

Multiple news reporters overlapping

The worst grade school shooting in U.S. history. At least 27 killed. Another mass shooting. George Floyd on the ground. He used a legally purchased semi-automatic weapon. Calling for his mom, said he can’t breathe. Videos showed the officers repeatedly kicking and punching Mr. Nichols. Chicago police officer has been fatally shot this evening. President Biden is calling for action on gun violence. The US has now had more mass shootings in 2023 at this point than any other year on record.

Dean Judith Kelley

It's no secret that the United States has major issues with gun violence and police brutality, but with a growing distrust between communities facing high rates of gun violence and law enforcement, how can we prevent future crimes and make our communities safer? I'm Judith Kelly, Dean of the Sanford School of Public Policy at Duke University, and to consider this question and more is Philip Cook. In his book *Policing Gun Violence*, he looks closely at the intersection of these two issues. In addition to being a professor emeritus here at the Sanford School, Phil has rich experience consulting with groups, including the U.S. Department of Justice and other entities. His latest book that he co-wrote with Anthony Braga, who's the director of crime and justice policy lab in the Department of Criminology at the University of Pennsylvania is called *Policing Gun Violence*. It came out on February 3rd of this year. Welcome to Policy 360 Phil.

Philip Cook

Thank you, Judith. It's good to be here.

Dean Judith Kelley

It's good to have you here. So, in this book you mentioned there's been a rise in gun violence in the U.S. and you say that there were more than 100,000 victims in 2020. And in a separate study that looked just at Durham and also saw this spike right here in our own town. And so, you say there's been, there were more than 100,000 victims in 2020 from routine assaults and robberies alone. And how big of an increase is this and what do you think led to this surge?

Philip Cook

Nationwide, the increase in 2020 for homicide was 30%, which is extraordinary. There's never been an increase in measured history that's that large.

Dean Judith Kelley

And how long have we been measuring this?

Philip Cook

We've been measuring it since the Uniform Crime Report started in 1930. That was a historical first. Most of that increase, almost all of it, was gun homicides and the number of non-fatal injuries from assaults and robberies with guns goes up pretty much in lockstep. So I think what we saw then was a problem that is endemic and has always been serious in the U.S.

Dean Judith Kelley

But then we had a pandemic. Do you think those were related at all?

Philip Cook

I think that 2020 was the year from hell. You know, first of all, yes, we had the COVID epidemics got started in the spring. We had a um, in May, the murder of George Floyd in Minneapolis. That triggered nationwide protests and in fact, international protests against the police and the defund the police movement. And the police already were reluctant to engage too much with the public because of fear of infection from COVID. Backed off further as a result of the demonstrations and the hostility towards police. So that what we see is a particular surge in gun violence shortly after the George Floyd murder and the demonstrations. And since then, we have been able to document a huge increase in gun sales during that period, which was contributing to the damage and the kind of availability. We've seen that police not only backed off, but have taken early retirement. And it's been very hard to recruit replacements. And so Durham and cities all over the country have a large number of vacancies. So, the irony is that while the defund movement was not successful directly, it is true that, in fact, we have a reduced police force these days.

Dean Judith Kelley

And with the surge and the violence, I mean, it wasn't opportunistic. It wasn't like people said, oh, there are fewer police officers. Maybe this is a good time to commit violent crime. But you kind of maybe linked it to the protest. I mean, what else was potentially driving it? Was it also like loneliness and the pandemic or just desperation in general at the state of the world? Do you have any thoughts at all? And more importantly, is it still high or has it gone back down?

Philip Cook

The homicide rate actually increased still further in 2021. So after this historic increase, it kept going. Thankfully, in 2022, there has been some drop. And so perhaps we've turned the corner on this, just as we have in the COVID epidemic. You know, tracing a direct relationship to the epidemic is a reasonable thing to try to since disrupted routine activities in every direction. There was probably less supervision for youths because they were out of school and a lot of agencies disengaged in face to face because of the problem of infection. So, there was all that. But if you look at the actual timing, for example, in Durham, it really looks like it was the demonstrations that triggered the bulk of the increase in gun violence. And part of it was opportunistic, part of it, in fact, what we see is a very sharp drop in the clearance rate in 2020 for homicides. So just as you would expect, with fewer police and kind of a some withdrawal on the part of the police, they were less successful.

Dean Judith Kelley

Yeah. I mean, you have this absolutely shocking statistics in your Durham study, which suggests that should anyone venture to use a gun or have, you know, do a violent attack here in Durham, that there is an 85% chance that that will go unpunished and there won't even be an arrest. I mean, is that right? That sounds mind boggling.

Philip Cook

It is distressing and especially for the gunshot cases where the victim does not die or the likelihood that somebody will be arrested and convicted in Durham for the last six years is just ten, 10%. So, it's one in ten. If they happen to die, then it's pretty much a random event whether they live or die in a shooting, then there's a higher chance because the police give it higher priority.

Dean Judith Kelley

Right. But not that much higher, right?

Philip Cook

I was very optimistic and assumed that all the cases that are pending from fatal shootings over the last since 19, from 2017 on, if they all end up in conviction, then then we'll be about 40% on the fatal cases.

Dean Judith Kelley

But it is still more likely than not that if I murder somebody with a gun, I'll just walk free?

Philip Cook

That's right. And that's true in Durham. And unfortunately, it's true in many of the large cities of the country. Nationally, we've seen the just the arrest rate or the clearance rate for homicide cases has dropped to an all-time low again in recorded history in 2020. So, it dropped to just about 54%. And that doesn't even take account of whether or not those arrests result in conviction or punishment.

Dean Judith Kelley

And if that's the case, do we think that some of the surge is because people have caught on to the fact that they are... there is less likely that they'll be prosecuted or do we not actually think that the that the common person is aware of the chance of prosecution? Or do you think they're related that people are like, oh, you know, because a lot of guns in homes in North Carolina and if people think the chances are they can get away with it are higher, they may be more likely to use it.

Philip Cook

Yeah, I mean, of course, I don't want to advertise the fact that the chances are very good that you would get away with it if you shot somebody. But yes, I absolutely believe that is widely understood, especially by people who live in communities that are most impacted by gun violence. And the reason is because often when there's a shooting, the word on the street is about who did it, and yet there's no arrest. And so the local residents see the shooter walking around free and that happens over and over again. After a while, it becomes clear what the story is that there is a large degree of impunity.

Dean Judith Kelley

It's interesting because we have other cases in Durham, and I'm sure there are other cases in the nation that we sort of become fascinated with as a public. Right? And, you know, did he or did he not put his push his wife down the stairs? And, you know, years later, we're still talking about

the investigation of this particular case. And so in some ways, sometimes there's a sense that there's a lot of attention to certain incidents.

Philip Cook

Absolutely. I think that there often is a devaluation of the nonfatal shootings, especially where the victim is not interested in cooperating with the police. Unfortunately, that's more true than not, that the victims don't trust the police, and they often are thinking that maybe they'll take care of business on their own. So, get revenge which of course then leads to this kind of vicious cycle of violence begetting violence.

Dean Judith Kelley

Sure. So, one thing that you and you study in your book and consider is the value of regulation of firearms, which is a more preventative approach to solving the issue. But, you know, it wouldn't work to eliminate gun violence on its own without the police. Can you explain a little bit more about your findings and thinking on firearm regulation?

Philip Cook

I've been working in this area almost 50 years now. And for much of that time, my focus was on regulation and on the ways in which people got their guns and what they did with them. The problem is that the regulations that we've had in place that appear to be most effective are being eroded over time by two processes; one is just the politics of gun control, which has been dominated by the National Rifle Association. And the other is the Supreme Court, which in 2008 discovered that we have a personal right to keep and bear arms in the Second Amendment, and that has put a sharp limit on the kind of regulations that are considered constitutional. We haven't seen the end of that, by the way. So there are regulations that are left in place at the national level and even at the state level. But the most important regulations, in my judgment, have been regulations on carrying guns in public. And in about half the states now, all regulation has been eliminated. And so, it's just gone for the maybe the first time in history. In North Carolina, when I arrived here in 1973, it was illegal to carry a concealed gun. And that was true in a lot of states, even southern states. But now most anyone can get a permit. It's cheap and easy. And there's the big push on the part of the legislature to do away with even that regulation. So that's the direction it's going in. And the other kinds of regulations that have mattered, like, you know, I think it's important that we have a permit system and waiting period. But those are again evaporating in the face of political pressure and in the Supreme Court, that what we have left, if we actually want to control gun violence, is the police. I mean, the police and the criminal justice system as a direct response to the problem. So that was the inspiration for the book was is that this is what we're we have to rely on. We have to have this kind of constructive conversation about the role of the police.

Dean Judith Kelley

What are the proven strategies that the police can use to prevent gun violence?

Philip Cook

In the book, we talk about several and all of them have to do with taking the limited resources of the police and concentrating it on the problem. I think, first of all, the concentration on gun violence as the leading crime problem in many cities, including Durham, that seems like an

important thing to recognize because it's doing the most damage to the city and particularly to low-income minority neighborhoods. And so that kind of focus and concentration then leads to our thoughts about how we can improve the clearance rate and investigations so that there really is a deterrent effect. There really is the chance to reassure the public that the police care about these cases. There's a chance to lock up dangerous people who are active shooters and make sure that they're no longer roaming the streets.

Dean Judith Kelley

Just explain again what the clearance rate is?

Philip Cook

The clearance rate is very close to the same thing as an arrest rate, although there's a few extra bells and whistles on it. And of course, what we really want to know is the clearance plus conviction rate.

00;15;47;21 - 00;15;48;03

Dean Judith Kelley

Right.

00;15;48;14 - 00;16;18;16

Speaker 2

Police job is to solve the case, to make the arrest and to build the case that can that the district attorney can then use to get a good conviction and bring to justice. And so that that that's the basic theory that we have here, is that in a civilized nation, our response to serious crime is supposed to be public and not through a private vendetta. If the police don't do their job and the courts don't back them up, then of course, the alternative is a private arrangement. And that just means more violence.

00;16;33;15 - 00;16;53;01

Dean Judith Kelley

But are there any preventive strategies that the police can undertake, you know, a lot of what you talk about seems to be more like how the police responds to violence once it occurs. But is there any research that shows that this set of particular strategies are particularly helpful in preventing gun violence?

00;16;53;02 - 00;17;28;09

Philip Cook

Right, and again, that was just one of the three strategies that we really focused on or four. But I would argue that effective investigations are preventive. That how the police respond to a shooting, whether they are successful in arresting the shooter and bringing them to justice, has a big effect on future gun violence. Because if the answer is no, it means that that shooter is free to shoot again. It means that the message on the street is the police don't care that they're indifferent, and it leads to, as I were saying, this kind of private action along the way. And for those and other reasons, we expect that effective investigation prevents future gun violence and that that is the single best reason why we need to invest in the police and why the police need to take this seriously.

00;18;02;07 - 00;18;08;26

Dean Judith Kelley

A reactive approach is also a preventive approach because an effective reactive approach is a deterrent, which is preventative.

00;18;08;27 - 00;18;35;10

Philip Cook

That's right. It has a deterrent effect and it has the effect of improving the relationship with the community that is most affected by this. It has an encompassed effect. It sends the message that if you shoot somebody, there are going to be consequences and those include legal consequences. So, think twice about it.

00;18;35;20 - 00;18;53;17

Dean Judith Kelley

What would you say to critics of the regulatory approach, particularly in the light of the fact that, you know, we've had some recent shootings in California and California is supposed to have more stricter approaches to regulation of firearms. And people say, well, look, you know, you have problems even in California.

00;18;54;09 - 00;19;36;23

Philip Cook

Yeah, well, it's always a question compared to what. But I mean, California is a very big state, and it has like every other state and number of disturbed people in it. But I think that there is several answers to that. First of all, our book and in the study that I did in Durham are very much focused on the routine day to day violence that plagues the low-income neighborhoods, particularly and accounts for in terms gun deaths, 20,000 homicides in 2020. So the headline grabbing mass attacks, of course, they're very important and they make all of us uneasy about being in public places that it may be our turn next. But the fact is that the mass shootings account for less than 1% of the gun deaths from homicide. So, it's a tiny fraction of the total. And what we can do about those is to some extent different than what we can do about the routine, everyday violence that plagues low-income communities.

00;20;18;03 - 00;20;51;19

Dean Judith Kelley

You mentioned earlier about permitting and waiting period and such things, and it's becoming increasingly known that you can obtain firearms through the internet, you can get parts and put them together and they don't even have serial numbers, etc., etc.. So, when we try to regulate permits and waiting periods and such, do we know right now what percentage of firearms that are used in violent crimes are actually obtained through these legal channels versus these underground markets?

00;20;52;15 - 00;21;41;12

Philip Cook

Yeah. I mean, it's still true, despite the prominence of ghost guns in California, that in most places the guns used in crime are obtained and possessed illegally. But the supply chain is

typically that the guns are sold new from the gun store and that that transaction is legal. And so, it's the second sale or the 10th sale of the gun that changes it from the hands of somebody who is entitled to own a gun to someone who is not entitled to own a gun. And when we interview prisoners, for example, and other people that have been convicted of gun crimes and ask them, where did you get the gun? The answer is almost never, I went to a gun store and bought it. What they say is, I got it from a friend, or I got it on the street along the way. So there's this kind of underground market that supplies criminal use, and that remains the predominant, you know, kind of chain of transactions in this area. And I think that when you have a universal background check requirement, it makes liability clearer because it says that transaction where a friend or a family member gave a gun to somebody is a clear violation of the requirement that you actually go to a gun dealer and have that gun dealer preside over the transaction and then make a record of it. So that that's the theory anyway. I would think that it is very difficult to enforce that, just as it's difficult to stop these homemade guns, the ghost guns along the way.

00;23;01;00 - 00;23;23;10

Dean Judith Kelley

So early on, you said, well, one thing we really should be doing is investing more in police. We need to build trust with police. But you've also researched police brutality, and we've all seen the really shocking video of Tyre Nichols who was severely beaten by police in recent weeks after that traffic stop and he later died. And in your book, you cite cases of Michael Brown, and you mentioned George Floyd earlier, both of whom died at the hands of police. And you say in your book that there's about 1,000 people each year that are shot dead by officers on duty, which is, of course, is what led to the, you know, defund the police slogan. Could police training reform, you know, new programs, new policies solve the issue of police brutality? What would be the most effective approach, do you think, to decreasing those kinds of incidents?

00;23;57;00 - 00;24;27;29

Philip Cook

I think that it is time to expand the conversation about police brutality. I think current currently, for understandable reasons, that has been focused on race and racism, on the part of the police. But the fact is that 75 out of every 100 people shot and killed by the police are not black. It is disproportionate, but it's still one in four and so if you say, well, the problem is that the police are killing too many people. Period. It's not that they're just killing too many black people, but that they're killing too many people. It seems to me that it's a more productive conversation in some ways that we need to say, what can be done then not to eliminate racism from the police departments, but rather what can be done to find ways to reduce brutality overall and the inclination to be too ready to shoot and use their firearm. And so the encouraging answer on that starts with the observation that if you look as we did at the large cities in this country, we find a very large difference in the rate at which officers kill civilians on a per capita basis. For example, Phoenix and Dallas, which are two cities that have a lot of similarity in terms of size and composition and crime rates and all the rest of it. Phoenix year in and year out is five times the rate of officer involved shootings than Dallas does. And so it is possible then to take a given situation I think and transform it into one with much less brutality and the way to do it is by a commitment on the part of the leadership, a commitment that results in establishing clear rules of engagement, establishing a clear norm that any brutality is not going to be tolerated and a kind of a clear indication of accountability for misbehavior on the part of the officers.

00;26;40;11 - 00;26;40;22

Dean Judith Kelley

Mm hmm.

00;26;41;04 - 00;27;18;14

Philip Cook

I think it's the strong leadership, it gets in the way sometimes that the so-called Police Bill of Rights that some states have. It often runs afoul of union contracts in in cities where the police are heavily unionized. But it's a possibility in many cities to say we are going to adopt best practice here, and this is going to be a priority for the leadership all the way down. I think that we also know that body worn cameras can be helpful, that that's the goal kind of fix that has been important. Particular kinds of very practical training and rules of engagement, like the for example, when the police are confronting somebody who is out of control, who's going through a mental illness, decompensation or something, and has a weapon in their hand, that the first thought is not simply to pull their the gun in to shoot them, but find some way to create space and allow the situation to settle down. And so, there's techniques that are well known. And they simply need to be adopted widely and reinforced by the leaders in the police department.

00;28;21;10 - 00;28;27;29

Dean Judith Kelley

Right. Right. So, part of what I hear you say is, listen, we need to recognize that the police has a brutality problem.

00;28;28;08 - 00;29;02;22

Philip Cook

Year in and year out the police in the United States kill something like 1,200 people in the course of their activities as officers. And if you compare that with what's happening in Western Europe or in Canada, it is particularly shocking that in Germany or Britain there may be a handful of people killed in a year. But we are just off the charts in this in this way. And it's partly because there's more guns, there's more deadly confrontations that the police get involved in. And I should say, most of these killings are justified. I mean, they're justified in a technical sense, but that doesn't mean that they were necessary.

00;29;21;15 - 00;29;21;26

Dean Judith Kelley

Yeah.

00;29;22;04 - 00;29;35;05

Philip Cook

And so that's where we have to go, I think is to find ways that officers can deal with incredibly tense and dangerous situations with something besides their gun.

00;29;35;10 - 00;29;40;25

Dean Judith Kelley

Mm hmm. By justified, you mean that the police was actually in a situation of self-defense?

00;29;41;09 - 00;29;53;11

Philip Cook

That's right. That they were defending themselves or they were defending somebody else who was in immediate danger, or that the suspect was appeared to be dangerous and they were attempting to flee.

00;29;53;22 - 00;30;00;09

Dean Judith Kelley

Right. And that's why it's so shocking, though, when we see cases like Tyre Nichols or George Floyd where that's just so obviously not the case.

00;30;00;19 - 00;30;40;20

Philip Cook

Yeah, no, that's right. Some of those cases are obviously not justified. And in fact, they are murder. But it would be a mistake to equate the 1,200 a year with murder because everything we know about those would say, gee, the police really do face all kinds of circumstances in which they are under attack. They're threatened. 10% of police officers are physically attacked every year and many more than that are threatened or find themselves in situations where somebody else is in immediate danger. The question is what, what then?

00;30;43;18 - 00;30;43;28

Dean Judith Kelley

Right.

00;30;44;08 - 00;31;03;21

Philip Cook

Where they find themselves with somebody who's resisting arrest. There was a lot of hope for tasers and that you know, that there would be non-lethal alternatives to guns and that that does not appear to have been particularly helpful.

00;31;03;28 - 00;31;29;29

Dean Judith Kelley

Right. So, what my last question is going to be about trust and healing. You know, so because many communities obviously distrust their officers and, you know, in your book, that makes it really difficult for the police to prevent future gun violence. So, what do you think should be done to try to heal the relationships between communities with high frequencies of gun crimes in the police?

00;31;30;09 - 00;32;07;11

Philip Cook

First of all, let me just endorse what you said. It's essential that that relationship be healed, that it be more positive, that the police are seen as reliable and actually concerned about the well-being of all of the citizens. And so right now, we're in a situation. In 2020, not only did we have this record-breaking increase in homicide, but we also had a record low in terms of the percentage of the public who had faith in the police. So, for the black community, it dropped below 20%. So, it

really is rock bottom in terms of where we are right now. And it's a very difficult situation. So, I would say a good place to start is to have the police start concentrating more on the crimes that the communities care the most about and often what you hear from that community is that they feel overpoliced sure enough, but they also feel under policed that they feel neglected by the police. And so the evidence that they're neglected is that the shooters are not being arrested. They're being allowed to go free.

00;32;57;21 - 00;32;58;02

Dean Judith Kelley

Right.

00;32;58;16 - 00;33;30;13

Philip Cook

There's been, you know, many years of talk about community policing in ways to try to improve the relationship directly along the way. It's a very difficult job along the way, but we have to keep trying. I guess that's what it amounts to to the extent that it's possible to actually recruit new officers who come from those communities that are most impacted. That's obviously good. And so, if residents know personally the families of the officers, that that can be helpful.

00;33;40;04 - 00;34;10;24

Dean Judith Kelley

Right. So, what I'm hearing you say is that to build trust, one thing that the police needs to do is stop focusing on a lot of lower level types of issues that might even make communities feel overpoliced, harassed, and instead focus on the incidences where they really need an intervention and justice to see that there is accountability.

00;34;11;03 - 00;34;26;11

Philip Cook

Yeah, no, I think that that's well put. I think that there's every reason to embrace the idea of precision policing, of narrowing the target and making sure that every contact is warranted and along the way.

00;34;26;14 - 00;34;39;05

Dean Judith Kelley

Mm hmm. Well, Phil, let's hope that we'll see more of that. And thank you so much for all your work and the book and bringing some of this evidence to bear and the debate. And thank you for joining me today.

00;34;39;14 - 00;34;42;10

Philip Cook

I appreciate the chance to talk about it, Judith, thanks.

00;34;42;19 - 00;35;03;05

Dean Judith Kelley

Phil Cook is a professor emeritus at the Sanford School of Public Policy at Duke University, and he's an honorary fellow in the American Society of Criminology. And he also won the

Stockholm Prize in Criminology in 2020. His new book is called *Police and Gun Violence*. He also wrote another book with Sanford professor Kristen Goss titled *The Gun Debate*. If you enjoyed this conversation, I suggest you check out another podcast from the Sanford School; *Ways and Means*. Phil Cook's research is featured in one of the most popular episodes called *How Do Criminals Get Their Guns?* That episode was featured by NPR One App. So that's *Ways and Means* podcast. You could also check out some other episodes like episode 57 on Prison Reform or episode 76, which was an interview with a Parkland student, or 118, which was about whether Congress should make terror a crime, etc. Lots of things related on Policy360.org where you also will find a link to Phil's book, and I'll be back soon with another conversation. I'm Judith Kelley.