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PRESIDENT BIDEN'S GUN VIOLENCE REDUCTION PLAN: The Outlook and the Opportunities

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Key Takeaways

- Many options exist for policymakers who wish to respond to the recent explosion in gun crime, and the administration's Comprehensive Plan addresses some of them, including strategies to reduce the availability of guns, raising the perceived risk of carrying guns, and diminishing the likelihood that someone carrying a gun will use it.
- Not all strategies will effectively reduce gun violence among the people who account for most of the spike in shootings. Community violence interventions and improved social services are promising, while gun dealer regulation and interdiction of gun traffickers will likely have little effect on the prevalence of guns in the short term.
- The administration's plan also leaves out a few important elements, such as a clear plan to improve gun homicide and assault clearance rates, precision policing tactics, gun surrender programs, and improvements to built spaces in vulnerable neighborhoods.
- The administration cannot flatten rising rates of gun violence alone; they should work to foster local innovation by providing resources and sharing lessons. While the Comprehensive Plan is a good start, it should be more focused on the people driving the rise in shootings and the communities that have long suffered from endemic gun violence.

Contents

Introduction	2
Firearms regulation	3
Federal support for local law enforcement	5
Community violence interventions	6
Social services	7
The return of citizens from prison	8
Additional recommendations	9
Conclusion	10

Introduction

Gun violence has driven the homicide rate to levels not seen since 1998. Last week, President Biden offered what he described as a comprehensive plan to address the problem. He noted that when it comes to gun violence, “there is no one answer.” As such, his plan contains several elements, including firearms regulation, federal resources to support local law enforcement, community violence interventions, social services, and support for people returning from prison. In this commentary, we discuss the likelihood that the plan will be effective, and we offer suggestions that we believe would complement the plan and further reduce gun violence.

Broadly, we agree with the administration that the federal government should give local law enforcement authorities more resources to direct their own gun violence prevention strategies. We agree that tactics to interrupt cycles of gun violence have shown promise and should be further tested. And we agree that improved enforcement should be coupled with better social services, so that people are encouraged to desist from gun crime both before and after they come into contact with the criminal justice system. We suggest that the administration focus its policies and resources more squarely on the group of people most likely to be the shooters and victims: young men of color in poor neighborhoods where gun violence has long been endemic. We also suggest that the administration prioritize clearance rates for shootings and gun homicides.

President Biden’s plan is designed to disrupt two hazardous forces: the ready availability of illegal firearms and the willingness of people to use them. It does so through five strategies. To reduce the availability of guns, the plan aims to drive up the costs of buying and selling them through tighter regulation of licensed dealers, a set of strike forces focused on intercity and interstate gun trafficking, and an infusion of federal money for local law enforcement priorities.

To make people less willing to use guns, the plan aims to empower residents and police to disrupt cycles of violence in their communities; improve support for young people who are vulnerable to gun violence; and reduce the likelihood that returning citizens will resort to gun crime after they are released from prison.

There is a lot we don't know about gun violence, and President Biden is certainly right to attack the problem from multiple angles. But the research does offer some broad insights that suggest which strategies are most likely to succeed.

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The multipronged approach reflects fundamental disagreement among policymakers about the drivers of gun violence, a disagreement muddled by the fact that research does not point unambiguously to any single answer. Research does, however, tell us enough to reasonably describe the specific problem, which in turn suggests that some strategies are more likely to be effective than others.

We know that large cities account for most of the increase in gun violence over the past two years. We know that the homicides and shootings that have driven rates up happen mostly in disadvantaged communities that have historically had rates of violent crime that far exceed citywide averages. We know that shooters and victims have remarkably similar profiles: young men of color, most often under the age of 25. Gun crimes tend to be concentrated among small, intensely interlinked social networks. We know that these young men typically begin carrying firearms out of concern for their personal safety or as a requirement for participation in loosely connected crews, often with no express intention to use the gun in the commission of a crime. We know that these crews are often motivated more by mutual protection or reprisal than by profit. They engage in provocation and retaliation, impelled by fear, anger, or honor. We know that the guns used in these crimes come from many places. Many are very old or lack serial numbers. Most are bought illegally from individuals who sell on a small scale and source weapons through illicit person-to-person purchases or theft. Most troublingly, we know that the average shooter or victim in dangerous neighborhoods is younger and has more exposure to trauma than in the past. This picture of the type of violence that must be addressed to bring down homicide and shooting rates is, as all pictures are, merely an approximation, a composite sketch, but it is accurate enough to put the five points of President Biden's plan in perspective.

Firearms regulation

The administration intends to discourage illicit gun sales by licensed dealers by holding them to a zero-tolerance standard, hiring additional Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) enforcement agents, and making it easier for jurisdictions to share data on illicit transactions. It also will launch firearm trafficking task forces in several jurisdictions, provide the public with more information about delinquent dealers, prohibit trade in certain types of guns and modifications, and convene meetings with state and local leaders to share information about illicit gun dealing and manufacturing. These are all good ideas, and they could lead to fewer illicit guns on the street over the long term. But they are unlikely to provide immediate respite.

That's because the guns that are driving the current homicide spike are not ones that can be interdicted at the point at which they transfer from the licit to illicit market: Most of them have long been possessed illicitly, changing hands periodically, often within tight peer groups. Gun availability does matter: Evidence does not suggest that young Americans are more prone to lethal violence than their counterparts in other countries; guns are simply more prevalent, which is particularly dangerous when the people who carry them are emotional or afraid. But neither proximity to licensed gun dealers nor weak gun control laws in general seem to be predictive of non-intimate-partner-related gun assaults among the groups that have seen the greatest increases in gun violence and victimization.

There are probably over 390 million firearms in private hands in the United States. Many are owned legally, but many also spill into illicit markets, where they can be reached more easily by vulnerable young people. Guns are legal for most of the population, and the Supreme Court has affirmed that the Second Amendment protects an individual's right to possess a firearm. Any adult with bad intentions and a good record can legally procure a gun and resell it illegally. A more direct path to the illicit market is theft, either from stores or while guns are being transported. Theft seems to be a major source of illegal guns in the country, but not necessarily for young adults convicted of gun crimes. Seventy percent of incarcerated respondents who were asked about the source of their guns indicated members of their social networks, including family and friends. Once guns enter the illicit market, they are sold for inflated prices, particularly high-caliber and semi-automatic models, creating opportunities for easy profit. Often, several individuals will share a gun kept in a common place. These guns are difficult to target through traditional enforcement mechanisms.

Adding personnel from the ATF and Justice Department for downstream interdiction within illicit markets may create problems of its own. Federal agents charged with disrupting gun supply networks rely on techniques similar to those employed to bust drug dealers. They recruit informants, usually by leveraging the threat of prosecution against wrongdoers who may be of use to them, and they use these informants to work upward through supply chains. Experience suggests that this method entices and ensnares at least some people who would not otherwise have dealt in weapons but for the inducement to do so provided by law enforcement. Meanwhile, because sources of weapons are widespread and plentiful in the United States, trafficking networks need not be hierarchical or particularly organized. This type of enforcement usually nets low-level dealers who cannot provide information on the ultimate sources of their weapons and who are easily replaced. As a result, these strategies are likely inefficient allocations of scarce enforcement resources, and risk substantial violations of civil liberties without much by way of public safety payoffs.

Firearms manufactured by private individuals from separately bought parts, known as "ghost guns," are increasingly prevalent and are rightly considered a public safety threat because their ownership cannot be traced. Modifications to handguns that make them more deadly are another threat to public safety. Both threats should be addressed, but again, doing so will not deflate the surge of gun violence because neither ghost guns nor modifications contribute significantly to the type of violence that is an immediate threat to vulnerable communities.

President Biden characterized weapons that injure or kill young people as “weapons of war,” which does not capture the full picture and distracts from the intent of the plan. The remaining proposals included under the first point are benign and potentially beneficial but are too vague to evaluate.

The Biden administration probably understands that measures aimed at rogue firearms dealers and putative large-scale traffickers will not meaningfully affect the availability of guns to would-be shooters today. Nor are the types of weapons used in the crimes that are driving the current homicide surge the typical targets of federal gun control proposals. The administration should be careful not to scupper more effective means of reducing gun violence, such as policies aimed at making young men of color less likely to carry or use guns, by tying them too closely to politically fraught proposals that offer only dubious benefits.

Federal support for local law enforcement

The second point of the administration’s plan is more a set of reminders than a new proposal. The administration reminds us that, as part of the Department of Justice’s Comprehensive Strategy for Reducing Violent Crime, announced last month, the FBI, ATF, Drug Enforcement Administration, and U.S. Marshals Service will coordinate and, in some cases, embed with state and local law enforcement to target individuals and organizations deemed particularly dangerous to public safety because of their propensity to foster gun violence. Like the regulatory and interdiction proposals from point one, the Comprehensive Strategy is aimed at high-level and highly visible criminals and criminal organizations. Such a top-down approach is unlikely to move the needle on street-level shootings because this violence is rarely the result of organized crime. Arresting and prosecuting high-level criminals requires meticulous (and expensive) casework. It is probably still worth the money and effort, but it’s just not particularly germane to the immediate problem the plan seeks to solve (though focused “gang takedowns” may help, as we discuss later).

The administration also reminds cities and states that funds received through the American Rescue Plan can be used to bolster law enforcement in any way a jurisdiction sees fit. This money complements funds already available under the Justice Department’s Byrne Justice Assistance Grant (JAG) program and the Community Oriented Policing Services (COPS) program, which the president proposes to augment by \$300 million. JAG and COPS are programs that have mostly enhanced traditional law enforcement efforts rather than inspiring innovation. Recipient agencies overwhelmingly use them to support policing rather than other types of crime prevention. The number and size of awards are also relatively small compared to state and local assistance provided by other agencies, and some advocates have accused program recipients of unchecked waste. Extra money should be accompanied by incentives to identify and if necessary correct these problems.

By choosing as the plan’s first two points proposals to boost existing law enforcement capabilities, the administration distanced itself from efforts among activists and progressive policymakers to “defund” the police. This move rightly affirms the important role police play in the deterrence of gun crime. The plan’s emphasis on empowering local authorities is also an important acknowledgement of the variety of problems unique to each city and even each neighborhood within cities. Both points should reassure local law enforcement, but neither is likely to have a large effect on the availability of guns to would-be shooters, at least not in the short term.

Well-conceived enforcement might make would-be shooters less likely to pull the trigger by increasing the perceived cost of engaging in violence, though how to deter crimes that are largely unplanned and motivated by emotion is hard to say. (An exception might be improving clearance rates - discussed later - which not only drives up the perceived cost of engaging in violence, but also stops the cycle of retribution.)

Community violence interventions

Community violence interventions (CVI) describes an umbrella of programs that includes street outreach, law-enforcement-led deterrence strategies such as Group Violence Intervention (GVI), and Hospital-Based Violence Intervention, among other variations. These programs all entail the recruitment of credible messengers in the community, clear communication of consequences by law enforcement, and a commitment to consistent and predictable enforcement of gun laws, particularly among people identified as most likely to commit acts of violence. To varying extents they also include dispute mediation and connection to social and health services.

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Many places that have implemented CVI have seen good results, but causality is difficult to prove. The administration’s approach to promoting CVI is two-pronged: The White House will convene a high-level consortium of leaders who have committed to using CVI while pushing to designate \$5.2 billion of American Jobs Plan funds for implementation. This approach complements the Justice Department’s commitment, under its own Comprehensive Strategy, to renew the Project Safe Neighborhoods (PSN) program, which Attorney General Garland called “our cornerstone [CVI] initiative.”

The worth of PSN is not settled. Local programs based on PSN principles seek to deter or incapacitate shooters by focusing enforcement on those people most likely to commit gun crimes and communicating the terms of enforcement clearly through community stakeholders. Ideally the strategies

employed are specific to each jurisdiction and are developed by a planning group with access to enough information to develop an accurate understanding of local gun crimes. Most importantly, PSN requires the capacity to focus consistent and predictable deterrent resources on the target population – a relatively easy task when the group of potential shooters is small, but significantly more difficult with larger groups. The Justice Department’s Office of Justice Programs (OJP) calls PSN a “promising strategy” – a middle-tier rating that means evaluations have been conducted on PSN implementations, and the evidence suggests effectiveness but is not conclusive. That PSN has not been conclusively evaluated is strange given that the Justice Department has promoted it for two decades. This should change.

Like many CVI practices, the permutations of PSN have varied considerably, which complicates evaluation, and the program languished until the Justice Department’s recent directive to revive it. Perhaps more vexing, neighborhood gun crime exists at the intersection of many variables that are difficult to tease apart and assess independently. An OJP-commissioned meta-analysis of 29 studies found that many gun-violence reduction strategies, including public health approaches,

gun buyback programs, and various law enforcement interventions, have only moderate to weak effects on gun crime. Evaluations of Operation Ceasefire, another program rooted in focused deterrence and the principles behind GVI, have shown stronger results, but the evaluations have been quasi-experimental (that is, their designs may include biases that complicate results), leaving the magnitude of the effect up for debate.

PSN and other CVI programs should be investigated and evaluated more thoroughly, particularly with an eye toward whether they operate more effectively as substitutes for or complements to policing. In any event, the Justice Department should not treat them as sure bets. The American Rescue Plan and other boosts to federal spending have given agencies and jurisdictions a rare opportunity to implement innovative practices. The Justice Department should not shoehorn policymakers and practitioners into any one set of principles, nor should it lead them to believe that suggestive findings prove causality, especially when other options exist. Policymakers should be aware that CVI programs demand significant resources, particularly early on, when law enforcement must back up its promises of increased enforcement; funding and expectations should reflect this awareness. Given the massive investment, a strong evaluation component should also be included in any funding allocated.

Social services

The administration proposes to use federal funds to “expand summer programming, employment opportunities, and other services and supports, especially for teenagers and young adults.” Money will come from the \$350 billion in state and local funding and \$122 billion in school funding included in the American Rescue Plan. It will also come from the \$89 million YouthBuild program and \$20 million Workforce Pathways for Youth program, both administered by the Department of Labor. ARP funds can be used to hire support personnel such as nurses, counselors, and social workers, address the backlog in court systems caused by COVID-19, provide expanded employment services such as job training for formerly incarcerated or otherwise vulnerable people, fund summer education and enrichment programs, or scale out wraparound services (a continuum of social care tailored to meet a variety of individual needs), including those offered by full-service community schools. The Labor Department funds are meant to help set up work readiness programs for older teens and young adults. Recipient jurisdictions are encouraged to use the funds to target violence prevention. Again, the administration leaves much of the imaginative work up to local jurisdictions, which is the right idea.

There are at least two good reasons to applaud this proposal. First, people who have or are likely to have experience with the criminal justice system stand to benefit tremendously from improved employment prospects, and better jobs seem to lead to better outcomes. Second, after-school and summer programs fill idle time that might otherwise be given over to delinquency. Summer employment is particularly effective: A Boston program was associated with a 35 percent reduction in arraignments for violent crimes among participants. The mechanisms by which summer employment programs affect rates of gun violence are difficult to identify, though research suggests improving conflict resolution skills is a big factor.

But not all job readiness programs are created equal. What’s more, even for those with promising outcomes, effects may not last. For example, “Ready, Willing, and Able,” a premier jobs program

for citizens returning from custody, showed promise early on, reducing return to custody by 16 percent among graduates within two years of treatment. But only a quarter of participants graduated, and for those who did not graduate, the return to custody reduction was a mere 4 percent. And as with many interventions, the treatment effect diminished after the first two years; a three-year evaluation found statistically negligible effects.

The language around the use of ARP funds is vague enough to allow jurisdictions to be creative and responsive to their own needs. New or expanded education and enrichment programs can certainly do some good. Wraparound services show mixed results; they seem to reduce school truancy and dropping out in some cases and delinquency in at least one iteration, though they do not seem to improve reentry outcomes.

Again, the administration's suggestions are helpful, but they do not precisely address a core question that underlies violence prevention among youths and young adults: At what point in the life course of a young person who is likely to participate in gun crime is an intervention most valuable?

In his speech, President Biden described two types of people who are likely to engage in gun crime: “teenagers who are in tough neighborhoods” and “bad actors” who do “bad and dangerous things to our communities and our country.” In reality these groups overlap, and the president rightly noted that the important point is to address their needs and vulnerabilities “before it’s too late” – that is, before would-be shooters become actual shooters. Addressing the motives for carrying guns, such as idle time, low educational and employment attainment, and dangerous neighborhood conditions that stoke fear and anger, is important. But too often, interventions that address the motives for gun carrying are only for people who have not yet been caught carrying a gun.

Some states, particularly those that have struggled with high rates of gun violence, consider illegal possession of a firearm to be a violent crime, often associated with a mandatory minimum sentence. Diversion to supervision and services, either prior to or after adjudication, is rarely offered to people accused of violent crimes, particularly gun crimes. The federal government should work to change this. The few programs that do target young people who have been caught in possession of guns have shown promising results. Prosecutor-led supervision- and services-based diversion programs have the potential to leverage the consequences of a criminal conviction to incentivize vulnerable young adults to accept help and disengage from violent networks without causing lasting harm to the individual or creating a damaging criminal record. At no point during the life course of a would-be shooter should a line be drawn declaring them irredeemable. Young people who carry guns are potential threats to public safety, and overwhelming enforcement followed by lengthy prison sentences is one option, but there are other, more effective ways to intervene in their lives. The federal government can provide funds and guidance to expand eligibility to diversion for young adults accused or convicted of gun possession.

The return of citizens from prison

Over 10,000 people are released from state and federal prisons each week. The administration's plan rightly identifies housing and employment as the two most pressing needs these people face, and includes several concrete proposals to address these needs. The \$60 million Pathway Home program and the \$25.5 million Young Adult Reentry Partnership grants will continue to

provide work readiness training, job-search help, apprenticeships, and assistance with probation and parole compliance to nearly 10,000 young people – a capacity that is clearly short of the mark but an encouraging first step.

The federal government will also change policies to encourage the hiring of formerly incarcerated people by agencies and contractors. One such policy change will be the implementation of a “ban-the-box” law passed in 2019, which prohibits federal government agencies and employers who receive federal funds from asking job applicants about their criminal histories until a conditional offer of employment has been made. Ban-the-box and other “clean slate” policies have unintended consequences and may, in the case of Black and brown applicants, diminish employment opportunities, as potential employers substitute race as a proxy for criminal records.

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More promising is the proposed use of tax credits to incentivize businesses to hire formerly incarcerated people. The Work Opportunity Tax Credit, created in 1996, has been expanded to provide a credit of up to \$2,400 against the federal income taxes of a business that hires a person within one year of a felony conviction or release from prison for a felony offense. To this existing incentive, the administration’s plan will add the ability for businesses to leverage the Federal Bonding Program and the American Rescue Plan’s Employee Retention Credit to swell the potential value of hiring someone convicted of a felony to up to \$16,400.

The administration’s plan also addresses housing, the other great determinant of successful reentry. Guidance from the Department of Housing and Urban Development clarifies that returning citizens who are at risk of homelessness are eligible for emergency housing vouchers under the American Rescue Plan and can use these to access public housing. But there is more work to be done. Certain criminal convictions may still be used to

disqualify applicants from public or Section 8 housing; this should end. State and local policies that require people convicted of gun crimes to register themselves in public records depress home values and disincentivize landlords from renting their properties to people with violent records. They, too, should be abandoned.

Additional recommendations

For all its good points, the administration’s plan has some notable gaps. Gun availability may be hard to affect, particularly in the short term, but plenty of policy options exist to reduce willingness to carry or use a gun by driving up the perceived risks of doing so. For example, the administration does not address the abysmal clearance rates for gun homicides and, to an even greater extent, nonfatal gun assaults. Low clearance rates reduce the perceived risk of engaging in gun violence and embolden would-be shooters to act before they weigh consequences. They also keep shooters on the street to potentially strike again. Finally, they make retaliatory violence more likely, as victims and their friends and relatives do not expect to get protection or justice from the authorities.

Certainly, much gun crime is committed in the heat of the moment, without time for rational decision-making. Still, an emphasis not just on prevention but also consistency of consequences would improve the plan and deserves a point of its own. The administration should consider convening a commission to study clearance rates and make recommendations.

Also absent is acknowledgement of the value of tactical responses to street-level gang-involved individuals, a feature of “precision policing.” So-called gang takedowns in public housing developments, which entail lengthy casework to build conspiracy charges against relatively small groups of influential violent actors, are shown to reduce gun violence in affected communities for up to 18 months after implementation. Evaluators find that this sort of policing may account for up to a quarter of New York City’s reduction in violent crime since 2011. Removing the most-violent offenders seems to disrupt cyclical violence without pushing it to adjacent communities.

Increasing the likelihood of detection of a gun before it is used is also vital. Everyday police work offers many opportunities to turn up illegal guns, and departmental policies can encourage line officers to prioritize them. For example, police departments can implement protocols during responses to complaints of intimate-partner-related violence by which complainants are encouraged to reveal and surrender illegal guns without consequence. Similarly, police can encourage parents who suspect that their children harbor illegal guns in their homes to allow search and seizure of the weapon, again without consequence.

The plan also neglects the importance of built spaces in discouraging gun violence. There are both practical and philosophical reasons to incorporate architecture into the strategy. Better lighting, longer sightlines, and higher-quality building materials are only a few factors that are thought to reduce the chance of shootings. And any visible investment in community infrastructure sends a message that officials care about residents, which in turn motivates feelings of ownership and accountability among residents. This yields more calls for service and more robust cooperation between residents and police investigators.

Conclusion

Many options exist for policymakers who wish to improve the federal government’s response to the recent explosion in gun crime. A guiding principle should be to refocus the policies that emerge from the administration’s plan on the immediate problem. We know much about the people and neighborhoods most vulnerable to gun violence, we know that gun violence has threatened them for decades, and we know that until recently, this threat was tragically easy for policymakers to ignore. The administration’s plan has much promise but can be refined to maximize its effects for those most at risk of being injured or killed with a gun.

Traditional firearms regulations, like tougher dealer enforcement and illicit market interdiction, are good ideas but will not much affect the prevalence of guns in vulnerable communities in the near term. Likewise, more money invested in traditional justice grant programs is good, but other, more focused programs might be more effective. CVI is one such umbrella of programs, and the administration’s emphasis on it is promising. This emphasis should not come at the expense of local experimentation, however. Social services are another area in which federal funds and coordination can drive local innovation, and they should be designed to reach would-be shooters at all

possible points along the life-course. Reentry is a particularly important point at which to provide improved services. Policies can also be made to improve opportunities for returning citizens, but choosing the right policy levers is crucial; for example, incentives to hire people with felony convictions might work better than prohibitions on discrimination.

The plan would benefit from a clear policy to improve clearance rates of shootings and gun homicides; certainty of punishment is the most direct way to increase the perceived cost of violence to people who might engage in it. Other tactics to promote include precision policing, consequence-free gun surrender, and improved neighborhood infrastructure, focusing on built public spaces.

The administration cannot flatten rates of violent gun crime alone; it will take intense efforts by local authorities supported by the funding and coordinating capacity of the federal government. The president's recent address and accompanying plan are a good start to rallying policymakers at all levels of government to meet a problem that has plagued our most vulnerable communities for too long.