I'm sure. And one

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1 of the things that I'm hearing is how this, you are
2 stepping up to do what a lot of people think the
3 government already does, right?

4 So I just want to thank you for your work,
5 and your patience, and your tirelessness about this.
6 We are a nation of doers and volunteers, and that's a
7 great thing about us.

8 But I really like the fact that we have
9 other perspectives on this panel. Because the one
10 size fits all just doesn't work, and we all know that.

11 I'm happy to see we have a doctor here who
12 is doing amazing work because hospitals in my
13 experience working on violence against women and
14 gender, they were the first to help. They were the
15 first to give credibility that this violence existed
16 when I started working on it in 1990.

17 I'd just like to, and Ms. Guzman, thank
18 you again for your work. I guess I'd want to ask just
19 a couple of quick questions. Someone mentioned
20 restorative justice and I'd just like you to explain
21 for people what that, what that is.

22 MS. HAMBLETT: Sure. So, restorative
23 justice can look like a lot of different things. We
24 see it in schools, right, choosing to have
25 parent/teacher conferences and counselors intervene

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1 instead of you know, heavily disciplining youth.

2 In our model at Common Justice, it looks
3 like addressing violent felony charges in adult courts
4 without relying on incarceration. And, practically, I
5 can explain to you sort of how that, that gets
6 operationalized on sort of a daily, weekly, monthly
7 basis in New York City where we work.

8 So, we work with DAs offices in Brooklyn,
9 Manhattan, and the Bronx, and we get cases again,
10 serious violent felonies. We approach victims of
11 these cases and we ask them two questions. The first
12 question we ask them is if they want victim services.
13 If so, we provide that to them for life.

14 And the second question we ask them is if
15 they want to use our restorative justice model to
16 resolve their case. And, again, as I said, 90 percent
17 of people say yes.

18 Once all parties agree to this, the
19 defendant in the case, who we call a responsible
20 party, gets entered into our alternative to
21 incarceration program.

22 First thing we do is meet their needs
23 because we can't expect to hold people accountable if
24 they can't put food on their table, if they don't have
25 a place to sleep.

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1 They also get entered into violence
2 intervention programming to start to dismantle some
3 common beliefs, right. Some pervasive beliefs. Just
4 like myths that I was talking about today, myths that
5 are unjustified about violence and safety, and what it
6 means to be part of a community.

7 Three to four months in, they enter into a
8 restorative justice circle with the person who harmed
9 them, or a proxy. We don't force victims to be in
10 spaces with the person who harmed them, if they don't
11 want to be. As well as their support people, and our
12 support people, right. People who work at Common
13 Justice.

14 And they get to have a serious
15 conversation about the harm that was done. Victims
16 get to ask, you know, why me, why this day, why this
17 time. And they also get to set a series of community
18 agreements that the responsible party has to follow,
19 to make things as right as possible. Knowing they
20 can't change what happened. And we call that, doing
21 sorry.

22 A community agreement could look like, you
23 know, I want you to write a letter of apology to my
24 kids. Or I want you to pay financial restitution. Or
25 I want you to get a job, right.

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1 If the responsible party follows these
2 community agreements, and if they successfully
3 complete the alternative to incarceration program,
4 their case gets dropped down to a misdemeanor
5 violation and they don't go to jail.

6 And I'll just share that we just had
7 recently the Division of Criminal Justice Services in
8 New York, analyze data from our program from 2012 to
9 2022. Only one of our graduates has been reconvicted
10 of a violent felony.

11 VICE CHAIR NOURSE: That's an incredible
12 record.

13 CHAIR GARZA: I just have a general
14 question on support, right, for the work that needs to
15 be done. I think what I have heard through all of the
16 testimony here is that there is a need for support in
17 the work that we're doing.

18 Support for crime victims' funds, and
19 maybe some revamping of those programs. Support for
20 victims of domestic violence as I read in your
21 testimony, Ms. Guzman.

22 And so, I just want to ask as a general
23 matter, you know, what does support look like from the
24 federal government in aiding the work that you are
25 trying to accomplish?

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1 MS. FERRELL-ZABALA: I will speak to that.
2 I think it's many things, and I want to kind of pan
3 out just slightly and say when I was hearing the
4 conversation earlier between is it, you know, on the
5 community, is it government.

6 I think multiple things can be true. We
7 have to see this as an ecosystem. The problem is so
8 pervasive, this is a public health crisis.

9 So, yes, we need government, and yes, we
10 need people on the ground that are doing what they
11 need to do for the immediate, and tangible things that
12 people need in their day-to-day lives.

13 We really, as I said earlier, we want to
14 make sure that we're doing things about having more
15 complete datasets so that we can actually address the
16 problem as we need to address the problem.

17 And that brings in what I heard a lot of
18 panelists say, that the solution often lies right in
19 the community. And so, if we get more complete
20 datasets, then that's going to help us.

21 We want to continue to figure out how we
22 build stronger relationships with law enforcement in a
23 lot of these communities. There's trust that's been
24 broken and we know all the reasons why. We all
25 touched on it today, but I think that's important.

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1 We want to make sure that we have
2 culturally responsive interventions, especially when
3 we think about mental health services. And, frankly,
4 not just serving, servicing the person that was
5 impacted. When I think about gun violence, we often
6 think about the person that was immediately and
7 directly impacted. But it also goes beyond that
8 person into family, into community, and even
9 generationally. So we have to start to peel that
10 away.

11 And then, you know, I'm Moms Demand
12 Action, so I'm going to say it. We've got to
13 strengthen our gun laws in this country. Period. End
14 of story. We have a crisis in this country that no
15 other country has. And these other countries have
16 mental health issues. They have all kinds of things
17 that we brought up today. But they don't have this
18 pervasive gun problem in this country.

19 So that's what we're looking to do, and
20 we're going to continue to work. And, we'll partner
21 with anyone that will be willing to partner with us
22 to, to solve this.

23 CHAIR GARZA: Dr. Abaya?

24 DR. ABAYA: Thank you for that question.
25 Happy to speak to that, as well.

1 So, I definitely second the need for
2 complete but also timely data. But at the local and
3 also at the federal level to understand the nature of
4 the problem. Because a tenet, as I said, of the
5 public health approach is that it's dated-informed.
6 And so if you don't have real-time data, you can be
7 solving for a problem that's changing in real-time.

8 I also think that sustained kind of
9 funding for an integration of hospital-based funds, so
10 an intervention-type model, so violence intervention
11 programs, recognizing that these are professionals.
12 These fields need to be professionalized.

13 Speaking for the medical setting, these
14 need to be reimbursable medical services that we can
15 use to create sustainability of that model. I think
16 that's a really important thing that can be solved
17 for, and can prevent the phenomenon by which programs
18 are built and disappear, and built and disappear, as
19 they rely on variable grant funding over time.

20 And then I just want to also say, you
21 know, standards for law enforcement patient
22 interactions in hospital settings.

23 It really speaks to this bigger umbrella
24 issue of trust. And so, I think that having some
25 standards for how law enforcement enters into medical

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1 settings, and how that is negotiated so that patient
2 trust and confidentiality is prioritized, is really
3 critical as well.

4 CHAIR GARZA: Thank you for that.

5 Ms. Guzman, and then I'll go to Ms.
6 Warnken.

7 MS. GUZMAN: Thank you. So I think the
8 most important part is going to be funding. Funding a
9 lot of these organizations that are doing the work on
10 the ground.

11 And part of that is also echoing what my
12 co-panelists said earlier about finding ways to
13 disconnect the law enforcement aspects for survivors,
14 and for victims. Because not every survivor wants to
15 involve the law enforcement, or the legal system in
16 the criminal justice system at least.

17 That's why civil protection order cases
18 end up being some of the most prevalent over actually
19 pressing charges, at least in my work that I've done.

20 Because our survivors don't want to
21 involve the police. Oftentimes they create a larger
22 situation. Survivors end up getting arrested for
23 actions that were nothing for them.

24 So, I think it's finding ways to fund
25 these alternative methods, and starting those on the

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1 ground with these grassroots organizations that are led
2 by the communities that are the most affected by these
3 issues.

4 CHAIR GARZA: Thank you for that.

5 Ms. Warnken?

6 MS. WARNKEN: Thank you. There's so many
7 important answers to your question. I would
8 definitely underscore, in a big way, this point about
9 untethering support from the criminal legal system.

10 And we've talked today about some really
11 tangible ways to do that, including like the law
12 change in New York, one we're working on in Maryland,
13 to redefine the victim compensation program to be more
14 of a health and healing-oriented approach.

15 Another thing I wanted to emphasize about
16 this is because again, I couldn't agree more about
17 getting the federal resources, getting those dollars
18 in the hands of the grassroots community-based
19 organizations that are closest to the challenges.

20 But there are a ton of reasons why it is
21 very difficult for those organizations to apply for,
22 to maintain, and keep those grants.

23 There are many, in addition to the
24 Herculean lift often of applying for a program and
25 needing supports that, programs that are for very good

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1 reason, focused on the crisis-driven needs of those
2 that they're serving, don't have the capacity to do
3 that.

4 But even with removing some of that red
5 tape, even with training and technical assistance for
6 the, from the federal government that helps
7 organizations get the grant, there are very arduous
8 data reporting requirements and hurdles that,
9 oftentimes, not only compromise organization's ability
10 to keep the grants, but actually backfire when it
11 comes to sustaining programs, or, or not being in good
12 standing to receive those grants in the future if they
13 fall short.

14 And the last thing I'll say quickly. We
15 talked about the VOCA rule change on compensation
16 that's forthcoming.

17 There was a really significant rule change
18 in VOCA in 2016, that pretty radically reinterpreted
19 allowable uses for those programs. And was intended
20 to expand access.

21 It did a number of really important
22 things, including removing a decades long prohibition
23 of using VOCA funds to serve survivors who are
24 incarcerated.

25 Many things that were not just tools for

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1 expanding access and funding the programs that we need
2 the most, but for changing narratives around these
3 issues that I think all of us have highlighted today.

4 Thank you.

5 CHAIR GARZA: Thank you so much.

6 Commissioner Magpantay?

7 COMMISSIONER MAGPANTAY: Sure. Ms.
8 Hamblett, that was great. And, I appreciated the
9 explanation and how the restorative justice approach,
10 could you just -- not now in this testimony, but could
11 you provide the staff more details on how your
12 restorative justice approach works? And also, how we
13 can scale that up.

14 The COVID-19 Hate Crimes Act actually has
15 an authorization for alternatives to incarceration
16 once there is victimization, and a finding of guilt.
17 So it's maybe a little later on in the process, but
18 I'm still very interested in hearing how your model
19 works.

20 I heard the victim compensation part, but
21 when I was reading the testimony I wanted to see more
22 of what happened with the offender. And what we can
23 do to just try to reestablish you know, more
24 restorative justice in that process.

25 So, if you could just provide us, later

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1 on, more details, I'm sure the staff, Marik, would be
2 very interested in hearing that as I would, so that we
3 can see how we can scale this up, you know, at the
4 federal level. And if you could also detail out like
5 the different crimes. Like, guns, murder, homicide
6 rate, burglary, to the extent that you have that, it
7 would be remarkably helpful in our study and our
8 research.

9 MS. HAMBLETT: I'm happy to provide that
10 to you.

11 COMMISSIONER MAGPANTAY: Thank you.

12 CHAIR GARZA: He sent you with homework.
13 (Laughter.)

14 COMMISSIONER MAGPANTAY: Sorry.

15 CHAIR GARZA: I think those are all the
16 questions that we have. I just want to thank you all
17 very, very much for being here today, and for
18 contributing to this conversation.

19 You've given us a lot to think about. I
20 hear you. Data and funding, and some fixes in the
21 programs, and I appreciate that very much. So thank
22 you for being here.

23 We're going to go ahead and break for
24 lunch for an hour, and then we're going to reconvene
25 at, I believe, at 12:52 p.m. All right, thank you.

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1 (Whereupon, the above-entitled matter went
2 off the record at 11:52 a.m. and resumed at 12:54
3 p.m.)

4 CHAIR GARZA: Welcome back everyone, and
5 thank you for your continued attention to this
6 important topic. For those of the panelists that
7 haven't been here since this morning, my name is
8 Rochelle Garza. I'm the chair of the Commission.

9 I want to remind everyone that we have a
10 licensed mental health professional available if you
11 need assistance, so please let a staff member know.
12 You can flag them down and we can find a space for
13 folks to speak with the counselor.

14 Just some housekeeping matters. During
15 the briefing panel each panelist will have seven
16 minutes to speak. After each panel presentation,
17 Commissioners will have the opportunity to ask
18 questions within the allotted period of time and I
19 will recognize Commissioners who wish to speak.

20 I will strictly enforce the time
21 allotments given to each panelist to present his or
22 her statement. And unless we did not receive your
23 testimony until today, you may assume that we have
24 read your testimony, so feel free to summarize it and
25 we will appreciate that so that you can make the best

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1 use of the seven minutes allotted. So please focus
2 your remarks on our briefing.

3 Panelists, just want to draw your
4 attention to the warning lights that have been set up
5 in front of you. When the light turns from green to
6 yellow that means you have two minutes remaining.
7 When the light turns red, panelists should conclude
8 your statements so that you don't risk me cutting you
9 off. I will let you finish your statement and your
10 thought, but just try to wrap it up as quickly as you
11 can.

12 My fellow Commissioners and I will do our
13 part to keep our questions and comments concise.

14 PANEL 3: IMPACTED PERSONS

15 And we will now proceed with the third
16 panel, Individuals Impacted by Crime. In the order in
17 which they will speak, our panelists are Nicole
18 Nabors, founder of Grace & Peace Counseling; Demetrius
19 Molina, survivor of neighborhood violence; Lawanda
20 Hawkins, founder of Justice for Murdered Children;
21 Audacia Ray, Director of Community Organizing and
22 Advocacy Anti-Violence Project; Tashica Hilliard, the
23 widow of Deputy Glenn Hilliard; Christina Love,
24 survivor and Executive Director, Rural Alaska
25 Integrated Services.

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1 So I want to thank you all for being here
2 today and being willing to share your experience.
3 Your willingness to speak to us today is going to play
4 a critical role in taking steps to address crime in
5 our country. So I want to say thank you very much. I
6 know this is sensitive and we are all eager to hear
7 from you.

8 So with that, I'm going to ask each of you
9 to raise your right hand. I'm going to give you an
10 oath.

11 (Witnesses sworn.)

12 CHAIR GARZA: Thank you so much. So
13 we'll go ahead and begin with Ms. Nabors.

14 MS. NABORS: Thank you. My name is Nicole
15 Nabors. I was born in Niagara Falls, New York, and
16 I'm the eldest child of three. I grew up in
17 Rochester, New York and I attended School of the Arts
18 for creative writing and drama. I was an all-city
19 basketball player for three consecutive years. After
20 high school I joined the U.S. Navy. I served on board
21 the USS Theodore Roosevelt and I was an aviation
22 boatswain's mate in crash and salvage. I served in
23 Operation Enduring Freedom and Operation Iraqi --
24 Enduring Iraqi Freedom.

25 After my service, I entered into community

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1 college for a year and then I transitioned to
2 seminary, but I was unable to complete my seminary
3 course because in 2006 I was shot and left for dead
4 after witnessing a gunman kill my cousin Lanerra
5 Streeter. I called 911 and directed the authorities
6 to my location. I did not know the physical address,
7 so I used landmarks to navigate the authorities to me.

8 It took over 20 minutes for them to get to me.

9 Upon waking up in the hospital I was told
10 that I would never walk again. Doctors confirmed that
11 I was shot in my neck, my torso, and my left leg. The
12 bullet entered my torso, ricocheted off my internal
13 organs and lodged in the right side of my spine. That
14 same bullet also collapsed my left lung. The doctors
15 did not want to remove the bullet because they said it
16 would cause more damage. The other shots are what
17 they call through-and-through. The bullet went
18 straight through my neck; the other one went through
19 my leg. The bullet that went through my neck damaged
20 my upper brachial plexus, which just means that it
21 affects the range of motion in my left arm.

22 After being shot I experienced quite a bit
23 of rejection. My 25th birthday was exactly one month
24 later and both friends and family walked away. I
25 stopped getting visits. Phone calls went unanswered

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1 and were not returned. I was also rejected by the
2 health care system.

3 But before I get into the details of that
4 I want to begin by saying that the surgical team saved
5 my life. I was transported from Niagara Falls to
6 Buffalo by Mercy Flight and rushed into surgery and I
7 was revived twice. And so I will always be grateful
8 to the staff who played a role in treating me.

9 However, their bedside manners
10 significantly differ from their medical skills. I
11 experienced prejudice and bias almost daily. Being a
12 Black woman who suffered gunshot wounds meant I lived
13 a particular lifestyle. Medical doctors would speak
14 obscenities to me saying things such as no more
15 chilling with the homies, or it's time for a lifestyle
16 change. You've been gifted with your life despite
17 your past decisions; now what are you going to do with
18 it? I would also hear nurses from the hallway say
19 thugs get helped last, ignoring my call light.

20 Two things were evident: The staff did
21 not watch the news and they believed they believed
22 that I had did something to deserve my circumstance.
23 One by one I educated them all. Most of the staff
24 profusely apologized, but the problem is that they
25 felt it was okay to behave in this manner in the first

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1 place.

2 The biggest question that I have is what
3 if I was a thug? Would it mean that I deserved to
4 hear slander from people who had dedicated their life
5 to helping others heal. Can you imagine having these
6 conversations being in extreme pain and with
7 difficulty breathing? Moreover, the impression of
8 such remarks last much longer than the apologies.
9 Mustering up the strength in my most broken state put
10 me in a constant state of alert in a place where I
11 should have been able to rest.

12 I was in the hospital for 4 months and 14
13 days and then I was discharged to my father house.
14 When I was discharged, I was not completely
15 independent. I required help for everything: getting
16 out of bed, rolling over in the bed, showering,
17 getting dressed, food preparation, and more. I had a
18 aide seven days a week for four hours: two hours in
19 the morning and two in the evening, which was not
20 enough. No one explained to me how the extent of my
21 injuries required such a different level of care and I
22 was not -- I was unaware of the different doctors that
23 I needed and I was left to figure those things out on
24 my own.

25 My medical equipment was flimsy and it was

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1 not sustainable. Even with a personal care aide the
2 devices still weren't sturdy, so I resorted to using
3 sponge baths and disposable pads for bathroom use. I
4 was not given information on how to care for my
5 urological health and after a few months I got a
6 urinary tract infection which led to hospitalization.

7 I then, after being hospitalized for a
8 month, I went into a nursing home where I learned how
9 to be independent. I experienced prejudice there as
10 well, but by that time I had become immune to it,
11 sadly. But I learned that it wasn't my job to educate
12 ignorance.

13 A little while after that I was able to
14 get my own apartment where I was on Social Security.
15 I qualified for subsidized housing, and so I moved
16 into a high rise and I began college where my funds
17 were monitored, and college loans, which I'm currently
18 paying back now, were considered income. So that
19 completely changed my cost of living.

20 Thank you. That completely changed my
21 cost of living. But I did receive a bachelor's in
22 psychology and philosophy and world religion and I
23 also have a master's degree in social work. And just
24 last year I completed my master's in theology.

25 Currently I continue to face challenges in

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1 the medical field: neglect, doctors not listening, and
2 bias. And I continue to receive aide services to
3 assist with daily tasks and range of motion, but
4 despite those things I currently own my own business.

5 I'm a mental health therapist. I
6 specialize in grief, loss, and trauma. And I believe
7 that I'm gifted in those areas, not just because I'm
8 astute, but because I am one who is acquainted with
9 the night. I serve on the board of Rochester's Spinal
10 Cord Association. I'm the author of Dance Again: A
11 Journey of Inner Healing.

12 And I started by introducing myself with
13 my name. I'd like to tell you what my name means.
14 Nicole means victor of the people. Nabors means
15 prophet of light. The Greek associated light with
16 knowledge and the Romans believed that light was
17 referred to as power. The Hebrews associated light
18 with divinity. And so I stand here today not as a
19 victim, but a victor, a woman who was victimized but
20 has been -- but I did not stay there.

21 I was chosen to come before you today to
22 shed knowledge and hopefully provide insight and
23 understanding about a demographic who are often
24 overlooked. I believe we cannot control what happens
25 to us, but we can help one another make things easier

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1 and more pleasant in this life. And so I hope that
2 the power of these stories motivate you to do so.
3 Thank you so much for listening.

4 CHAIR GARZA: Thank you so much, Ms.
5 Nabors.

6 Now we're going to turn to Mr. Molina.
7 You can begin.

8 MR. MOLINA: Thank you. First, I want to
9 thank the Commissioners for inviting me here.

10 Hello. My name is Demetrius Molina. I want to
11 first introduce myself by telling you all a little
12 about who I am, where I come from, and why I was
13 invited here today.

14 I was born in a small city in upstate New
15 York, a place best known for its maximum security
16 prison and its high crime rate. The small city has
17 had a terrible drug problem since the early '80s. Its
18 reputation as a money town attracts big city drug
19 dealers looking to make a larger profit. As a result,
20 substance abuse and gun violence became a serious
21 threat to the safety and welfare of the community.

22 When I was born my dad was a 16-year-old
23 who had already been arrested and was well on his way
24 to his first of many prison stints despite the fact
25 that he was legally a child. My mother was also a

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1 teen mom and became a 16-year-old single mother forced
2 to drop out of high school. My father fell victim to
3 drug abuse and stayed out of prison -- excuse me,
4 stayed out of the picture most of my life. After my
5 father went away to prison my mother shortly fell in
6 love with another man. He was in the picture briefly
7 before being arrested and sentenced to an eight-year
8 prison sentence leaving my mother yet pregnant and
9 single again.

10 When I was eight years old, I experienced
11 early childhood abuse at the hands of my mother's
12 younger brother. My uncle regularly took me to the
13 park under the guise of spending time with me and
14 forced me to fight other kids my age. He pitted me
15 against some of my friends' younger brothers. They
16 bet and wagered many of the fights. Due to the high
17 stakes my uncle placed extreme pressure on me to win
18 these playground scuffles. When I lost, I became the
19 target of his anger and ridicule. If I won, he
20 rewarded me with Burger King.

21 Of course this was a big secret to my mom.
22 He made me lie about everything we did, even the cuts
23 and bruises had a premeditated story to be told if my
24 mom questioned me. This went on for quite some time.
25 Looking back on that experience today it's clear that

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1 this has had a detrimental impact on my development as
2 a child. I was not only taught to lie and be violent,
3 but hurting other people was a good thing.

4 I've been arrested five times in my life.

5 The first time I was arrested I was 12 years old, a
6 child. One day after school I punched another child
7 for stealing my bike the previous day. The next day
8 when I reported back to school I was pulled out of
9 class and taken to the principal's office where I was
10 arrested in front of my mom.

11 When I told them that Brian stole my bike,
12 the cops said you should have called the police. But
13 why would I call the police when they took my father
14 away? Why would I call the police when I never
15 considered them people who protected me? Why would I
16 call them when I was taught not to trust the police
17 because they tended to bring more trouble into my
18 neighborhood than solve?

19 The officers didn't care what was taken
20 from me. No one spoke to me or tried to teach me
21 about a better solution. The police only seemed
22 concerned with giving me a criminal record, and this
23 was well before I heard of the school to prison
24 pipeline and it shaped my undeveloped mind to never
25 place trust in this justice system.

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1 By the time I was 15 most of my friends
2 either bought or sold drugs. With no father figure or
3 any positive male role models to look up to for
4 guidance I became easily influenced by the wrong
5 crowd. My environment had a negative effect on my
6 decision making abilities. Constant exposure to
7 illegal activities desensitized me to crime and
8 violence which contributed to me idolizing drug
9 dealers from my neighborhood. In hindsight it was
10 never a question of if I would sell drugs, but more of
11 a question of when I would.

12 My fourth arrest was for retaliating
13 against someone who came shooting at my house. This
14 arrest was my first that involved the use of a weapon.

15 The initiator was not arrested because I would not
16 cooperate with the police by identifying the shooter.

17 Now most of you may question why I chose
18 not to cooperate with the authorities when someone
19 tried to kill me. Well, the answer is simple and has
20 everything to do with the strained relationship
21 between law enforcement and people from inner city
22 communities. People from these communities do not
23 look at police officers as people who are really there
24 to protect and serve. With over-policing, police
25 discrimination, and police brutality being real

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1 threats to minorities, the police are feared and
2 perceived as the enemy. Furthermore, there is
3 culturally a negative stigma associated with
4 cooperating with law enforcement. To be labeled a rat
5 or a snitch in poor communities can be dangerous and
6 sometimes even deadly.

7 This reluctance to cooperate with law
8 enforcement only perpetuates the strained relationship
9 between them and members of minority communities.
10 Though I was clearly heading down the wrong path the
11 only solution that was ever presented to me was the
12 criminal justice system, not counseling or mentoring
13 or any other community resources.

14 My last arrest resulted from the shooting
15 death of an innocent bystander who was safely sleeping
16 in the comfort of his home when a stray bullet came
17 through his bedroom killing him while he was asleep.
18 He was a pastor, a father, and a husband; his wife was
19 seven months pregnant at the time. My punishment was
20 a 17 to life-year prison sentence and a lifetime of
21 guilt.

22 At the lowest point of my life, I was
23 forced to look in the mirror and did not like my
24 reflection. When did I become a violent criminal?
25 There I was repeating history. Twenty-three years

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1 old, abandoning my son, and forcing his mother into a
2 role of a single mother, a product of my own
3 environment inevitably providing the same
4 disadvantages for my son to continue the cycle.

5 While I was incarcerated, I saw that so
6 many other incarcerated people was like me. They came
7 from child environments where it seems like their
8 destinies were already determined. Recently I read
9 somewhere that trauma explains behavior, but it
10 doesn't excuse it. I agree. And therefore, I do not
11 intend to diminish the gravity of my irresponsible
12 actions by highlighting my hardships. I'm fully aware
13 the negative impact crime and violence had have on
14 society as well as the tremendous pain and suffering I
15 have caused through my extremely poor choices. I only
16 want you to know that I had very few choices in front
17 of me, not that I chose wrong from all possibilities
18 that children from rich households had.

19 The isolation and separation of prison
20 allowed me to feel once again victimized by a punitive
21 system, however as the years passed any outward impact
22 of my role in this crime took hold of my conscience.
23 I could no longer feel sorry for myself. Slowly but
24 surely my sentiments shifted towards those that my
25 actions affected most: my victim and his family.

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1 I used my prison time to recognize where
2 my poor choices started and focus on making the
3 necessary changes to have a positive impact on my son.

4 My first step in bettering myself was taking full
5 responsibility for my actions. Avoiding conflict in
6 an extremely violent and volatile place is nearly
7 impossible. Violence is the only form of respect in a
8 place that has daily fightings and stabbings. I
9 witnessed gang wars, riots, violence against -- from
10 guards against incarcerated people. I was exposed to
11 pepper spray, tear gas, and even live rounds being
12 shot in the recreation yard.

13 Incarceration is not the solution.
14 Consider this: Most incarcerated people will be
15 returning to the same communities they were arrested
16 in, now more prone to violence and facing many
17 challenges of a person with a criminal background.

18 What is the answer? Unfortunately, it's
19 very rarely the prison system itself. The prison
20 system only provides violence, intimidation, fear, and
21 dehumanization. Community groups have to come in and
22 offer restorative approaches because prison doesn't
23 offer them. I participated in a prison college
24 program and also a prison theater program and I truly
25 believe that these programs are the reason I made it

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1 out of prison as the man I am today, but it's
2 important to distinguish that I made it through prison
3 not because of programs created by the prison, but in
4 spite of the lack of programs provided to incarcerated
5 people by the prison.

6 Prison staff routinely worked to obstruct
7 volunteer programs. Prison staff openly mocked,
8 punished, and made it harder for people to access and
9 be successful in education programs from outside
10 community groups. Threats ranging from planting drugs
11 or weapons in your cell to leaving your name off of
12 the class roster were often used to deter incarcerated
13 people from participating in programs that could
14 positively impact our lives. Thank you.

15 CHAIR GARZA: Thank you, Mr. Molina.

16 Ms. Hawkins, you can proceed.

17 MS. HAWKINS: Today I stand before you to
18 share a deeply personal and life-altering experience.

19 It was December the 6th, 1995, a day forever etched
20 in my memory, the day my life changed forever. On
21 that day -- fateful day my only child Reginald was
22 murdered and my world was turned upside down. From
23 that moment my life took a tragic turn. Reggie, the
24 love of my life, my only child, had been taken from me
25 in the most horrific manner imaginable.

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1 My world crumbled around me and I was left
2 with profound emptiness in my heart. The pain of
3 losing a child to such a senseless violence is
4 indescribable. The journey of grief has been long.
5 And even after all these years it's continued. But I
6 share my story not just to recount my own tragedy but
7 to remind us that all -- the impact of murder reaches
8 far beyond the immediate family. It touches family,
9 friends, and entire communities leaving us scarred
10 forever.

11 In memory of Reggie I strive to find
12 strength in his spirit, remembering the joy and
13 laughter he brought into our lives. And I also seek
14 to honor his memory by raising awareness about the
15 need for support for Black and Brown families. Also
16 in the face of losing Reginald my life -- I had to
17 make a critical life decision. Would I wilt as a
18 flower choked in a garden weeds or will I fight with
19 every fiber in my soul? So I decided to dedicate my
20 life to try to help those who are unable to help
21 themselves.

22 The reason I'm here today is that I chose
23 to fight back, not for vengeance because that belongs
24 to the Lord, but as a voice for justice, not only for
25 my son Reginald, my sister Linda who unfortunately was

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1 murdered March the 14th, 2011, but also for every
2 victim that prey -- that falls preys to violence and
3 their families -- their friends and families they
4 leave behind.

5 First, in 1995 we had over 800 homicides
6 in L.A. The lack of trust I felt in December 1995
7 after the murder of my son in the criminal justice
8 system was deeply rooted in historical and
9 contemporary facts. There were two things that were a
10 problem:

11 First, there was a guy named Rodney King who was
12 killed in 1992 in L.A. At that time it was called
13 police brutality. Racial tension led to a perception
14 of systematic racism.

15 Second, the O.J. Simpson case in 1995. My son
16 was murdered in December. O.J. Simpson was sentenced
17 in September or October. It highlighted the racial
18 dynamics in the criminal justice system. It also
19 intensified skepticism about the fairness of the
20 justice system because what we were seeing.

21 To me the effect of these two events had a
22 lot do with my son's investigation. There was deep-
23 rooted mistrust within the criminal justice system and
24 the community making it more difficult for law
25 enforcement to solve Black and Brown murders in the

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1 '90s. The majority of the Black and Brown murders
2 dating back to the '90s in Los Angeles County remain
3 unsolved. Per a former LAPD chief of police, Chief
4 Willie Williams, a murderer kills in L.A. County two
5 to three times before being arrested if you're Black
6 of Brown. That was in the '90s.

7 Let's talk about 2023. Now I have a
8 dynamic relationship with the criminal justice system.

9 Our story is used to collaborate a model in Los
10 Angeles for building trust and addressing the issues
11 faced by Black and Brown. But we still face
12 challenges. To me Black and Brown communities in L.A.
13 County, like in many other minority communities, often
14 face unique and dis-appropriate challenges when
15 dealing with murder and its aftermath.

16 First, in a Black and Brown community
17 murder is justified by the criminal justice system, by
18 blaming the victim. Second, in telling us to give
19 those who murder our loved ones a second chance. What
20 about our children? What about us?

21 Also, we face challenges. Lack of
22 attention is not given. Majority of our cases go
23 unsolved. We have lack of resources in the Black
24 community, economic disparity, distrust of the
25 criminal justice system. And it's a biased

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1 investigation.

2 We are stereotyped. For instance,
3 derogatory name calling are given to witnesses in our
4 community: snitches and thugs and whistle-blowing from
5 the criminal justice system. Labeling young Black and
6 Brown murder victims as gang bangers, drug daddies,
7 drug dealers based on the ZIP code and association as
8 though it's justifying them being murdered. These
9 labels not only perpetuate stereotypes, but also
10 affects how murder victims' families from these
11 communities are perceived and treated in the criminal
12 justice system.

13 Negative terminology. The use of negative
14 terminology, calling these murder victim gang bangers
15 and drug dealers, to describe murder victims not only
16 dehumanizes our murder victims, but also perpetuates a
17 cycle of victim blaming. It is crucial to treat all
18 victims with dignity and respect regardless of their
19 background. To me personally these issues undermine
20 the pursuit of justice and further erode trust in the
21 criminal justice system for Black and Brown.

22 Victim blaming. To be labeling, calling
23 them gang bangers, drug dealers, or witnesses with
24 derogatory terms not only adds to their suffering but
25 also perpetuates a cycle of stigmatization and

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1 discrimination. It is crucial to focus on supporting
2 and understanding the experience of those who have
3 been affected by murder, whether they are victims,
4 witnesses, or their families. Also, it's important
5 for communities, law enforcement, society as a whole
6 to reframe from victim blaming and to stay and work
7 together to support those who have been affected.

8 We have noticed as Black and Brown murder
9 victims' families in L.A., animals are given more
10 support and attention than our Black and Brown murder
11 victims. How can we believe in a system that is
12 calling us derogatory names and we still paying taxes?

13 How does murder impact a trusted
14 relationship in the community and law enforcement? It
15 impacts it greatly. Because if we have the derogatory
16 name calling coming from law enforcement when they're
17 doing investigations, it's hard for us to believe
18 they're doing a great investigation. If you've got
19 your foot on my neck and you're calling my child
20 derogatory names, how can we believe in the criminal
21 justice system? We're hearing it from everywhere.
22 And somebody got to stand up and say stop victimizing
23 victims. We've had it with this craziness. It's only
24 right.

25 Stop blaming the victims, stop blaming the

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1 community. And we expect investigations like it's
2 your child being murdered. Yes, we shouldn't have to
3 ask this, but we do. We want public service
4 announcements regarding Black and Brown murder victims
5 like you treat other crime victims. We don't see it.

6 We expect to see it. We want them on the bus stops.

7 We want them in the restrooms. Because we believe
8 people know who murdered our loved ones besides the
9 perpetrator and our kids. We want to be treated just
10 like other crime victims are treated in this country.

11 And why are we being discriminated because we're
12 Black and Brown? This is unfair for Black and Brown
13 murder victims' families to be treated in this fashion
14 in 2023. That's it for me.

15 CHAIR GARZA: Thank you, Ms. Hawkins.
16 Thank you for that.

17 We're going to turn to Mx. Ray. If you
18 would proceed, please?

19 MX. RAY: My name is Audacia Ray and I'm
20 the Director of Community Organizing and Public
21 Advocacy at the New York City Anti-Violence Project.
22 I'm a bisexual non-binary former sex worker and I'm a
23 survivor of intimate partner and sexual violence and
24 my pronouns are they and she.

25 Today I'm going to be sharing about some

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1 of the cases that the Anti-Violence Project has worked
2 on and some of the families that we've closely with,
3 but first I'll talk a little bit about how AVP works.

4 The Anti-Violence Project, which was
5 founded in 1980, is the only LGBT-specific victim
6 services agency in New York City and it's the largest
7 organization in the country that's dedicated
8 exclusively to working with LGBTQ and HIV-affected
9 survivors of all forms of violence. And we take a
10 special focus on intimate partner violence, sexual
11 violence, and hate violence.

12 AVP coordinates the National Coalition of
13 Anti-Violence Programs, or NCAVP, the New York State
14 LGBTQ Intimate Partner Violence Network, and we are
15 partner in the FVPSA-funded National LGBTQ Intimate
16 Partner Violence Institute. We operate a 24/7
17 English-Spanish hotline for survivors and we provide
18 free legal counseling and advocacy services.

19 In NCAVP's 2018 report on LGBTQ violence
20 we documented that people of color and transgender or
21 gender non-conforming people were most often victims
22 of hate violence/homicides with 71 percent of the
23 victims being people of color, 52 percent were trans
24 and gender non-conforming people, and 40 percent were
25 specifically transgender women of color.

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1 To get a more complete picture of the
2 disproportionate impacts on violent crime on Black,
3 indigenous, and people of color, data must be
4 collected to reflect multiple marginalization around
5 race and sex and UCCHR's categories must be expanded
6 to include sexual orientation as well as gender
7 identity and presentation.

8 The FBI has this extremely under-utilized
9 category of multiple bias for hate crimes, but their
10 assessment tools have to be sharpened to recognize the
11 crimes closer to the frequency that they're actually
12 happening. In the 2022 crime data that the FBI
13 recently released nationwide, it determined that there
14 had been more than 11,000 single bias hate crimes, but
15 only 346 multiple bias hate crime incidents.

16 Considering multiply marginalized
17 identities is really key to understanding and
18 responding to what's going on along the lines of race
19 and sex and when hate crimes are documented as anti-
20 Black violence by the FBI the sex of the victim is
21 also documented. And when hate crimes are documented
22 anti-sexual orientation, the sex and race of the
23 victim are documented. But this demographic
24 information is not considered holistically and
25 intersectionally, and it has to be.

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1 I want to share the story of Deandre
2 Matthews, a 19-year-old Black cisgender gay man from
3 Brooklyn who borrowed his mom's Jeep one night this
4 past February and he didn't come home. Deandre's body
5 was found the next day on train tracks near Brooklyn
6 College. He had a gunshot wound in his head and his
7 body had significant burn wounds. His mother's Jeep
8 was found burnt out nearby and later a medical
9 examiner found that he had suffered from smoke
10 inhalation prior to his death.

11 In collaboration with the Matthews family,
12 AVP organized a vigil for Deandre on February 16th,
13 which was nine days after his body was found. The
14 event at the Brooklyn Community Pride Center was
15 standing-room only and alongside Deandre's mother,
16 Danielle, we made a plea for the horrific crime to be
17 investigated as a hate crime.

18 In the following weeks and months, it
19 became clear that Deandre knew his attacker. They had
20 been in communication for more than a year on
21 Deandre's phone there were multiple pictures of them
22 together. And the 19-year-old man who was arrested in
23 May was charged with murder, weapons possession, and
24 evidence tampering. Deandre's murder was not
25 charged as a hate crime because it didn't meet the

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1 standard of hateful intent, nor explicit expression of
2 anti-Black or anti-gay hate during the crime itself.

3 In New York, racist anti-sexual
4 orientation and anti-gender identity violence are hate
5 crimes and they are documented in the annual FBI
6 statistics. For the purpose of this briefing, I want
7 to underscore that there are gaps among how the FBI
8 categorizes these incidents, state laws around
9 inclusivity and discrimination categories, and the
10 limited discrimination categories of sex and race that
11 the Commission uses.

12 As we've learned more about the
13 circumstances of Deandre's homicide, AVP has been
14 highlighting the complex intersections of hate
15 violence, intimate partner violence, and hookup
16 violence that were present in this crime. That
17 analysis, however, is not at all present in the data
18 or in the charges around the case.

19 The second example I want to share with
20 you today is a pattern of five homicides in
21 Jacksonville, Florida during 2018. All of the victims
22 were women who were both Black and trans and all of
23 them were victims of gun violence. It's important to
24 say their names. Antash'a English, Cathalina
25 Christina James, Celine Walker, Jessie Sumlar, Sasha

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1 Garden.

2 Although five murders is a significant
3 pattern and the local community expressed concern
4 about the possibility of a serial killer, the
5 Jacksonville Sheriff's Department was very lax in
6 their investigations and in communicating publicly
7 about the cases. Several of the homicide victims were
8 misgendered and deadnamed in the press, which delayed
9 the process of identifying them and connecting with
10 loved ones.

11 Trans people don't often share their legal
12 or deadnames even with close friends, so when they're
13 reported as missing under their known name but
14 documented by police or coroners under their
15 deadnames, their loved ones don't know what happened
16 to them.

17 Because law enforcement officials were not
18 trans-competent the investigations slowed and the
19 community became even more distrustful of the police.

20 And while it's necessary for police to be trans-
21 competent and affirming, it's even more important for
22 there to be substantial support for community
23 reporting mechanisms that do not involve law
24 enforcement.

25 As reported in Lambda Legal's 2023

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1 publication Protected and Served, Black participants
2 had contact with the police in the previous five years
3 at rates 18 percent higher than non-Black respondents,
4 and 36 percent of Black participants do not trust the
5 police at all. And this is specifically folks who are
6 Black and LGBTQ.

7 To get a more complete picture of the
8 disproportionate impacts of violent crime on Black
9 people, data must be collected in a way that reflects
10 the multiple marginalization around race and sex and
11 the categories have to be expanded to include sexual
12 orientation as well as gender identity and
13 presentation. Because of the mistrust and the fear
14 that many Black and multiply marginalized people have
15 towards law enforcement, community-based reporting can
16 assist in collecting more accurate data that reflects
17 not just who feels comfortable reporting to the
18 police, but more expansively who's actually
19 experiencing violence.

20 Black people have consistently represented
21 over 82 percent of non-White victims of all reported
22 violence from 2017 to 2022, and over these five years,
23 anti-Black hate violence increased 66 percent while
24 hate violence increased by 58 percent. The only
25 population experiencing harm at a faster pace are

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1 people of LGBTQ identities, and there's a significant
2 crossover between those communities.

3 For sexual orientation and gender
4 identity-based violence the increase from 2017 to 2022
5 was over 90 percent. Year to year, hate violence
6 continues to climb with disproportionate rates
7 targeting race and ethnicity and also demographics
8 correlating with sexual orientation and gender
9 identity.

10 Without a concerted effort to reduce hate
11 violence and to document the multiple bias incidents,
12 individuals who are at the intersection of race,
13 sexual orientation and gender identity will continue
14 to be over-represented in violent victimization
15 reporting and with significant risks of these surges
16 continuing to trend. Thank you.

17 CHAIR GARZA: Thank you, Mx. Ray.

18 Now we're going to turn to Ms. Hilliard.
19 You can proceed.

20 MS. HILLIARD: Good afternoon. My name is
21 Tashica Hilliard. I'm a newly-licensed nurse, mother
22 and three, and sadly the widow of Glenn Hilliard who
23 was murdered.

24 Today I'm here to speak about my husband,
25 Wicomico County Deputy Sheriff Glenn Hilliard, who was

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1 brutally murdered while on duty on June 12th, 2022.
2 Had Former Baltimore City State's Attorney Marilyn
3 Mosby held violent criminals accountable, my husband
4 may still be alive today.

5 Glenn was adopted at the age of four years
6 old and raised in Newark, New Jersey. As a child
7 Glenn was fascinated by and often drawn to anything
8 law enforcement related. During his senior year of
9 high school Glenn visited and toured the campus of the
10 University of Maryland Eastern Shore, a historically
11 Black university. Glenn told me that when he first
12 saw the campus he fell in love with the quiet area as
13 it was a far cry from the hustle and bustle and high
14 crime rates associated with Newark.

15 Before becoming a deputy sheriff Glenn
16 worked as a seasonal police officer in Ocean City,
17 Maryland during the summer of his first year of
18 college. Glenn told me that when he worked in the
19 seasonal position, he knew for sure that law
20 enforcement was his number one career choice. Glenn
21 changed his major from computer science and graduated
22 with a bachelor's degree in criminal justice in the
23 winter of 2003.

24 During college Glenn also worked in
25 student security and had the opportunity to meet with

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1 and form relationships with local law enforcement
2 officers. Because of those relationships and his
3 character, Glenn was offered a position at the local
4 police department, which he accepted. Glenn then
5 enrolled and completed his formal police training at a
6 local community college.

7 Glenn worked as a police officer at a
8 couple of different small agencies before he was sworn
9 in as deputy sheriff at Wicomico County Sheriff's
10 Office in 2012. Glenn was never shy about his many
11 accomplishments and certifications throughout his
12 career with advancing to the SWAT Team being at the
13 top of his list. Anyone who ever met or worked with
14 Glenn knew that he was born to be a law enforcement
15 officer. He was excellent at his job and he loved
16 every minute of it.

17 June 12th, 2022, was a Sunday. As Glenn
18 got ready for work I -- to leave for work I gave him a
19 kiss and told him to come back safely, as I always
20 did. He replied, "I shoot first," as he always did,
21 as he walked out the door. A few hours later I texted
22 Glenn and he responded with, "I will call you when I
23 clear this call." Nothing unusual about that except
24 that night he never did get the chance to call me
25 back.

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1 As I mentioned before, Glenn was extremely
2 great at his job and he was most proud when he was
3 able to serve a warrant, especially on someone who may
4 be a danger to the community. So, on the evening of
5 June 12th, 2022, Glenn -- when Glenn heard the call
6 that a convicted felon with an active fugitive warrant
7 who may also be armed was nearby his location, he
8 immediately began searching. Because Glenn was so
9 good at what he did it did not take him long to spot
10 and begin pursuit of the suspect.

11 Glenn spotted the suspect peeking out from
12 under the stairwell at the apartment complex. Glenn
13 got out of his car and yelled for the suspect to stop.

14 Unbeknownst to Glenn the suspect had spotted him
15 first and was lying in wait fully armed, ready and
16 disgustingly excited to take a life. Glenn announced
17 himself and the suspect started running and my husband
18 took chase.

19 During the very short chase Glenn
20 announced that his taser was drawn and would be
21 deployed if the suspect did not surrender. Then the
22 suspect, who had a backpack over his shoulder, only
23 took a few more steps before reaching into his
24 backpack and produced a 9mm handgun equipped with
25 laser site with 30 rounds magazine -- a fully loaded

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1 magazine and shot my husband three times. One round
2 hit Glenn's shoulder. The other hit Glenn in the
3 forehead. As I recall the medical examiner described
4 it as an instantly fatal shot.

5 The suspect, a 20-year-old White male, had
6 been arrested 20 times as a juvenile and now 10 times
7 as an adult. Within his short time of being an adult,
8 the suspect had already had multiple incidences of
9 robbery, second-degree assault, malicious destruction
10 of property, and the list goes on. In 2019 he was
11 facing up to a 25-year prison sentence due to the use
12 of a handgun during an armed robbery.

13 The Baltimore City state's attorney
14 authorized for the suspect to receive probation before
15 judgment and not the minimum sentence. After pleading
16 guilty to one count of armed robbery, the suspect
17 continued to be arrested throughout different counties
18 in Maryland, but his probation was never violated
19 until sometime in May or early June.

20 The suspect was prohibited from having a
21 firearm, possessing a firearm due to his prior felony
22 convictions, but as Glenn always told me, gun laws are
23 for law-abiding citizens, not criminals. The only
24 thing that could have saved my husband's life that
25 night would have been if the suspect were in prison

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1 where he belonged.

2 I was raised in a household that saw no
3 color and I was taught to believe we are all just
4 people, children of God. So it was not until I began
5 my career at our local courthouse working with
6 criminals, not unlike the suspect, that I started to
7 become aware that sometimes preconceptions preceded
8 sentences. The suspect fit the demographic of clients
9 that I often work with in a jail diversion program:
10 White, early 20s, not the best childhood, and
11 seemingly needing direction. Unfortunately throughout
12 my career I noticed that young Black males with the
13 same circumstances were often labeled as violent, or
14 drug dealers.

15 It's unfortunate to say, but after finding
16 out about the suspect's identity and history, I had to
17 wonder if the state's attorney in Baltimore decided
18 that this was a poor young White kid who clearly did
19 violent actions but somehow deserved multiple chances
20 to actually prove he was violent. I thought that if
21 this had been a young Black male would the sentence
22 have been the same or would the kid have still been
23 sitting in prison and my husband may still be alive
24 today? If it was that the state's attorney was giving
25 him an opportunity to prove himself, then

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1 unfortunately he did just that and proved himself to
2 be a violent heartless murderer of whom the court
3 should be protecting us from and not letting out on
4 the streets.

5 The murderer was eventually captured,
6 tried, and convicted this past June and sentenced to
7 life plus 66 years. I feel that the state's attorney
8 had been -- if the state's attorney had been more
9 proactive and allowed prosecutors to violate the
10 suspect's probation and put him in jail, my husband
11 may still be alive today.

12 My husband, love of my life, and
13 children's father is gone, but he died doing what he
14 loved and he died a hero. Although my children will
15 be facing endless life events without their father,
16 they are comforted in knowing that he did everything
17 right on the night of his murder and he lost his life
18 saving the lives of countless others. Thank you for
19 the opportunity to talk today.

20 CHAIR GARZA: Thank you so much for your
21 testimony, Ms. Hilliard.

22 We're going to turn to our final panelist,
23 Christina Love. Whenever you're ready. We can take a
24 moment.

25 MS. LOVE: It's a lot. (Native language

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1 spoken.) My name is Christina Love. I'm an Egegik
2 Village tribal member. I've traveled very, very far
3 to be here today.

4 My family's from Egegik Village where we
5 have been for 10,000-plus years. I was raised in the
6 village of Chitina in the interior on Ahtna land and
7 today I live on Lingít Aaní, home to the Áak'w and
8 T'aakú Kwáan people of the Tlingit Nation, also known
9 as Juneau, Alaska.

10 I'm very, very grateful to be here. It's
11 a miracle that I'm here. I know that you're all aware
12 of the statistics of violence, that Native people are
13 more likely to be murdered, to be physically abused or
14 sexually abused than we are to own land, to graduate
15 from college, or to be here today.

16 I'm a senior specialist on
17 intersectionality. And that just means that we can't
18 talk about domestic violence and sexual assault
19 without talking about incarceration and homelessness
20 and substance use. A big part of my job is to
21 normalize the ways that people survive and to place
22 the blame where it belongs. Mental health and
23 substance use are natural reactions to violence; it's
24 the violence that is not the natural thing.

25 I want to tell a couple of stories, and I

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1 know that there's the stories that I provided for you,
2 but I want to highlight a couple of other things that
3 are not in the brief.

4 Fifteen years ago, my body was left in a
5 ditch for dead. And I draw on this experience often
6 when I think about what it took to climb out of that
7 ditch covered in my own blood and bruised and flagging
8 down a person to receive medical care. And that of
9 itself is trauma, but the trauma that I want to
10 highlight is what happened after, that while I was in
11 medical services and interacting with law enforcement
12 and advocates there continued to be a profound
13 misunderstanding and misconception about who survivors
14 are.

15 People said things like if I hadn't been
16 addicted then I wouldn't have been abused, or if I
17 hadn't been in that flophouse then those things would
18 have never happened. And I believed them for a really
19 long time. I believed that I was to blame for the
20 harm that had happened to me, and I believed that it
21 was my fault that I was addicted. But if we rewind
22 back to when I was 12 years old when my father went to
23 prison for sexually abusing his children, there were
24 no supports then there either and we were blamed for
25 that harm.

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1 And if we rewind back even further to my
2 mother and the harm that she experienced while in BIA
3 school, the Bureau of Indian Affairs -- my mother is a
4 boarding school survivor. And that was a very hard
5 decision that our family made because during the 1970s
6 it was illegal to have a mental health issue and my
7 mother was born with developmental disabilities. And
8 we could go into -- about the why of that. Because
9 she didn't have the adequate medical care that she
10 needed that could have prevented those things from
11 early on. She has Graves' disease. But her family
12 chose to place her in BIA school so that she wouldn't
13 be taken to Morningside Hospital, because at the time
14 mental health was criminalized.

15 And I'm telling you this because -- and
16 that wasn't that long ago. We have survivors that
17 went to -- I've interviewed survivors of internment
18 camps that are still alive, which is just another word
19 for concentration camps, in Alaska. Our villages were
20 removed during war to the land of the Tlingit people
21 where they survived grave physical and sexual abuse.
22 So when they were hungry, they were given alcohol.
23 When they were thirsty, they were given alcohol. When
24 they were cold because they didn't have shelter, they
25 were given alcohol.

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1 This is the story of how we got here to
2 today, that we have the systems that we pay for, that
3 this subject is not complicated. What we're talking
4 about is things that were taken from our communities.

5 And the solution is that those things would be
6 brought back. Thousands of years of parenting skills.

7 Once they're removed they don't magically reappear.
8 Violence is a learned behavior. And people who
9 brought people here against their will were the first
10 abusers and people who violently stole land and
11 violently stole culture were the first abusers. And
12 what we end up with is what we have here today.

13 And so the shorter story is that these are
14 the institutions that we have inherited. These
15 policies and practices we did not write. They were
16 not made for us and they were not made by us. And so
17 we have -- we are all here today. And in preparation
18 I thought about the thousands of people who have sat
19 in this seat before me, the brilliant scholars of law
20 and survivors and activists who have made the same
21 plea to all of you, too, to do something differently,
22 that this is all of our country.

23 And I believe that we got here because of
24 a dream that wasn't ours. And it will take all of us
25 to have the courage and the determination. I have to

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1 believe that even though right now earlier this week I
2 was in trial for my own sexual assault. On March 3rd
3 of this year, I celebrated 10 years of recovery from
4 heroin, 10 years of recovery from incarceration, that
5 I learned how to grow back into the community. And I
6 get to be here today because people believed in my
7 worth, because they looked me in the eye and they told
8 me that they didn't think that I was a bad person, but
9 just somebody who had experienced a lot of trauma.
10 And we have the opportunity to tell that story about
11 who people are.

12 And so there's a couple of major solutions
13 that I want to focus on. One of them is what we call
14 equity audits. And that's an opportunity to re-center
15 our services. Law enforcement -- everything that law
16 enforcement needs, that medical providers need,
17 advocates need, all survivors need, all of us need.
18 When I go into a sexual assault and I'm working with
19 somebody, there's so often that I'm encountering law
20 enforcement officers and medical officers who have no
21 heart response. And I know that the victim that I'm
22 working with, her and I, we're going to be just fine.

23 But the people that we're encountering who don't have
24 this heart response, who don't have access to medical
25 care, who don't have access to these things, yes,

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1 housing would be very, very beneficial as well as the
2 full continuum of care.

3 And so it will take that infrastructure.
4 Cost-free initiatives include changing the language of
5 -- that we tell the whole story about how we got here,
6 and we get very clear about what those solutions are,
7 that I was not sexually assaulted, but he sexually
8 assaulted me and that we be very clear about the
9 people who are being harmed because there is a false
10 dichotomy of us and them and perpetrators. It's not
11 political that we are not vulnerable people, that
12 we're targeted people. And that's what makes us
13 vulnerable. That on the front page serial killers say
14 that they are going after people that no one looks
15 for, that nobody listens to. And they're right.

16 We have -- in our communities one out of
17 three communities has no response at all. In the
18 report you'll see that there are several communities
19 when we call for 9-1-1 no one comes. And so we have
20 these entire systems that deem certain groups of
21 people -- it's not a coincidence that women are harmed
22 more than men. It's not a coincidence that Black and
23 Brown and indigenous people are harmed more than our
24 LGBTQ two-spirit relatives are harmed more. We have
25 to ask these questions about who's being harmed as

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1 well as the solutions. Thank you so much.

2 CHAIR GARZA: Thank you. Thank you, Ms.
3 Love.

4 And thank you to all of our panelists for
5 your testimony and your bravery in sharing your
6 stories with us today. I know I can speak on behalf
7 of my fellow Commissioners that we're very touched by
8 your words.

9 At this point I'm going to open us up to
10 questions. And I believe we still have a few
11 Commissioners on the phone, so I'd like to open it up
12 to them first. Is there anyone on the phone that has
13 a question?

14 (Simultaneous speaking.)

15 CHAIR GARZA: We'll go with Commissioner
16 Gilchrist and then Commissioner Kirsanow.

17 COMMISSIONER GILCHRIST: Madam Chair,
18 Commissioner Gilchrist here. I don't have any
19 questions, but I certainly just want to thank the
20 panelists for those heartfelt remarks. This testimony
21 certainly again informs us about the work that we not
22 only are doing with this particular issue, but how we
23 continue to look at the implications of this work
24 going forward. And so I just thank them for coming
25 and sharing with us today during our briefing.

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1 CHAIR GARZA: I appreciate that,
2 Commissioner Gilchrist.

3 Commissioner Kirsanow?

4 COMMISSIONER KIRSANOW: No questions.
5 Thank you.

6 CHAIR GARZA: Vice Chair Nourse?

7 VICE CHAIR NOURSE: I just want to share
8 my sentiment with you, that you all touched me very
9 much. And I've been working on these issues for 30
10 years and I've never seen such brave people. So thank
11 you. Thank you for sharing your struggles and your
12 pain with us.

13 COMMISSIONER MAGPANTAY: I echo the
14 sentiments.

15 CHAIR GARZA: Yes, I echo it as well. I
16 know that a few of you weren't here earlier this
17 morning, but I just want to point out that we heard
18 from experts this morning about different issues that
19 have contributed, different highlights in terms of
20 care after victimization including victim services,
21 issues with even having access. I was surprised to
22 learn -- I'm from Texas and I was very surprised to
23 learn that our Victims' Compensation Program --
24 although women are more likely to apply for
25 compensation, are less likely to receive it.

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1 So I just want to point out that we've
2 heard from these panelists that are -- that identified
3 all of the things that you all spoke about. And so I
4 just wanted to pose a general question of what you
5 feel -- I mean what you feel is the most needed in
6 terms of addressing the issues that each of you faced.

7 I mean, we could start with Ms. Nabors, if
8 you have any thoughts there.

9 MS. NABORS: Thank you so much. That's a
10 big question. I think an education I think is
11 important, really getting some cultural sensitivity
12 courses for the medical field I think that would be
13 really important. Education about crimes victim
14 services.

15 I was really blessed. Like I said, my
16 injury happened 17 years ago, so I was able to stay in
17 the hospital for four-and-a-half months. Now people
18 are shot and they're sent home in two weeks. I
19 couldn't imagine what that would be like. And they're
20 sent back to the same environment. So it's not
21 accessible. They can't use the bathroom, anything
22 like that, and they're not told about crime victims,
23 which is a federally-funded service.

24 And every state doesn't have it, but in
25 New York State that will pay for anything dealing with

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1 your injury. A lot of people don't have that
2 knowledge or they're not provided with a social worker
3 to help fill out that information. So I would say
4 crime victims and cultural sensitivity.

5 I actually work on that on a small scale
6 in Rochester, New York with Rochester Spinal
7 Association. We have clinics for the residents and
8 the doctors to come in. And we share our experience
9 and we talk about statistics of what's going on to
10 hopefully bring about change. But that's on a very
11 small scale in comparison to the nation. So that
12 would be my thoughts. Thank you.

13 CHAIR GARZA: If anyone else would like to
14 share something?

15 MR. MOLINA: Yes, I believe that the
16 biggest issue is the strained relationship between law
17 enforcement and members of inner city communities.
18 And the reason that is, is because from my experience
19 not having trust in law enforcement and not really
20 believing that they were there to help and protect
21 caused me to do things that led to the path that I
22 took.

23 And also like the police officers and
24 things not really having much experience or knowledge
25 with dealing with people in the inner city

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1 communities. Most of their presence always resulted
2 in they're responding to a crime or something that
3 happened and someone's being arrested. So if there
4 was some sort of programs that can kind of bridge the
5 gap between the inner city communities and law
6 enforcement, I believe that the strained relationship
7 could be strengthened and create trust. This lack of
8 trust is what's led to a lot of issues.

9 CHAIR GARZA: Thank you for that.

10 Ms. Love?

11 MS. LOVE: Thank you so much for asking
12 the question. What I've learned with looking at other
13 solutions is that we can't change public policy
14 without public opinion. We've written beautiful
15 omnibus crime bills that people didn't understand.
16 They didn't understand the science of addition, they
17 didn't understand the science of trauma, they don't
18 understand -- I think that often when we look at the
19 full continuum of what communities need and the very
20 limited options, then we end up in this cycle of over-
21 criminalization. There are entire states that would
22 collapse without the economic benefits of what is
23 slave labor and how that contributes to increased
24 violence within those communities.

25 So first I would ask for an equity audit

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1 that centers people who have been directly impacted.

2 I heard somebody quote Glenn Martin. And
3 the other part of that quote was really important. So
4 the quote is the people closest to the problem are
5 closest to the solution, but furthest from resources
6 and power. Myself and other people here, we have all
7 the solutions, but we've never had access to the
8 social capital, we've never had access to the power,
9 the resources to make those changes.

10 We can tell you that economic instability
11 and that housing and employment -- that all of those
12 things that people need, those basic needs. When we
13 look at the hierarchy of need, formally known as
14 Maslow's -- was stolen from the Blackfeet Nation. The
15 other part of that that's missing is the community
16 context. And what -- that there isn't anything wrong
17 with people or communities. There are only things
18 that are missing.

19 And for some people and for some
20 communities those are big things. And for some people
21 and for some communities those are things that have
22 been missing -- or sorry. Let me rephrase that. The
23 other part of this is language. Things that were
24 taken. I didn't lose my language or my culture. They
25 were taken from us.

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1 So engaging in this process that allows --
2 it's a paradigm shift that would restore power to
3 communities and people who have been directly impacted
4 at every single level. So hiring people with lived
5 experience, bringing people in with lived experience
6 to do these equity audits that includes language,
7 using the right language, people who perpetrate harm,
8 right? So then we get rid of that false dichotomy of
9 who is committing crime.

10 And we name them as people first and we
11 tell the whole story about what addiction really is
12 and what's happening to this community. That's real
13 liberation when you know that you've been living life
14 in a certain way because you didn't have access to
15 other -- Maya Angelou is another -- we do the best we
16 can until we know another way. And so it takes all of
17 us to tell the whole story and ensure that people have
18 what they need. Because when we do -- myself and
19 others are the example of that. When we're given the
20 resources that we choose something differently. Thank
21 you.

22 CHAIR GARZA: Thank you.

23 Ms. Hawkins, were you wanting to --

24 MS. HAWKINS: I think it should start with
25 education and with the criminal justice system, it

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1 needs to be educated on culture sensitivity when it
2 comes to Black and Brown murdered victims, because
3 there is no training on that. And by it not being
4 trained in 2023 it puts us further and further back.
5 It has to start at the top. We hear on TV even from
6 Congress and Senate -- they call them victims whistle-
7 blowers and these derogatory names. It has to stop.
8 It has to stop from the top.

9 And demand that law enforcement, the
10 judges, the DA, the public defenders do not use these
11 derogatory name calling when it comes to murdered
12 victims. We did it when it came to rape with women
13 who walk the street. It became a law that you --
14 because if I were a prostitute you couldn't call me a
15 prostitute when I came to a rape case in to the
16 courtroom.

17 We need that to happen for murder victims.

18 The derogatory name calling of murder victims and
19 witnesses. And that's a problem in our community
20 because if you come forward, like you said, you'd be
21 calling a snitch, a sell-out. And then they got these
22 things: snitches get stitches. And so we have to
23 change that whole -- you got to change it. And you
24 all have the power and the resources that we don't
25 have in our community, as she indicated. We don't

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1 have it. And for us to be in 2023, there's not one
2 public service announcement in this country regarding
3 murder. That's unacceptable.

4 CHAIR GARZA: Thank you.

5 MX. RAY: I'm thinking a little bit about
6 a question actually that Commissioner Jones asked in
7 an earlier panel about the gap between communities
8 doing things for themselves and what we require from
9 the federal government. And I think what's coming up
10 really strongly in this panel is that we need both.
11 We need the investment of federal government and we
12 also need support for our communities. Because our
13 communities know what we need and we know how to get
14 there and we must be treated as experts, not just on
15 our own lives.

16 I always love panels of survivors. It's
17 always the best part of any hearing. And also we are
18 all folks who have solutions that are not just here to
19 tell a painful personal story. We have -- through our
20 lives have understood like what needs to shift in
21 order for that to work. And part of that also
22 requires folks from our communities being included in
23 those policy conversations.

24 Policy conversations are not over our
25 heads. And if they are, it's because they're being

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1 put together in a very obtuse way. So we can engage
2 in those conversations and we should be at those
3 tables, not just to tell sad stories, but also to
4 really be invested in ourselves and invest in how do
5 we shift this together?

6 CHAIR GARZA: Would anyone else like to
7 make a comment?

8 No, you're okay. You don't have to. I'm
9 not going to call on anyone. I just want to make sure
10 I give everyone the opportunity to say what they want
11 to say.

12 Well, I'm hearing no more questions at
13 this point and I just -- from the bottom of my heart
14 I'm so grateful and thankful for your presence here
15 today.

16 I know you traveled very far, Ms. Love,
17 Ms. Hilliard. I know a lot of folks -- Mr. Molina.

18 I appreciate you coming here today sharing
19 your stories and participating in this important
20 panel. We're going to incorporate a lot of what we've
21 heard today into the ultimate report that we'll
22 produce. So thank you again very much.

23 COMMISSIONER MAGPANTAY: Exactly that.
24 Thank you. And I give you my personal assurance that
25 everything that you have said, I have been listening

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1 and taking notes constantly and hearing your stories.

2 And as I'm on this Commission, we will work very hard
3 to figure out the issues that we can do with this
4 government to bring healing and justice for these
5 issues that you all have raised. Thank you.

6 CHAIR GARZA: Thank you. We're going to
7 go ahead and take a break, a 10-minute break. We'll
8 reconvene at 2:06 p.m. for our fourth and final panel.

9 (Whereupon, the above-entitled matter went
10 off the record at 1:56 p.m. and resumed at 2:14 p.m.)

11 VIII. PANEL 4: RESEARCHER & POLICY EXPERTS

12 CHAIR GARZA: Good afternoon. We will now
13 proceed with our fourth panel, researchers and policy
14 experts. Thank you all for being here this afternoon.

15 I'm going to give you some details about how this is
16 going to run.

17 Each panelist is going to have seven
18 minutes to speak. After each panel presentation,
19 Commissioners will have the opportunity to ask
20 questions within the allotted time period. And I will
21 recognize Commissioners who wish to speak.

22 I will strictly enforce the time
23 allotments given to each panelist to present his or
24 her statement. And unless we did not receive your
25 testimony until today, you may assume that we have

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1 read it so feel free to summarize it. And we will
2 appreciate that so you can make use of the seven
3 minutes you've been allotted. Please focus your
4 remarks on the topic of our briefing.

5 I want to draw your attention to the
6 system of warning lights that we have set up. They
7 are in front of you. When the light turns from green
8 to yellow, that means you have two minutes remaining.

9 And when the light turns red, panelists should
10 conclude their statements. So just wrap up what
11 you're going to say. I don't want to interrupt you.
12 That would be my preference. But we do have to be
13 mindful of time.

14 My fellow Commissioners and I will do our
15 part to keep our questions and comments concise. So
16 the order in which our panelists are speaking, we have
17 with us today, Patrick Sharkey, The William S. Tod
18 Professor of Sociology and Public Affairs, Princeton
19 University. We have John Lott, President of Crime
20 Prevention Research Center, John Paul Wright,
21 Professor at the University of Cincinnati, Mallory
22 O'Brien, Associate Scientist at the Johns Hopkins
23 University, Rafael Mangual, Fellow at the Manhattan
24 Institute, Mona Sahaf, Reshaping Prosecution Director
25 at the Vera Institute of Justice.

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1 So I'm going to ask each of you to raise
2 your right hand to take an oath. Will you swear and
3 confirm that the information that you are about to
4 provide us is true and accurate to the best of your
5 knowledge and belief?

6 (Witnesses sworn.)

7 CHAIR GARZA: Thank you so much. Dr.
8 Sharkey, we can begin with you.

9 DR. SHARKEY: Great. Thank you. This is
10 a long day for all of you. Thanks for sticking with
11 us. And also thanks to Bridget Brew and Latrice
12 Foshee for -- I hope I pronounced that right -- for
13 setting this up, putting it all together.

14 So I will use this opportunity to make
15 three points about the lessons from research conducted
16 on trends in violence from the 1990s to the present.
17 And the first point I want to make is that the decline
18 of violence that took place from the 1990s to the
19 through the mid-2010s had its greatest impact on the
20 most disadvantaged segments of the population.

21 So from '91 to 2014, the U.S. murder rate
22 fell by half, by more than half, and violence fell to
23 some degree; in almost every major city it fell by 75
24 percent or more in cities like Los Angeles, Dallas,
25 San Diego here in DC and elsewhere. It completely

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1 transformed cities where violence fell to this degree.

2 Equally important, the greatest impact of
3 the crime decline was experienced by the most
4 disadvantaged segments of the population and in the
5 most disadvantaged communities.

6 The simplest way to make this point is to
7 look at lives lost. Dr. Michael Friedson and I
8 conducted a study in which we estimated the effect of
9 the national decline in murder on life expectancy and
10 found that the crime drop should be seen as perhaps
11 the most important public health advancement for Black
12 men of the past several decades.

13 But the drop in violence in the 1990s
14 didn't just save lives. It also improved academic
15 performance. It narrowed racial gaps in achievement.

16 It affected children's cognitive development.
17 Separate research with Dr. Gerard Torrats-Espinosa
18 showed that declining violence in young people's
19 communities has a causal impact on their probability
20 of experiencing upward mobility, moving out of poverty
21 as they reach adulthood.

22 So the lesson here is that when violence
23 falls, the most disadvantaged communities benefit the
24 most.

25 Point number two: American cities remain

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1 vulnerable to rising violence because our nation's
2 approach has relied primarily on aggressive policing,
3 mass incarceration and has not dealt with the
4 prevalence of guns.

5 I wrote a book on the decline of violence
6 that was published in 2018 in which I argued that the
7 fall of violence should be seen as a victory for urban
8 America. And yet I titled the book, *Uneasy Peace*.
9 Why? Well, as I wrote in the preface, the decline in
10 violence that changed urban America is fragile.

11 So let me say this clearly. It is not
12 possible to build a lasting sustained peace through
13 mass incarceration, through aggressive policing,
14 through intensive surveillance targeted toward low
15 income communities of color. It is not possible to
16 build a lasting peace when an unregulated supply of
17 guns circulates through communities.

18 It is not possible to build a lasting
19 peace without investment designed to strengthen the
20 local institutions that keep communities safe while
21 also building stronger neighborhoods.

22 In the years since that book came out in
23 2018, my concerns about the fragility of the drop in
24 violence have been borne out. From 2014 to 2022, the
25 national murder rate has risen by 43 percent. A study

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1 I conducted with Alisabeth Marsteller showed that the
2 rise of gun violence had been most pronounced in
3 predominantly Black neighborhoods and in low income
4 neighborhoods.

5 And I just want to emphasize, this is not
6 a broad rise in crime. This is purely a rise in gun
7 violence. Gun crime is the only form of crime that
8 has risen since 2019. So just as the most
9 disadvantaged communities benefitted the most when
10 violence fell, those communities have experienced the
11 greatest impact of the recent rise of violence.

12 Point Number 3: A strong body of evidence
13 points toward a new model to confront violence while
14 building stronger communities. This latest rise of
15 violence leaves us with a challenging question. How
16 can we move forward with a new model that not only
17 reduces violence, but also builds stronger
18 neighborhoods, rebuilds trust between residents and
19 law enforcement and continues to reduce the massive
20 scale of federal, state, and local systems of prisons
21 and jails?

22 And I will conclude with three
23 complementary approaches. The first is to invest in
24 policies that allow law enforcement agencies to
25 rebuild trust with the communities they serve.

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1 Federal and state funding can be used to
2 support local law enforcement agencies through hiring
3 more officers in cities and towns with insufficient
4 resources to deal with the challenge of gun violence
5 and tying that funding to approaches explicitly design
6 to build trust and legitimacy.

7 The second approach is to implement the
8 most basic regulations of firearms in order to better
9 track the circulation of guns and ensure that they are
10 kept out of the hands of individuals with a history of
11 mental illness, domestic violence or serious crime.

12 A study I published just a couple weeks
13 ago with Megan Kang, a doctoral student at Princeton,
14 found that accumulation of basic state level gun
15 regulations passed in 40 states from 1991 to 2016 had
16 a causal impact on reducing all forms of gun
17 mortality, saving 4,000 lives annually. That's about
18 10 percent of gun deaths in the U.S.

19 State regulations, many of which have
20 broad public support across the political spectrum,
21 including gun owners, have provided a clear template
22 for how to reduce gun deaths nationally.

23 The third and most important approach is
24 to turn toward community residents and local
25 organizations to play central roles in the effort to

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1 build safe, strong neighborhoods and cities.

2 By this point, we have a large body of
3 rigorous research, including experimental evaluations,
4 making clear that local community organizations played
5 a central role in contributing to the crime drop of
6 the 1990s and can be remarkably effective in reducing
7 violence. We as a nation have simply never given
8 community organizations the resources they need to
9 become central actors in the efforts to keep
10 communities safe.

11 So, to summarize those three
12 recommendations: support local law enforcement in the
13 effort to rebuild trust, enact basic regulations on
14 the sale or and access to guns, and turn toward
15 community organizations to reduce violence. Thank
16 you.

17 CHAIR GARZA: Thank you, Dr. Sharkey. We
18 will now hear from Dr. Lott if you would please
19 proceed.

20 DR. LOTT: Thank you. I greatly
21 appreciate being invited here today. As we have heard
22 many times today, Blacks disproportionately face
23 higher murder rates. People commit crimes primarily
24 against people who are like themselves, both in terms
25 of race and social/economic status.

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1 In my written testimony, I discuss how the
2 costs of crime are much broader than just the direct
3 victims of crime. And so I'm not going to go really
4 through that right now.

5 There are several points I want to make.
6 One is single parent families are a major contributing
7 problem to all sorts of social problems, including
8 crime. But unfortunately, the government has played a
9 major role in the breakdown of families.

10 Another point is if you make it riskier
11 for criminals to commit crime, you will have less
12 crime. You can stop crime with higher arrest rates,
13 higher conviction rates, longer prison sentences, but
14 you can also do it by letting victims be able to go
15 and protect themselves with guns.

16 Every place in the world that has banned
17 either all guns or all handguns that we have crime
18 data for has shown murder rates and homicide rates go
19 up, every single time. If guns on net are that bad,
20 as some have argued, you would think it would be easy
21 to find lots of places that have banned guns where you
22 see murder rates go down or at least stay the same.
23 And yet every time they go up.

24 If by randomness, you would think once or
25 twice you could go and see that murder rates would go

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1 down, but yet they go up every single time. And the
2 question is why? And the basic point is that when you
3 ban guns, it's the most law-abiding, good citizens who
4 turn in their guns, not the criminals. And to the
5 extent that you disarm law-abiding citizens relative
6 to criminals, you may take a few guns away from
7 criminals, you actually make it easier for criminals
8 to go and commit crimes.

9 And this point applies to gun control laws
10 generally, not just bans. You have to be careful that
11 the gun control laws that you are passing primarily
12 disarm the victims that are there.

13 I just want to make a couple quick points
14 from earlier panels. With all the discussion about
15 guns, it is important to recognize that 92 percent of
16 violent crime has nothing to do with guns. Firearms
17 are not the leading cause of death of children,
18 despite being referenced several times today.

19 A number of references have been made to
20 AR-15s, just so people know, AR-15s are small caliber,
21 semi-automatic hunting rifles. They just look
22 different, but they function identically to any semi-
23 automatic gun. About 85 percent of the guns in the
24 United State are semi-automatic.

25 Assault weapons have not reduced the mass

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1 public shootings, the ban that we had from '94 to
2 2004. There is one academic, Louis Klarevas has his
3 own unique definition of mass shootings that he
4 collects there, and that's the one that President
5 Biden and others refer to constantly.

6 But the problem that you have with that is
7 that if you look at the percent of mass shootings,
8 mass public shootings that involve assault weapons,
9 even using his unique measure, it actually went up
10 during that period of time. The only way that it
11 could drive a decline was if the share fell over the
12 period.

13 As far as mass public shootings being a
14 uniquely an American problem, it was mentioned by
15 several of the people today if you look over the last
16 20 years, the United States accounts for 4.6 percent
17 of the world population, but 1 percent of the world's
18 mass public shootings. There are many countries in
19 Europe that set a higher per capita rates of mass
20 public shootings than the United States has.

21 Guns in the home do not increase the risk
22 of homicides and suicides. I can talk about that. I
23 was chief economist for the U.S. Sentencing
24 Commission, and I can tell you the sentencing
25 guidelines increased disparity rather than decreasing

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1 it. And academic research shows that poverty rates
2 changes only explain one to two percent of the
3 variation in crime rates.

4 Onto other things. If my research
5 convinces me of anything, it is the most vulnerable
6 people in our society who benefit the most from having
7 guns and are harmed the most by gun control. The
8 people who benefit the most have two groups. The
9 people who are most likely victims of violent crime
10 and that overwhelmingly tends to be poor Blacks who
11 live in high crime urban areas and people who are
12 relatively weaker physically, women and the elderly.
13 And, unfortunately, gun control laws discriminate
14 against the poor and minorities.

15 Let me just talk about background checks
16 as an example. We frequently hear that there are 4
17 million dangerous prohibited people that have been
18 prevented from buying guns because of background
19 checks. That is simply false. What they should say
20 is there have been 4 million initial denials. And
21 virtually all of those, about 99 percent of those, are
22 mistakes, false positives.

23 The thing is, when you go and you buy a
24 gun, you are providing all this information. What
25 they do in the next background check is look at

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1 roughly phonetically similar names and similar
2 birthdays. The problem is that people tend to have
3 names similar to others in their racial groups.

4 Hispanics have names similar to other
5 Hispanics. Blacks tend to have names similar to other
6 Blacks. Thirty-three percent of Black males are
7 felons. Eighteen percent of Hispanic males are
8 felons. Six percent of white males are felons. Three
9 percent of Asian males are felons.

10 Where are you most likely going to see the
11 mistakes being made then when you have looking at
12 things like roughly phonetically similar names? You
13 are going to be discriminating against law abiding
14 good Black and Hispanic males simply because they have
15 a roughly phonetically similar name to somebody who is
16 a felon, who is prohibited.

17 If private companies did background checks
18 in the same way that the federal government does,
19 under federal law they would be sued out of business.

20 Why can't we require that the federal government have
21 to meet the same standards for doing background checks
22 that private companies have to meet?

23 You look at the fees. If I were to go and
24 give John or somebody else here a gun, here in DC, we
25 would have to go through a background check. It costs

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1 \$125 to do a background check on a private transfer of
2 a gun.

3 I will give you an example. Let's say I'm
4 going to give one other person four guns. One person
5 giving one other person four guns, you'd think it is
6 just one background check because the same person is
7 getting all guns. In DC, and most of the other states
8 that have these background checks, these universal
9 background checks, they require a separate background
10 check on each gun. So rather than \$125, it would cost
11 \$500 for me to transfer the guns from one person to
12 another.

13 Give me a benign explanation for why
14 that's set up that way other than just to make it
15 costly for law-abiding people who are trying to go out
16 of their way to go and obey the law to be able to go
17 and protect themselves and their families. There is
18 no other benign explanation other than making it
19 costly.

20 Who do you think you're stopping? You're
21 stopping poor people. And the same thing with the
22 errors in the background check system. You have a
23 situation where the middle income -- you let people go
24 over a minute earlier today. I'm almost done.

25 CHAIR GARZA: Just go ahead and finish.

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1 DR. LOTT: You have a system here where
2 it's middle income and poor people who they can go and
3 hire a lawyer to go and fix the mistakes in the
4 background check system. But who wants to pay \$3,000,
5 even if they want to have a gun, even if they can
6 afford to do it, just to fix a mistake that the
7 government made and not the individuals? Thank you
8 very much for your time.

9 CHAIR GARZA: Okay. Thank you. Now we'll
10 turn to Dr. Wright.

11 DR. WRIGHT: Thank you very much.
12 Criminologically speaking, we are in uncharted
13 territory. In years prior when asked about levels and
14 rates of crime, we had reasonably accurate statistics
15 generated from well-known processes. In recent years
16 that has changed. That has changed dramatically, much
17 of it stemming from COVID and related social protests.

18 As part of the pandemic response, for
19 example, large parts of our economy, educational
20 system and more relevant to this panel criminal
21 justice system were drawn down.

22 The drawdown of the justice system was
23 widespread and clearly impacted the data generating
24 processes used to estimate the volume and distribution
25 of crime. For example, many police agencies

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1 instructed the public to avoid calling them unless the
2 situation was dire. Meaning many crimes were not
3 reported, not counted.

4 Many courts suspended or scaled back
5 operations, which reduced the flow of alleged
6 offenders through the system. Probation offices
7 stopped home and work verifications - were all but
8 shuttered - all but eliminating revocations due to
9 technical violations and additional crimes. Many
10 jails stopped admitting inmates or admitted only those
11 accused of the most serious of crimes.

12 This altered the arrest probabilities of
13 police as they understood people would not be
14 processed. I want to also note that in 2020 jail
15 admissions fell 16 percent, daily jail populations
16 dropped a remarkable 25 percent and state and federal
17 prison systems were reduced 8 percent within months
18 with more than 100,000 inmates released back into
19 their communities, almost of them without any
20 meaningful supervision.

21 As if COVID wasn't enough, the political
22 reaction to the George Floyd protests had
23 consequential effects on the police and the
24 administration of justice. De-policing, especially in
25 minority neighbors became widespread. Proactive

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1 policing already at very low levels owing to COVID all
2 but ceased.

3 The effect of the defund movement coupled
4 with the rise in protests was nothing short of
5 remarkable. Police across the country retired or
6 resigned in numbers never before witnessed. Several
7 jurisdictions to this day triage calls for service
8 thus downwardly biasing estimates of crime.

9 To reiterate, we're in uncharted
10 territory when it comes to the measurement of crime.
11 While there is reason to believe that some crime
12 categories have declined such as burglary, there is
13 every reason to believe that crime generally or
14 overall, and especially violent crime, which I'm most
15 concerned about, has increased.

16 The current picture of crime in America is
17 complicated. And we have to be careful about
18 extending too much credibility to crime estimates
19 until we know more about the data generating process.

20 That said, data show a clear substantial increase in
21 homicides and shootings, beginning around 2012, 2013.

22 However, homicides escalated an amazing 35 percent in
23 2020 over 2019 levels. None of this was predicted by
24 the way.

25 Of course, aggregate trends in homicide

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1 mask very large trends between subgroups. Males and
2 African Americans have always had significantly higher
3 rates of homicide. African American homicide rates in
4 February of 2019, just one year prior to COVID was 18
5 per 100,000. One year later it was 35 to 100,000.
6 Since COVID and the social unrest, Black/White
7 differences in homicide rates have ranked between 25
8 to 35 to 1.

9 To appreciate the dramatic increase in
10 homicides from 2019 to 2022, consider that an
11 additional 16,737 people were killed by criminal
12 homicide between that period.

13 Of these, an astonishing 10,800 were Black
14 victims. Making matters worse, much of the increase
15 in Black homicides and firearms injuries are
16 disproportionately of the young, Black, and male, with
17 precipitous increases in juvenile violence.

18 I will add on top of that something less
19 often considered that two to three times as many
20 people are shot who survive that shooting.
21 Considering this fact, a minimum low estimate of about
22 91,000 additional African Americans were shot over
23 this time period. Clearly, increases in violence,
24 even small increases in violence, disproportionately
25 impact the Black community.

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1 Fortunately, we know today how better to
2 manage crime and how to reduce it. The same social
3 science that has documented the broad scale
4 deleterious effects of crime also tells us that the
5 justice system reduces crime. For example, several
6 studies show that increasing police levels reduces
7 crime, largely through the effect of arrest.

8 Hiring more police has been linked to
9 reductions in auto thefts, burglaries, robberies,
10 aggravated assaults, larceny and homicide.

11 Chalfin and McCrary, for example, found
12 that for every \$1 spent on policing, it generated
13 \$1.63 for social benefits. More recently Chalfin also
14 found that the addition of each additional officer on
15 a police force prevented .1 homicides, and the effect
16 was twice as large in Black communities.

17 Numerous studies have also documented
18 substantial reductions in violent crime associated
19 with the use of focused deterrent strategies.
20 Overall, focused deterrence has been tried in cities
21 across the U.S., and research finds the net crime
22 reduction around 64 percent when employed with
23 integrity.

24 What we do to those who are arrested also
25 matters. Not prosecuting offenders and placing them

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1 immediately back on the street unsupervised is a
2 recipe for more crime.

3 Hogan's analysis of data from
4 Philadelphia, for example, found that while the office
5 reduced criminal sentences by 70 percent, it resulted
6 in about 75 additional homicides per year from 2015 to
7 2019. Most of those homicides were of African
8 Americans.

9 And finally, while there are costs to
10 incarceration, it is now obvious that there are also
11 costs to not incarcerating. The difference has been
12 pointed out in the literature as in who pays the
13 price? The individual who commits the crime or the
14 community in which they offend in.

15 To conclude, government action should
16 reduce harm to innocent law-abiding people. It should
17 not increase the risk by withdrawing critical public
18 safety resources, especially in minority communities
19 where crime is high and the consequences of
20 victimization are most severe.

21 Available data show that members of these
22 communities desire more police not less and more
23 policing. They want offenders prosecuted and off the
24 streets, just like anyone else would if crime were
25 prevalent in their neighborhood.

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1 Depriving these communities of necessary
2 public safety resources, either intentionally through
3 policy or by circumstance should be thought of as a
4 violation of their own civil rights and civil
5 liberties. I can think of few things more cruel than
6 to deny safety to those most in need, especially when
7 we have the knowledge and skill sets to improve their
8 lives.

9 Finally, we need to abandon, abandon the
10 anti-justice system narrative and reaffirm
11 government's first priority of government, and that is
12 the safety of all of our citizens.

13 CHAIR GARZA: Thank you, Dr. Wright. Now
14 we're going to hear from Dr. O'Brien if you could
15 please proceed.

16 DR. O'BRIEN: Thank you. Good afternoon,
17 everyone. Nice to be here. I appreciate the
18 opportunity.

19 My testimony is going to focus on local
20 data and hopefully provide some solutions to reduce
21 the racial disparities that we are seeing in violent
22 criminal victimization.

23 I am trained as an epidemiologist and have
24 been working in this area of violence and overdose
25 prevention for nearly 30 years. And I really worked

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1 at the intersection of public health and public safety
2 and had the opportunity to work at the local level, at
3 the state level and the federal level in public health
4 and with criminal justice agencies.

5 And what I've learned through that
6 experience is that when we are talking about violence,
7 we can't just focus on homicides. We really need to
8 be able to look at non-fatal shootings because non-
9 fatal shootings occur four times as often as
10 homicides. So if we really want to understand what's
11 going on, we need to be able to look at the complete
12 picture. And that information is so important to
13 local communities to identify those prevention and
14 intervention strategies that can reduce the violence
15 that we're seeing.

16 Unfortunately non-fatal shooting data is
17 not often collected. Law enforcement agencies collect
18 information on homicides, aggravated assaults with
19 armed robberies, but actually indicating if the person
20 was injured by a firearm is not captured currently.

21 And so what I'd like to do is spend a
22 little bit of time sharing with you what do we know at
23 the local level. I was fortunate in 2005 to begin
24 working with the City of Milwaukee and helped
25 developed with them a way to collect information and

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1 develop and infrastructure to really reduce violence
2 in the city.

3 And the data system that we created
4 allowed us to look at not only homicides but non-fatal
5 shootings. And so we've heard today about national
6 data. And I just want to bring it home to the local
7 level. So we heard this morning that the U.S. leads
8 the world in rates of homicide.

9 The rate actually in 2022 was 6.1. If we
10 look at the State of Wisconsin, which is where I'm
11 from, that number is 5.4 per 100,000. If we look at
12 the City of Milwaukee, that number is 35.1. And when
13 we look at Black males, that number goes up to 118 per
14 100,000.

15 If we look at Black males between the ages
16 of 15 and 34, that number escalates to 252 per
17 100,000. And that compares to 14.2 for white males in
18 the same age group. So I can talk about national
19 data. I can talk about state data and local data on
20 homicides but I can't for non-fatal shootings. And
21 when we look at non-fatal shootings, we don't have
22 national data. We don't have state data.

23 For the city, I can tell you that in 2022
24 the rate for non-fatal shootings was 132 per 100,000.

25 The rate for Black males was 554. The rate for Black

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1 males between the ages of 15 and 34 was 1,235 compared
2 to 38 for their white male counterparts.

3 That's staggering. Those numbers are
4 staggering. So what do we do? I'm not only coming
5 with data, but I'm also coming with solutions.

6 So my colleagues and I at the Center for
7 Gun Violence Solutions have been working on a new
8 model for reducing violence in our communities, and
9 that model is called Violence Reduction Councils. And
10 Violence Reduction Councils take a public health
11 approach to what has traditionally been a law
12 enforcement problem.

13 And it starts with a different set of
14 tools for our communities to tackle violence, both
15 homicide and non-fatal shooting and violence in
16 general. And data is the essential element of good
17 decision-making. And data from different front line
18 practitioners as well as people with lived experience
19 can give us a much a deeper picture of what's really
20 going on that really helps us create those strategies
21 to reduce violence.

22 We need to create an environment for trust
23 and collaboration and Violence Reduction Councils
24 create a big tent allowing all of us to work together.

25 These councils are led by a neutral convener,

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1 somebody who has a background in public health, and
2 they manage the pillars of a Violence Reduction
3 Council, which includes a governance structure,
4 convening criminal justice partners, public health and
5 community and its underpinned with the data
6 infrastructure that really allows communities to move
7 forward on reducing violence and ultimately the
8 disparities that we're seeing in victimization.

9 This new framework for data modeling
10 weighs relevant situational factors to give us that
11 deeper perspective. Homicides and shootings are
12 preventable. We hear time and again when we meet with
13 individuals that we knew this was coming. So if we
14 know it's coming, it's preventable.

15 So how do we intervene in that cycle? How
16 do we stop a shooting before it occurs, and more
17 importantly, provide alternatives and support to
18 people to keep them from resorting to violence in the
19 first place?

20 In one city that we worked, having that
21 non-fatal shooting data led to the reduction in
22 follow-on shootings and homicides.

23 In another community that we worked, the
24 community was able to develop a witness protection
25 program customized specifically for their community.

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1 In Milwaukee, where this was pioneered, we
2 were able to achieve nearly 50 percent decline in
3 homicides using this approach. The whole premise here
4 is on prevention, of being proactive before the
5 homicide occurs or the non-fatal shooting occurs
6 rather than reactive after the fact.

7 We at the center have been funded by the
8 Bloomberg American Health Initiative to develop a
9 comprehensive toolkit data system and trainings to
10 share with communities to establish Violence Reduction
11 Councils of their own. This data system that I
12 mentioned allows communities to capture rich
13 information on homicides and non-fatal shootings. And
14 today there is a new public health approach to
15 violence prevention.

16 I just want to say lastly I have talked
17 about data. And we heard from Dr. Mercy this morning,
18 CDC just celebrated that National Violent Death
19 Reporting System at CDC celebrated its 20 year
20 anniversary. And they now cover 50 states and U.S.
21 territories on collecting detailed violent death data.

22 It's time that we start capturing that same level of
23 data with non-fatal shootings.

24 The NIBRS system has approved changes to
25 improve collection of shooting information. We need

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1 to make sure that we're defining non-fatal shootings
2 as well as ensuring the participation of law
3 enforcement agencies in the NIBRS system.

4 So I will leave you with the final
5 statement. Collecting, analyzing and translating
6 local and national data on violent crime victimization
7 in collaboration with police, public safety and
8 community at every level of government to develop and
9 implement strategies, policy and practice can reduce
10 racial and ethnic disparities and victimization.

11 CHAIR GARZA: Thank you so much, Dr.
12 O'Brien. We're going to go ahead and proceed with Mr.
13 Mangual, if you would like to start?

14 MR. MANGUAL: Sure. Thank you so much for
15 the invitation today. In my limited time, I want to
16 make three points.

17 First is that serious violence is up.
18 Second is that that increase has disproportionately
19 impacted Black and Latino residents of this country
20 who have long dealt with the brunt of the problems of
21 homicides and gun violence.

22 And third is that there is good reason to
23 suspect that this loss in safety is at least partly
24 driven by a shift in policing and criminal justice
25 policy that can best be characterized as generally

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1 lowering the transaction cost of committing a crime
2 and raising the transaction cost of enforcing the law.

3 On the first point, very quickly,
4 nationally in 2015 and '16, we started to see a
5 decrease in public safety. Murders rose nearly 11 and
6 8 percent respectively in those years. The national
7 homicide rate declined slightly in 2017 and '18 before
8 ticking back upward in 2019. And then, of course, in
9 2020 the nation saw its largest single year spike in
10 homicides in at least 100 years, which was followed by
11 another increase in murders in 2021.

12 On the second point, that this has
13 disproportionately impacted Black and Latino
14 communities. The 2020 spike in homicide resulted in
15 an additional eight deaths per 100,000 Black residents
16 in the U.S. while the white homicide rate increase
17 resulted in an additional 0.5 deaths per 100,000 white
18 residents.

19 This pushed the Black homicide
20 victimization rate in the United States up to 25.3 per
21 100,000 in 2020 from 19.5 per 100,000 in 2019, making
22 the Black homicide victimization rate that year nearly
23 10 times higher than the white homicide victimization
24 rate.

25 When one zeroes in on gun homicides, this

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1 pattern of racial disparities and victimization grows
2 even starker as is illustrated by the fact that the
3 firearm homicide rate for Black men in the U.S. hit in
4 2021 its early 1990s peak of approximately 55 per
5 100,000.

6 This represents a total erasure of the
7 progress made on that measure between 1991 and the
8 mid-2010s which saw the Black male firearm homicide
9 rate fall below 30 per 100,000 from 50 per 100,000.

10 And you can also see these same racial
11 disparities play out at the more local level when one
12 zeroes in at the city and neighborhoods. In New York
13 City, for example, homicides increased by
14 approximately 97 percent and 50 percent in 2020 and
15 both measures remained elevated compared to their pre-
16 pandemic lows, a minimum, a minimum of 95 percent of
17 all shooting victims and 85 percent of all homicide
18 victims have been Black or Hispanic every single year
19 going back to at least 2008.

20 In the City of Chicago, where 57.9 percent
21 of the population is Black or Hispanic, those groups
22 constituted 95 percent of homicide victims in 2019, 96
23 percent in 2020, 96 percent in 2021 and 95 percent in
24 2022.

25 A recent cross-sectional study of 129,826

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1 adult men living in the City of Chicago, New York,
2 Philadelphia and Los Angeles in 2020 and '21, which
3 was published in the Journal of the American Medical
4 Association found that, and I'm going to quote here,
5 "young males from ZIP Codes with the most violence in
6 Chicago and Philadelphia had a notably higher risk of
7 firearm related death than U.S. military personnel who
8 served during the wars in Iraq and Afghanistan."

9 Now, if you think about that for a moment
10 and put yourself in the position of a mother sending
11 her child off to the Marines at the age of 19 in 2003
12 and you think about the fear that that mom would
13 naturally feel at that moment, that her son might not
14 make it home, consider the fact that every single day
15 in this country there are mothers who take the same
16 chance with their son's lives simply by sending them
17 to school in their own neighborhoods.

18 On to the third point, the suspicion that
19 this decrease in safety, which has disproportionately
20 impacted Blacks and Latinos is due to a shift in
21 criminal justice policy.

22 As my co-panelist Patrick Sharkey has
23 noted in the past, "Even the staunchest critics of
24 mass incarceration acknowledge that the expansion of
25 the imprisoned population contributed to the decline

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1 in violence." And the best evidence that we have
2 makes clear that police are effective in reducing
3 violence such that "one of the most robust and most
4 uncomfortable findings in criminology is that putting
5 more officers on the streets leads to less violent
6 crime."

7 Now he's right on both counts. And I cite
8 these acknowledgments because over the last decade
9 plus both policing and incarceration have taken hits.

10 Between 2010 and 2016, police departments across the
11 country have seen increases in oversight actions.
12 Over the last 10 to 20 years, the country has seen
13 federal and state sentencing reforms, bail reforms,
14 discovery reforms, de-criminalization efforts aimed at
15 drugs and theft offenses, successful litigation
16 efforts targeting police practices or incarceration
17 and the slew of often hasty state and local police
18 reforms aimed at restricting police powers and
19 discretion.

20 We've also seen the explosion of the
21 prosecutor movement such that now some 70 million
22 Americans live in jurisdictions with prosecutors who
23 have used their discretion to limit the ability of
24 line prosecutors with respect to seeking pre-trial
25 detention, opposing parole and pursuing sentencing

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1 enhancements.

2 Now these shifts individually and
3 collectively seemed to have reduced the likelihood of
4 arrests or prosecution and/or incarceration for many
5 offenders, which is a problem. And the reason that is
6 a problem is because the serious problem of violent
7 crime, particularly gun violence, has long been driven
8 by repeat offenders.

9 A study done in the City of Chicago found
10 that the typical homicide or shooting suspect in 2015
11 and '16 had 12 prior arrests, nearly 1 in 5 had more
12 than 20 prior arrests, a measure that's in line with
13 one that was cited by former Metro Police Chief Robert
14 Conti here in the City of DC who said that the average
15 homicide suspect has been arrested 11 times prior to
16 them committing a homicide.

17 In the City of Baltimore, various studies
18 of homicides in 2017 and '18 found that homicide
19 suspects that have been identified had nine prior
20 arrests and then more than a third of them were on
21 parole or probation. And then nationally between 1990
22 and 2002, more than a third of those convicted of
23 violent felonies in America's 75 largest urban
24 counties were on parole, probation or pre-trial
25 release at the time of their offense and 75 percent of

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1 them had a prior arrest history.

2 The reality is that serious violent crime,
3 particularly gun violence, is and has long been driven
4 by repeat offenders who have been given multiple bites
5 of the apple and they used those bites of the apple to
6 victimize people living in the communities in which
7 they would otherwise spend their time. That has led
8 to a loss of life one that we should do something
9 about by treating that issue as a civil rights
10 concern.

11 When the government takes affirmative
12 steps to change policy and that policy has
13 disproportionate impacts on low income minority
14 communities, this body has in the past shown interest
15 in examining that as the civil rights issues that they
16 are. It should do the same here.

17 We have heard a lot about preventing
18 violence. And that is something that I dedicate my
19 work to. But the single best way to prevent a
20 shooting is by keeping shooters off the street. And
21 our policy throughout this country over the last
22 several years has been calculated to minimize that
23 effect, to keep shooters on the street and that's what
24 needs to change. Thank you.

25 CHAIR GARZA: Thank you Mr. Mangual. Ms.

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1 Sahaf?

2 MS. SAHAF: Thank you. Is that on? Yes.

3 Good afternoon. I'm Mona Sahaf, and I work at the
4 Vera Institute of Justice where I'm the director of
5 our Reshaping Prosecution Program.

6 My team uses research and evidence to help
7 prosecutors increase public safety by shrinking the
8 front end of the criminal system, addressing racial
9 disparities in prosecution that make us less safe, and
10 increasing collaboration of communities that are most
11 impacted by the DA's decisions.

12 Before joining the Vera Institute, I was a
13 prosecutor for 12 years at the federal level here in
14 Washington, D.C. where I prosecuted general violent
15 crime, domestic violence, national security matters,
16 fraud. I then worked at DOJ headquarters in the human
17 rights special prosecution section where I
18 investigated and prosecuted cases around the country,
19 including crime that occurred at U.S. military bases
20 and embassies abroad.

21 Having worked in criminal courts for 15
22 years, I've met with hundreds of victims and their
23 families. I've seen firsthand how the criminal legal
24 system fails to meet the needs of crime survivors,
25 makes us less safe, and discounts the safety of people

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1 of color, lower income people, and LGBTQ people.

2 Ample research that we've heard about all
3 day backs these observations. A 2022 National Survey
4 of Crime Victims shows that crime continues to impact
5 most Americans. Indeed 6 of every 10 people were a
6 victim of crime in the past 10 years and about half of
7 them were victims of violent crime.

8 However, according to DOJ findings, the
9 majority of victims of violent crime in the last
10 census tells us that 58 percent continue not to report
11 their crimes to police, and this reluctance greatly
12 hinders our government's ability to deliver public
13 safety because we don't know where the crimes are
14 occurring.

15 Data also tells us that crime does not
16 impact communities equally. And we've heard a lot
17 about that today, but let me just refresh a couple of
18 statistics. Victims are more likely to be young
19 people, people of color from low income communities,
20 LGBTQ people, people with disabilities, and people
21 with criminal records.

22 For example, according to DOJ, young
23 people aged 18 to 29 are 18 percent of our population
24 but are nearly 30 percent of the victims of violent
25 crime. DOJ data also tells us that gay people face

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1 violent victimization at twice the rate of
2 heterosexual people and that transgender people
3 experience violence at 2-1/2 times the rate of non-
4 transgender communities.

5 We've also heard ample data around the
6 disproportionate impact of crime on Black communities.
7 Black children and adults aged 15 to 34 are victims of
8 gun homicides 20 times the rate of White children and
9 adults for example. So from this disheartening data,
10 we know which communities are at the greatest risk of
11 victimization and to address disparities, we have to
12 target more resources and interventions to them to
13 help them heal from past trauma that causes future
14 trauma and to protect them from future victimization.

15 Also, government actors need to adopt
16 evidence-based reforms that reduce reliance on tools
17 that have not made us safe. We've heard earlier
18 today, you know, it's come down a little bit, but we
19 incarcerate 25 percent of the world's population.
20 That's not making us safer. If it was, we would be
21 the safest.

22 These tools are not working for us. And
23 research has shown that increased incarceration has
24 only minimal impacts on crime rates and that those
25 impacts are primarily on property crime, not violent

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1 crime.

2 Additionally, the criminogenic impacts of
3 incarceration are very well documented. In other
4 words, incarceration is associated with increasing
5 rates of crime. For example, for people charged with
6 felony offenses, each additional year of incarceration
7 can increase the likelihood of their future contact
8 with the system by four to seven percentage points and
9 reduce their chances of employment, which we know
10 creates stability and helps reduce crime by 3.6
11 percentage points.

12 Unfortunately, many policymakers continue
13 to call for charging more, detaining more and
14 incarcerating people for longer periods, despite the
15 lack of evidence that doing so would make us safer.

16 But fortunately, there are alternatives
17 that have been shown to increasingly -- excuse me,
18 significantly increase safety without levying the
19 heavy social costs of policing and incarceration on
20 communities.

21 One are diversion policies. So more
22 police and prosecutors are using diversion programs to
23 address the underlying drivers of crime, be them
24 substance abuse issues, mental health issues, poverty,
25 joblessness, lack of recreation for youth. And these

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1 diversion programs have far better outcomes than the
2 traditional system.

3 Our status quo system is failing by any
4 kind of grade. If my kids brought me back a grade of
5 our criminal that shows 8 years out, 80 percent of
6 people have been rearrested or reconvicted, you know,
7 I would kick them out.

8 So diversion programs, on the other hand,
9 their outcomes are much better. For example a study
10 of diversion programs in Texas found that diversions
11 intentionally addressing the crime apart from the
12 criminal system, outside of the system, decreased a
13 person's future convictions by 48 percent over a 10
14 year period and improved their employment outcomes by
15 53 percent over the same period.

16 Another thing we can employ are
17 declination policies, so choosing to decline certain
18 charges in absolution. So, you know, apart from
19 programming. This is what the research shows us. In
20 Suffolk County, Massachusetts in 2019 the DA
21 instituted a policy presumption, so not categorically
22 but a presumption not to charge certain low level non-
23 violent offenses.

24 A rigorous study of this policy showed
25 that not charging people actually decreased their

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1 chances of future involvements substantially.
2 Researchers also found no increase of non-violent
3 misdemeanors reported to police. So no apparent
4 public safety impacts from charging people less. Just
5 simply charging people less and keeping them out of
6 the system makes communities safer.

7 In another example in Minnesota, DA John
8 Choi there has implemented a policy with several
9 police chiefs to decline to charge cases and to
10 conduct fewer low level traffic stops, traffic stops
11 particularly based on equipment and paperwork
12 violations.

13 The harms associated with traffic stops
14 are well documented and were acutely felt there in
15 Ramsey County, Minnesota, where Philando Castile was
16 killed during his 49th traffic stop over a 13 year
17 period. Law enforcement there knew these traffic
18 stops drove racial disparities, were destroying trust
19 with communities that they need to deliver safety to
20 and whose cooperation they needed to deliver safety
21 throughout the county.

22 And two years later, we have analysis of
23 these policies, so again police chiefs with the
24 district attorney doing less, and they found massive
25 drops in racial disparities and no apparent public

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1 safety impacts based on 911 call volumes or the number
2 of guns taken off the streets. So a full success.

3 And I've been at community meetings there,
4 and the amount of trust that's been rebuilt with
5 communities of color who are so proud of their DA and
6 so proud of their police chiefs who were doing things
7 to make them safer was palpable in the room. And I
8 heard from many community members about this.

9 And finally, we also have good evidence
10 around community violence intervention programs, focus
11 deterrent strategies that target those at greatest
12 risk of committing or being victimized by gun crime.
13 They've had great results in cities like Baltimore,
14 Chicago, New York City.

15 And in contrast to our system, they are
16 looking to prevent crime before it occurs and not
17 after it occurs. The Commission is uniquely situated
18 to support communities that are disparately impacted
19 by helping target resources to these communities that
20 we know bear the brunt of the harms. Supporting the
21 use and funding of evidence-based interventions, and
22 perhaps now more than ever, speaking up against those
23 calling for more prosecution, greater penalties and
24 more incarceration. Thank you so much.

25 CHAIR GARZA: Thank you so much, Ms.

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1 Sahaf. And thank you to all of our panelists for your
2 testimony. I appreciate it very much.

3 I am going to open up the floor to
4 Commissioners for questions. If there are none
5 initially here on the floor, I will turn it over to
6 the folks on the phone and give them an opportunity.
7 Please speak up and I will recognize you.

8 COMMISSIONER KIRSANOW: Madam Chair,
9 Kirsanow here.

10 CHAIR GARZA: Yes, Commissioner Kirsanow,
11 please proceed.

12 COMMISSIONER KIRSANOW: Thank you very
13 much. My question I suppose would be for Professor
14 Wright. Despite the fact that I have been on the
15 Commission for quite some time, this is the first time
16 that I've regularly heard the term over-policing.

17 Now, I happen to live in the same inner-
18 city Cleveland neighborhood, high-crime neighborhood
19 for the last 40 years, and that's the term that none
20 of my neighbors have ever utilized. They have always
21 said, where are the police? We want more police.

22 Does over-policing artificially inflate
23 crime numbers and result in greater victimization of
24 Blacks?

25 DR. WRIGHT: I think over the argument

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1 that certain communities are over-policed is
2 misplaced. Most police, we look at the way they spent
3 their time is highly reactive, 911 calls, a certain
4 fraction of those, outside of 911 calls are driven by
5 victims stopping them or people requesting their
6 assistance and then the smallest fraction being that
7 they initiate contact and conduct criminal
8 investigation out of that.

9 And with that said, you go to where the
10 problem is. And police allocation of resources, and
11 this is what of the some focus deterrence literature
12 tells us, that you don't have to flood an area with
13 blue, right, that you can be highly selective, that
14 you can use various types of crime analytics and
15 street level and operational level intelligence to
16 selectively arrest and hopefully incapacitate people
17 that are driving crime in those areas.

18 I think, as was mentioned earlier, most of
19 the shootings, and I work in Cincinnati with the Gun
20 Crime Intelligence Center with the CPD and ATF, most
21 of the shooting are by recidivists, people that have
22 extensive criminal histories. It is not at all
23 surprising. And they use remarkable levels of effort
24 and intelligence so they no longer have to flood an
25 area.

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1 To give you contrast, real quick, there
2 used to be a unit called the Vortex. And it was like
3 a strike team. And it was effective, but it also
4 generated a lot of community backlash.

5 Thus far, the Gun Crime Intelligence
6 Center, as we receive widespread support in large part
7 also because it brings in community members. And we
8 have social workers on staff, and we work with
9 violence interrupters. So a long-winded way of saying
10 that I believe that you don't have to flood an area
11 with police or have what would be called over-
12 policing, but you can do so much more intelligently.

13 CHAIR GARZA: Commissioner Heriot?

14 COMMISSIONER HERIOT: I think probably Dr.
15 Wright is the first person to at least start with on
16 my question, too, but anybody who wants to comment, I
17 would appreciate.

18 I feel awash in statistics. And I
19 understand that things can be, you know -- we can
20 probably improve what we have. But I'm sort of
21 looking for what is the most reliable, you know,
22 numbers out there. And I understand the notion that
23 murder is probably better measured than things like,
24 at the opposite end might be simple assault. But
25 there is a lot in between. You know, which numbers

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1 strike you as the most reliable?

2 DR. WRIGHT: We're pretty good at counting
3 dead bodies. And after that, auto theft.

4 COMMISSIONER HERIOT: Auto theft?

5 DR. WRIGHT: Auto theft numbers are fairly
6 accurate, yes. Someone steals your car, you have to
7 turn it in for insurance.

8 COMMISSIONER HERIOT: Oh, yes. I get it.

9 DR. WRIGHT: So, you know, where we see
10 typically the most serious types of crimes, you have
11 higher reporting. Generally speaking, when you start
12 to move down that chain in the property crime, you see
13 less reporting. And oftentimes NCVS has shown this,
14 you know, for many, many years.

15 MR. MANGUAL: If I could add to that, I
16 think Dr. Wright is exactly right, that homicide and
17 auto theft are probably our two most reliable measures
18 because those are the things that are hardest to fudge
19 and where people have the greatest incentive to
20 actually report the offenses.

21 But I do think it's important for us to
22 consider, particularly with respect to the last few
23 years, that we have to really do more work to
24 understand other kinds of crime statistics. I will
25 take, you know, robbery and assault for example. Now

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1 those numbers have gone up in a lot of places,
2 although not everywhere, but they certainly haven't
3 gone up nearly as much as homicides and shootings have
4 gone up.

5 Now one of the things that we have to
6 understand is that since the pandemic in 2020, there
7 has been a real change in what criminologists call
8 routine activities. People are spending significantly
9 less time on the street. They are spending less time
10 in commercial settings.

11 If you look at all kinds of data measures,
12 so there was a study done by the University of Toronto
13 looking at cell phone data that found that foot
14 traffic in New York City was down 33 percent in the
15 business districts.

16 JPMorgan put out a report in 2022 showing
17 that the majority of the consumer spending recovery in
18 2021 was driven by online spending as opposed to in-
19 person spending. The MTA puts out regular surveys of
20 ridership, still showing that three years after the
21 pandemic subway ridership is only 70 percent of what
22 it was prior to the pandemic. All of this means, is
23 that people are spending significantly less time in
24 the places where they might be victimized.

25 So when we look at the raw numbers of

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1 these offenses, we have to use our ability to analyze
2 and understand that the risk has actually gone up
3 significantly more once you control for the amount of
4 time that people are actually spending in public
5 spaces.

6 CHAIR GARZA: Vice Chair Nourse?

7 VICE CHAIR NOURSE: Yes. I am awash in
8 data, too. So Professor Sharkey, I wonder if you
9 could -- I'm going to raise three different sets of
10 data and maybe you can help me. We've been told in
11 various panels that crime is up. That's a very
12 general term. I mean, all of you people have spent
13 your life studying crime, right? You know all the
14 sources of data, right?

15 So if you look on the website at the FBI,
16 they say that murder and non-negligent manslaughter
17 recorded in 2022 estimated a national decrease of 6.1
18 percent compared to the previous year and that violent
19 crime overall in the nation has decreased an estimated
20 1.7 percent.

21 Now I understand the National Crime
22 Victimization Survey may differ from that. But do you
23 have any reason to doubt this set of numbers?

24 DR. SHARKEY: No, I think -- so what we
25 know is that in 2020 there was a huge increase in gun

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1 violence. And that was just gun violence exclusively.
2 Since then in 2021 it was high again. Last year we
3 had a very sharp decline, one of the largest declines
4 ever, year-to-year declines. And this year, we're
5 having an even larger decline.

6 So the increase since 2020 is very real,
7 and we should not downplay that. We should also
8 celebrate the progress. And thousands of lives are
9 going to be saved this year compared to last year and
10 compared to 2020.

11 So we shouldn't doubt those numbers.
12 Those numbers are solid. As Dr. Wright said, we
13 should be focusing on murder. I think shootings are
14 also measured pretty well at this point. And those
15 figures tell us that last year and this year we're
16 seeing sharp declines.

17 VICE CHAIR NOURSE: Now let me ask you
18 another thing. You know, I said at the beginning of
19 my statement that there are a lot of slogans, you
20 know, progressive prosecution, defund the police and
21 that gives people misleading impressions. So, for
22 example, the U.S. prison population appears to have
23 gone up 2 percent in 2021. Would that seem unusual to
24 you?

25 DR. SHARKEY: That the prison population

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1 went up?

2 VICE CHAIR NOURSE: Prison population went
3 up 2 percent in 2021.

4 DR. SHARKEY: I don't track that as
5 closely as violence. The prison population has been
6 falling --

7 VICE CHAIR NOURSE: Yes, yup.

8 DR. SHARKEY: -- pretty steadily since
9 2008 or so.

10 VICE CHAIR NOURSE: Yeah.

11 DR. SHARKEY: Yeah.

12 VICE CHAIR NOURSE: But it's recently gone
13 up. And then funding for police went up for 83
14 percent of 100 cities. And I really don't like to
15 rely on news sources for data. This is from ABC News
16 recently. Because a lot of people hear these slogans,
17 and they think, oh, we don't have police anymore. I
18 mean, I understand they took a huge hit during COVID,
19 and Professor Wright is absolutely correct on that.
20 But I don't -- local communities aren't stopping to
21 spend are they?

22 DR. SHARKEY: No, there's been no
23 defunding of the police. The only suggestion to
24 defund is coming from the right, defund DOJ, and the
25 FBI. It's a bad idea. I think, you know, I try to

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1 kind of toe the line that we cannot take away
2 responsibility from law enforcement until we have
3 built other institutions and funded other institutions
4 to step up and play a larger role.

5 VICE CHAIR NOURSE: And I think that's
6 what lot of people are saying. And finally, let me
7 ask one question of Dr. O'Brien while I have the mic
8 on.

9 I have a slide up here. We have been told
10 that the CDC data on firearm related injuries may be
11 wrong. But according to this, it says from 2019 to
12 the present day, there has been a 33.4 increase in
13 firearm homicides from 2019 to 2020. Is that
14 consistent with your understanding?

15 DR. O'BRIEN: And that data is based on
16 information that's captured at the state level from
17 medical examiners at the local level. So that data is
18 solid data. They have people that are abstracting it
19 on a daily basis.

20 VICE CHAIR NOURSE: Thank you.

21 CHAIR GARZA: Commissioner Jones?

22 COMMISSIONER HERIOT: I think that some of
23 the panelists wanted to respond to some of these
24 questions, Dr. Lott and Mr. Mangual.

25 COMMISSIONER JONES: I think the Chair is

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1 the one who is governing that, and everyone else
2 should kind of mute themselves in the meantime.

3 COMMISSIONER HERIOT: Well, just to point
4 out that they are permitted to speak then.

5 CHAIR GARZA: Commissioner Jones?

6 COMMISSIONER JONES: Thank you, Madam
7 Chair, for recognizing me. You know, earlier on in
8 this panel, I heard probably the greatest
9 concentration of disinformation that I've seen in such
10 a short time span. I served on the House Judiciary
11 Committee with Jim Jordan and Matt Gaetz.

12 The wackiest probably thing to emerge from
13 this panel is somehow the idea that because of the
14 commonality of Black names that universal background
15 checks would not be effective at stemming the uniquely
16 American problem of gun violence. And then, of
17 course, there was also disinformation about what an
18 assault weapons ban would actually accomplish.

19 And so Professor Sharkey, you are someone
20 who has brought a lot of analytical rigor to your
21 scholarship. Is there anything you would like to
22 respond to that was stated by Mr. Lott, for example,
23 earlier on today's panel?

24 DR. SHARKEY: Well, A, this is a really
25 hard topic to study. And I do think, you know, there

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1 needs to be improvements in research. And over time
2 there have been steady improvements. The virtual
3 consensus, so Dr. Lott has published a lot of research
4 on gun laws. I think it's safe to say that most of
5 that research has been debunked at this point.

6 I don't mean to be disrespectful, but the
7 consensus that has emerged is that the argument that
8 more guns leads to less crime is wrong.

9 What we know is that there are a set of
10 policies, most of them enacted at the state level.
11 That's where we get the variation that we need to come
12 close to identifying causal effects.

13 Some of those policies, the most common
14 ones that have been shown time and again to be causal
15 and effective at reducing gun deaths. I'm going to
16 say gun deaths because it's not just homicides. It's
17 suicides and gun accidents as well. Are universal
18 background checks waiting periods, prohibited
19 possessor laws, which do not allow people with
20 domestic violence history or records to have access to
21 guns.

22 Now other policies have much more mixed
23 evidence. I think concealed carry laws, which Dr.
24 Lott has studied, have mixed evidence. I'm not going
25 to come out and say that there is slam dunk evidence

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1 that violence is going to fall next year if we get rid
2 of concealed carry laws.

3 So the body of evidence needs to improve.

4 That said, what we know is that the accumulation of
5 regulations that make it more difficult for people who
6 shouldn't have a gun to access guns, that make it more
7 difficult for dealers who will sell to anyone who
8 walks in the door to stay in business, that makes it
9 more difficult for children to access guns, these
10 kinds of policies, when they accumulate, save
11 thousands and thousands of lives, and that's causal.

12 So it's not an accident that the states
13 with the most restrictive gun regulations have the
14 lowest rates of gun deaths. It's not an accident that
15 the nations with the most guns have the most gun
16 deaths. You know, this evidence has accumulated and
17 virtually every scientist who studies this reaches
18 this conclusion.

19 And the ones who reached out to the
20 conclusion are the ones that get called on over and
21 over. But it's like the climate change deniers. You
22 know, you can find one or two who are going to dispute
23 the evidence. Virtually, everyone else is on the same
24 page.

25 COMMISSIONER JONES: Thank you, Professor.

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1 CHAIR GARZA: Go ahead, Dr. Lott.

2 DR. LOTT: Well, first of all --

3 CHAIR GARZA: Your microphone.

4 DR. LOTT: Professor Sharkey didn't deal
5 with what I thought was the most basic part of the
6 question. Are there mistakes in the background check
7 system?

8 And, you know, just to give you an idea
9 here, one of the big criticisms have been made, when
10 you have a Democratic President and the Republicans
11 say Democrats aren't enforcing the gun control laws.
12 When there is a Republican President, the Democrats
13 say that.

14 What's Exhibit A? It is the denials in
15 the background check system. You almost never see
16 prosecutions. You may say 200,000 times that people
17 have been stopped because of the background check
18 system, you see 20 prosecutions and 12 convictions.

19 Why do you see so many? If you actually
20 go and talk to the people who are involved in the
21 prosecutions, they would say these are like the
22 easiest things to go and prosecute people for. The
23 reason they are not prosecuting people is because they
24 are not real cases.

25 It's one thing to go and stop a felon from

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1 buying a gun. It's another thing to stop somebody
2 simply because they have a roughly phonetically
3 similar name and similar birthdate to the person who
4 you want to stop.

5 And so I have no problem with background
6 checks. Okay? My problem was that the current
7 background system discriminates against the very
8 people who need guns the most for protection. Law-
9 abiding poor Black people who live in high crime urban
10 areas.

11 And there's no reason -- if you were to go
12 to a private company and say should you do background
13 checks on people that look at roughly phonetically
14 similar names and similar birthdays, they would look
15 at you like you're from Mars because they are going to
16 say you're going to be discriminating against
17 minorities. You're going to create lots of false
18 positives.

19 If it's nuts for private companies to go
20 and do background checks like that, why is it okay for
21 the federal government in the NICCS system to go and
22 do that? If you have 4 million people where almost
23 all of those are mistakes, how is that justifiable?
24 You know, there is a reason why you don't have
25 prosecutions for these cases, whether it's across

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1 Democratic or Republican administrations.

2 Now with regard to the claims that my
3 research has been debunked, I can give you dozens of
4 peer reviewed studies. In fact there are many more
5 that have found my research has stood up to all of
6 these different types of tests that are there. And I
7 looked at more the concealed carry. I have looked at
8 many different types of gun control laws that are
9 there. And as far as background checks, I wish it had
10 the impact. Waiting periods actually have been
11 associated with increases in violent crime rates for
12 rape rates.

13 You know, you may have a cooling off
14 period, but you also make it difficult for victims,
15 let's say a woman who is being talked or threatened,
16 to be able to quickly be able to go and get a gun for
17 self-defense. And so you have to go and look at the
18 net effect that's there.

19 As far as the assault weapons ban goes, I
20 will just give you again just a simple statistic. And
21 that is if the assault weapons ban actually worked,
22 you should have seen the share of attacks involving
23 assault weapons fall during the period when the ban
24 was in effect.

25 In fact, what you see is that the share of

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1 attacks went up when you saw a weapons ban went into
2 effect, and it fell when it went after. But why one
3 would think that a ban on guns based on how they look
4 rather than how they function is going to make any
5 difference.

6 You know, when Senator Feinstein's staff
7 went through catalogs to go and look at guns based on
8 how they look rather than how they function when there
9 are functionally identical guns that were still
10 available there makes no sense to me. But I'm sure
11 other people on the panel may have thoughts about
12 that. But I am more than happy to give dozens of
13 papers that have found my work -- even stronger
14 effects than I have.

15 And the thing is, if you look at the
16 studies that tend to argue against me, look at later
17 periods of time. And what happens is if you look at
18 the period, let's say from 2000 on, in these studies,
19 you are comparing how the crime rates are changing in
20 the states that change those laws during those later
21 periods versus all the states that adopted right to
22 carry laws before that.

23 In fact, the later states were much more
24 restrictive. They had higher fees, longer training
25 periods. They actually saw smaller increases in

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1 concealed carry permits than the earlier states. So
2 the positive effect that they have there is actually
3 the opposite of what they think it is because what you
4 really want to look at is the percent of the
5 population with the permits. And there are other
6 issues that I could go into.

7 CHAIR GARZA: Thank you, Dr. Lott. We're
8 going to be mindful of time here so if we could keep
9 our comments a little bit shorter. We'll go to
10 Commissioner Jones. I don't know if you had another
11 questions.

12 COMMISSIONER JONES: Madam Chair, that's a
13 lot to respond to that we just heard. A lot more
14 disinformation frankly.

15 DR. LOTT: What did I say that was wrong?

16 COMMISSIONER JONES: Almost everything,
17 sir. And by the way, I'm looking at a two page
18 document just probably 20 different examples of how
19 you've been called out for erroneous statements, much
20 of which looks to be deliberate.

21 But one of the things you added today, you
22 suggested -- in fact you state explicitly that -- you
23 know, you mentioned 4 million names, and you said that
24 almost all of those background searches have been
25 inaccurate. Do you want to clarify that statement?

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1 DR. LOTT: No, I don't want to clarify.

2 COMMISSIONER JONES: Oh, my goodness.

3 Okay.

4 VICE CHAIR NOURSE: Could you respond to
5 the Inspector General's report that revealed that
6 these background check denials are accurate in 99.8
7 percent of the cases?

8 DR. LOTT: Okay. What they did was they
9 looked at 400 "judiciously sampled observations" here.

10 I don't why -- you want to look at a random sample if
11 you're going to look at that small of a group. But
12 there is no reason to look at that small of a sample.

13 We have the entire thing there.

14 We know, for example, you can go and look
15 through -- there are basically five stages of review
16 that occur when a NICCS background check occurs. The
17 first stage of review is the National BATF Office will
18 look at them --

19 VICE CHAIR NOURSE: I just wanted you to
20 respond to the question.

21 CHAIR GARZA: I apologize. I just kind of
22 want to move us along if we can because I feel like
23 there are some other -- I have not had the opportunity
24 to ask a question. I am really grateful to have heard
25 specifically from Dr. O'Brien and Ms. Sahaf about some

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1 of the things that have been echoed this morning about
2 what we talked about.

3 And to me what I keep hearing is that
4 there is a lack of data, of reliable data. I know we
5 talked about homicide as being the most reliable
6 because you have a body unfortunately. But, you know,
7 shootings, as you have mentioned, non-fatal shootings,
8 the fact that that's not being tracked, I mean, that
9 is a big problem, is it not?

10 DR. O'BRIEN: So there is hospital data,
11 and there is hospital data from emergency department
12 visits that track non-fatal shootings. But it doesn't
13 give us the detail that we need like where, why, how
14 can we prevent? And until we start getting that level
15 of data on non-fatal shootings, like we have on
16 homicides, communities are at a loss because if you
17 are looking at gun violence, you really need to look
18 at the totality of non-fatal shootings and homicides.

19 And I started only looking at homicides.
20 And I'm, like, what is going on here, and where are
21 the non-fatal shootings? I thought there was a
22 fraction of the non-fatal shootings until I actually
23 started pulling up data.

24 And when you start pulling all of it and
25 understand the bigger picture, it really helps

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1 communities at the local level. And that data then
2 flows up to the national level. We have a much better
3 understanding of what's going on and how we can
4 prevent and how we can intervene.

5 CHAIR GARZA: Go ahead, Mr. Mangual.

6 MR. MANGUAL: If I could just quickly add
7 to that. I mean, in addition to the non-fatal
8 shootings in which people are wounded, we should also
9 be doing more to track non-fatal shootings in which no
10 one is wounded. And one of the best ways to do that
11 is to see jurisdictions more broadly adopt technology
12 like ShotSpotter using acoustic technology to identify
13 the firing of gunshots.

14 Now a huge portion of ShotSpotter alerts
15 do not see accompanying 911 calls, which tell us that
16 non-fatal gun violence is actually more common than
17 even the data that we do have is.

18 But I would note that there has been a lot
19 of opposition on the left in this country to the
20 adoption of ShotSpotter on the claim that it sends
21 police resources into minority neighborhoods which
22 we've heard time and again see the brunt of this
23 problem. I just wanted to note that.

24 CHAIR GARZA: And I wanted to bring in Ms.
25 Sahaf into this if I can. You know, I think that your

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1 comment made me think a lot about investment in
2 communities, right, because that's what we need to do,
3 or at least that's what we've heard all morning. It's
4 data and it's investment in the communities.

5 And I'm a Texan. So I was particularly
6 struck by that diversion program having that much of a
7 success. I also practice criminal defense and have
8 represented children. And my dad was a district court
9 judge in the 80s and 90s. So I come from a family
10 folks that understand law enforcement and the criminal
11 justice system as a whole.

12 But I wanted to bring you in if you wanted
13 to add anything.

14 MS. SAHAF: Sure. I appreciate it. You
15 know, I have a lot of different -- so my team is
16 public defenders, former public defenders and
17 prosecutors and some really incredible scientists with
18 similar bona fides to folks here. And I sometimes had
19 like tech folks come and say, what is the solution?
20 You know, is it ShotSpotter? What is it?

21 And I have incredible data scientists who
22 say, no, you know, who understand tech and use it.
23 And they don't think tech is the solution. And I wish
24 it was. I understand the attraction for that. But
25 the solution is, you know, more money to communities

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1 at the local level.

2 I also echo what an earlier panel said, we
3 already know what the solutions are. People who have
4 lived experience who are doing the work, they know
5 what the solutions are already. And we need to
6 collect more data to back up those stories. But we
7 have a lot of evidence already about what works. But
8 they need more funding and money.

9 You know, my organization sometimes gives
10 subgrants to help people build diversion programs.
11 But the question is when we leave what's going to
12 happen? They are desperate for funding.

13 So we have a lot of solutions that work,
14 but the money is not getting to the folks to make sure
15 things are sustainable and can be built.

16 I have people doing restorative justice
17 programs who are, like, we want to scale it, but they
18 need the money. So I think it's good to know that we
19 already -- there is some data collection. You know,
20 it's imperfect, but we already have really good
21 guidance from the data and from people who are doing
22 the work. And we really just need to give them
23 whatever they ask for, they know.

24 VICE CHAIR NOURSE: Could just explain
25 what a diversion program is for our audience?

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1 MS. SAHAF: Absolutely. So a diversion
2 doesn't have a perfectly even definition across. But
3 really I think of it as ways to solve. So when
4 criminalized behavior occurs, when a crime occurs and
5 even that's fraught as we know, you know, when we talk
6 through how we measure crime rates, et cetera.

7 But it's finding a way to address crime
8 and harm outside of the criminal system -- so in a way
9 that would not end up with somebody getting a
10 conviction because we know those carry so many
11 collateral consequences -- that make a safer and help
12 make those citizens, you know, deal with major uphill
13 battles to becoming productive, thriving members of
14 society and tend to drive -- they drive programs and
15 resources to wherever the underlying drivers are of
16 people's conduct.

17 I tell people all the time, my kids are in
18 camp in the summer. And so they are occupied. They
19 have something to do. If you are not occupied, if you
20 don't have recreation, if you're not in good schools,
21 if you don't have health care, if you don't have safe
22 child care, you know, these are all the things that
23 cause people to get caught up in criminal activity.
24 And it does include absolutely over-policing. It
25 does.

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1 You know, if you live in a detached house
2 and you are arguing with your spouse, no one is
3 calling the cops. And if you live in a narrow
4 apartment building and there are thin walls and noise,
5 absolutely policing does not reflect where all the
6 crime is occurring. Crime is occurring all over the
7 place, but who is being policed is very much driven by
8 other factors.

9 So diversion programs find ways to address
10 services to whatever is the underlying driver of the
11 crime, maybe it's mental health, there is substance
12 abuse, joblessness, mentoring outside of the criminal
13 system.

14 So, for example, you will often see in the
15 criminal system you need to, you know, serve this much
16 time and this fine and maybe community service. But
17 if you have a mental health issue that's driving your
18 criminal conduct, the community service is never
19 really going to get you where you need to go.

20 So our recommendation is always services
21 provided in community-based organizations that are
22 tied to those communities that know what the needs are
23 that have, you know, access to mentors, to jobs, you
24 know, resumes, substance abuse apart from the system
25 because we've also heard a lot today around the many,

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1 many reasons many people don't want to interact with
2 the system. They're not there. And we know that
3 there is a lot of harm that's been inflicted. So
4 finding ways to address crime outside of the criminal
5 legal system.

6 CHAIR GARZA: Thank you. We have time for
7 one question. I really appreciate the robust
8 conversation. Thank you. Commissioner Magpantay.

9 COMMISSIONER MAGPANTAY: I've got a
10 question, a moment of gratitude, thanks. Ms. Sahaf, I
11 wanted more of those details so that was great.

12 I just wanted to thank Rafael who actually
13 serves on the New York Advisory Committee to the U.S.
14 Commission on Civil Rights. We served on the
15 committee a number of years -- I think you're still on
16 it. I wanted to thank you for your service to the New
17 York Advisory Committee and for this testimony. Of
18 course, all of you, thank you for sharing and taking
19 your time.

20 CHAIR GARZA: Wonderful. Well, thank you
21 all very much again for the robust conversation. You
22 have given us a lot to consider. Thank you for your
23 testimony. We will be looking at that as we develop
24 our report.

25 So I'm going to ask all the attendees to

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1 continue any conversations you want to have outside of
2 the hearing room so our staff can prepare the room for
3 -- okay. We're recessing.

4 (Whereupon, the above-entitled matter went
5 off the record at 3:29 p.m. and resumed at 4:04 p.m.)

6 CHAIR GARZA: Welcome back, everyone, for
7 our public comment period. We're going to proceed
8 with the public comment session.

9 Just a few opening instructions we've
10 provided to each participant. Please tailor your
11 remarks to the topic of today's briefing: the racial,
12 gender, and ethnic disparities among victims of
13 crimes, violent crimes. Please state your name for
14 the record so that we can make sure it's included.

15 Please note that the U.S. Commission on
16 Civil Rights has a policy not to defame, degrade, or
17 incriminate any person. Also, this comment period is
18 a time for Commissioners to listen, not to engage in
19 questions or discussion with presenters. We
20 appreciate your testimony and we're eager to hear it.

21 You will have five minutes to speak, which
22 will be measured by a timer. So please notice the box
23 in front of you. It has three lights. When the light
24 turns from green to yellow, that means one minute
25 remains. And when the light turns red, you should

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1 conclude your statement.

2 If you do not conclude, I will cut you off
3 in order to allow other folks to speak. So just wrap
4 up, when you see that light, wrap up your thought.

5 If you have not finished or would like to
6 submit additional information, we encourage you to do
7 so by mailing or emailing your written submissions to
8 us at the address provided on your information sheet
9 by Friday, December 15 of this year.

10 And while awaiting your turn, please sit
11 in the numbered chair that corresponds to your ticket.

12 In order to reduce time between speakers, we ask you
13 to move forward to, well, to turn on your microphone
14 before and go ahead and start after the last person
15 has finished.

16 If you need to step out briefly for any
17 reason, just to use the restroom or otherwise, please
18 let a staff person know, and then you can be reseated.

19 And a quick reminder, we have a licensed
20 mental health professional available if you do need
21 assistance, so please let a staff member know that you
22 would like to speak with them, and our staff will
23 direct you to the appropriate place.

24 So we'll go ahead and begin, starting with
25 the person on my left.

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MS. JOHNSON: Can you hear me? All right.

Thank you to the U.S. Commission on Civil Rights for holding this incredibly important briefing.

My name is Kierra Johnson, and I'm the Executive Director of the National LGBTQ Task Force, the oldest rights and advocacy organization in the country.

Here at the task force we know that our history tells our story, but it also shapes our future. Unfortunately, history has shown us that across this country, LGBTQ+ people, particularly Black transgender women, continue to be disproportionately impacted by acts of violence.

Reports show that transgender people in the United States face persistent and pervasive discrimination. In 2022 alone, people of color account for 81% of violence against known victims in the transgender community, and 59% of them are Black.

Transwomen are also disproportionately represented, as they have been in years past, also comprising 81% of the deaths recorded.

It is undeniable that trans and gender non-conforming people in the U.S., and Latina and Black transgender women in particular, are disproportionately impacted. And this pattern shows

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1 no sign of stopping in 2023.

2 The FBI started tracking hate crimes
3 against transgender people in 2015 -- in 2013. Since
4 then, there have been 302 fatalities accounted for,
5 with a large percentage being overwhelmingly Black,
6 under 35, and killed with a firearm.

7 Despite this high number of fatalities, we
8 also know that a large percentage of these deaths are
9 reported with inaccurate information relating to the
10 victim's gender identity. This raises alarms about
11 the extreme violence that folks are faced with and
12 illustrates even more that stronger protections are
13 essential.

14 Transgender African Americans, according
15 to research, are disproportionately impacted by
16 violence among LGBT people. Among respondents to the
17 2015 U.S. transgender study, 44% of Black respondents
18 reported being verbally harassed, more than half were
19 sexually assaulted in their life.

20 Another study of anti-LGBTQ violence found
21 that 71% reported -- of homicides reported were people
22 of color, 52% were transgender or gender non-
23 conforming, and 40% were transgender women of color.

24 This violence comes as lesbian, gay,
25 bisexual, and transgender people are being targeted in

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1 the media, in events, and across state legislatures.
2 States across the country have been advancing anti-
3 LGBTQ legislation while simultaneously dismantling
4 their gun protection laws.

5 The result is a deadly environment where
6 LGBTQ+ people must live in constant fear for their
7 lives. The Williams Institute reports that gun
8 violence, racism, and violence against trans and
9 gender non-conforming individuals is closely
10 intertwined.

11 Guns are the most frequently used weapon
12 in the murder of transgender people, especially at the
13 hands of law enforcement. Nearly three-quarters of
14 trans people killed in America from 2017 to 2022 were
15 killed by a gun.

16 Violence in law enforcement interactions
17 unfortunately have been deadly. The Williams
18 Institute also found that LGBTQ individuals and
19 communities continue to face profiling,
20 discrimination, and harassment at the hands of law
21 enforcement officers. Notably, police abuse and
22 misconduct were reported at higher rates by
23 respondents of color and transgender and gender non-
24 conforming respondents.

25 This experience is echoed in data from the

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1 U.S. transgender survey, in which 61% of Black
2 respondents experienced some form of mistreatment by
3 the police, including being verbally harassed,
4 physically or sexually assaulted.

5 I'm here to say out loud to you that Black
6 lives matter. Black trans lives matter, or at least
7 they should.

8 To keep families, our communities safe,
9 lawmakers at every level must take action to
10 prioritize legislation that protects communities from
11 hate-fueled violence. And the first step is ensuring
12 federal non-discrimination protections and policies
13 extend to LGBTQ people and are updated to protect
14 women, people of color, and LGBTQ folks in public
15 accommodations.

16 Transphobia is an aggravating factor of
17 these violent crimes, and it must be taken seriously.

18 In fact, it is quite literally life or death. As the
19 Commission investigates violent crimes in America, the
20 violence that queer and trans people endure daily
21 should be included.

22 And the Commission needs to look at race
23 and gender and take them under its civil rights
24 purview. Additionally, we urge the Commission to
25 recommend LGBTQ sensitivity training for law

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1 enforcement and victim services to support victims and
2 their loved ones appropriately and compassionately.

3 This world will not be safe for any of us
4 if we are unable to live our authentic lives free from
5 violence and harassment. Thank you so much for your
6 consideration.

7 CHAIR GARZA: Thank you for your
8 testimony. We'll go ahead and move on to the second
9 speaker.

10 MS. ETCUBANEZ: Thank you. First, thank
11 you for holding this hearing and for the opportunity
12 to speak. My name is Marita Etcubanez, and I am Vice
13 President for Strategic Initiatives with Asian
14 Americans Advancing Justice, AAJC. We're a nonprofit
15 organization focused on federal policy advocacy to
16 advance civil and human rights for the Asian-American
17 community.

18 So I very much appreciate the Commission
19 holding a hearing this spring focused on anti-Asian
20 racism and the federal government response. We
21 appreciate the spotlight presented by that hearing,
22 where we and other community advocates were able to
23 speak on the discrimination that Asian-American
24 communities have faced over time, but in particular in
25 recent years connected to the Covid-19 pandemic.

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1 Our testimony for that hearing was focused
2 on hate crimes and hate incidents. While we provided
3 a great deal of information on the available data, we
4 also spoke about the need for improvements to data
5 collection. I would like to offer additional
6 information that has become available since that
7 hearing.

8 While hate crimes motivated by anti-Asian
9 bias are down in 2022 from the all-time high recorded
10 by the FBI in 2021, overall hate crimes are still at
11 alarmingly high levels, with a total of nearly 11,650
12 hate crimes reported to the FBI in 2022.

13 And while the hate crimes motivated by
14 anti-Asian bias have gone down to four percent of the
15 total from seven percent of the total in 2021, these
16 levels are still many times higher than what we had
17 been seeing prior to the Covid-19 pandemic.

18 We continue to urge greater effort to
19 speed the transition to NIBRS and to improve hate
20 crime reporting in general. As we noted previously,
21 community reporting sites are still needed to give us
22 a better sense of the scope of what Asian-Americans
23 are facing, particularly since we know that many
24 Asian-Americans still do not feel comfortable looking
25 to law enforcement and the criminal justice system for

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1 recourse.

2 So this brings me to the two points I wish
3 to highlight for the Commission: the need for greater
4 data disaggregation, and for improved language access.

5 Contrary to popular perception, while many
6 Asian-Americans are doing well -- many are high-
7 earning, well-educated -- our community also has the
8 greatest income gap of any racial group, which means
9 that there are also significant segments of the
10 community that continue to struggle.

11 Certain Asian-Americans, whether due to
12 poverty, residential segregation, or other factors,
13 are more vulnerable to violent crime. According to
14 the Bureau of Justice Statistics' most recent data,
15 252 and 60 Asian-Americans and Pacific Islanders were
16 the victims of violent crime in 2022, amounting to
17 four percent of all violent crimes. This is an
18 increase both in terms of the number and percentage
19 from the year before.

20 Data on violent crime victimization is
21 currently only available by broad racial categories,
22 which we fear may obscure the higher risk of
23 victimization of the more disadvantaged in our
24 community.

25 Asian Americans Advancing Justice, AAJC,

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1 urges the government to collect more detailed data on
2 the victim of violent crime, disaggregated to reflect
3 the diverse experiences of the various subgroups
4 within the Asian-American population, which will help
5 ensure that resources can be allocated to those most
6 in need.

7 Asian Americans Advancing Justice applauds
8 the Commission for including language access among its
9 top recommendations in its report on the federal
10 response to anti-Asian racism. We stand ready to
11 support the Commission in its efforts to make the
12 government and government-funded programs and services
13 more accessible to all, especially those who have
14 difficulty communicating in English.

15 The majority of Asian-American immigrants,
16 52%, have limited proficiency in English, and when we
17 look at the disaggregated data, we see that LEP rates
18 are much higher for certain segments of our community.

19 Seventy-nine percent of Burmese immigrants, 72% of
20 Vietnamese immigrants, 67% of Cambodian immigrants,
21 and 66% of Chinese immigrants have limited proficiency
22 in English.

23 So while not everyone will feel
24 comfortable turning to law enforcement, when people
25 from our community do, it is vital that they are able

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1 to access help in their language. Civil rights are
2 not limited only to those who can communicate
3 effectively in English.

4 Federal agencies and entities receiving
5 federal funding have a legal obligation to provide
6 language access, and this obligation should not turn
7 on whether one speaks one of the more commonly spoken
8 languages in the U.S. When one of our elders, for
9 example, is the victim of violent crime, they should
10 be able to access help, even if they don't speak
11 English.

12 And when our communities are impacted by
13 mass shootings, as we saw in Atlanta in 2021 and in
14 Monterey Park in Half Moon Bay, California, during the
15 Lunar New Year celebrations earlier this year, the
16 response by law enforcement and government agencies
17 must be in the languages spoken by the impacted
18 population.

19 So with that, again, we urge your
20 assistance and we stand ready to help when it comes to
21 improving data disaggregation and language access. I
22 want to thank you for organizing this hearing and for
23 your continued focus on understanding how different
24 communities are impacted by crime.

25 CHAIR GARZA: Thank you so much for your

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1 comments. We're going to move on to the next speaker.

2 MR. SMITH: Good afternoon. My name is
3 Zack Smith, and I'm with the Heritage Foundation.

4 Much of the discussion surrounding today's
5 criminal justice policies unfortunately revolve around
6 two myths. One, that our criminal justice system is
7 systemically racist, and two, that we have a mass
8 incarceration problem. Neither of these are true.

9 Yet, if we look at what has happened in
10 cities around the country, politicians have pushed out
11 policies based on both of these myths. Take, for
12 example, what has happened here in our nation's
13 capital, Washington, DC.

14 In July of 2020, in the wake of the riots
15 following George Floyd's death, the local city council
16 cut \$15 million from the local police force's budget
17 as part of "grappling with the undoing of centuries of
18 layered systemic racism and its permutations
19 throughout our society."

20 Charles Allen, the local councilmember who
21 spearheaded this effort, proudly proclaimed that this
22 budget cut would result in the biggest reduction to
23 MPD, DC's local police force, that he had ever seen.
24 Allen anticipated that MPD would lose at least 200
25 officers as a result of this cut, and he pledged to

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1 continue to take similar actions because he knew that
2 "racial justice wouldn't be achieved in a single
3 budget."

4 So how are these efforts going? Well, I
5 think anyone who has watched the news or talked to DC
6 residents will tell you that things are not going
7 well. In April of this year, then-DC Police Chief
8 Robert Conti said that his department had a net loss
9 of about 450 police officers over the past three
10 years, putting his department staffing level at the
11 lowest it's been in half a century.

12 The number of sworn officers has continued
13 to fall and is expected to continue to fall short for
14 the foreseeable future. This at the same time that
15 the District is experiencing a rash of violent crimes.

16 Homicides are up 34% compared to this same time last
17 year, robberies are up 67%. Motor vehicle thefts are
18 up 97%, carjackings are up an astounding 105%.

19 The District ended last year, 2022, with
20 203 murders. So far this year, the District has
21 experienced 243 murders.

22 Compare this number to a little over ten
23 years ago, when the District experienced the
24 relatively low number of 88 murders in 2012. It's
25 clear that something has changed, and that something

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1 has to change again. That's especially true when we
2 consider who is predominantly being victimized by the
3 increases in violent crime.

4 In December 2021, the National Institute
5 for Criminal Justice Reform released a report on the
6 gun violence problem in the Washington, DC. It
7 examined all 341 homicides that occurred in the
8 District in 2019 and 2020, and all 522 non-fatal
9 injury shootings that occurred in 2020.

10 It found that the victims and suspects of
11 homicides and non-fatal shootings in DC are
12 predominantly male, Black, and between the ages of 18
13 and 43. It further found that about 96% of victims
14 and suspects in both homicides and non-fatal shootings
15 were Black, despite Black residents comprising only
16 46% of the District's population.

17 As the number of shootings and homicides
18 have climbed, so too tragically have the number of
19 young Black men who have been victimized by these
20 crimes. Yet as we look elsewhere to cities around the
21 country, including those that have been the focus of
22 today's hearings, places like Denver, Houston,
23 Memphis, Milwaukee, and Seattle, just to name a few,
24 these same types of trends can be seen there too.

25 Moreover, prosecutors in many of these

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1 cities have pledged not to prosecute certain crimes,
2 not to seek bail in many cases pending trial, and not
3 to seek sentences of incarceration wherever they can
4 avoid it. Yet by failing to do their duty, these
5 prosecutors are creating more victims in their
6 communities.

7 It's also important to push back against
8 the notion that there's certain so-called quality-of-
9 life crimes, things like shoplifting, prostitution,
10 and drug possession, that cannot be prosecuted with no
11 adverse consequences. Allowing these crimes to go
12 unchecked harms their communities where they take
13 place and makes businesses untenable in those
14 communities.

15 This often means that the only grocery
16 store or the only pharmacy in certain low-income
17 neighborhoods close, making it that much more
18 difficult for residents of those neighborhoods to live
19 on a day-to-day basis.

20 Contrary to what some have said, data and
21 science do not support these soft-on-crime approaches.

22 At the end of the day, we know what works to combat
23 crime and to lower the number of young Black men who
24 are shooting and homicide victims.

25 Put more police on the street, empower

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1 them to responsibly do their jobs, and have
2 prosecutors who will prosecute crimes, hold criminals
3 accountable, and seek justice for all victims. This
4 is what our communities deserve, and we all should
5 expect no less.

6 Thank you.

7 CHAIR GARZA: Thank you. Thank you to all
8 of the folks that have provided their comments today.
9 Is there anyone else from the public that would like
10 to speak? No? Okay. Hearing none, that concludes
11 our Public Comment Session, and that actually brings
12 us to the end of our briefing.

13 I want to thank all of our panelists and
14 our public comment participants. Today has been a
15 tremendously informative day, and on behalf of the
16 Commission, I thank all who presented for sharing your
17 time, expertise, and experiences with us.

18 And as I said earlier, the record for this
19 briefing shall remain open until December 15 of this
20 year.

21 Panelists or members of the public who
22 would like to submit materials for Commission
23 consideration, which we welcome, may mail them to the
24 U.S. Commission on Civil Rights, Office of Civil
25 Rights Evaluation, 1331 Pennsylvania Avenue, NW, Suite

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1 1150, Washington, D.C. 20425. Or email them to
2 victimsofcrime -- victims is plural --
3 victimsofcrime@usccr.gov.

4 I ask that our attendees move any
5 continuing conversations outside of the hearing room
6 so our staff can complete any logistics necessary to
7 close out. And please make sure you exit the building
8 through the F Street lobby, as the exit to the
9 Pennsylvania side is closed.

10 So, if there's nothing further, I hereby
11 adjourn the briefing at 4:24 p.m. Eastern Time. Thank
12 you.

13 (Whereupon, the above-entitled matter went
14 off the record at 4:24 p.m.)

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