

## A conversation with David Kennedy on July 17, 2014

### Participants

- David Kennedy — Director, Center for Crime Prevention and Control, John Jay College of Criminal Justice
- Shayna Strom — Director, U.S. Policy, Open Philanthropy Project

**Note:** These notes were compiled by Open Philanthropy Project and give an overview of the major points made by Professor David Kennedy.

### Summary

Open Philanthropy Project spoke to David Kennedy to learn more about opportunities for philanthropy to help prevent violent crime. Conversation topics included violent crime and law enforcement in inner-city areas, mainstream approaches to crime, an alternative approach that focuses on core offenders, and opportunities for philanthropy to support this alternative.

### Violent crime and law enforcement in inner-city areas

The homicide rate for young black men in high-violence inner-city areas is roughly one hundred times the national homicide rate. Black men make up around six percent of the population in U.S. cities but around 40 percent of homicide victims.

These circumstances have profoundly damaging effects on the decisions and outcomes of community members with regard to family planning, education, employment, and other investments in the future. Individuals with criminal records tend to have lower lifetime earnings and are less likely to get well-paying jobs, marry, and support their children. Their children are less likely to succeed in school and more likely to be incarcerated. These communities are less likely to participate in the democratic process and less likely to work together to prevent crime.

Law enforcement focuses heavily on these communities. The lifetime likelihood of being incarcerated is close to 100 percent for black men in these areas. In cities such as Baltimore, about half of the men between the ages of 20 and 30 are under criminal justice supervision at any given point.

Lots of people in the affected communities perceive this as a deliberately constructed racial conspiracy to do these neighborhoods damage—and this is what Michelle Alexander has brought to the broader public in her book the *New Jim Crow*. This is not true—law enforcement is not doing this on purpose—but it is entirely reasonable to believe this if you are on the receiving end. One reason that violence is high is because law enforcement lacks legitimacy, which leads people to take matters of justice into their own hands. If you know someone has killed your friend, you don't go talk to the police or the prosecutor; you take matters into your own hands—but then those of us on the outside think you are a bad

person rather than someone who does not trust the police. Law enforcement's efforts to reduce violent crime have been ineffective and damaging to communities, further alienating those communities and leading to more violence. We have been living with this for so long that we take it for granted, but it is obscene. It's a fundamental failure of democratic experiment

## **Criminal Justice Landscape**

Mainstream conversations about crime have largely been unproductive. The disagreement between liberals and conservatives about the best way to reduce crime has dominated the conversation at the expense of more productive approaches. The idea that society can just have more law enforcement has gotten us to where we are today; the idea that we can deal with crime just by doing social work has never been pragmatically effective and so does not represent a real alternative to locking people up.

The federal government has largely withdrawn from criminal justice. Conversation at the federal level has been limited to traditional reforms, with little awareness of potentially high-impact alternatives. The political landscape is shifting on the right, which has recently developed its own critique of mass incarceration and policing. A growing number of conservatives, including the Tea Party, are pushing for criminal justice reform because they believe that government should play a much more limited role in communities. Other conservatives support criminal justice reform for fiscal reasons.

Major philanthropists tend not to work on issues of crime and criminal justice. Most of the philanthropists who have gotten involved in this area have taken unproductive approaches such as:

- **Focusing on the root causes of violent crime.** Some foundations focus on early childhood interventions and family and neighborhood issues. There has been a deep ideological commitment from some liberal foundations to focusing on the root causes of violent crime, and it has had very few results. It has done very little to prevent violence and nothing to prevent mass incarceration. If what you're trying to do is prevent people from getting killed, Head Start doesn't do anything for you.
- **Focusing on mass incarceration without focusing on crime.** Some organizations on the far left believe that mass incarceration is primarily the product of racism. But they don't recognize that crime matters—and it matters a lot.

## **An alternative approach**

Professor Kennedy supports an alternative framework. This approach, which is emerging from efforts that have been effective on the ground, is based on the idea that the vast majority of violent crime is perpetrated by a small number of readily-identifiable people, most of whom are associated with drug crews and gangs. These core offenders represent

less than half of a percent of inner-city populations (about five percent of young men) and are regularly connected with 75 percent of all homicides in their areas. Most of the violence is associated with personal conflict rather than drugs or money.

The efforts that have been effective on the ground involve:

- **Engaging with core offenders respectfully, as adults and citizens.**  
This can mean meeting with core offenders and communicating that the intention is to keep them out of jail, and helping core offenders comply with the criminal justice system by designing predictable, low-level consequences and ensuring that they understand those consequences ahead of time. The current criminal justice system is unpredictable and unclear, making compliance difficult and leading to harsher, more damaging consequences very quickly.
- **Communicating to them that their community standards, despite anger at police, do not extend to private or public support for violence;**  
This may involve encouraging influential community members, e.g. family members and faith leaders, to communicate their opposition to violence.
- **Helping offenders in deep and intense ways** (e.g., providing social services).

Focusing law enforcement resources on core offenders has led to large, immediate reductions in violent crime. Focusing on core offenders instead policing communities as a whole can help repair the relationship between law enforcement and communities; it means that the police can stop arresting other people in the community and treating them like they are felons.

The other big idea is that you cannot police effectively or do law enforcement effectively without perceived legitimacy—the felt belief on the part of the policed that law enforcement is doing what it’s doing in the interest of the community and therefore that the law and agents of the law have standing in the eyes of the community and should be paid attention to. Restoring the perceived legitimacy of law enforcement is probably the biggest thing that we can do as a society to reduce crime.

### *Supporters*

Early proponents of this approach include Professor Kennedy and academics such as Tracey Meares, Mark Kleiman, Tom Tyler, and Anthony Braga. Support for this approach is building to a critical mass among inner-city communities, community workers, and law enforcement. The law enforcement community recognizes that existing approaches are not working. It is increasingly open to alternatives that reflect a better understanding of inner-city crime and that emphasize legitimacy, procedural justice, and reconciliation. The police tend to be particularly progressive on this front. There is much more support for this kind of reform than there was five years ago.

The Department of Justice (DOJ) recently announced the creation of the National Initiative for Building Community Trust and Justice, which Professor Kennedy is directing and which will focus on police legitimacy, procedural justice, reconciliation, and addressing implicit bias. PICO National Network, a network of faith-based community organizations, has made

violence prevention one of their top national priorities and is advocating with and on behalf of communities.

### *Opportunities for philanthropy*

Philanthropy could have an impact by funding efforts to:

- **Replicate proven interventions**, of which there are many across the country.
- **Tailor the approach to other contexts and crimes.** Professor Kennedy is currently working to apply this “targeted approach” to prosecution. With funding, Professor Kennedy could dedicate more time to this project, which he is currently doing in his spare time.
- **Convene academics, practitioners, and community workers.** There are many people who support this approach, but they are not represented by any professional association or center, in part because the approach is not mainstream. Professional associations such as the American Society of Criminology have the potential to convene these people but are unlikely to do so. If this movement had a center, its innovations could have a larger impact on mainstream conversations.
- **Create formal channels for sharing local-level innovation and insight.** There is a lot of small-scale innovation in, for example, District Attorney’s (DA) offices across the U.S. However, these innovations are not being shared except through word-of-mouth. Examples of innovation include the Arrest Alert System used by the Manhattan DA’s Office, which notifies the office when a core offender has been arrested so that a targeted intervention can be implemented. This office also has a system for gathering and sharing real-time intelligence on priority groups.
- **Fund, convene, and provide professional support to community outreach groups.** There are many self-organized groups doing violence prevention work across the U.S., including Graterford Lifers Inc. (a group of inmates serving life sentences at Graterford Prison) and a group of ex-offenders that Professor Kennedy is working with in South Philadelphia. The majority of these groups are unfunded and lack opportunities to share insights with groups in other neighborhoods.

### **Who else to talk to**

- Phillip Goff — Professor of Social Psychology, Stanford University. Dr. Goff focuses on implicit bias and is developing the first national dataset on measures related to biased policing.
- Jeremy Travis — President, John Jay College of Criminal Justice; former Director, National Institute of Justice in the Clinton administration
- Andrew Papachristos — Professor of Sociology, Yale University
- Roseanna Ander — Executive Director, University of Chicago Crime Lab
- Keith Humphreys — Professor of Psychiatry and Behavioral Sciences, Stanford School of Medicine. Dr. Humphreys focuses on treatments and policies related to drug addiction.
- Adam Gelb — Director, Public Safety Performance Project, Pew Charitable Trusts

*On the right*

- Marc Levin — Director, Center for Effective Justice, Texas Public Policy Foundation; Policy Director, Right on Crime. Mr. Levin has played a major role in shaping the new conservative message on criminal justice (i.e. that mass incarceration is a case of government overreach).
- Tim Dunn — Vice Chairman of Board of Directors, Texas Public Policy Foundation