



## RECOMMENDED ACTION MEMO

**Agency:** Department of Justice, Office of Justice Programs (OJP)  
**Topic:** Community Violence Intervention (CVI) Task Force within the OJP  
**Date:** November 2020

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**Recommendation: Establish a Community Violence Intervention Task Force to create and support evidence-based community violence intervention programs in areas disproportionately impacted by gun violence.**

### **I. Summary:**

#### **Description of recommended executive action**

Everyday gun violence interrupts the lives of persons living in underserved communities of color. The violence extends past those who have perpetrated acts of gun violence and their victims because the trauma the community is left to deal with in the wake of gun violence can be debilitating. Gun violence does not function in a silo; rather, there are many contributing factors, or root causes, that must be addressed in order to reduce gun violence in underserved communities of color. Community Violence Intervention (CVI) programs work to address not only gun violence but some of those root causes. However, CVI programs need funding, other resources, and a government supporting their establishment in communities disproportionately impacted by gun violence.

The Office of Justice Programs (OJP) oversees the grant-making agencies within the DOJ, and part of its mission is to coordinate these grant-making activities. Various agencies within the OJP have occasionally funded CVI programs, but these efforts have not been coordinated. Many of the communities hit hardest by gun homicides have not received the support they need to implement effective CVI programs.

Therefore, the DOJ should establish a CVI Task Force within the OJP to support and enhance community-based violence intervention efforts in areas disproportionately impacted by shootings and gun homicides, coordinate these efforts across federal agencies and with state and local stakeholders, and serve as a technical-assistance resource for best practices.

#### **Overview of process and time to enactment**

Immediately upon taking office, the administration should announce the creation of the CVI Task Force. Within three months of the announcement, the attorney general should establish the task force using representatives from OJP's constituent offices. The task force should then begin offering assistance to governmental and non-governmental organizations that request it—in the form of both technical assistance and assistance in finding funding; begin electing sites for the task force's proactive work; convene working groups at each of these sites; and by September 2021, have chosen community violence intervention strategies to address the violence. Within the same time frame, the task force should ensure that technical assistance providers that can

help implement these strategies receive sufficient federal funding and should help match CVI working groups with technical assistance providers. In the 2022 fiscal year and beyond, the CVI task force should fund the programs that will implement the CVI strategies selected by the working groups at each site for the task force's work. This quick timeline appropriately reflects the urgency of the needs of communities disproportionately impacted by gun homicides and shootings.

Ideally, the CVI Task Force's work would be funded through a new appropriation by Congress. Even without such an appropriation, however, the task force could begin these important efforts. The administration should act quickly to get started.

## **II. Current state**

### **Community violence**

In our underserved communities of color, the gun homicide rate often reaches 10 times the national average.<sup>1</sup> Young Black men are especially vulnerable—the chance of a Black American family losing a son to a bullet is 62% greater than losing him to a car crash. Black men constitute 6% of the US population but account for 50% of all gun homicides each year. The rate of gun injuries is 10 times higher for Black children and teens than it is for white children and teens.<sup>2</sup>

This high concentration of violence creates a vicious cycle.<sup>3</sup> A study of adolescents participating in an urban violence intervention program showed that 26% of participants had witnessed a person being shot and killed, while *half* had lost a loved one to gun violence.<sup>4</sup> The impact of this is compounded because exposure to firearm violence—being shot, being shot at, or witnessing a shooting—doubles the probability that a young person will commit a violent act within two years.<sup>5</sup> In other words, exposure to violence perpetuates further violent behavior, creating a chain of killing and violence that will continue, absent an intervention.

In city after city, a small subset of individuals and groups are both responsible for, and the victims of, a hugely disproportionate share of gun violence. People likely to be involved in

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<sup>1</sup> Giffords, "Community Violence," accessed July 15, 2020, <https://giffords.org/issues/community-violence/>.

<sup>2</sup> The rate of non-fatal shootings is 51.1 per 100,000 people for young black Americans versus 5.0 per 100,000 people for young whites. Arthur R. Kamm, Violence Policy Center, and Amnesty International, "African-American Gun Violence Victimization in the United States, Response to the Periodic Report of the United States to the United Nations Committee on the Elimination of Racial Discrimination," June 30, 2014, [http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/USA/INT\\_CERD\\_NGO\\_USA\\_17803\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/USA/INT_CERD_NGO_USA_17803_E.pdf).

<sup>3</sup> Giffords Law Center to Prevent Gun Violence, "Intervention Strategies," accessed September 24, 2020, <https://giffords.org/lawcenter/gun-laws/policy-areas/other-laws-policies/intervention-strategies/>.

<sup>4</sup> Jonathan Purtle et al., "Scared safe? Abandoning the Use of Fear in Urban Violence Prevention Programmes," *Injury Prevention* 21, no. 2 (2015): 140–141.

<sup>5</sup> Jeffery B. Bingenheimer, Robert T. Brennan, and Felton J. Earls, "Firearm Violence, Exposure and Serious Violent Behavior," *Science* 308 (2005): 1323–1326.

interpersonal gun violence can be identified through the use of risk factors, such as prior involvement in shootings as victims or perpetrators.

However, overreliance on the criminal justice system to deal with perpetrators of gun violence does little to address the violence and trauma in communities most impacted.<sup>6</sup> Over-reliance on the criminal justice system is not only costly to taxpayers but diverts resources from the community that could be used to address some of the root causes of gun violence and the trauma experienced in the community.<sup>7</sup> Hefty sentences disproportionately given to persons of color<sup>8</sup> have only a minimal effect on improving public safety.<sup>9</sup> The criminal justice system is overburdened, resulting in a system that cannot function to provide justice.<sup>10</sup> The disparate treatment of Black men and boys, specifically, at the hands of law enforcement, exacerbates community distrust, resulting in individuals' being less willing to report violence and cooperate with law enforcement.<sup>11</sup> Similarly, the disproportionate prosecution and incarceration of Black men specifically not only impacts community distrust, but causes damage to families (financially and emotionally) and the community as a whole, among other impacts.<sup>12</sup>

### **CVI programs**

Research and case studies have shown that through a combination of low-cost, community violence intervention (CVI) programs and much-needed firearms policy reforms, gun violence rates in communities of color can be cut in half in as little as two years.<sup>13</sup> CVI programs are coordinated violence reduction initiatives that use evidence-based, community-focused strategies such as hospital-based violence intervention, evidence-based street outreach, and

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<sup>6</sup> See Giffords Law Center to Prevent Gun Violence, PICO National Network, and the Community Justice Reform Coalition, "Investing in Intervention: The Critical Role of State-Level Support in Breaking the Cycle of Urban Gun Violence," December 18, 2017, <https://giffords.org/lawcenter/report/investing-intervention-critical-role-state-level-support-breaking-cycle-urban-gun-violence/>.

<sup>7</sup> See Ed Chung, Betsy Pearl & Lea Hunter, "The 1994 Crime Bill Continues to Undercut Justice Reform-- Here's How to Stop It," Center for American Progress, March 26, 2019, <https://www.americanprogress.org/issues/criminal-justice/reports/2019/03/26/467486/1994-crime-bill-continues-undercut-justice-reform-heres-stop/>.

<sup>8</sup> See Weihua Li, "The Growing Racial Disparity in Prison Time," The Marshall Project, December 3, 2019, <https://www.themarshallproject.org/2019/12/03/the-growing-racial-disparity-in-prison-time>.

<sup>9</sup> Ed Chung, Betsy Pearl & Lea Hunter, "The 1994 Crime Bill Continues to Undercut Justice Reform-- Here's How to Stop It," Center for American Progress, March 26, 2019, <https://www.americanprogress.org/issues/criminal-justice/reports/2019/03/26/467486/1994-crime-bill-continues-undercut-justice-reform-heres-stop/>.

<sup>10</sup> See Ed Chung, Betsy Pearl & Lea Hunter, "The 1994 Crime Bill Continues to Undercut Justice Reform—Here's How to Stop It," Center for American Progress, March 26, 2019, <https://www.americanprogress.org/issues/criminal-justice/reports/2019/03/26/467486/1994-crime-bill-continues-undercut-justice-reform-heres-stop/>.

<sup>11</sup> Giffords Law Center to Prevent Gun Violence, "In Pursuit of Peace: Building Police-Community Trust to Break the Cycle of Violence," January 17, 2020, <https://giffords.org/lawcenter/report/in-pursuit-of-peace-building-police-community-trust-to-break-the-cycle-of-violence/>.

<sup>12</sup> See Dorothy E. Roberts, "The Social and Moral Cost of Mass Incarceration in African American Communities," *Stanford Law Review* 56 (2004): 1281-1297.

<sup>13</sup> Jake Flanagan, "President Obama applauds revolutionary community policing in Camden, New Jersey," Quartz, May 19, 2015, <https://qz.com/407763/president-obama-applauds-revolutionary-community-policing-in-camden-new-jersey/>.

group violence intervention to reduce gun violence.<sup>14</sup> Each of these three strategies is described briefly below. CVI programs provide services that will help prevent reinjury and recidivism by intervening in the cycle of violence.

1. **Hospital-based violence intervention programs (HVIPs)** focus on reaching high-risk individuals who have been recently admitted to a hospital for treatment of a serious violent injury. The HVIP strategy calls for screening patients based on predetermined criteria to identify those individuals most at risk for re-injury, and then connecting qualifying candidates with trained, culturally competent case managers who provide their clients with intense oversight and assistance, both in the hospital and in the crucial months following the patient's release.
2. **Evidence-based street outreach** is focused on targeting the individuals most at risk for perpetrating or becoming the victims of violence, at which point it is possible to interrupt and slow the spread of violence within the community. Evidence-based street outreach is built around three strategies: (1) the detection and peaceful resolution of potentially violent conflicts, (2) the identification and "treatment" of the highest risk individuals by connecting them with available services, and (3) the mobilization of the local community in order to change social norms surrounding the use of violence.
3. **Group violence intervention (GVI)** is a form of problem-oriented policing based on the insight that an incredibly small and readily identifiable segment of a given community is responsible for the vast majority of gun violence. There are four steps in the GVI model, which are repeated until the intervention population understands that, at the request of the community, future shootings will bring strong law enforcement attention to any responsible groups. The steps include: (1) assembling respected and credible community members, faith leaders, social service providers, researchers, and law enforcement officials into a working partnership, (2) the partnership identifying the individuals in the community most at risk for committing or becoming the victims of gun violence, (3) the partnership conducting a series of in-person meetings with this small segment of the population to communicate a strong message that the shooting must stop and connecting those individuals with social service providers, and (4) law enforcement representatives delivering a message, in the most respectful terms possible, that if the community's plea is ignored, then swift and sure legal action will be taken against any group responsible for a new act of lethal violence.<sup>15</sup>

These strategies are often most effective when local officials and dedicated staff work to coordinate stakeholders, relevant public agencies, and service providers to ensure cross-agency collaboration and information sharing. Mayors in cities like Los Angeles and New York have established city departments that are primarily dedicated to violence prevention, and their

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<sup>14</sup> Giffords Law Center to Prevent Gun Violence, "Intervention Strategies," accessed September 24, 2020, <https://giffords.org/lawcenter/gun-laws/policy-areas/other-laws-policies/intervention-strategies/>.

<sup>15</sup> *Id.*

offices have played a critical role in ensuring this kind of collaboration and information exchange.<sup>16</sup>

CVI efforts often begin with a “problem analysis,” an in-depth qualitative and quantitative analysis of local community violence dynamics through a review of incidents and data-driven research to identify the small number of individuals at highest risk of being victims and/or perpetrators of community violence, and the patterns and risk factors that those individuals have in common.<sup>17</sup> This analysis can then inform the selection and implementation of the community’s CVI strategies.

These strategies are also most effective when they receive consistent funding. For example, large cuts in funding for violence prevention programs in Chicago in 2007, 2011, 2015, and 2016 corresponded with large spikes in homicides in those years.<sup>18</sup> Similarly, the city of Stockton, California, saw an increase in homicides after discontinuing funding for its highly successful GVI program. When Stockton’s funding was restored, homicides decreased, according to a 2018 report.<sup>19</sup>

### **The Office of Justice Programs**

The Office of Justice Programs (OJP) was established by the Justice Assistance Act of 1984 to provide federal leadership in the prevention and control of crime, administration of justice through the strengthening of the criminal and juvenile justice systems, and assistance to crime victims.<sup>20</sup> The OJP’s mission is to “increase public safety and improve the fair administration of justice across America through innovative leadership and programs.”<sup>21</sup> According to DOJ’s

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<sup>16</sup> See Los Angeles County Office of Violence Prevention, “Overview,” accessed September 24, 2020, <http://www.publichealth.lacounty.gov/ovp/>; NYC Office to Prevent Gun Violence, “About,” accessed September 14, 2020, <https://www1.nyc.gov/site/peacenyc/about/about.page>.

<sup>17</sup> For a comprehensive understanding of what can be gained from a problem analysis, see Giffords Law Center to Prevent Gun Violence, “A Case Study in Hope: Lessons from Oakland’s Remarkable Reduction in Gun Violence,” April 23, 2019, <https://giffords.org/lawcenter/report/a-case-study-in-hope-lessons-from-oaklands-remarkable-reduction-in-gun-violence/>.

<sup>18</sup> Charles Ransford, “The Relationship Between Cure Violence (CeaseFire) and the Increase in Shootings and Killings in Chicago,” September 2016, <https://1vp6u534z5kr2qmr0w11t7ub-wpengine.netdna-ssl.com/wp-content/uploads/2019/10/08-2015-CV-Chicago-Memo.pdf>.

<sup>19</sup> National Network for Safe Communities, “Stockton,” December 2018, [https://nnscommunities.org/wp-content/uploads/2019/09/National\\_Initiative\\_2018\\_Interim\\_Status\\_Report\\_Stockton.pdf](https://nnscommunities.org/wp-content/uploads/2019/09/National_Initiative_2018_Interim_Status_Report_Stockton.pdf).

<sup>20</sup> US Department of Justice, “Organization, Mission and Functions Manual: Office of Justice Programs,” accessed August 27, 2020, <https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-justice-programs#:~:text=The%20Office%20of%20Justice%20Programs,justice%2C%20and%20assist%20crime%20victims>; Office of Justice Programs, “About Us,” US Department of Justice, accessed August 27, 2020, <https://www.ojp.gov/about>.

<sup>21</sup> US Department of Justice, “Organizations, Mission and Functions Manual: Office of Justice Programs,” accessed August 28, 2020, <https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-justice-programs#:~:text=The%20Office%20of%20Justice%20Programs,justice%2C%20and%20assist%20crime%20victims>.

Organizations, Functions, and Missions Manual, some of the ways the OJP accomplishes this goal are by:

- “[i]mplement[ing] national and multi-state programs,
- provid[ing] training and technical assistance, and establish[ing] demonstration programs to assist state, local, and tribal governments and community groups in reducing crime,
- [e]nhanc[ing] the nation’s capacity to assist crime victims and provide leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime, and
- [p]rovid[ing] targeted assistance to state, local, and tribal governments to advance and sustain public safety at the local level through the leveraging of both technical and financial resources and the development and implementation of community-based strategies.”<sup>22</sup>

The OJP has six program offices through which it coordinates and provides staff support to conduct its activities—the Bureau of Justice Assistance; Bureau of Justice Statistics; National Institute of Justice; Office of Juvenile Justice and Delinquency Prevention; Office for Victims of Crime; and Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.<sup>23</sup> Each of these offices is represented in appropriations bills, and five are detailed here:

- The Bureau of Justice Assistance (BJA), provides support to state and local law enforcement through grants, training, technical assistance, and policy development. Its mission is to make American communities safer by strengthening the criminal justice system to reduce and prevent violent and drug-related crime.<sup>24</sup>
- The National Institute of Justice (NIJ) is the research, development, and evaluation arm of the DOJ. Its mission involves improving knowledge and understanding of crime and justice issues through scientific research. The NIJ maintains an online database of crime prevention strategies and associated research, and evidence-based violence prevention programs, available at [crimesolutions.gov](https://crimesolutions.gov).<sup>25</sup>
- The Bureau of Justice Statistics (BJS) collects, analyzes, and publishes statistical information about crime, criminal offenders, victims, and the justice system at the local, state, and national levels. This information helps policymakers combat crime and ensure that the justice system is efficient and equitable.<sup>26</sup>
- The Office for Victims of Crime (OVC) administers the Crime Victims Fund, which supports programs and services that help victims in the aftermath of crime and provides them with support to rebuild their lives. These services include victim compensation and technical assistance for service providers.<sup>27</sup>

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<sup>22</sup> *Id.*

<sup>23</sup> 34 U.S.C. 10102(a)(5). Each program office was established by statute.

<sup>24</sup> Bureau of Justice Assistance, “About,” accessed September 18, 2020, <https://bja.ojp.gov/about>.

<sup>25</sup> National Institute of Justice, “About NIJ,” accessed September 18, 2020, <https://nij.ojp.gov/about-nij>.

<sup>26</sup> Bureau of Justice Statistics, “About the Bureau of Justice Statistics,” accessed September 18, 2020, <https://www.bjs.gov/index.cfm?ty=abu>.

<sup>27</sup> Office for Victims of Crime, “About OVC,” accessed September 18, 2020, <https://ovc.ojp.gov/about-ovc>.



- The Office of Juvenile Justice and Delinquency Prevention (OJJDP) supports state and local efforts to improve the juvenile justice system, prevent delinquency, and protect children. It supports state and local entities to develop and implement programs for minors, both through the juvenile justice system and through services for youth and their families. The OJJDP sponsors research, program, and training initiatives, and awards funds to states to support local programming.<sup>28</sup>

The assistant attorney general is responsible for the overall management and oversight of the OJP. This includes setting policy and ensuring that OJP policies and programs reflect the priorities of the president, the attorney general, and the Congress.<sup>29</sup> For the purposes of this memorandum, it is most important to note that the assistant attorney general must “coordinate and provide staff support to coordinate the activities of” the OJP, BJA, NIJ, BJS, OVC, and OJJDP.<sup>30</sup>

Among other things, the OJP and its program offices offer a wide variety of training and technical assistance (TTA), covering grant writing; financial management; and a host of topics of interest to criminal and juvenile justice professionals and victim service providers.<sup>31</sup>

As described below, some of the programs and initiatives of the OJP, including the Violence Reduction Network and the National Public Safety Partnership, have involved coordinated efforts across several of the OJP agencies listed above.

### **Obama administration action**

Both the Obama and Trump administrations established programs using OJP resources to address violence in the most impacted areas. These programs, however, focused on efforts led by law enforcement rather than community violence intervention strategies.

OJP launched the Violence Reduction Network (VRN) on September 29, 2014, as the result of a mayoral meeting convened by President Obama to discuss youth violence-reduction strategies and a meeting of the attorney general with mayors and police chiefs to discuss how the federal government could support local violence reduction efforts.<sup>32</sup> Led by the BJA, the VRN consulted with US attorneys and DOJ law enforcement partners to select VRN sites each year, based on rigorous selection criteria: principally, violent crime rates that are well above the national average, jurisdictions from diverse geographic regions with distinct characteristics, and

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<sup>28</sup> Office Of Juvenile Justice and Delinquency Prevention, “About OJJDP,” accessed September 18, 2020, <https://ojjdp.ojp.gov/about>.

<sup>29</sup> See 34 U.S.C. 10101-10102.

<sup>30</sup> 34 U.S.C. 10102(a)(5). However, “[n]otwithstanding any other provision of law,” the Attorney General has “final authority over all functions, including any grants, cooperative agreements, and contracts made, or entered into, for [OJP] and the component organizations of [OJP].” 34 U.S.C. 10110(2).

<sup>31</sup> Office of Justice Programs, “Training and Technical Assistance,” accessed October 27, 2020, <https://www.ojp.gov/training-and-technical-assistance>.

<sup>32</sup> Office of Public Affairs, “Department of Justice Launches National Violence Reduction Network,” US Department of Justice, September 29, 2014, <https://www.justice.gov/opa/pr/department-justice-launches-national-violence-reduction-network>.

readiness to participate in the collaborative initiative.<sup>33</sup> Eventually, 15 sites participated in the VRN, which provided each city chosen for the program with “pooled resources [from various DOJ agencies], peer-to-peer exchanges, federal site analyses and a variety of regular newsletters, webinars, and other training resources.”<sup>34</sup>

The VRN focused on the use of law enforcement-based strategies and “*help[ed] localities access a broad spectrum of Justice Department resources* – empower[ing] the federal government to strengthen partnerships and collaboratively tackle persistent challenges caused by violent crime.”<sup>35</sup> The BJA provided no direct grant funding through the VRN, but resources were provided to local agencies through existing training and technical assistance (TTA) programs.<sup>36</sup>

The VRN focused on the following objectives:

- Re-engineer federal-to-federal and federal-to-local relationships and implement a resources delivery model with data-driven strategies to target sites’ most urgent violent crime needs (focusing on homicides and shootings).
- Collectively assess site-related needs and specific drivers of violent crime, and collaboratively develop sustainable strategies.
- Improve knowledge of what works through information sharing and network building with an aim of creating a community of practice, and demonstrate changes in local policing in line with best practices.

An assessment found that the VRN delivered on these objectives and identified several factors, summarized below, that would ensure the VRN’s continued successful implementation.<sup>37</sup>

- DOJ leaders provided immediate feedback and positive support to the participating sites, including the prioritization of OJP and BJA resources, and facilitation of communication with DOJ leadership.
- A co-director and partnership structure encouraged buy-in, collaboration, and communication within federal law enforcement. Across agencies, law enforcement had

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<sup>33</sup> Basia E. Lopez, “U.S. DOJ Violence Reduction Network Shows Promise in Early Stages,” December 14, 2017, <https://nij.ojp.gov/topics/articles/us-doj-violence-reduction-network-shows-promise-early-stages>.

<sup>34</sup> Office of Public Affairs, “Justice Department Expands Violence Reduction Network to Jackson, Mississippi and Nashville, Tennessee,” US Department of Justice, September 26, 2016, <https://www.justice.gov/opa/pr/justice-department-expands-violence-reduction-network-jackson-mississippi-and-nashville>.

<sup>35</sup> Office of Public Affairs, “Department of Justice Launches National Violence Reduction Network,” US Department of Justice, September 29, 2014, <https://www.justice.gov/opa/pr/department-justice-launches-national-violence-reduction-network> (emphasis added); see Office of Public Affairs, “Remarks by Attorney General Eric Holder at the Violence Reduction Network Inaugural Summit,” US Department of Justice, September 29, 2014, <https://www.justice.gov/opa/speech/remarks-attorney-general-eric-holder-violence-reduction-network-inaugural-summit>.

<sup>36</sup> Office of Justice Programs, National Institute of Justice, “US DOJ Violence Reduction Network Shows Promise in Early Stages,” US Department of Justice, December 14, 2017, <https://nij.ojp.gov/topics/articles/us-doj-violence-reduction-network-shows-promise-early-stages>.

<sup>37</sup> *Id.*



an equal share in the VRN oversight and decision-making process, including one co-director from federal law enforcement and the other from a program/grant agency.

- Each site had a liaison, who had “knowledge of the local site experience with evidence-based violence reduction practices, familiarity with local-state-federal law enforcement relationships and operations, and an in-depth understanding of organizational innovation, police cultures, data systems, and research.”
- An analyst was appointed to provide “logistics and other support to strategic site liaisons, help plan and execute on-site TTA, coordinate meetings, and produce event summaries.”
- Extensive and regular communication between VRN management and the sites allowed all parties to remain up to date with VRN developments, problem-solve quickly, and set future goals and objectives easily.
- Capable, competent, and committed TTAs who were experienced in managing OJP grant programs were engaged and able to delineate tasks and assignments clearly, communicate effectively, and facilitate meetings efficiently.<sup>38</sup>

### Trump administration action

In June 2017, the DOJ established the National Public Safety Partnership (PSP) in response to President Trump’s Executive Order creating a Task Force on Crime Reduction and Public Safety, which emphasized the role of the DOJ in combating violent crime. That order charged the DOJ with “tak[ing] the lead on Federal actions to support law enforcement efforts nationwide and to collaborate with State, tribal, and local jurisdictions to restore public safety to all of our communities.”<sup>39</sup> The PSP is a “DOJ-wide program that enables cities to consult with and receive coordinated training and technical assistance and an array of resources from the DOJ to enhance local violence reduction strategies.”<sup>40</sup> The PSP directs DOJ resources to high-crime cities to assist law enforcement arrest and prosecute criminals in an effort to reduce crime. However, sites that participate in PSP develop their own violence reduction strategies, and the DOJ provides them with specialized TTA to help them implement their strategies.<sup>41</sup> The PSP purportedly built on lessons learned from the VRN, and provides a customized training symposium; assistance in federal partnerships, crime analysis, technology, gun violence, criminal justice collaboration, community engagement, and investigations; and peer learning and exposure to a community of practice to the sites chosen for the program.<sup>42</sup>

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<sup>38</sup> *Id.*

<sup>39</sup> Executive Order 13776, “Task Force on Crime Reduction and Public Safety,” February 9, 2017, <https://www.federalregister.gov/documents/2017/02/14/2017-03118/task-force-on-crime-reduction-and-public-safety>.

<sup>40</sup> US Department of Justice, “National Public Safety Partnership,” accessed August 27, 2020, <https://www.nationalpublicsafetypartnership.org/#about> (emphasis added).

<sup>41</sup> Congressional Research Service, “Recent Violence Crime Trends in the United States,” June 20, 2018, 19, <https://crsreports.congress.gov/product/pdf/R/R45236/4#:~:text=>

<sup>42</sup> “National Public Safety Partnership,” US Department of Justice, accessed August 31, 2020, <https://www.nationalpublicsafetypartnership.org/#about>.

The PSP has been criticized on the grounds that the cities in which the DOJ implemented the PSP were not the cities with the greatest need for assistance.<sup>43</sup> Also, while the DOJ provides TTA through the PSP, cities selected to participate in the program do not receive additional funding to help implement their violence reduction strategies.<sup>44</sup>

More than 30 cities have participated in the PSP. The primary participating Justice Department components include the Office of Justice Programs; the Office on Violence Against Women; the Office of Community Oriented Policing Services; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Federal Bureau of Investigation; the US Drug Enforcement Administration; and the US Marshals Service.<sup>45</sup>

### **Past DOJ funding for CVI programs**

A national strategy for reducing gun violence must include substantial and targeted federal efforts. However, unlike previous efforts, these efforts should focus on CVI strategies rather than prosecution. At present, these strategies are implemented in only a handful of cities and the federal funding they receive is an unreliable patchwork of discretionary grant programs. Various agencies within the OJP have funded CVI programs, but these efforts have not been coordinated. This scattered approach has left some of the communities hit hardest by community violence without an effective response.<sup>46</sup>

In the past, the BJA has provided funding through the Edward Byrne Memorial Justice Assistance Grant Program (Byrne JAG) for some of these violence intervention programs. Byrne JAG is a formula grant program administered by the BJA that provides the largest portion of criminal justice funding to states and local governments. Notably, 2016 Byrne JAG funds in New York supported the state's SNUG program, an evidence-based street outreach program based on the Cure Violence model. The New York State SNUG program utilizes a public health approach to gun violence, treating it like a disease by identifying its causes and interrupting its transmission. The state administrator administers state funding for 11 local SNUG programs across the state, and provides training, technical assistance and general program oversight. Byrne JAG funding was utilized to employ a statewide SNUG program coordinator and a statewide training director.<sup>47</sup>

The BJA has also funded a number of CVI programs through its discretionary funding programs. Through the Community Based Crime Reduction (CBCR) program, (formerly the Byrne Criminal Justice Innovation program), Detroit saw a 20% reduction in violent crime in the target area in

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<sup>43</sup> Congressional Research Service, "Recent Violence Crime Trends in the United States," June 20, 2018, 19, <https://crsreports.congress.gov/product/pdf/R/R45236/4#:~:text=>

<sup>44</sup> *Id.*

<sup>45</sup> Office of Public Affairs, "Justice Department Announces Addition of 10 Cities and Counties as Part of the National Public Safety Partnership to Combat Violent Crime," Department of Justice, June 3, 2019, <https://www.justice.gov/opa/pr/justice-department-announces-addition-10-cities-and-counties-part-national-public-safety>.

<sup>46</sup> Giffords Law Center to Prevent Gun Violence, Federal Funding Report [forthcoming].

<sup>47</sup> National Criminal Justice Association, "How States Invest Byrne JAG in Crime Prevention Programs," accessed September 24, 2020, [https://370377fc-459c-47ec-b9a9-c25f410f7f94.filesusr.com/ugd/cda224\\_8c33dbd525e14bf7ad96e8fc82284a95.pdf?index=true](https://370377fc-459c-47ec-b9a9-c25f410f7f94.filesusr.com/ugd/cda224_8c33dbd525e14bf7ad96e8fc82284a95.pdf?index=true).

2014;<sup>48</sup> Milwaukee saw a 24% reduction in violent crime in hot spots from 2013 to 2014;<sup>49</sup> and Buffalo saw a 19% reduction in violent crime in the target area from 2013 to 2014.<sup>50</sup> CBCR's emphasis on geographic "hot spots" lines up with the reality that a very small percentage of a city's population is typically responsible for most violence, and that targeted approaches to reduce violence among this population subset are most effective (though should not be used to justify a more militarized police presence). Unfortunately, the Trump administration has linked this program with Project Guardian, the administration's effort focused on prosecutions.<sup>51</sup>

The OJJDP has funded CVI programs focused on working with young people at high risk for violence. One such funding opportunity is the Comprehensive Anti-Gang Strategies and Programs grant. In 2016, the OJJDP awarded Massachusetts' Safe and Successful Youth Initiative (SSYI) Project East over \$325,000 to "bolster Worcester's Comprehensive Gang Model to direct outreach work and case management to up to 50 high-risk youth."<sup>52</sup> Massachusetts' SSYI works directly with young people at the highest risk of shooting or being shot, and is modeled after OJJDP's Comprehensive Gang Model, a "multistrategy, multidisciplinary approach," proven effective at reducing gang activity. The OJJDP's FY20 Comprehensive Anti-Gang Programs for Youth program was a part of Project Safe Neighborhoods' suite of programs to "enhance collaboration and strengthen commitment to reducing violent crime."<sup>53</sup> The OJJDP has also funded community-based violence prevention demonstration projects, which included "a comprehensive public health intervention addressing the 'shooters' and their families," and strengthening Boston's Ceasefire model.<sup>54</sup>

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<sup>48</sup> "Byrne Criminal Justice Innovation Program. Concept Intro: Crime Hot Spots," The Local Initiatives Support Corporation, accessed September 24, 2020, [https://www.lisc.org/media/filer\\_public/ae/97/ae97d282-26e3-40cb-8a58-0b838e29f05d/bcjl\\_crime\\_hot\\_spot.pdf](https://www.lisc.org/media/filer_public/ae/97/ae97d282-26e3-40cb-8a58-0b838e29f05d/bcjl_crime_hot_spot.pdf).

<sup>49</sup> The Local Initiatives Support Corporation, "Byrne Criminal Justice Innovation Program," Bureau of Justice Assistance, accessed September 24, 2020, [https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/BCJI\\_Spring-2015-Update.pdf](https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/BCJI_Spring-2015-Update.pdf).

<sup>50</sup> *Id.*

<sup>51</sup> See U.S. Department of Justice, "Innovations in Community-Based Crime Reduction (CBCR) Program FY 2020 Competitive Grant Solicitation," March 13, 2020, <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/bja-2020-17118.pdf>.

<sup>52</sup> Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, "Safe and Successful Youth Initiative, Project East (aka SSYI East)," US Department of Justice, accessed September 22, 2020, <https://ojjdp.ojp.gov/funding/awards/2016-jv-fx-0001>.

<sup>53</sup> Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, "OJJDP FY 2020 Comprehensive Anti-Gang Programs for Youth," US Department of Justice, accessed September 22, 2020, <https://ojjdp.ojp.gov/funding/opportunities/ojjdp-2020-17092>.

<sup>54</sup> Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, "FY2011 Boston Community-Based Violence Prevention Demonstration Project," US Department of Justice, accessed September 22, 2020, <https://ojjdp.ojp.gov/funding/awards/2011-pb-fx-k003>. The Demonstration project received supplemental awards in 2014 and 2015 to continue its work. See also Office of Juvenile Justice and Delinquency Prevention, "Community-Based Violence Prevention Program," accessed September 24, 2020, [https://juvenilecouncil.ojp.gov/sites/g/files/xyckuh301/files/media/document/handout\\_community\\_based\\_violence\\_prevention\\_one\\_pager.pdf](https://juvenilecouncil.ojp.gov/sites/g/files/xyckuh301/files/media/document/handout_community_based_violence_prevention_one_pager.pdf) (describing funding provided to 16 cities).

The OVC has funded hospital-based violence intervention programs through both VOCA victim assistance and discretionary grants. In 2018, Congress encouraged states to use VOCA victim assistance funds toward hospital-based violence intervention programs, noting that “hospital-based violence intervention programs have produced effective results in preventing injury recidivism for victims of violent injury.”<sup>55</sup> In 2019, New Jersey invested \$20 million in VOCA victim assistance funds to establish nine hospital-based violence intervention programs across the state, requiring that each site partner with a community organization. Additionally, the OVC developed the Advancing Hospital-Based Victim Services grant program, separate from its VOCA victim assistance program, and funded eight medical facilities that proposed to increase support to victims of crime, improve their outcomes, and reduce future victimizations.<sup>56</sup>

The OJP has also funded TTA in the area of CVI. For example, the National Network for Safe Communities at John Jay College received one million dollars from the Bureau of Justice Assistance for FY12, in part to support jurisdictions implementing GVI.<sup>57</sup> However, as of the summer 2020, none of the organizations listed in BJA’s Training and Technical Assistance Grantee Directory focuses specifically on CVI strategies.<sup>58</sup>

Component agencies within the Department of Health and Human Services have also occasionally funded CVI programs. For example, the Minority Youth Violence Prevention program (2014-2017) was a partnership between the Department of Health and Human Services’ Office of Minority Health and the DOJ’s Office of Community Oriented Policing Services that supported a national initiative to integrate public health and violence prevention approaches.<sup>59</sup> This program no longer exists, but it may be within the authority of the relevant agencies to restart it.

### **III. Proposed action**

We expect a significant portion of OJP’s resources in the near future will be directed to efforts to oversee and reform police departments and build police–community trust and partnerships. We

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<sup>55</sup> 115th Congress (2017-2018), “House Report 115-704—Commerce, Justice, Science, and Related Agencies Appropriations Bill,” May 24, 2018, <https://www.congress.gov/congressional-report/115th-congress/house-report/704/1>.

<sup>56</sup> US Department of Justice, Office of Justice Programs, Office for Victims of Crime “OVC FY 2019 VOCA Victim Assistance,” May 23, 2019, <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/OVC-2019-15204.pdf>. See US Department of Justice, Office of Justice Programs, Office for Victims of Crime, “OVC FY 2018 Advancing Hospital-Based Victim Services,” May 30, 2018, <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/OVC-2018-14048.pdf>

<sup>57</sup> See Bureau of Justice Assistance, “National Network for Safe Communities: Ceasefire University and Violence Reduction Strategies Initiative,” accessed September 24, 2020, <https://bj.a.ojp.gov/funding/awards/2012-mu-mu-k014>.

<sup>58</sup> Bureau of Justice Assistance, “Training and Technical Assistance Grantee Directory,” Summer 2020, [https://bjatta.bja.ojp.gov/system/files/attachments/BJA\\_NTTAC\\_Grantee\\_Directory\\_08.10.2020.pdf](https://bjatta.bja.ojp.gov/system/files/attachments/BJA_NTTAC_Grantee_Directory_08.10.2020.pdf).

<sup>59</sup> Office of Minority Health, “Minority Youth Violence Prevention: Integrating Public Health and Community Policing Approaches (MYVP),” updated October 2, 2018, <https://www.minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=52>.

strongly support these efforts and believe they are critical to addressing gun and community violence.

In conjunction with these efforts, the new administration should establish a Community Violence Intervention Task Force within OJP to: (a) provide assistance to jurisdictions and community groups interested or engaged in CVI efforts, (b) conduct outreach to communities experiencing high rates of gun violence and convene working groups with state and local stakeholders, (c) coordinate community-based violence intervention efforts by ensuring that these working groups leverage federal resources to implement CVI programs, and (d) serve as a technical assistance resource for best practices.

The task force should address the need for and success of evidence-based intervention strategies in communities of color with high rates of gun violence. The task force's work should use two approaches. The first approach should be to make assistance regarding CVI strategies available to state and local jurisdictions and community groups that request it. The second approach should involve outreach and the creation of working groups in areas where CVI is most needed. Both approaches would be fundamentally different from the earlier efforts of the VRN and PSP, and would serve the ultimate goal of reducing community violence while also reducing the reliance on prosecutions and incarceration as a means to achieve this end.

### **The first approach: help those who request it**

The task force must offer assistance to both governmental and non-governmental organizations interested in CVI strategies upon request. This assistance may take the form of TTA, assistance in finding funding, grant writing, and financial management assistance.<sup>60</sup>

- **Training and technical assistance.** The TTA provided by the task force may involve conducting a problem analysis as described above, or may involve advice and training on implementing a CVI strategy. In order to do this, the task force should first ensure that TTA providers with experience and expertise in conducting problem analyses and implementing CVI strategies receive the funding they need to be available for this work. These technical assistance providers will also assist the CVI working groups described below. The CVI should also be listed as a “specialized topic” on the OJP’s website listing OJP’s TTA resources.<sup>61</sup>
- **Funding.** The task force can also direct jurisdictions and community groups requesting assistance towards funding sources that match their CVI needs from within the grant programs inside OJP and other known sources, such as grants provided by states.<sup>62</sup>

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<sup>60</sup> See Office of Justice Programs, “Training and Technical Assistance,” accessed October 27, 2020, <https://www.ojp.gov/training-and-technical-assistance> (offering assistance in grant writing, financial management, and a host of specialized topics).

<sup>61</sup> See *id.*

<sup>62</sup> See Giffords Law Center to Prevent Gun Violence, PICO National Network, and the Community Justice Reform Coalition, “Investing in Intervention: The Critical Role of State-Level Support in Breaking the Cycle of Urban Gun Violence,” December 18, 2017, <https://giffords.org/lawcenter/report/investing-intervention-critical-role-state-level-support-breaking-cycle-urban-gun-violence/>.



- **Varying levels of assistance.** The assistance the task force should provide to a jurisdiction or community group may depend on the level of gun violence in the communities represented by the jurisdictions or community group. The form and extent of this assistance may also depend on the work that has already been done in these communities to establish CVI programs.
- **Online resource center.** The task force should also create an online portal that may serve as a resource center for jurisdictions, community groups, and all members of the public interested in CVI strategies and DOJ programs that support them. Among other things, this website could link to selected CVI programs' "Practice Profiles" on crimesolutions.gov, and to solicitations from agencies within the DOJ, and other governmental agencies like the HHS that offer funding to CVI programs. This website should also serve as a network for organizations, agencies, and researchers to share research and best practices, and should include a centralized database to track the effectiveness of these interventions.

### **The second approach: OJP as convener and coordinator**

The second approach for the CVI Task Force could be modeled after the VRN and PSP. Under this approach, the CVI Task Force should take the lead as initial convener and coordinator. However, unlike these earlier efforts, the CVI Task Force should focus on bringing together working groups consisting of representatives from within the OJP (rather than other DOJ agencies) and a broad range of local community stakeholders beyond just law enforcement. These working groups should focus on selecting and implementing evidence-based CVI strategies and should utilize technical assistance providers with expertise in those strategies. To implement this approach, the following steps should be taken.

1. **Identify sites.** First, the CVI Task Force must identify the communities suffering the most from shootings and gun homicides using data from the BJS, FBI, and HHS to make those determinations. The task force should identify cities that have each experienced at least 30 homicides and had a homicide rate five and a half times the national average in the last year for which data is available as its selected sites. If the task force uses this metric, between 10 and 15 cities would be eligible. Based on 2018 data, those cities would include St. Louis; Gary, Indiana; Baltimore; Jackson, Mississippi; Birmingham; Detroit; New Orleans; Baton Rouge; Flint; Memphis; and Kansas City, Missouri.
2. **Narrow down the focus.** The task force should then work with local law enforcement to narrow down each site to encompass only the neighborhoods or districts with the highest rates of shootings.<sup>63</sup> As described above, research shows that gun violence in American

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<sup>63</sup> Office of Public Affairs, "Department of Justice Launches National Violence Reduction Network," US Department of Justice, September 29, 2014, <https://nij.ojp.gov/topics/articles/us-doj-violence-reduction-network-shows-promise-early-stages> ("One key lesson that VRN management learned in working with large agencies was that future VRN applications should be restricted to one or two police precincts or districts (i.e., high violent crime locations) and not the entire city. Such an approach could be more efficient not only because implementing change on a large-scale is often time-consuming and might require numerous attempts, but also makes it easier to promote community-wide engagement in violent crime reduction strategies at a smaller jurisdiction level. In addition, there is a potential for VRN sites to



cities is highly concentrated within specific neighborhoods and that only a very small percentage of any given population is at high risk for involvement with serious violence.<sup>64</sup> Because serious violence can be traced to a few small pockets in any given city, spreading resources out evenly over the entire city is not the most effective use of limited resources.<sup>65</sup>

3. **Convene working groups.** The task force should then convene working groups at those sites. The OJP representatives may include grantmakers, technical experts, data analysts, and training personnel, but the focus of these working groups should be state and local community stakeholders. First, the task force should identify existing CVI practitioners at these sites and bring them to the table. The local community stakeholders should also include the leaders of community groups, social service providers, local law enforcement, and state and local public health personnel. Buy-in from key local stakeholders, such as the city's mayor and chief of police, is crucial.<sup>66</sup> Other DOJ agencies outside of the OJP, such as the FBI, DEA, ATF, and US attorneys, may offer assistance to these working groups if it is requested by the other members of the working group.
4. **Conduct a problem analysis.** Each of these working groups should then conduct a problem analysis. As described above, this will involve an in-depth qualitative and quantitative analysis of local community violence dynamics aimed at identifying the small number of individuals at highest risk of being victims and/or perpetrators of community violence, and the patterns and risk factors that those individuals have in common.<sup>67</sup>
5. **Select a CVI strategy.** This analysis should then inform the working group's selection and implementation of evidence-based violence intervention strategies, such as those described above. The working group may choose to enhance programs that already exist in the relevant neighborhoods, or it may choose new ones. There are a number of resources the task force and the working group can use in selecting its strategy, including the NIJ's database at [crimesolutions.gov](https://crimesolutions.gov). In 2016, researchers working for USAID completed a meta-review of more than 1,400 studies of various violence-prevention programs and identified a small number of strategies that have a particularly strong evidence base—another resource which can be helpful in selecting a CVI

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become overwhelmed with the amount of data, technology, and related training that the program provides.”)

<sup>64</sup> See Giffords Law Center to Prevent Gun Violence et al., “Investing in Intervention: The Critical Role of State-Level Support in Breaking the Cycle of Urban Gun Violence,” December 18, 2017, 54, <https://giffords.org/lawcenter/report/investing-intervention-critical-role-state-level-support-breaking-cycle-urban-gun-violence>.

<sup>65</sup> *Id.* at 56.

<sup>66</sup> See Giffords Law Center to Prevent Gun Violence et al., “Investing in Intervention: The Critical Role of State-Level Support in Breaking the Cycle of Urban Gun Violence,” December 18, 2017, 61, <https://giffords.org/lawcenter/report/investing-intervention-critical-role-state-level-support-breaking-cycle-urban-gun-violence>.

<sup>67</sup> For a comprehensive understanding of what can be gained from a problem analysis, see Giffords Law Center to Prevent Gun Violence, “A Case Study in Hope: Lessons from Oakland's Remarkable Reduction in Gun Violence,” April 23, 2019, <https://giffords.org/lawcenter/report/a-case-study-in-hope-lessons-from-oaklands-remarkable-reduction-in-gun-violence/>.

strategy.<sup>68</sup> The researchers also found several programs that have either no effects or else an unintended increase in rates of violence.<sup>69</sup> The task force must ensure that the working group chooses from among the growing list of evidence-based interventions proven to be effective in reducing gun violence. Resources should be invested only in violence reduction strategies with a proven track record of obtaining results.

6. **Ensure funding, training, and technical assistance.** The task force should help the working group obtain sustained funding by matching the strategies chosen by the working group with appropriate OJP funding sources, including those described above. The task force should also offer the members of the working group the necessary TTA to implement their chosen strategies.
7. **Evaluate.** Objective program evaluations are of tremendous value and can help confirm that a program is having its intended effect. These evaluations can also lead to the fine-tuning of the CVI program to ensure its effectiveness.<sup>70</sup> Evaluations work best if they are based on a data collection process established at the beginning of the program.<sup>71</sup> All too often, organizations that implement violence prevention and intervention strategies must find ways to fund evaluations of their own work. It's asking too much of front-line practitioners to bear the burden of doing demanding, lifesaving work, while also taking on the responsibilities of conducting in-depth evaluations. This is an area where the task force can play a critical role by bringing the NIJ to the table to foster and fund research partnerships and spreading best practices to other sites.<sup>72</sup>

Law enforcement data, particularly local law enforcement data, may be crucial to identifying the highest risk individuals through the problem analysis (step four). Consequently, it is critical for law enforcement to share criminal justice information and shooting data with the working group and technical experts for the purposes of the problem analysis. However, law enforcement involvement in the working group must be predicated upon a commitment to using the results of the problem analysis in a manner that is consistent with the objectives of the task force, including the objective to reduce the reliance on prosecutions and incarceration as a means to reduce community violence. Law enforcement should also avoid using the identification of an individual as a person of high-risk through the problem analysis in any way that is not consistent with the evidence-based strategy or strategies that are chosen by the working group. Whenever possible, law enforcement should then take a back seat in the decision-making and strategic planning process, allowing other members of the working group to lead in the choice and implementation of a strategy to address the community's violence.

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<sup>68</sup> Thomas Abt and Christopher Winship, "What Works in Reducing Community Violence: A Meta-Review and Field Study for the Northern Triangle," United States Agency for International Development, February 2016, 27, <https://www.usaid.gov/sites/default/files/USAID-2016-What-Works-in-Reducing-CommunityViolence-Final-Report.pdf>.

<sup>69</sup> *Id.*

<sup>70</sup> See Giffords Law Center to Prevent Gun Violence et al., "Investing in Intervention: The Critical Role of State-Level Support in Breaking the Cycle of Urban Gun Violence," December 18, 2017, 66-69, <https://giffords.org/lawcenter/report/investing-intervention-critical-role-state-level-support-breaking-cycle-urban-gun-violence>.

<sup>71</sup> *Id.* at 69-70.

<sup>72</sup> See 34 U.S.C. § 10201 (describing how NIJ selects programs for review).

## **Funding for the task force**

The current level of federal funding to support the scaling of CVI strategies is inadequate. However, intentional and sustained investments in evidence-based violence reduction strategies can reverse recent crime trends, help to heal impacted communities, and reduce the enormous human and financial costs of violence without contributing to mass incarceration. OJP and its component agencies receive a substantial amount of discretionary funding, as evidenced by the use of this funding in initiatives such as the VRN and PSP.

In addition, recent appropriations acts specifically authorize the use of funds for TTA. The Consolidated Appropriations Act, 2020, for example, provides that:

At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available ... by law, with respect to funds appropriated by this title under the headings [for NIJ, BJS, BJA, and OJJDP] —

(1) up to 2 percent of funds made available to [OJP] for grant or reimbursement programs may be used by such Office to provide training and technical assistance; and

(2) up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by [NIJ and BJS], shall be transferred to and merged with funds provided to [NIJ and BJS], to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.<sup>73</sup>

If the OJP uses this funding wisely, the CVI Task Force may begin to serve as a hub for technical assistance, best practices, and grant programs dedicated to a coordinated federal response to community gun violence that focuses on CVI strategies.

## **IV. Legal justification:**

An agency action can be judicially challenged for being beyond the agency's statutory authority, violating a constitutional right, not following rulemaking procedures, or arbitrary or capricious agency action.<sup>74</sup> In the unlikely event that the OJP's actions in creating and implementing a CVI Task Force are challenged in court, the challengers would most likely claim that these actions are beyond the OJP's statutory authority. However, such a challenge is likely to fail.

The assistant attorney general has the legal authority to create a CVI Task Force and fund its work through the OJP's discretionary funds. As noted above, the assistant attorney general, as head of the OJP, must "coordinate and provide staff support to coordinate the activities of" the

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<sup>73</sup> Consolidated Appropriations Act, 2020, Pub. L. 116-93, 133 Stat. 2317, 2414 (2019).

<sup>74</sup> 5 U.S.C. § 706.

OJP, BJA, NIJ, BJS, OVC, and OJJDP.<sup>75</sup> Federal law also directs the assistant attorney general to “provide information to the President, the Congress, the judiciary, State and local governments, and the general public relating to criminal justice”<sup>76</sup> and “maintain liaison with public and private educational and research institutions, State and local governments, and governments of other nations relating to criminal justice,”<sup>77</sup> among other things.

The CVI Task Force would accomplish the goal of the OJP, to “increase public safety and improve the fair administration of justice across America through innovative leadership and programs.”<sup>78</sup> The task force would do this through many of the activities listed in the DOJ’s Organizations, Functions, and Missions Manual as appropriate for the OJP. The CVI Task Force would “[i]mplement national and multi-state programs, provide training and technical assistance, and establish demonstration programs to assist state, local, and tribal governments and community groups in reducing crime;” “[e]nhance the nation’s capacity to assist crime victims and provide leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime;” and “[p]rovide targeted assistance to state, local, and tribal governments to advance and sustain public safety at the local level through the leveraging of both technical and financial resources and the development and implementation of community-based strategies.”<sup>79</sup>

Federal law gives the attorney general explicit authority to carry out the activities of the DOJ, including any component agency of the DOJ, “through any means, including

- through the Department’s own personnel, acting within, from, or through the Department itself;
- by sending or receiving details of personnel to other branches or agencies of the Federal Government, on a reimbursable, partially-reimbursable, or non reimbursable basis;
- through reimbursable agreements with other Federal agencies for work, materials, or equipment;

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<sup>75</sup> 34 U.S.C. § 10102(a)(5).

<sup>76</sup> 34 U.S.C. § 10102(a)(3). Criminal justice is defined as “activities pertaining to *crime prevention, control, or reduction*, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency.” 34 U.S.C. § 10251(a)(1) (emphasis added).

<sup>77</sup> 34 U.S.C. § 10102(a)(4).

<sup>78</sup> US Department of Justice, “Organizations, Mission and Functions Manual: Office of Justice Programs,” accessed August 28, 2020, <https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-justice-programs#:~:text=The%20Office%20of%20Justice%20Programs,justice%2C%20and%20assist%20crime%20victims..>

<sup>79</sup> US Department of Justice, “Organizations, Mission and Functions Manual: Office of Justice Programs,” accessed August 28, 2020, <https://www.justice.gov/jmd/organization-mission-and-functions-manual-office-justice-programs#:~:text=The%20Office%20of%20Justice%20Programs,justice%2C%20and%20assist%20crime%20victims..>

- through contracts, grants, or cooperative agreements with non-Federal parties.”<sup>80</sup>

Federal law also allows the attorney general access to all funds available to carry out the activities of the DOJ “without limitation” for certain purposes, including the services of experts and consultants.<sup>81</sup>

The OJP has access to a myriad of resources within the DOJ, many of which should be used by the task force to support evidence-based CVI programs in underserved communities of color. Particular statutory provisions give the attorney general significant discretionary authority over the use of funds managed by the OJP. For example, federal law allows the attorney general to reserve up to 5% of the funds appropriated for Byrne JAG for particular states or local government if he or she determines that it is necessary “to combat, address, or otherwise respond to precipitous or extraordinary increases in crime, or in a type or types of crime.”<sup>82</sup>

The OJP has used these funds in PSP, including to provide TTA to cities that were chosen as PSP sites before.<sup>83</sup> Although the majority of efforts coming from the PSP have been focused on prosecuting offenders, CVI programs have played a role. As part of PSP’s efforts in Memphis, Tennessee, for example, the Shelby County District Attorney launched a focused deterrence program named Operation Comeback. Beginning in February 2018, it has provided ten high-risk offenders a wide array of social services to help them change their criminal lifestyles.<sup>84</sup> The CVI Task Force would engage in similar efforts.

## **V. Conclusion**

Gun violence in communities of color does not receive the same media attention as mass shootings; yet it impacts entire communities daily. Black men account for a disproportionate percentage of gun homicides, with the leading cause of death among Black youth being gun violence.<sup>85</sup> Establishing a CVI Task Force that coordinates community-based violence prevention and intervention efforts across federal agencies, improves coordination of violence reduction initiatives with state and local stakeholders, conducts outreach to communities experiencing high rates of gun violence, and serves as a technical assistance resource for best practices will help save the countless Black American lives from gun violence in their community.

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<sup>80</sup> 28 U.S.C. § 530C(a).

<sup>81</sup> 28 U.S.C. § 530C(b).

<sup>82</sup> 34 U.S.C. 10157(b)(1).

<sup>83</sup> Office of Justice Programs, “FY 2020 Program Summaries,” U.S. Department of Justice, March 2019, 112-113, <https://www.justice.gov/jmd/page/file/1160581/download>.

<sup>84</sup> Bureau of Justice Assistance, “Public Safety Partnership Supports Memphis’ Fight Against Violent Crime,” October 12, 2018, <https://bja.ojp.gov/feature/public-safety-partnership-supports-memphis-fight-against-violent-crime>.

<sup>85</sup> Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), “Fatal Injury Reports,” accessed February 20, 2019, <https://www.cdc.gov/injury/wisqars>. Calculations include children ages 0–17 and were based on the most recent available data: 2017.