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PUNISHING FEAR

the devastating impacts of the
war on gun possession in chicago

CHICAGO
APPLESEED
CENTER FOR FAIR COURTS

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Chicago Appleseed Center for Fair Courts is a 501(c)3 nonprofit organization using mixed-methods research approaches and community-driven advocacy to interrupt cycles of poverty, mass incarceration, and racial injustice inherent to the legal system.

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acronyms

AUPW	Aggravated Unlawful Possession of a Weapon (charge)
CCL	Concealed Carry License
CCPSA	Community Commission for Public Safety and Accountability
CCSAO	Cook County State's Attorney's Office
CPD	Chicago Police Department
FOID	Firearm Owners Identification (Card)
FTWOP	First Time Weapons Offense Program
RJCC	Restorative Justice Community Court
UPW	Unlawful Possession of a Weapon (charge)
UUW	Unlawful Use of a Weapon (charge)

SUMMARY:

FACTS ABOUT THE WAR ON GUN POSSESSION IN CHICAGO

fact 1	<p>The evolution of American gun possession laws is tightly linked to historical and ongoing state-sanctioned violence and racialized perceptions of crime and safety. Firearm ownership has always been a deeply racialized issue, and over time, gun licensure laws in Illinois have become some of the most extreme in the nation. These laws have incredible enforcement power thanks to the expansion of policing ushered in by the War on Drugs; the Chicago Police Department budget, for instance, tripled from 1964 to 2020.</p>
fact 2	<p>Gun ownership in Chicago is largely driven by safety concerns, especially in disinvested communities. Unlicensed gun possession in Chicago is common in some areas due to multiple interconnected factors, such as segregation, poverty, accessibility of guns, being unsafe, and dual victimization. The very people facing the greatest risk of arrest for gun possession also have the greatest need for self-protection.</p>
fact 3	<p>Significant barriers to legal firearm ownership disproportionately impact young, Black Chicagoans. The law excludes many people that feel the need to carry guns for protection from legally possessing them. Due to the racial disparities in poverty, neighborhood violence, and contact with the criminal legal system, Black people bear the brunt of the barriers to legal gun ownership, which contributes to their bearing the brunt of prosecution and punishment for illegal gun possession.</p>
fact 4	<p>Enforcement of gun laws in Cook County primarily and increasingly targets nonviolent possession. The enforcement of gun laws primarily targets possession rather than discharge of firearms, even though the former is not an inherently violent offense. This focus on possession has increased over the past decade: From 2014 to 2018, Cook County averaged 5 cases for gun possession for every gun discharge case and incarcerated 4 people for gun possession for every person they incarcerated for gun discharge; from 2019 to 2023, these ratios increased to 6:1 and 14:1 respectively.</p>
fact 5	<p>Arrests for gun possession in Cook County have increased over the last decade and are racially, economically, and geographically disparate. Even as overall arrests have gradually decreased from 2002 to 2022, the historically stable number of annual arrests for gun possession has experienced a sharp incline since 2015 and remain primarily concentrated in certain Chicago neighborhoods. Since 2011, Black and Latine people have comprised 97% of felony cases for gun possession and 97% of people convicted and incarcerated in these cases.</p>
fact 6	<p>Prosecution for gun possession is strict; an increasing proportion of cases end in guilty pleas with limited opportunities for diversion. Pleading guilty for a felony charge is, by far, the most common outcome for someone accused of illegal gun possession in Cook County: 60% of these cases have ended in guilty pleas since 2017.</p>
fact 7	<p>The hypercriminalization of gun possession has dire consequences and fails to address the root causes of gun violence. Despite research that shows the devastating impacts of incarceration on individuals and communities, law enforcement and prosecutors continue a tough-on-gun-possession strategy. Injuries and deaths from guns have vacillated independently of arrests since 2014, showing no evidence that the heightened criminalization has been effective in reducing gun violence in Chicago.</p>
fact 8	<p>Strategies to address gun violence that don't rely on carceral logic are practiced in Chicago and deserve investment. There are several strategies currently being practiced in Chicago to address the root causes of gun violence that have been effective without relying on carceral practices; resource distribution to groups empowering communities to keep themselves safe, and especially those practicing harm reduction, is necessary.</p>

introduction

Over the last two decades, the policing, prosecution, incarceration, and surveillance of people who carry guns has increased tremendously. This criminalization has majorly impacted Black communities in the state – especially in Chicago and Cook County – without improving safety. In fact, the criminalization of gun possession and the conflation of gun *possession* and gun *use* have made communities less safe by entangling more people in the criminal legal system. Time and time again, Black men, teenagers, and children are targeted, arrested, and criminalized for carrying guns that they feel are necessary for their own protection in areas with high rates of gun violence and low clearance rates by police.

The purpose of this report is to analyze the policies, processes, and sociocultural realities that have led to the “War on Guns,” which parallels the historic War on Drugs¹ and has similarly devastated Black and Brown communities for decades. In this brief report, we use public information to provide a set of facts that explain how the mounting public pressure to stop gun violence has regressively and ineffectively targeted the *victims* of violence and their neighbors who carry guns for protection. We detail how this approach has contributed to discriminatory policing, confusing laws, harsh sentencing, over-incarceration, and other unnecessary and long-term entanglements with the criminal legal system.

methodology

This report focuses on the public policies, legal processes, and practical realities that have led to the mass criminalization of Black and Brown people who carry guns without the proper licensure in Chicago. This report relies on data from public sources that was analyzed in conjunction with original interviews of key informants and extensive literature review. We used a combination of quantitative data analyses, reviews of literature and best practice

resources, and supplemental information from key informant interviews to gain a comprehensive understanding of gun possession criminalization in Illinois, and in Chicago and Cook County specifically.

Data Collection + Analysis

We conducted original quantitative analysis of data

¹ Levin, B. (2016). Guns and Drugs. *Fordham Law Review*, 84, 2173. Retrieval at <https://ir.lawnet.fordham.edu/flr/vol84/iss5/13/>; Lopez, G. (2016, May 8). “The War on Drugs, Explained.” *Vox*. Retrieved on August 5, 2024, from <https://www.vox.com/2016/5/8/18089368/war-on-drugs-marijuana-cocaine-heroin-meth>; Cohen, A., Vakharia, S. P., Netherland, J., & Frederique, K. (2022). How The War on Drugs Impacts Social Determinants of Health Beyond the Criminal Legal System. *Annals of Medicine*, 54(1), 2024-2038. Retrieved on August 5, 2024, from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9302017/>

from the Cook County State's Attorney's Office's Felony Dashboard² (161,662 cases) and arrest data³ (1,994,437 arrests), crime data⁴ (2,081,681 reported crimes), ii Stop Report data⁵ (633,677 stops), and gun violence data (53,570 injuries and deaths) from the Chicago Police Department.⁶ We also utilized community area boundary data from the Chicago Police Department,⁷ Community Data Snapshots data from the Chicago Metropolitan Agency for Planning,⁸ and the Chicago Police District Demographics dataset created by Robert Yu and Logan Chang.⁹ Great care was taken in filtering these datasets, and various experts were consulted in this process. For most of the analysis, we filtered the data to arrests or cases where the primary charge was for gun possession.¹⁰

The interview data in this report was collected from key stakeholders, including three lawyers who represent or have represented people accused of gun possession and two community advocates. These interviews are supplemental; our research team reviewed the interview material and identified

which quotes best illustrated our findings from original data analyses and public information. The interviews were intentionally semi-structured to allow for ideas and themes to emerge based on the individuals' unique experiences and touched on various aspects of an interviewee's experience with gun possession criminalization. We asked interviewees what their relationships to the issues were, their views on the impact of gun possession criminalization on people and communities in Chicago and Cook County, how these experiences have impacted their view of the criminal legal system's approach to gun violence, and considerations for what they would like to see in the future.

Ethical Considerations

This research was carried out according to social science research principles, as guided by the Chicago Appleseed Center for Fair Courts research standards.¹¹ Across all research projects, our

² Cook County Government Open Data - Cook County State's Attorney's Office's Felony Dashboard [October 8, 2024]: <https://datacatalog.cookcountyil.gov/Courts/Initiation/7mck-ehwz> (Initiation), <https://datacatalog.cookcountyil.gov/Courts/Dispositions/apwk-dzx8> (Disposition), <https://datacatalog.cookcountyil.gov/Courts/Sentencing/tg8v-tm6u> (Sentencing), and <https://datacatalog.cookcountyil.gov/Courts/Diversion/gpu3-5dfh> (Diversion)

³ Data from the City of Chicago's Data Portal for Arrests [October 3, 2024]: <https://data.cityofchicago.org/Public-Safety/Arrests/dpt3-jri9> and additional arrest data received from the Chicago Police Department via a Freedom of Information Act (FOIA) request. See the Appendix for details about combining these datasets.

⁴ City of Chicago Data Portal. Crimes 2001 - Present [October 11, 2024]: <https://data.cityofchicago.org/Public-Safety/Crimes-2001-to-Present/ijzp-q8t2>

⁵ Chicago Police Department Investigatory Stop Report (ISR) Data [April 23, 2024]: <https://home.chicagopolice.org/statistics-data/isr-data/>

⁶ City of Chicago Data Portal. Violence Reduction - Victims of Homicides and Non-Fatal Shootings [October 11, 2024]: <https://data.cityofchicago.org/Public-Safety/Violence-Reduction-Victims-of-Homicides-and-Non-Fa/gumc-mgzc>

⁷ City of Chicago Data Portal. Boundaries - Community Areas (current) [Map] [December 12, 2023]: <https://data.cityofchicago.org/Facilities-Geographic-Boundaries/Boundaries-Community-Areas-current/cauq-8yn6>

⁸ Chicago Metropolitan Agency for Planning (CMAP). Community Data Snapshots Raw Data (2014 - 2022) [July 11, 2023]: <https://datahub.cmap.illinois.gov/maps/2a0b0316dc2c4ecfa40a171c635503f8>

⁹ Yu, R. & Chang, L. (2020). Chicago Police District Demographics for Analyzing Policing Patterns in Chicago: <https://www.kaggle.com/datasets/robertyu02/cpd-police-beat-demographics/data>

¹⁰ See the Appendix for a more detailed breakdown of our data filtering and processing methods.

¹¹ Chicago Appleseed Center for Fair Courts. (2021). Guiding Principles for Ethical, Rigorous Research. Retrieval at

methodological approach is rooted in the protection of human subjects, mitigation of risk, and reduction of any forms of harm the study may cause participants during or following the research process. Consent was given by all community organizations and individuals to utilize their interview data to develop this report and the option for anonymity was given to each participant. Unless specified by the subject, we have anonymized interview participants' names, occupations, and other identity markers.

The most obvious limitation of this report is the lack of access to interviewees who have been criminalized for gun possession, have personally experienced gun violence, and/or have had loved ones who have been injured or killed by gun violence. Unfortunately, as a result of this limitation, our interviews do not capture the breadth of individuals' experiences. In an attempt to supplement that missing perspective, our team utilized narrative resources from other sources, such as news and research articles, and consulted experts from legal and community organizations. We recognize the bias created by only interviewing people who engage with these issues in a professional or semi-professional sense, and therefore we do not purport to understand the diverse experiences of people exposed to gun violence and gun possession criminalization on a daily basis.

Chicago Police Department data includes information on arrests, reported crimes, and investigatory stops; data from the Cook County State's Attorney's Office includes prosecution, pretrial detention, case outcomes, diversion, and sentencing information for cases that passed felony review. Taken together, the combined datasets help us gain a relatively comprehensive picture of the breadth of gun possession enforcement in Chicago. Cleaning and preliminary analyses of the datasets revealed inconsistent and (at times) clearly inaccurate data in these datasets, which limits their reliability.

Furthermore, some datasets contain distinctions that are difficult to tease out, such as that between interpersonal and self-inflicted gun injuries and deaths in the gun violence data. However, the incredible size of these datasets as well as data cleaning and filtering strategies reviewed by a community partner provide some confidence in our analyses. Moreover, *Bolts* and *Injustice Watch* recently reported that the Chicago Police Department is illegally failing to report approximately one third of their traffic stops,¹² so their data may not accurately reflect the full nature of their investigatory stops. Finally, the figure (**Figure 11**) that relies on the public-domain dataset on Kaggle, created by Robert Yu and Logan Chang in collaboration with the Invisible Institute, cannot be independently verified to confirm accuracy.

<https://www.chicagoappleseed.org/wp-content/uploads/2021/10/2021-Research-Standards-Framework-2.pdf>

¹² Sabino, P. (2024, August 21). "Chicago Police Made Nearly 200,000 Secret Traffic Stops Last Year." *Injustice Watch*. Retrieved on August 23, 2024, from <https://www.injusticewatch.org/criminal-courts/police/2024/chicago-police-traffic-stops-off-the-books/>

facts about the war on guns

Gun violence, which claims over a thousand lives in Illinois each year and leaves thousands more wounded or disabled,¹³ is a U.S. public health issue that is internationally unparalleled.¹⁴ Below, we detail facts about how the racialized criminalization of gun possession has targeted and demonized Black communities for gun possession without addressing the root causes of violence and fear, ensnaring countless people into the criminal legal system in the process. Given the limited and exploratory nature of this report, we attempt to target historical context around the issues of gun possession with a specific conversation about Chicago-based issues.

We posit that the “War on Guns” and the historic War on Drugs are similarly ineffective approaches to public health issues. In the 1980s, a movement (including campaigns like “Just Say No” and “D.A.R.E.”) began to nurture an abstinence-only culture around drug use, which eventually resulted in increased prosecution and incarceration for “nonviolent drug offenses” (from 50,000 people in 1980 to over 400,000 people by 1997).¹⁵ Based on our own and existing research, we believe that gun

possession in Chicago is an often fear-based response to community violence and that the collateral consequences of persecuting people who carry guns are too great, and therefore, we reject the abstinence-only approach in favor of evidence-based harm reduction strategies.

FACT #1:

The evolution of American gun possession laws is tightly linked to historical and ongoing state-sanctioned violence and racialized perceptions of crime and safety.

Who is and is not able to legally access a gun in the United States is and has always been a deeply racialized issue stemming from U.S. colonialism. According to Cramer (1995): “Throughout much of American history, gun control was openly stated as a method for keeping [B]lacks and Hispanics ‘in their place,’ and to quiet the racial fears of [W]hites.”¹⁶

¹³ City of Chicago Violence Reduction Dashboard. (n.d.). Violence and Victimization Trends 2010-2023: <https://www.chicago.gov/city/en/sites/vrd/home.html>

¹⁴ Aizenman, N. (2023, October 31). “How the U.S. Gun Violence Death Rate Compares with the Rest of the World.” *NPR*. Retrieved on August 5, 2024, from <https://www.npr.org/sections/goatsandsoda/2023/10/31/1209683893/how-the-u-s-gun-violence-death-rate-compares-with-the-rest-of-the-world#:~:text=The%20U.S.%20has%20the%2028th,in%20Louisiana:%2010.91%20per%20100%2C000>

¹⁵ Drug Policy Alliance. (n.d.). “Drug War History.” Retrieved on May 24, 2024, from <https://drugpolicy.org/drug-war-history/>

¹⁶ Cramer, C. (1995). The Racist Roots of Gun Control. *Kansas Journal of Law & Public Policy*, 4(2). Retrieval at <https://foac-pac.org/uploads/Cramer-Racist%20Roots%20Gun%20Control.pdf>

Historically, the United States banned Black and, at times, Indigenous people from owning guns¹⁷ in order to allow colonizers and enslavers to maintain a monopoly on power; as long as colonizers maintained the monopoly on guns, they were also able to maintain power.¹⁸ Following the abolition of slavery, Black Codes and Jim Crow Laws continued a White supremacist power structure, in part by excluding Black people from gun ownership.¹⁹ In the 1960s, some states passed gun legislation “to curtail the burgeoning Black Power movement,” given the movement's emphasis on bearing arms for community protection from racial and police violence.²⁰ In Illinois, such legislation drew concerns that the law would be enforced along racial lines and ultimately lead to further oppression²¹ of the Black population—especially considering the Chicago Police Department's long history of racism, torture, and murder of Black and Latine people.²²

Over time, gun licensure laws in Illinois have

become progressively stricter and are now some of the most extreme in the nation.²³ Gun laws are determined at the state level in Illinois, but Chicago politicians, such as the mayor and police superintendent, have historically had strong influence over statewide laws.²⁴ Arguments for gun laws have historically been racialized and targeted at Chicago's Black neighborhoods. The Chicago Police Department (CPD) has repeatedly used anti-Black sentiments to justify the expansion of gun laws, in addition to increased police funding, often following waves of violence or crime.²⁵ Unsurprisingly, the solutions that the CPD has lobbied for focused on expanding their powers to patrol and terrorize neighborhoods in Chicago's low-income communities as opposed to evidence-based practices for addressing violence.²⁶

Vargas (2022) argues that Chicago “city leaders have characterized homicide and its causes as rooted in individual behavior and Black neighborhoods...[and

¹⁷ Malcolm, J. (1996). *To Keep and Bear Arms: The Origins of an Anglo-American Right*, 139-141. Harvard University Press. ISBN 9780674893078

¹⁸ *Id.* Cottrol, R. & Diamond, R. (1991). The Second Amendment: Toward an Afro-Americanist Reconsideration. *Georgia Law Journal* 80(309), 333-42. Retrieval at [https://digitalcommons.lsu.edu/cgi/viewcontent.cgi?article=1283&context=faculty_scholarship](https://digitalcommons.law.lsu.edu/cgi/viewcontent.cgi?article=1283&context=faculty_scholarship); *Dred Scott v. Sandford*, 60 U.S. 393, 417 (1857), superseded (1868).

¹⁹ Cottrol & Diamond (1991), *supra* note 18.

²⁰ Chavis, L. (2023, March 24). “How Chicago Got Its Gun Laws.” The Marshall Project. Retrieved on May 29, 2024, from <https://www.themarshallproject.org/2023/03/24/chicago-gun-laws-strict-history-illinois>

²¹ *Id.*

²² Ashwini, K.P., Reynolds, B., Mofokeng, T., Mahler, C., Edwards, A. (2024). “Mandates of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance; the Working Group of Experts on People of African Descent; the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health; the Independent Expert on the Enjoyment of all Human Rights by Older Persons and the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.” [United Nations Report]. Retrieved on July 31, 2024, from <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28835>

²³ Olson, D. (2022, January 19). “Illegal Firearm Possession: A Reflection on Policies and Practices that May Miss the Mark and Exacerbate Racial Disparity in the Justice System.” Duke Center for Firearms Law. Retrieval at <https://firearmslaw.duke.edu/2022/01/illegal-firearm-possession-a-reflection-on-policies-and-practices-that-may-miss-the-mark-and-exacerbate-racial-disparity-in-the-justice-system>

²⁴ Vargas, R., Williams, C., O'Sullivan, P., & Cano, C. (2022). Capitalizing on Crisis: Chicago Policy Responses to Homicide Waves, 1920–2016. *The University of Chicago Law Review*, 89(2), 405–440. Retrieved on June 10, 2024, from <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=6285&context=uclev>

²⁵ *Id.*

²⁶ *Id.*

have] associated criminality with Blackness and deflected attention away from the societal conditions that give rise to violence.”²⁷ The result is continued funding of ineffective policing efforts as opposed to investing in Chicago communities. In 1968, then-Mayor Richard J. Daley successfully lobbied the state legislature to pass both a stop-and-frisk law—which expanded “the police’s power to seize guns from those deemed unfit to possess them”²⁸—and the bipartisan Firearm Owners Identification (FOID) Card Act, which established licensure requirements to legally own a gun.²⁹ Under his son, Mayor Richard M. Daley (in office from 1989 to 2011), the Chicago Police Department unsuccessfully attempted to respond to violence by patrolling areas with “gang activity” – often Black and Latine neighborhoods – “to seize more guns and make more arrests; the CPD also lobbied the state government for more punitive laws.”³⁰ Many of Chicago’s various mayors have continued to advocate for more punitive gun laws without evidence that they are effective. In 2010, for instance, the second Mayor Daley praised the Illinois legislature for passing a law mandating that anyone convicted of the unlawful possession of a weapon would spend up to three years in prison if that person “was carrying a loaded weapon without a Firearms Owners Identification Card.”³¹

The Illinois legislature has passed several laws that focus on enhancing sentences for gun possession

over the past 20 years, including the Concealed Carry Act in 2013.³² In Illinois and Chicago especially, these laws are tightly linked to racist and cultural perceptions of crime and violence.

FIGURE 1:

FELONY GUN + DRUG POSSESSION CASES IN COOK COUNTY: TOTAL AND RESULTING IN INCARCERATION (3-YEAR ROLLING AVERAGE)

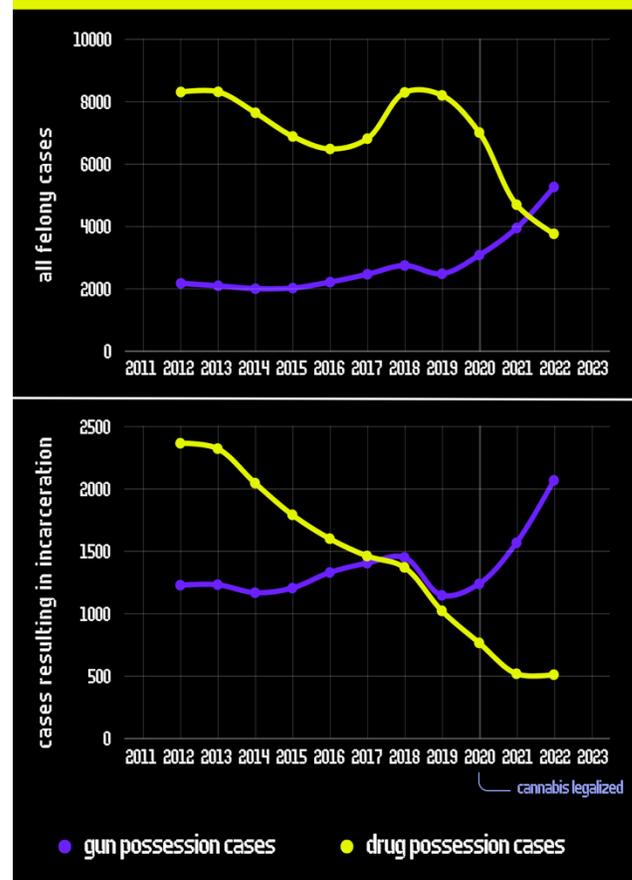


FIGURE 1:

These line graphs represent 3-year rolling averages of felony gun possession and drug possession cases in total and resulting in incarceration between 2011 and 2023 based on 132,648 cases.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Supra* note 20.

³⁰ *Supra* note 24.

³¹ Hampton, I. (2007, January 4). “A Rare Gun Control Victory for Daley.” *Chicago Tribune*. Retrieved on May 29, 2024, from <https://www.chicagotribune.com/2007/01/04/daley-aims-to-pass-new-gun-laws/>

³² Illinois Sentencing Policy & Advisory Council (SPAC). (2022). *Unlawful Use of a Weapon in Illinois: FY2010-2021 Trends in Arrests, Convictions, and Sentences*. Retrieved on August 5, 2024, from <https://spac.icjia-api.cloud/uploads/01%2020%2022%20UW%20Trends%20Report%20FINAL-20220122T23183684.pdf>; 730 ILCS 66.

These laws targeting gun possession now have incredible enforcement power thanks to the expansion of policing ushered in by the War on Drugs. The War on Drugs, beginning in 1971, led to increases in police budgets nationwide.³³ Once adjusted for inflation, the Chicago Police Department's budget *tripled* from 1964 to 2020.³⁴ As shown in **Figure 1**, total felony cases for gun possession outpaced those for drug possession for the first time in 2022. The gap between gun possession and drug possession incarceration continues to widen as incarceration increases for gun possession and decreases for drug possession.³⁵ With Chicago's policing capacity already inflated from the War on Drugs, the "War on Guns" has emerged as another powerful mechanism for controlling and destabilizing Black and Brown Chicagoans.

FACT #2:

Gun ownership in Chicago is largely driven by safety concerns, especially in disinvested communities.

Framing of gun possession in Chicago regularly isolates the issue from its social context. The

dominant narrative – taken for granted in liberal and conservative circles alike – positions people who possess guns illegally as criminals who must be punished because they are likely to commit or have already committed violent crimes. This framing leads to the demonization of people who possess guns, especially young Black and Latine people, and willfully neglects the reality that in Illinois, Black children and teens were 13 times more likely than White kids their age to die by guns in 2020.³⁶ Ultimately, these narratives are a reflection of racial and economic segregation in Chicago, as those living in higher-resourced neighborhoods are unable to comprehend the lived experiences of people living in neighborhoods with exceptionally high rates of poverty, violence, and incarceration.

Unlicensed gun possession in Chicago is common in some areas due to multiple interconnected factors. The list below, while not exhaustive, describes some of those key drivers.

SEGREGATION + POVERTY

Research shows³⁷ that neighborhoods with "inadequate economic resources yield racial and social disparities, lower educational achievement, higher crime, and other aspects of community

³³ Benson, B. L. (2009). Escalating the War on Drugs: Causes and Unintended Consequences. *Stanford Law & Policy Review*, 20(2), 293. Retrieval at <https://law.stanford.edu/wp-content/uploads/2018/03/benson.pdf>

³⁴ Ballesteros, C. (2020, June 9). "Chicago Has Nearly Tripled Per Capita Police Spending Since 1964, Data Show." *Injustice Watch*. Retrieved on August 5, 2024, from <https://www.injusticewatch.org/criminal-courts/police/2020/chicago-has-nearly-tripled-per-capita-police-spending-since-1964-data-show>

³⁵ Cook County State's Attorney's Office's Felony Dashboard [October 8, 2024] for "Disposition" and "Sentencing" at *supra* note 2.

³⁶ EveryTown for Gun Safety. (2020). Gun Violence in Illinois [Fact Sheet]. Retrieved on July 29, 2024, from <https://maps.everytownresearch.org/wp-content/uploads/2020/04/Every-State-Fact-Sheet-2.0-042720-Illinois.pdf>

³⁷ Albdour, M. & Krouse, H. J. (2014). Bullying and Victimization Among African American Adolescents: A Literature Review. *Journal of Child and Adolescent Psychiatric Nursing*, 27(2), 68382. Retrieval at <https://doi.org/10.1111/jcap.12066>; Murray, J. & Farrington, D. P. (2010). Risk Factors For Conduct Disorder and Delinquency: Key Findings From Longitudinal Studies. *The Canadian Journal of Psychiatry*, 55(10), 633-642. Retrieval at <https://journals.sagepub.com/doi/10.1177/070674371005501003>

disorder”³⁸ such as youth gun possession. Youth in low-income communities report that living in poverty and lack of resources like education, extracurricular activities, and community programs were important contributing factors to gun possession.³⁹ It is no surprise that in Chicago, these neighborhoods have the highest rates of gun possession arrests. These neighborhood conditions are no accident: Decades of systematic economic divestment, especially through redlining, have made Chicago a deeply racially and economically segregated city and contributed to high rates of crime and violence.⁴⁰ In fact, according to Paulson (2021), areas given “red” and “yellow” classifications in the 1930s (i.e., redlined) continue to have the highest shares of Chicago’s Black population along with the highest rates of gun violence, the most poverty, and the least educational attainment.⁴¹

ACCESSIBILITY OF GUNS

In 2017, a person incarcerated for illegally selling guns wrote in a letter to *ProPublica*: “It’s hard to say where the guns come from because they come from

everywhere. For me, it was easy to come across guns. **Getting a gun in the city is like getting a pack of cigarettes at the gas station.**”⁴² In many Chicago neighborhoods with high rates of gun possession arrests, guns are extremely easy to access. This is because Chicago borders Indiana, a state with lax gun laws, and many people buy guns secondhand—or even find them lying around outside in their neighborhoods.⁴³ One study found that most young males living in low-income neighborhoods had been exposed to a gun – usually by family members or friends – before the age of 15, with half of the interviewees reporting they had been exposed to a gun before they were 10.⁴⁴ Neighborhoods where guns are easily accessible have a 2.5-times higher risk of gun violence.⁴⁵

FEELING + BEING UNSAFE

Most people in Chicago who carry guns without proper licensure do so because of the real and perceived threats of violence in their communities. These communities, which are some of the most under-resourced, tend to have the highest rates of

³⁸ Dillard, D., Henderson, H., Mangum, M., Rice, II, J., & Goldstein, A. (2023). Unlocking Gun-Violence Solutions: The Necessity and Power of Lived Experience. *American Journal of Qualitative Research*, 7(4), 182-202. Retrieval at <https://www.ajqr.org/download/unlocking-gun-violence-solutions-the-necessity-and-power-of-lived-experience-13729.pdf>

³⁹ *Id.*

⁴⁰ Serrato, J., Sier, P., & Runes, C. (2022, February 24). “Firsthand Segregation: Mapping Chicago’s Racial Segregation.” *Southside Weekly & WTTW Chicago*. Retrieved May 1, 2024, from <https://interactive.wttw.com/firsthand/segregation/mapping-chicago-racial-segregation#:~:text=The%20growing%20Black%20population%20eventually, racist%20White%20hostility%20bubbled%20over>

⁴¹ Poulson, M., Neufeld, M., Dechert, T., Allee, L., & Kenzik, K. (2021). Historic redlining, structural racism, and firearm violence: A structural equation modeling approach. *The Lancet Regional Health – Americas*, 3(100052). Retrieved on July 31, 2024, from <https://doi.org/10.1016/j.lana.2021.100052>; At Liberty Podcast. (May 18, 2023). “The Consequences of Chicago’s Segregated Housing History.” ACLU. Retrieved on July 31, 2024, from <https://www.aclu.org/podcast/the-consequences-of-chicagos-history-of-housing-segregation#:~:text=For%20every%20dollar%20loaned%20by, and%20has%20worked%20as%20intended.>

⁴² Dumke, M. (2017, October 10). “How Chicago Gets Its Guns.” *ProPublica*. Retrieved on August 5, 2024, from <https://www.propublica.org/article/how-chicago-gets-its-guns>

⁴³ *Id.*

⁴⁴ *Supra* note 38.

⁴⁵ Gonzales, L. & McNiel, D. E. (2020). Correlates of Gun Violence by Criminal Justice-Involved Adolescents. *Journal of Law and Human Behavior*, 44(3), 238-249. Retrieval at <https://doi.org/10.1037/lhb0000363>

gun violence and gun possession arrests (see *Figure 8*). It is estimated that young people living in disadvantaged neighborhoods are 50% more likely to be exposed to gun violence than youth living in less disadvantaged neighborhoods.⁴⁶

Given the real and present danger of gun violence in many Chicago communities, community members – especially young Black men and boys – have an extremely strong incentive to possess guns. **In a survey conducted by the Urban Institute (of which 96% of participants were Black and 57% were male), 93% of male gun carriers in Chicago said they did so for self-protection or to protect others.**⁴⁷ As a representative from Stick Talk,⁴⁸ a survivor-led, Chicago-based community organization focused on firearm harm reduction, explained:

We hear this kind of thing all the time, “I’d rather be caught with [a gun] than without it,” or, “I don’t want to carry but I love my life,

so I have to carry.” It’s rational. It’s a survival strategy responsive to conditions you’re in.

Exposure to gun violence is associated with several mental health concerns, such as anxiety, depression,⁴⁹ and aggression and may also affect self-control and information processing among “at-risk males.”⁵⁰ A 2023 study in the *American Journal of Qualitative Research* found that about half of low-income Black men interviewed felt the need to carry a gun at all times to protect themselves (only two of the 374 young people interviewed stated that they had a license to carry a gun).⁵¹ Many of the study participants struggled to imagine a reality where they would not feel the need to carry a gun.⁵²

In the U.S., the overwhelming majority of gun death victims are Black men.⁵³ In Illinois, Black people are 49 times more likely to die by gun homicide than their White counterparts.⁵⁴ In Chicago, 96% of people who have been killed by guns since 2017 are Black and Latine people; Black men account for 71%

⁴⁶ Kravitz-Wirtz, N., Bruns, A., Aibel, A. J., Zhang, X., & Buggs, S. A. (2022). Inequities In Community Exposure To Deadly Gun Violence By Race/Ethnicity, Poverty, And Neighborhood Disadvantage Among Youth In Large US Cities. *Journal of Urban Health*, 99(4), 610-625. Retrievable at <https://pubmed.ncbi.nlm.nih.gov/35672546/>

⁴⁷ Fontaine, J., La Vigne, N., Leitson, D., Erundu, N., Okeke, C., Dwivedi, A. (2018). “We Carry Guns to Stay Safe”: Perspectives on Guns and Gun Violence from Young Adults Living in Chicago’s West and South Sides. Urban Institute. Retrieved on June 10, 2024, from <https://www.urban.org/research/publication/we-carry-guns-stay-safe>

⁴⁸ Stick Talk is a community safety strategy for firearm harm reduction designed by Chicago-based survivors of gun-related harms that responds to people possessing and using firearms with compassion. For more information, see <https://www.sticktalk.org/>

⁴⁹ *Supra* note 45.

⁵⁰ Shulman, E. P., Beardslee, J., Fine, A., Frick, P. J., Steinberg, L., & Cauffman, E. (2021). Exposure to Gun Violence: Associations With Anxiety, Depressive Symptoms, and Aggression Among Male Juvenile Offenders. *Journal of Clinical Child and Adolescent Psychology*, 50(3), 353-366. Retrievable at <https://doi.org/10.1080/15374416.2021.1888742>

⁵¹ *Supra* note 38.

⁵² *Id.*

⁵³ Sakran, J. V., Lunardi, N., & Dawes, D. E. (2021, October 18). “Confronting the Political Determinants of Gun Violence: Addressing Health Inequities in the U.S. Requires Social and Historical Context” [Opinion]. *Scientific American*. Retrievable at <https://www.scientificamerican.com/article/confronting-the-political-determinants-of-gun-violence/>

⁵⁴ Carey, T., Geller, L., & Webster, D. (2022). Policies to Reduce Gun Violence in Illinois: Research, Policy Analysis, and Recommendations: Research, Policy Analysis, and Recommendations - 2022 Update. Center for Gun Violence Solutions, Johns Hopkins Bloomberg School of Public Health. Retrieved on August 5, 2024, from <https://publichealth.jhu.edu/sites/default/files/2022-12/illinois-policy-recommendations-center-for-gun-violence-solutions-nov-2022.pdf>

of that number (see **Figure 2**).⁵⁵

In other words, many Black Chicagoans are justified in being concerned for their safety and the safety of their loved ones and feeling like their only option for protection is gun possession. Men who were shot or shot at in the last year were 300% more likely to carry a gun.⁵⁶ For many people who live in areas that experience gun violence regularly, owning a gun is a "rational adaptive strategy,"⁵⁷ and the risk of arrest or incarceration for doing so without the appropriate license is less dangerous than the alternative—injury or death. A representative from Stick Talk⁵⁸ pointed out that fear and mistrust of the police actually encourages people to carry guns to protect themselves:

If you distrust this system and the police—because you should, because they're not on your side and never have been—then it makes total sense [to want to protect yourself]. It's a rational adaptive strategy to carry to be safe, so that you can move around [and] get things done, like go out and get things that you need, obtain resources, go to work, move around, have mobility.

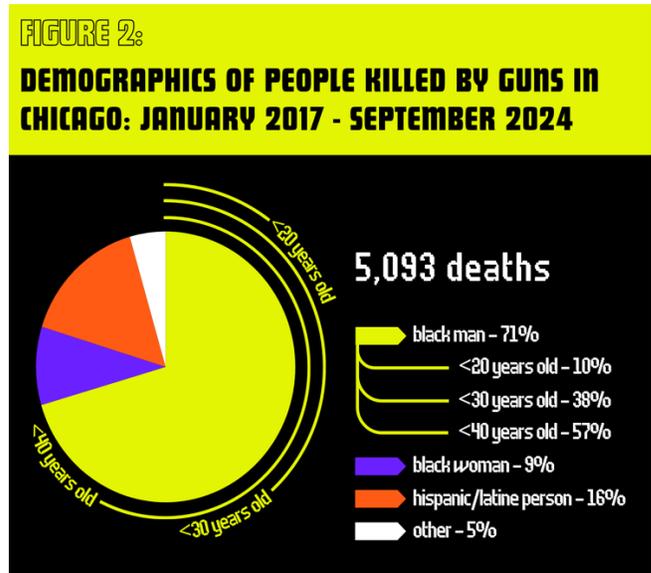


FIGURE 2:
These pie charts represent some racial, ethnic, gender, and age demographics of 5,093 people who died by gun violence between January 2017 and September 2024.

In 2019, almost 60% of people surveyed in low-income Chicago neighborhoods said they knew "some" or "a lot" of people who had been treated unfairly by the police, and that "most people in their area" viewed the CPD "negatively" or "very negatively."⁵⁹ As one lawyer told us:

Imagine that you live in a community where someone killed your brother, they killed your cousin, they've killed multiple friends of yours, no one was apprehended or arrested

⁵⁵ *Supra* note 6.

⁵⁶ *Supra* note 47.

⁵⁷ Adaptive strategies are methods of coping with one's environment that evolve based on social, cultural, and structural conditions. The "rationality" of adaptive strategies are subjective because emotions, such as fear, "may be building blocks of rational heuristics." See Ehrig, T., Manjaly, J., Singh, A., Sunder, S. (2020). Adaptive Rationality in Strategic Interaction: Do Emotions Regulate Thinking about Others? *Cowles Foundation Discussion Papers*, 20. Retrieval at <https://elischolar.library.yale.edu/cowles-discussion-paper-series/20>; See also, Flórez Bossio, C., Labbé, D., & Ford, J. (2021). Urban Dwellers' Adaptive Capacity as a Socio-Psychological Process: Insights from Lima, Peru. *Climate Risk Management*, 34. Retrieval at <https://doi.org/10.1016/j.crm.2021.100352>: "Cognitive dissonance, optimism bias, technological paradigms, locus of control, and authoritative beliefs shape...adaptive strategies. These psychological processes are influenced by: gender roles, social ties, religious norms, urban lifestyles and a related disconnection from nature, paternalism, absent government practices, and hierarchical and collaborative ideals of governance. These social institutions structure individuals' interactions with their families, neighbors, coworkers, and strangers, which manifests in individuals expecting certain coping responses and adaptive strategies from these actors in the urban milieu, and in adjusting their own behavior to the expectations (i.e., social cognition)."

⁵⁸ *Supra* note 48.

⁵⁹ Crabtree, S. (2019). "Low Trust in Police Complicates Crime Problem in Chicago." Gallup. Retrieved on August 2, 2024, from <https://news.gallup.com/poll/257798/low-trust-police-complicates-crime-problem-chicago.aspx>

for those crimes...if they see you, they want to get you next, and that's the world you have to move through—to get to work, to get your kids to school, to go to the grocery store. Would you carry a gun with you?

When people cannot trust the government to keep them safe in their own neighborhoods, or if government actors are perpetuating violence in their communities, they often take measures to keep themselves safe.

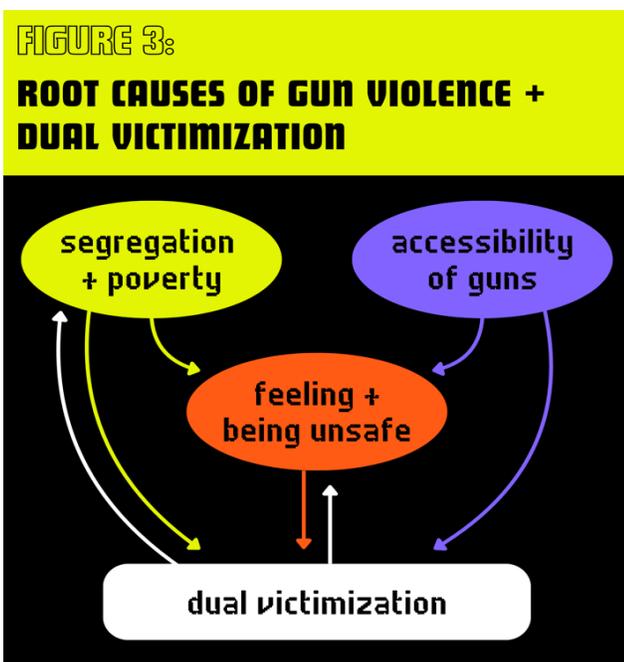


FIGURE 3:
This figure represents some of the root causes of gun possession in Chicago and their relationships.

DUAL VICTIMIZATION

Under Chicago's increased targeting of Black gun owners, **Black Chicagoans experience dual victimization with relation to gun violence: They are disproportionately harmed by the enforcement of gun laws and the violence inflicted using guns.** Moreover, the very people facing the greatest risk of arrest for gun possession also have the greatest need for self-protection,

placing them at incredible risk of harm regardless of their decision to own and carry a gun.

The lack of safety in many neighborhoods, paired with the intense policing and punishment for people who possess guns, has created a vicious cycle that is difficult to disrupt. As long as people feel they need to possess a gun in their community to feel safe, and guns are easy to access, people will continue to possess guns despite the increasing consequences for repeated infractions.

FACT #3:
Significant barriers to legal firearm ownership disproportionately impact young, Black Chicagoans.

To legally possess a firearm in Illinois, a person must have a Firearm Owners Identification (FOID) card. To legally carry a firearm outside of their home or property, a person must also have a Concealed Carry License (CCL) in accordance with the Concealed Carry Act, which went into effect in 2014. To qualify for and obtain each of these, one must meet a variety of different standards and requirements.

To be eligible for a FOID card, an applicant must have a valid ID, be at least 21 years old or have a parental sponsor, not be intellectually or developmentally disabled or an undocumented immigrant, not currently be the subject of an order of protection, have not failed a drug test or experienced drug addiction in the past year, have not been a patient in a mental institution in the past five years, have not been convicted of battery or assault in the past five years, and have never been convicted of a felony; the application costs \$10.00. To be eligible for a CCL, an

applicant must have a valid FOID card (or be in the process of obtaining one) and a valid ID and must have not been convicted of a misdemeanor involving a threat of violence or more than one DUIs in the past five years; the applicant must also complete 16 hours of concealed carry firearm training from an instructor approved by the Illinois State Police and submit a fingerprint scan. The Illinois State Police have discretion and may deny an application that meets every criterion; even if a person completes the requirements needed to obtain a Concealed Carry License, law enforcement may reject their application on the broad basis of "suspicion of threat to public safety."⁶⁰

The law excludes many people that may feel the need to carry guns for their protection from legally possessing them. For starters, many of the people who carry guns for safety are young Black men, but people under the age of 21 cannot legally have a CCL. Financial burdens also exclude people from obtaining CCL licensure. Applicants for a Concealed Carry License must complete required training, which is most often offered at gun ranges outside of the city of Chicago and can cost more than \$300.00, on top of the initial \$150.00 application fee.⁶¹ According to the Chicago Urban League, "a large

proportion of predominantly Black communities on the West and South [S]ides exhibit a per capita income that is less than \$25,000, unemployment rates higher than 25%."⁶² For people in these low-income communities, which are largely the same areas where most gun possession arrests occur, \$450.00 is an untenable cost for a CCL.

Criminal history also poses a significant barrier to legal gun possession. The Illinois State Police are required to object in cases where there were five arrests in the last seven years, or three gang-related arrests.⁶³ In Chicago, "gang-related" arrests are often subjective and based on an arresting officer's perception of the situation.⁶⁴ As an expert told us:

*In Chicago, there is a box to check on both the arrest report and case if the reporting office wants to label the arrest gang-related. It's entirely within the reporting officer's discretion. So obviously not objective. The box almost always gets checked based solely on the area where the arrest occurs.*⁶⁵

FOID cards cannot be issued to a person who has a past felony conviction or to persons convicted of a "violent" offense within the past five years.⁶⁶ Even a conviction for a felony that is not gun-related would make a person ineligible for legal gun ownership.

⁶⁰ Illinois State Police Firearms Services Bureau [Applicant Portal]. (n.d.). Public Safety (430 ILCS 66/) Firearm Concealed Carry Act. Retrieved on June 11, 2024, from <https://www.ispfsb.com/Public/AboutTheAct.aspx>

⁶¹ Chavis, L. & Hing, G. (2023, April 19). "The War on Gun Violence has Failed, and Black Men are Paying the Price." *The Triibe*. Retrieved on May 29, 2024, from <https://thetriibe.com/2023/04/the-war-on-gun-violence-has-failed-and-black-men-are-paying-the-price/>

⁶² "'State of Black Chicago' Report Notes Ongoing Disparities for Black and White Residents." (2023, June 1). [Chicago Urban League Report]. *CBS Chicago*. Retrieved June 12, 2024, from <https://www.cbsnews.com/chicago/news/state-of-black-chicago-report-urban-league/>

⁶³ Tye, C. (2023, September 7). "Oversight Commission Shuts Down Chicago Police Database." *CBS News*. Retrieved on June 4, 2024, from <https://www.cbsnews.com/chicago/news/oversight-commission-shut-down-chicago-police-gang-database/>

⁶⁴ *Id.*

⁶⁵ Shiller, B. [Personal Communication, May 20, 2024].

⁶⁶ Illinois State Police. (n.d.). FOID Firearm Owners Identification. Retrieved from <https://www.ispfsb.com/Public/FOID.aspx>

FIGURE 4: GUN LAWS IN ILLINOIS

SIMPLE UNLAWFUL POSSESSION OF A WEAPON (FORMERLY SIMPLE UNLAWFUL USE OF A WEAPON)	
720 ILCS 5/24-1	First offense: Misdemeanor (Class A) Maximum class: Felony (Class 3)
Carrying or possessing a gun either concealed upon one's person, on public lands, or in a vehicle without the proper licensure to do so.	
Sentence: First offense: Prison sentence of less than one year, potential fine of \$75 to \$2,500 for each offense Maximum sentence: Prison sentence of 2 to 5 years or 5 to 10 years if eligible for extended term*	
AGGRAVATED UNLAWFUL POSSESSION OF A WEAPON (FORMERLY AGGRAVATED UNLAWFUL USE OF A WEAPON)	
720 ILCS 5/24-1.6	First offense: Felony (Class 4) Maximum class: Felony (Class X)
Simple Unlawful Possession of a Weapon and any of the following factors: The accused person has a firearm that is uncased, loaded, and immediately accessible or uncased and unloaded with ammo immediately accessible; lacks a currently valid FOID card or CCL; had an order of protection issued against them within the past 2 years; was currently committing misdemeanor related to drug use or with threat of violence; was less than 21 years old, unless hunting; had a prior felony conviction; or was wearing or possessing body armor w/o valid FOID card.	
Sentence: First offense: Prison sentence of 1 to 3 years or 3 to 6 years if eligible for extended term* Maximum sentence: Prison sentence of 6 to 30 years or 30 to 60 years if eligible for extended term*	
PERSISTENT UNLAWFUL POSSESSION OF A WEAPON (FORMERLY ARMED HABITUAL CRIMINAL)	
720 ILCS 5/24-1.7	Felony (Class X)
Gun possession by someone convicted two or more times for forcible felonies, certain gun-related felonies, or certain drug-related felonies.	
Sentence: Prison sentence of 6 to 30 years or 30 to 60 years if eligible for extended term*	
FELON IN POSSESSION (OF A FIREARM)	
720 ILCS 5/24-1.1	First offense: Felony (Class 3) Maximum class: Felony (Class 2)
Gun possession by someone ever convicted of a felony, unless granted relief by the Director of the Illinois State Police.	
Sentence: First offense: Prison sentence of 2 to 10 years Maximum sentence: Prison sentence of 3 to 14 years	
STREET GANG MEMBER IN POSSESSION (OF A FIREARM)	
720 ILCS 5/24-1.8	Felony (Class 2)
Gun possession by a member of a street gang.	
Sentence: Prison sentence of 3 to 10 years	
FIREARM OWNERS IDENTIFICATION (FOID) ACT	
430 ILCS 65	Recently expired FOID card: Petty offense Maximum class: Felony (Class 3)
Governs the proper licensure to possess a firearm in Illinois. It is illegal to own a firearm without a valid FOID card.	
Sentence: Recently expired FOID card: Potential fine of \$75 to \$1,000 Maximum sentence: Prison sentence of 2 to 5 years or 5 to 10 years if eligible for extended term*	
CONCEALED CARRY ACT	
430 ILCS 66	First offense: Misdemeanor (Class B) Maximum class: Felony (Class 4)
Governs the proper license to carry a firearm concealed upon one's person in Illinois. It is illegal to carry a firearm in public without a CCL, while intoxicated, or in a prohibited area (e.g. a school or college; a hospital or government building; a public library, park, or zoo; or public transportation).	
Sentence: First offense: Prison sentence of less than six months, potential fine of \$75 to \$1,500 for each offense Maximum sentence: Prison sentence of 1 to 3 years or 3 to 6 years if eligible for extended term*	

* Extended term requires on the presence of charge enhancements not detailed in this figure.

One attorney we interviewed recalled a past client:

This client...came out of prison [and] was able to open a little corner store in [the] neighborhood...[but it] would get robbed, so [the client] had a gun illegally – because [they were] a convicted felon – and then gets arrested for the firearms possession and goes to prison [again]. . .[They] said, “I had to protect myself,” and there [the client] is...trying to have a store in the neighborhood for the community...and [is] now going to prison because of...mere possession.

Due to the racial disparities in poverty, neighborhood violence, and contact with the criminal legal system, Black people bear the brunt of the aforementioned barriers to legal gun ownership, which contributes to their bearing the brunt of prosecution and punishment for illegal gun possession.

FACT #4:
Enforcement of gun laws in Cook County primarily and increasingly targets nonviolent possession.

Historically, people illegally possessing a firearm in Illinois have been charged for “unlawful use of a weapon” (UW), a misleading term that implies *use* rather than *possession* of a firearm, and could confuse juries and the public about what law was allegedly broken. Earlier this year, Illinois House Bill 4500 successfully amended the state’s criminal code

to change this charge title to “unlawful possession of a weapon,” among other changes,⁶⁷ which will hopefully mitigate some of the consequences of a conviction when it goes into effect in January 2025. See **Figure 4** for an overview of some charges related to gun possession.

FIGURE 5:
MOST COMMON GUN POSSESSION CHARGES IN FELONY CASES: JANUARY 2023 - SEPTEMBER 2024

charge description	class	%
Aggravated UPW for possession of an unloaded firearm in a vehicle without a CCL	4	38%
Aggravated UPW for possession of a firearm in a vehicle without a FOID card	4	36%
Aggravated UPW for possession of a loaded firearm without a CCL	4	31%
Aggravated UPW for possession of a firearm in a vehicle, with prior conviction	2	29%
Felon in possession, with prior conviction	2	27%
Persistent unlawful possession of a weapon	x	15%

FIGURE 5:
 A table of the most common charges in gun possession cases between January 2017 and September 2024, based on 40,527 cases.

Figure 5 lists the six most common charges in Cook County felony cases since 2017. Together, these represent the primary charges—usually the charge of the highest class—of more than 80% of gun possession cases. Aggravated Unlawful Possession of a Weapon (AUPW) is the most common type of charge in these cases: 85% of gun possession cases included at least one such charge.⁶⁸ It is worth stating that for all but one of the charges listed in

⁶⁷ H.B. 4500. 103rd General Assembly of Illinois. (2024). Retrieval at <https://www.ilga.gov/legislation/BillStatus.asp?DocNum=4500&GAID=17&DocTypeID=HB&LegId=151659&SessionID=112&GA=103>

⁶⁸ *Supra* note 35.

Figure 5, the accused person either possessed a valid FOID card or was likely ineligible for one.

The enforcement of gun laws in Cook County primarily targets possession rather than discharge of firearms, even though the former is not an inherently violent offense. This focus on possession has increased over the past decade: From 2014 to 2018, Cook County averaged 5 cases for gun possession for every gun discharge case and incarcerated 4 people for gun possession for every person they incarcerated for gun discharge; from 2019 to 2023, these ratios increased to 6:1 and 14:1 respectively. **Figure 6** shows that gun possession

cases represent a large majority of gun-related cases in Cook County.⁶⁹

FACT #5:
Arrests for gun possession in Cook County have increased over the last decade and are racially, economically, and geographically disparate.

Crime data reflects that the Chicago Police Department has intensified its enforcement of gun

FIGURE 6:

CHARGE CATEGORIES OF FELONY GUN-RELATED CASES RESULTING IN INCARCERATION IN COOK COUNTY: JANUARY 2017 - SEPTEMBER 2024

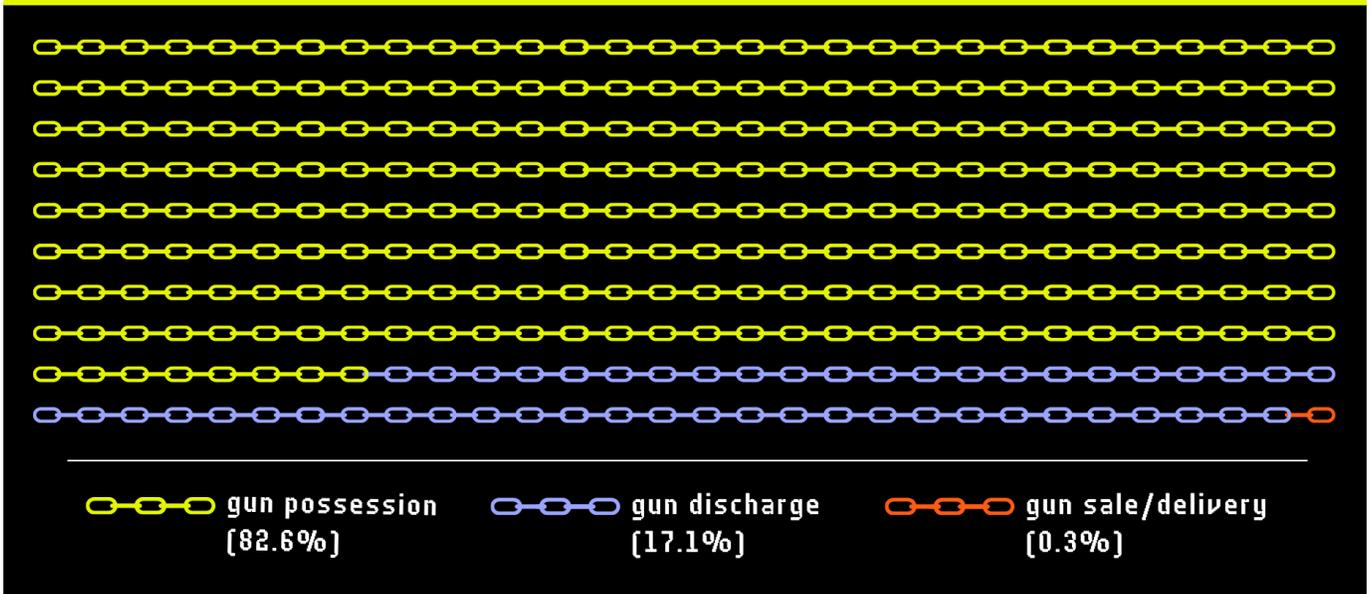


FIGURE 6:

This figure represents charge categories as a percentage of gun-related cases that resulted in incarceration where at least one charge passed felony review. Each chain link represents 0.33% of such 12,622 cases eligible for analysis between January 2017 and September 2024.

⁶⁹ H.B. 4500. 103rd General Assembly of Illinois. (2024). Retrieval at <https://www.ilga.gov/legislation/BillStatus.asp?DocNum=4500&GAID=17&DocTypeID=HB&LegID=151659&SessionID=112&GA=103>

possession laws in recent years. Even as overall arrests have gradually decreased from 2002 to 2022, the historically stable number of annual arrests for gun possession has experienced a sharp incline since 2015, increasing from 2,500 to 5,000 in only five years.⁷⁰ **In only two decades, gun possession enforcement escalated from**

composing less than 2% of all CPD arrests to more than 10%. See Figure 7 for a visualization of these annual arrests over time.

Intensified and disparate policing of gun possession also applies to both Cook County and Illinois more broadly. The Illinois Criminal Justice Information

FIGURE 7:

GUN POSSESSION ARRESTS COMPARED TO TOTAL ARRESTS PER YEAR IN CHICAGO (3-YEAR ROLLING AVERAGE)

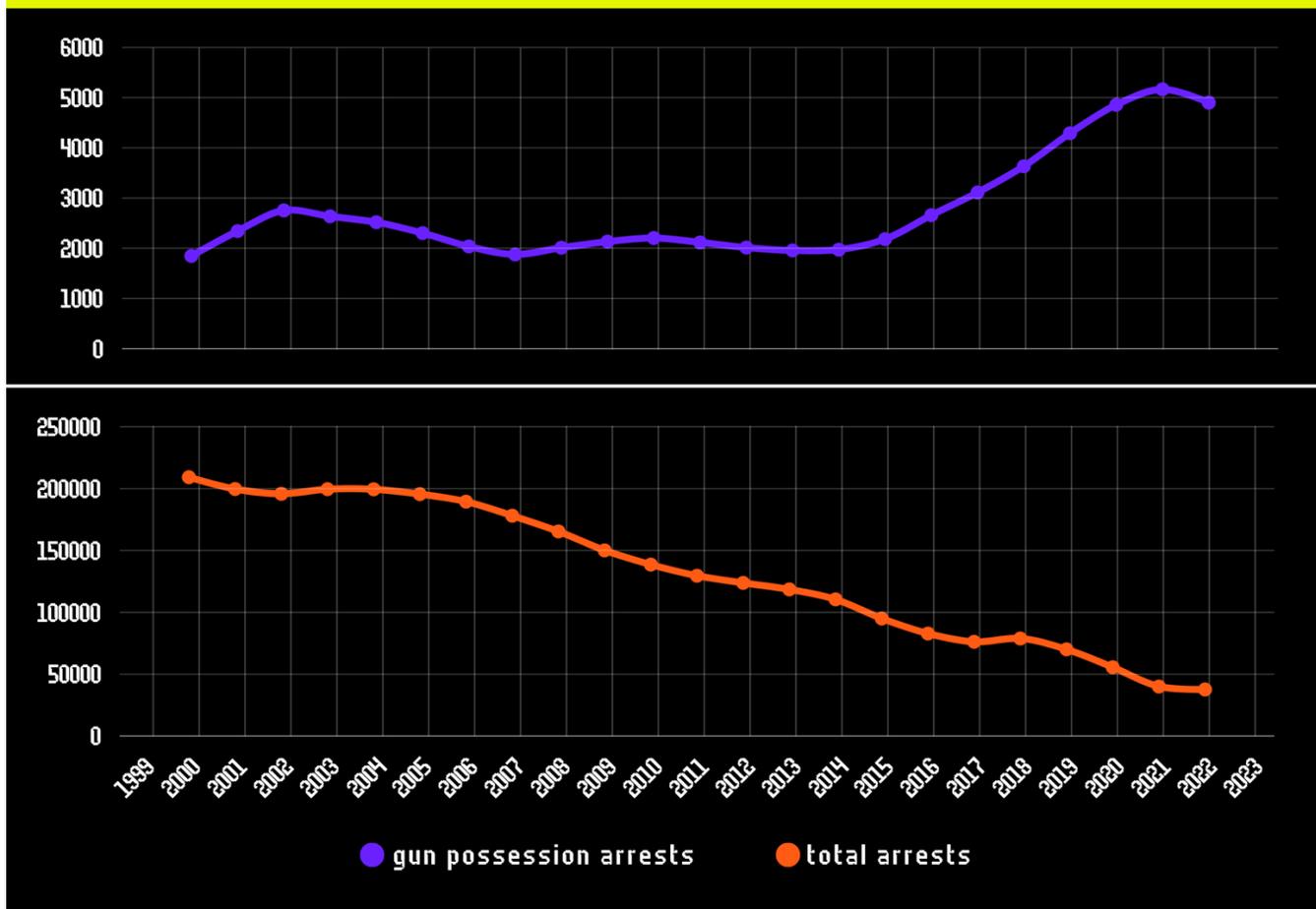


FIGURE 7:

This line graph represents a 3-year rolling average of the number of gun possession arrests and total arrests made per year by the Chicago Police Department between 1999 and 2023 based on 1,994,437 total arrests. Juvenile arrests and arrests for murder are not included in this data set.

⁷⁰ City of Chicago Data Portal. Arrests [October 3, 2024]: <https://data.cityofchicago.org/Public-Safety/Arrests/dpt3-jri9>; combined with arrest data received from the Chicago Police Department via a Freedom of Information Act (FOIA) request.

Authority reported⁷¹ that firearm-related charges in the state almost doubled between 2014 and 2021, although overall charges halved during that same

time. The enforcement of gun possession laws in Cook County is also very racially disparate: Since 2011, Black and Latine people have comprised 97%

FIGURE 8:

GUN POSSESSION ARRESTS COMPARED TO GUN-RELATED INJURIES + DEATHS PER 1,000 PEOPLE BY COMMUNITY AREA IN CHICAGO: AVERAGE YEARLY, 2018-2022

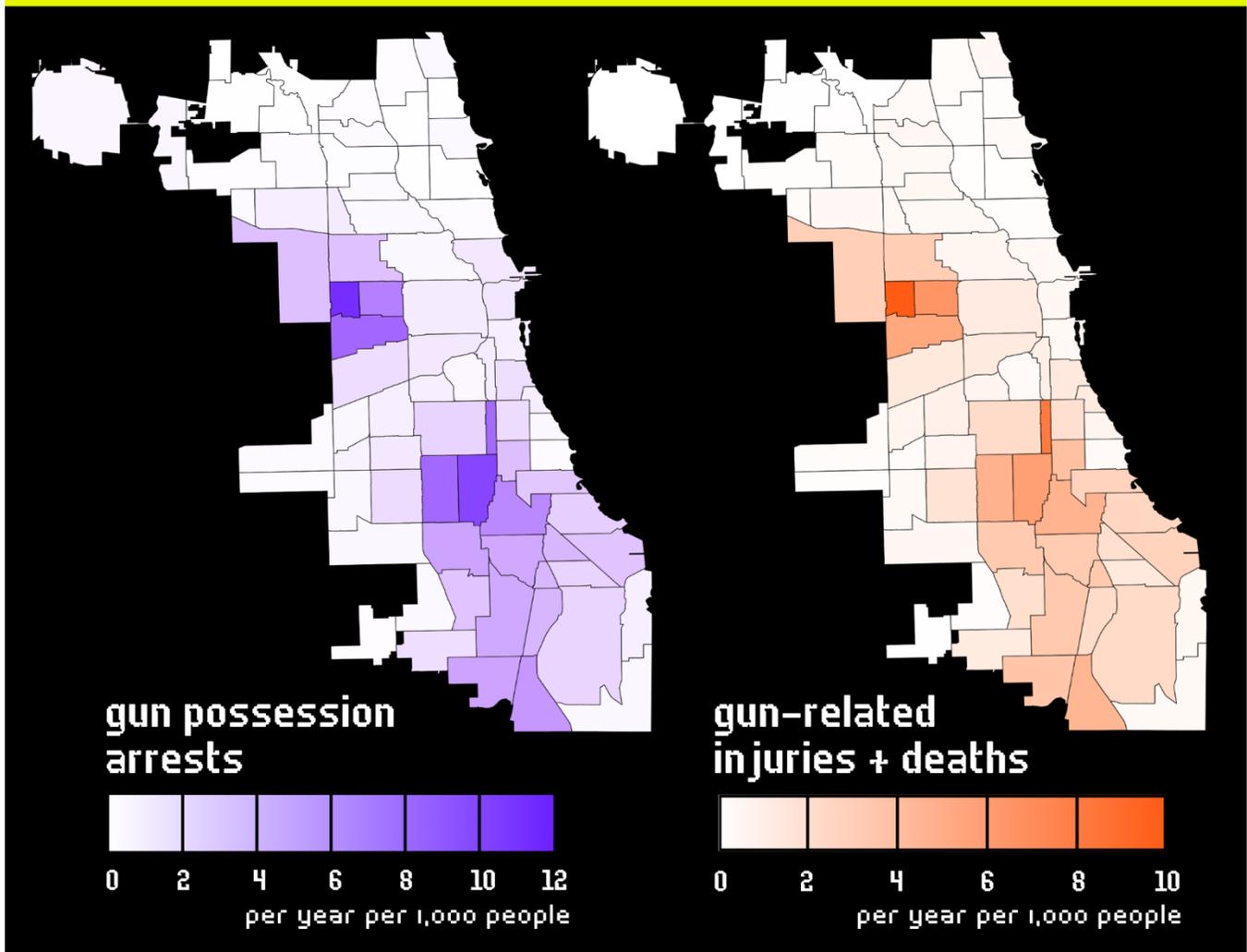


FIGURE 8:

These maps represent the average yearly reported gun possession crimes resulting in arrest by the Chicago Police Department and the average yearly gun-related injuries and deaths per 1,000 residents in each community area of Chicago between 2018 and 2022, based on 23,607 reported crimes and 17,886 injuries and deaths. Because this data set includes the community area of each reported crime, we used reported crimes resulting in at least one arrest as a proxy for the number of arrests.

⁷¹ Reichert, J., Gilbreath, J., & McGurik, M. (2022). *Illegal Gun Carrying: Motives, Consequences, and Illinois Arrest Trends*. Illinois Criminal Justice Information Authority (ICJIA). Retrieved May 3, 2024, from <https://icjia.illinois.gov/researchhub/articles/illegal-gun-carrying-motives-consequences-and-illinois-arrest-trends/>

of felony cases for gun possession and 97% of people convicted and incarcerated in these cases.⁷² As we will demonstrate, this is largely explained by the overpolicing of Black and Brown communities and racial profiling in investigatory and pretextual stops.

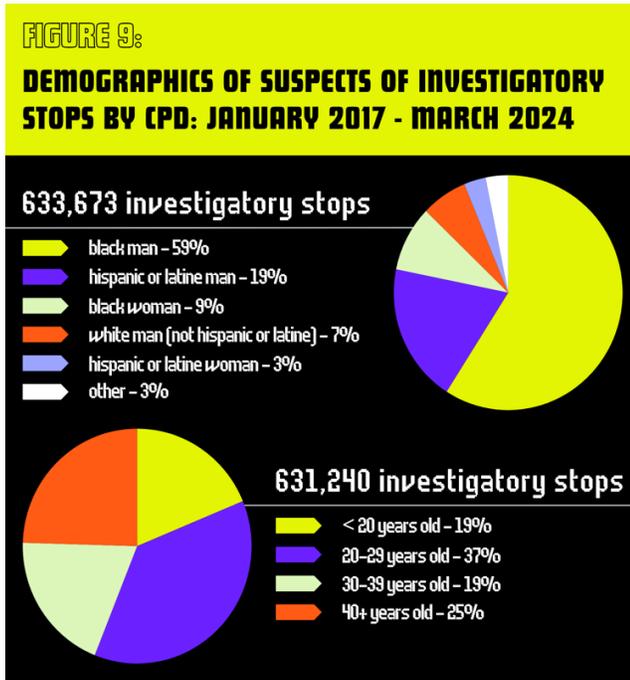


FIGURE 9:
These pie charts represent racial, ethnic, and sexual demographics and age demographics of suspects in an investigatory stop by the Chicago Police Department between January 2017 and March 2024 based on 633,677 investigatory stops.

OVERPOLICED COMMUNITIES

Gun possession arrests in Chicago disproportionately target Black and Brown communities on the South and West Sides. **Annual arrests amount to more than 1% of the population in a few community areas on the South and West Sides, and the number of arrests gradually decreases with more distance from those community areas** (see **Figure 8**). Since the South and West Sides are predominantly Black and Brown, and on average

poorer than Downtown and the North Side, the targeting of these community areas results in poor Black and Brown Chicagoans experiencing the most harm from policing of gun possession. **Figure 8** also visualizes rates of gun violence by community area, revealing a map almost identical to the one depicting arrests for gun possession. As described above, communities on the South and West Sides experience dual victimization in relation to gun violence; that is, people in their communities are at great risk of both incarceration and violence related to gun possession and use. Furthermore, **Figure 8** demonstrates that the CPD is targeting gun owners in neighborhoods with high risk of gun violence without addressing their very valid safety concerns.

Investigatory Stops

The overpolicing of Black and Brown communities is not the only mechanism driving racial disparities in the policing of gun possession, however. Racial profiling plays a significant role through investigatory stops, especially pretextual traffic stops. As Reichert (2022) explains:

The disproportionate number of arrests for illegal gun-related charges experienced by young Black men in Chicago may be a reflection of policing practices. Police choose who to stop, search, and arrest for gun possession and policing of gun possession likely varies greatly in Chicago neighborhoods and across the state.

An *investigatory stop* is the momentary detention and questioning of someone who the police have “reasonable suspicion” has committed, is

⁷² *Supra* note 35.

committing, or will commit a crime.⁷³ They sometimes involve vehicles and may escalate to body pat-downs, vehicle searches, and arrests. Our analysis of Investigatory Stop Report (ISR) data, visualized in **Figure 9**, reveals that young Black and Latine men are disproportionately the targets of investigatory stops. Black men compose almost 60% of suspects of investigatory stops by the CPD since 2017, and Latine men make up almost 20%. It also shows that young people are especially at risk of investigatory stops: More than 70% of investigatory stop suspects were below the age of 40.⁷⁴

Our analysis also found statistically significant racial disparities in the likelihood of a pat-down, vehicle search, and arrest, visualized in **Figure 10**. Black and Latine people are more likely to experience a pat-down and search, and Black people are more likely to be arrested as a result, than their White counterparts. Furthermore, a statistically significant disparity was identified in which male subjects were more likely to experience a pat-down, search, and arrest than their female counterparts. A firearm was located in 3% of investigatory stops and in 10% of investigatory stops resulting in an arrest.⁷⁵

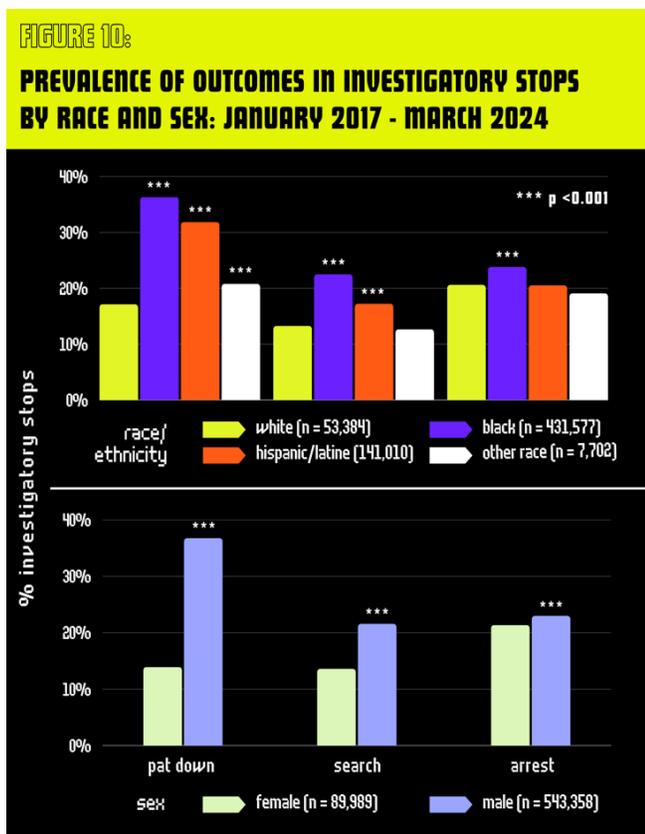


FIGURE 10: These bar charts compare the prevalence of pat downs, vehicle searches, and arrests in investigatory stops by race and ethnicity and by sex. Percentages were based on 633,343 investigatory stops between January 2017 and March 2024.

The targeting of Black people in investigatory stops extends beyond predominantly Black neighborhoods: In fact, Black people are disproportionately the subjects of investigatory stops broadly across Chicago, including in predominantly White neighborhoods. Figure 11 compares the prevalence of Black people among the suspects of CPD investigatory stops and among those who have died by gun violence with the general population for each of Chicago's 285 police beats.⁷⁶ Rarely does a beat appear below the dashed line, indicating that Black people comprise a higher (and, in some cases, exceedingly higher) proportion of suspects in investigatory stops and deaths by gun violence than they do in the population in a vast majority of beats, including those whose populations are less than 5% Black. The only notable exceptions to this pattern are in police beats whose residents are at least 90% Black; even in these beats

⁷³ City of Chicago Office of the Inspector General. (2024). Investigatory Stop Report: Overview. Retrieved on August 6, 2024, from <https://igchicago.org/information-portal/data-dashboards/investigatory-stop-reports-overview/#:~:text=An%20investigatory%20stop%20is%20defined,a%20vehicle%20or%20a%20pat>

⁷⁴ *Supra* note 5.

⁷⁵ *Id.*

⁷⁶ *Id.*

though, Black people still comprise an overwhelming majority of investigatory stop suspects. **Figure 11**⁷⁷ demonstrates not only that the CPD targets Black people across neighborhoods in their investigatory stops—which commonly result in arrests due to firearms uncovered in pat-downs or searches—but also that Black people are at heightened risk of gun violence in a majority of neighborhoods in Chicago. This means that the dual victimization of Black Chicagoans that we highlight in this report is not a result of purely geographically targeted policing: Black people face disproportionate risks of gun violence and arrest across the whole city of Chicago.

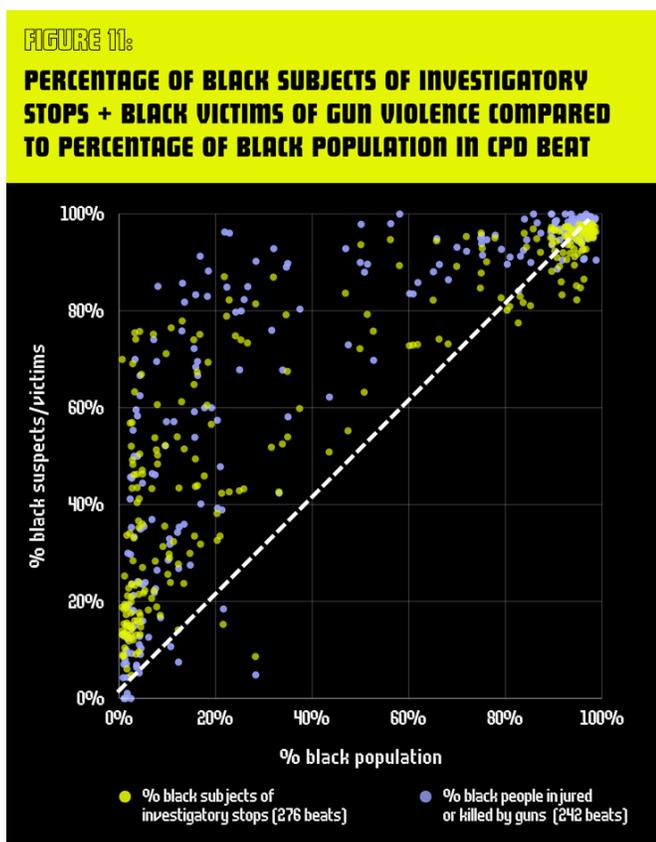


FIGURE 11:
 This scatterplot compares the percentage of suspects identified as Black in investigatory stops where a firearm was located and the percentage of victims of gun violence identified as Black to the percentage of the population identified as Black by Chicago Police Department beat. Of the Chicago Police Department's 285 beats, only those with at least 10 such investigatory stops or casualties in the data were retained for analysis; percentages were based on 633,673 investigatory stops in 276 beats and 24,685 casualties in 242 beats between January 2017 and March 2024.

Pretextual Vehicle Stops

In a *pretextual traffic stop*, specifically, police pull a driver over for an alleged minor infraction and use the interaction as an opportunity to search the vehicle and the person for evidence of a crime. The number of pretextual stops in recent years has increased tremendously and disproportionately targets Black and Brown folks in Chicago as police hunt for guns. As one community organizer told us:

People get pulled over for no reason whatsoever. Getting their car searched, and [the cops] eventually find [a gun]. A lot of times, it's, "we smelled marijuana," and I'm like, "these cops have amazing noses because you smelled marijuana from a car that was 50 feet away."

Another lawyer relayed the experience of a surprisingly high proportion of their clients:

They had been minding their own business, a cop had pulled up on them, they had run from that cop because they are young and Black in [an overly-policed neighborhood] and running from a cop is very rational. And while they were running, the cop said that they threw a gun out of their pocket, and a gun was recovered—and in fact, they had not thrown a gun out of their pocket and did not have a gun and the gun was already in the alley, was already behind the tire of the car.

The CPD's interest in getting guns off the street by any means necessary, including stopping people for minor traffic infractions or pursuing people without good evidence, lays the groundwork for far-reaching and systemic abuses of power. In the context of gun

⁷⁷ See *supra* notes 5, 6, and 9 for data included in the analysis for Figure 11.

possession arrests, these concerns boil down to police manufacturing pretext to identify and arrest as many illegal gun owners as possible:

I feel like it's just probably a mathematical thing for cops. It's like, "man, if I pull over enough cars with young Black drivers and have some reason to search their car, I'm gonna find a gun, it's gonna lead to arrest—I'm gonna be able to hit my quota."

Illinois Traffic Stop Study data paints a picture of racially discriminatory policing that echoes our analysis of investigatory stops.⁷⁸ In 2023, Black drivers represented more than 29% of individuals involved in traffic stops,⁷⁹ despite only accounting for 14% of the state's population.⁸⁰ In the city of Chicago, 81% of drivers stopped in Q4 of 2023 were Black and Latine.⁸¹ Chicago-specific data also shows that neighborhoods with predominantly Black and Latine populations are targeted for stops, with 20% of stops occurring in two neighborhoods comprising less than 7% of the city's population.⁸² These traffic stops are largely unrelated to public safety and moving violations, and only 0.5% of traffic stops resulted in the recovery

of a gun in 2023.⁸³

In May of 2024, in the wake of the police killing of Dexter Reed, Cook County State's Attorney Kim Foxx proposed a policy for the CCSAO to no longer prosecute cases that are "solely the product of a non-public-safety traffic stop."⁸⁴ This means that, in theory, even in cases where a gun is found by police while searching a vehicle, the Cook County State's Attorney's Office would decline prosecution for the contraband if the police stopped the car on the basis of a reason outside the realm of public safety, such as a broken headlight or expired registration. While this policy would be an important step in curbing arrests and incarcerations stemming from pretextual vehicle stops, the cooperation of other public safety officials, including the Mayor, City Council, and Community Commission for Public Safety and Accountability (CCPSA) must also pass policies to minimize these interactions with police.

**FACT #6:
Prosecution for gun
possession is strict; an
increasing proportion of**

⁷⁸ Illinois Department of Transportation. (2023). Traffic Stop Statistical Studies. Retrieval at <https://idot.illinois.gov/transportation-system/local-transportation-partners/law-enforcement/reporting/illinois-traffic-and-pedestrian-stop-study/studies.html>

⁷⁹ Polissar, N. L., Miljadic, N., Hippe, D. S., Golden, S., Elder, C., Zhang, M., & Carter-Bane, S. (2023). Illinois Traffic and Pedestrian Stop Study. Illinois Department of Transportation. Retrieved on August 23, 2024, from <https://Idot.Illinois.Gov/Content/Dam/Soi/En/Web/Idot/Documents/Transportation-System/Reports/Safety/Traffic-Stop-Studies/2023%20Illinois%20Traffic%20Stop%20Study%20-%20part%20i.Pdf>

⁸⁰ Illinois Aging Together. (2021). The Facts: Illinois's Diverse Population. Retrieved on August 23, 2024, from <https://illinoisagingtogether.org/the-facts-illinois-diverse-population/#:~:text=As%20of%202020%2C%2060%25%20of,of%20mixed%20or%20another%20race>.

⁸¹ Impact for Equity & Free2Move Coalition. (2024). Chicago 2023 Traffic Stops Data Report. Retrieved on August 9, 2024, from <https://static1.squarespace.com/static/63d2d655b90633181eddd9f3/t/660e299cda717d5d38a60c94/1712204191952/2023+Traffic+Stops+Data+Report+v.6+%5BFINAL%5D.pdf>

⁸² Chicago Police Department's Use of Force, Appendix A (March 2022), <https://igchicago.org/wp-content/uploads/2022/02/Use-of-Force-Disparities-Report.pdf>.

⁸³ *Supra* note 72.

⁸⁴ Hendrickson, M. (2024, June 4). "Kim Foxx's Proposal to Not Charge Felonies from Certain Traffic Stops has had Success Elsewhere." *Chicago Sun-Times*. Retrieved on August 6, 2024, from <https://chicago.suntimes.com/police-reform/2024/06/04/kim-foxx-not-charge-traffic-stops-success>

cases end in guilty pleas with limited opportunities for diversion.

Pleading guilty for a felony charge is, by far, the most common outcome for someone accused of illegal gun possession in Cook County: 60% of these cases have ended in guilty pleas since 2017. **Figure**

12 compares the outcomes of gun possession cases with that of drug possession cases, illuminating the harsh prosecution of the former.⁸⁵ One possible reason for this increase may be the CCSAO's increased reliance on grand juries. *The Circuit* found in their analysis of Cook County court data that, between 2014 and 2018, prosecutors shifted from primarily relying on preliminary hearings to approve

FIGURE 12:

CASE OUTCOMES AS A PERCENTAGE OF ALL FELONY GUN POSSESSION + DRUG POSSESSION CASES IN COOK COUNTY: 2017-2023

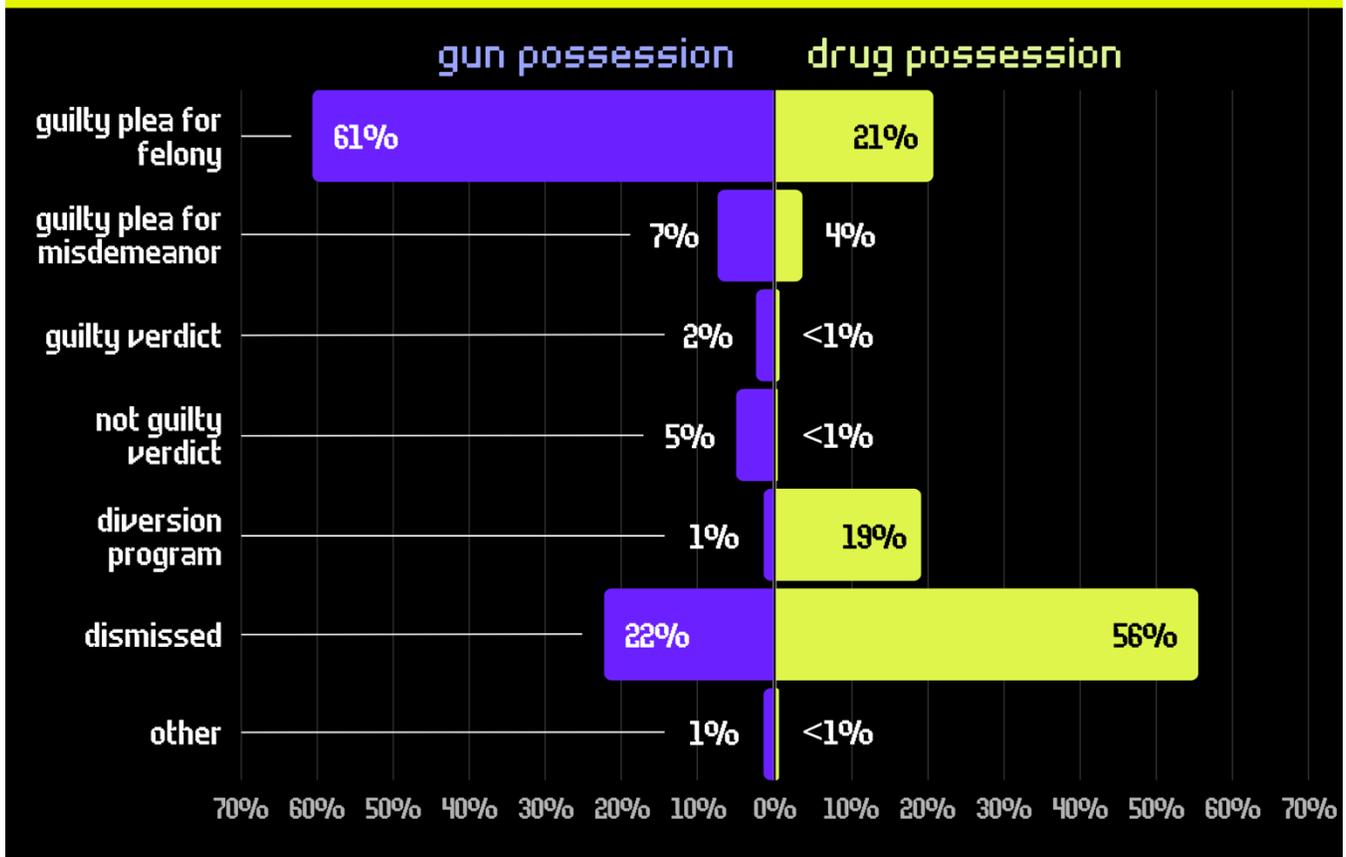


FIGURE 12:

This figure represents case outcomes as a percentage of 29,539 gun possession and 45,232 drug possession cases where at least one charge passed felony review between January 2017 and September 2024. All cases in which a defendant was sent to a diversion program for at least one gun possession charge were classified under "diversion program"; the remaining cases were classified under "guilty verdict for felony" if they were found guilty for at least one felony, "pled guilty for felony" if they pled guilty for at least one felony and never went to trial, "pled guilty for misdemeanor" if they pled guilty for at least one misdemeanor (and no felonies) and never went to trial, "not guilty verdict" if they were found not guilty for any charges, "case dismissed" if all charges were dismissed, and "other" in any other circumstance. Data for the First Time Weapons Offense Program (FTWOP) is not included in this graph.

⁸⁵ *Supra* note 35.

felony gun possession charges to instead bringing more than 95% of gun possession cases through grand juries.⁸⁶ As opposed to preliminary hearings, where prosecutors present a case to the judge and defense attorneys make arguments to get the case thrown out, grand juries require lower standards for evidence from prosecutors and police and provide defense attorneys with less information about the case up front; thus, such cases have substantially higher indictment rates.⁸⁷ Though grand juries have accounted for fewer cases since 2020 (49%)⁸⁸ and logistic regression⁸⁹ of case data since 2011 did not reveal a clear positive correlation between the use of a grand jury and the probability of a plea for individual cases,⁹⁰ it is still possible that the increased prevalence of grand juries in the mid-2010s has had a lasting effect on the practices of defense attorneys.

The overwhelming majority of gun possession cases never go to trial. Still, a guilty plea does not guarantee a shorter sentence for someone accused of illicit gun possession: **Since 2011, more than half of all plea deals for gun possession in Cook County have resulted in a prison sentence of at least three years.**⁹¹ Figure 13 visualizes the distribution of sentences in years for guilty pleas.

FIGURE 13:
PRISON SENTENCE DISTRIBUTIONS OF GUN POSSESSION CASES IN COOK COUNTY ENDING IN A GUILTY PLEA: JANUARY 2011 - SEPTEMBER 2024

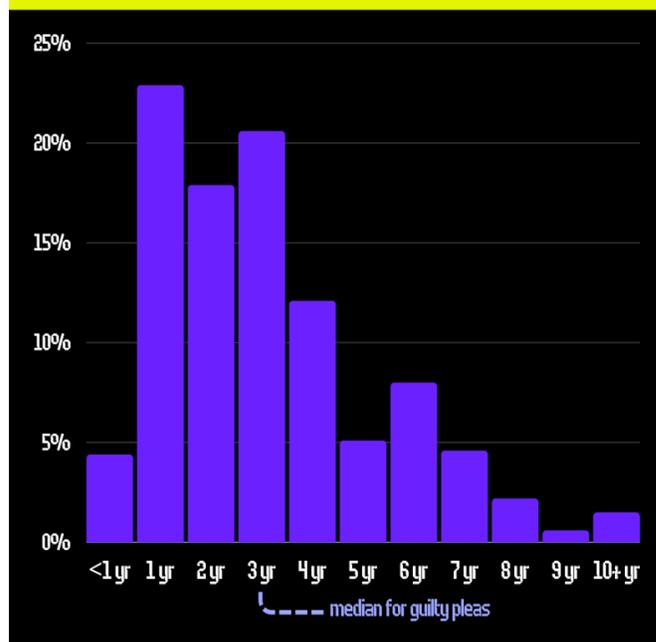


FIGURE 13:
 This histogram visualizes the prison sentence distributions of gun possession cases that passed felony review and ended in a guilty plea between January 2011 and September 2024, based on 12,015 cases.

Moreover, Black Chicagoans experience much stricter prosecution for gun possession than their suburban or White counterparts in Cook County. Figure 14 shows that, since 2017, Black Chicagoans have been prosecuted for a felony of class 2 or higher at a greater rate than Black suburban residents of Cook County or White Chicagoans.⁹² This is not only

⁸⁶ McGhee, J. (2022, June 17). "Almost All Cook County Gun Cases Now Go To Grand Juries." *Injustice Watch*. Retrieved on June 10, 2024, from <https://www.injusticewatch.org/criminal-courts/prosecutors/2022/gun-possession-grand-jury/>

⁸⁷ *Id.*

⁸⁸ Cook County State's Attorney's Office's Felony Dashboard [October 8, 2024] for "Initiation" at *supra* note 2.

⁸⁹ Figure A2 in the Appendix describes the logistic regression model and its estimates in detail.

⁹⁰ Cook County Government Open Data - Cook County State's Attorney's Office's Felony Dashboard [October 8, 2024]: <https://datacatalog.cookcountyil.gov/Courts/Initiation/7mck-ehwz> (Initiation), <https://datacatalog.cookcountyil.gov/Courts/Dispositions/apwk-dzx8> (Disposition), and <https://datacatalog.cookcountyil.gov/Courts/Diversion/gpu3-5dfh> (Diversion). See the Appendix for a detailed description of this model and its estimates.

⁹¹ *Id.*

⁹² *Id.*

another indicator of how Cook County's enforcement of gun possession laws disproportionately harms Black Chicagoans but also points to a long-term consequence of this uneven enforcement.

The primary charge for Black people accused of gun possession is either a Felon in Possession charge or

a Persistent Unlawful Possession of a Weapon charge in 42% of cases; the same is true for non-Hispanic/Latine White people accused of gun possession in only 28% of cases.⁹³ Since these charges tend to be of a higher class than Simple and Aggravated Unlawful Possession of a Weapon, the historical over-policing of Black Chicagoans now

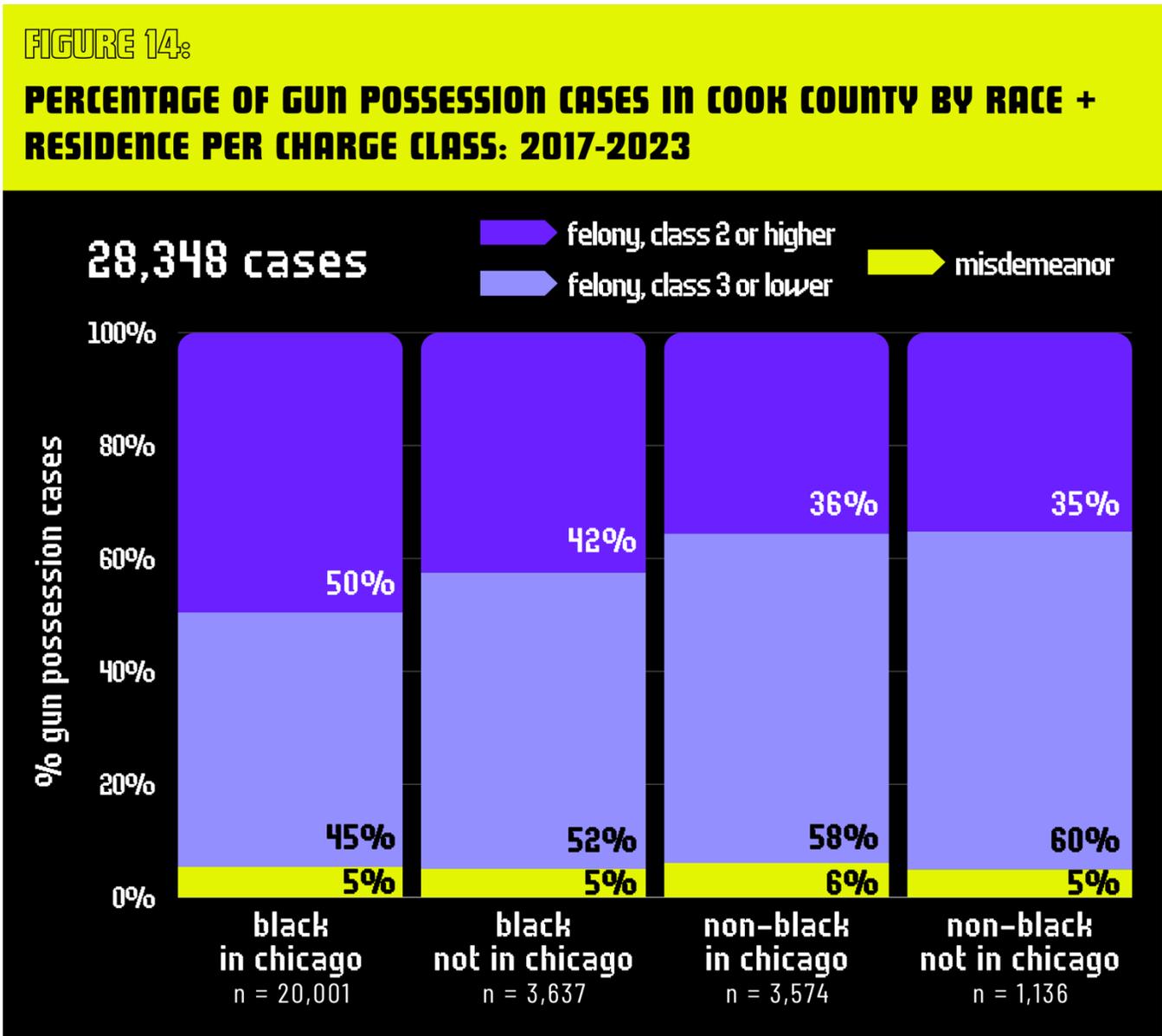


FIGURE 14: This stacked bar chart compares the percentage of gun possession cases that passed felony review and ended in a plea or verdict in which the most severe charge was a felony of class 2 or higher, a felony of class 3 or 4, or a misdemeanor, grouped by race and residence. Percentages were based on 28,348 cases between January 2017 and September 2024.

⁹³ *Id.*

leaves them more vulnerable to harsh charges and sentences for gun possession. Restorative justice and other court diversion programs have been recently regarded as less harmful alternatives to incarceration for addressing gun violence in Chicago.⁹⁴ While these programs help many people, especially young people, avoid felony convictions and prison sentences that could limit their future opportunities, they account for a very small percentage of Cook County's vast and ever-increasing gun possession caseload: **Since 2017, only 1% of gun possession cases have been diverted from the traditional court process.**⁹⁵

Cook County's Restorative Justice Community Courts (RJCCs) have largely driven the increasing trend of diverting gun possession cases from traditional court processes. The RJCCs are pre-plea diversion programs for primarily young people accused of one of a select few nonviolent allegations.⁹⁶ The first RJCC opened in North Lawndale in 2017, representing the West Side broadly, and new locations have since been opened in Englewood, Avondale, and most recently Sauk Village,⁹⁷ representing the South Side, North Side, and

southern suburbs respectively. Since their founding, the RJCCs have transitioned from primarily handling drug charges (89%) to mostly gun possession charges (83%).⁹⁸

Figure 15 visualizes the proportion of cases sent to a diversion program, including the RJCCs, by year.⁹⁹

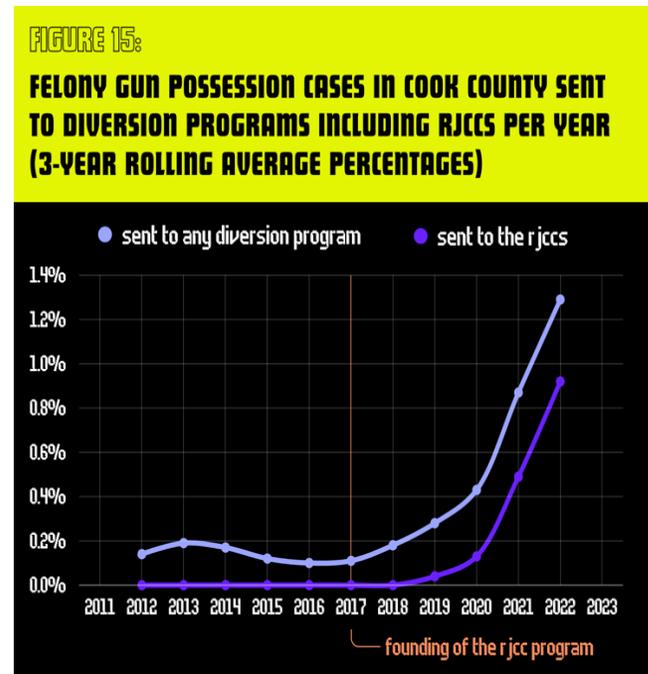


FIGURE 15: This line graph represents a 3-year rolling average of the percentage of felony gun possession cases that were sent to a diversion program, including the Restorative Justice Community Courts (RJCCs), between 2011 and 2023 based on 44,671 cases. Data for the First Time Weapons Offense Program (FTWOP) is not included in this graph.

⁹⁴ Arizona State University, Criminal Justice Journalists, & National Criminal Justice Association. (2023, May 25). "IL Gun-Case Diversion Program Gets Praise, Eyes Expansion." Retrieved on August 6, 2024, from <https://www.ncja.org/crimeandjusticenews/il-gun-case-diversion-program-gets-praise-eyes-expansion>; Buckley, M. (2023, July 23). "As 'Restorative Justice' in Neighborhood Courts Shows Positive Results, Cook County Looks to Expand Program." *Chicago Tribune*. Retrieved on August 6, 2024, from <https://www.chicagotribune.com/2023/07/23/as-restorative-justice-in-neighborhood-courts-shows-positive-results-cook-county-looks-to-expand-program/>

⁹⁵ Data for the First Time Weapons Offense Program (FTWOP) is not included. More data transparency is needed to understand the scope of this program.

⁹⁶ Johnson, N., Beck, C., Cinque, A., Segal, A., & Simkin, M. (2024). Restorative Justice, Community, and the Courts: An Analysis of the Impact, Benefits, and Elements "Constantly in Conflict" in Chicago's Restorative Justice Community Courts. Chicago Appleseed Center for Fair Courts. Retrieval at https://www.chicagoappleseed.org/wp-content/uploads/2024/02/20240222_Restorative-Justice-Community-Courts-Report-FINAL-for-web.pdf

⁹⁷ Circuit Court of Cook County, Illinois. (2024). General Administrative Order No. 2024 - 10. Retrieved on August 6, 2024, from [http://ocj-web-files.s3.us-east-2.amazonaws.com/orders/GENERAL%20ADMINISTRATIVE%20ORDER%20No.%202024%20-%2010%20-%20Res%20torative%20Justice%20Community%20Court%20\(eff.%20July%2015,%202024\).pdf?VersionId=q0ENlqvodBNAE3DUOdi6InK05bR1mHMr](http://ocj-web-files.s3.us-east-2.amazonaws.com/orders/GENERAL%20ADMINISTRATIVE%20ORDER%20No.%202024%20-%2010%20-%20Res%20torative%20Justice%20Community%20Court%20(eff.%20July%2015,%202024).pdf?VersionId=q0ENlqvodBNAE3DUOdi6InK05bR1mHMr)

⁹⁸ *Supra* note 96.

⁹⁹ Cook County State's Attorney's Office's Felony Dashboard [October 8, 2024] for "Disposition" and "Diversion" at *supra* note 2.

A statewide post-plea diversion program – the First Time Weapon Offense Program (FTWOP), introduced as an experimental pilot program in 2018¹⁰⁰ and solidified as a permanent program in 2023 – provides an alternative to either full dismissal of charges or incarceration for people accused of illegal gun possession for the first time. This program requires probation for 6 to 24 months along with various discretionary conditions such as education, abstaining from drug use, and counseling.¹⁰¹ If the program is completed satisfactorily, all gun possession charges are dismissed.¹⁰²

There is no reporting requirement attached to the FTWOP, so, because the Illinois Courts are exempt from the Freedom of Information Act, limited data is available to determine the reach or efficacy of the program. The program's placement in the Adult Probation Department suggests the use of probationary strategies such as regular check-ins, and anecdotal sources have compared the experience of participants in the program to an intensive probation program. Another area of concern is the possibility for 24 months of engagement with this program – a long amount of time to be engaged with the legal system for a nonviolent offense, especially a first-time offense. Yet, despite the program's shortcomings, it likely contributed to the decreased incarceration of people under the age of 21: **Our analysis found that**

people under the age of 21 have represented a smaller proportion of people incarcerated for gun possession and have been incarcerated for gun possession at much lower rates since 2018. See Figure 16 for the rolling average of these percentages by year.¹⁰³

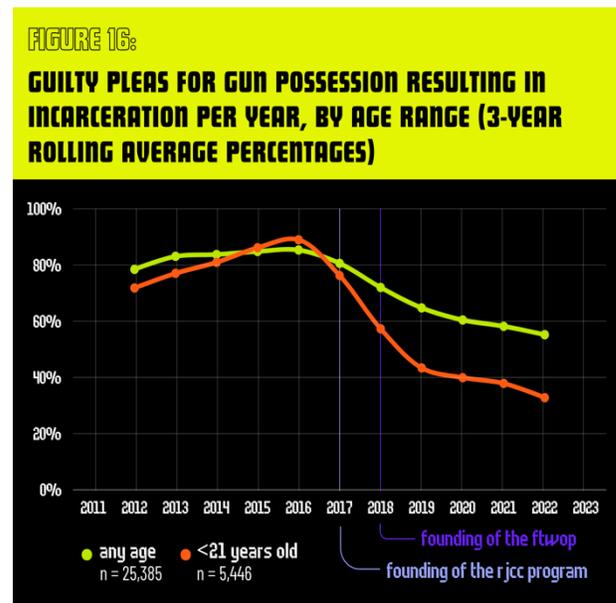


FIGURE 16:
This line graph represents a 3-year rolling average of the percentage of guilty pleas for gun possession that resulted in incarceration between 2011 and 2023 based on 25,385 cases.

Nonetheless, diversion is not an automatic solution to high rates of gun possession arrests, prosecutions, and incarcerations. These programs have received criticism for several things, including strict eligibility criteria, arduous requirements, and sometimes providing services that do not align with participants' needs.¹⁰⁴ Those eligible for the FTWOP, for instance, made up less than 16% of people

¹⁰⁰ When originally introduced in 2018, the program was called the First Time Weapon Offender Program, but is now the First Time Weapon Offense Program and uses the same acronym (FTWOP). See <https://legiscan.com/IL/text/SB0424/id/2835655> for details.

¹⁰¹ Drumm, A. & Powers M. (2023). Safe Neighborhoods Reform Act: First Time Weapon Offender Program - 730 ILCS 5/5-6-3.6, Public Act 100-0003 (2022 Update). Illinois Sentencing Policy Advisory Council. Retrieval at https://spac.icjia-api.cloud/uploads/UUW_2022_FTWOP_Update_FINAL-20230303T16383179.pdf

¹⁰² Weiss, R. (2022). Rethinking Prison for Non-Violent Gun Possession. *Journal of Criminal Law & Criminology*, 112(3), 665. Retrieval at <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7727&context=jclc>

¹⁰³ *Supra* note 35.

¹⁰⁴ Epperson, M. W., Cinque, A., & Lee, H. (2024). Addressing the Complexity of Illegal Gun Possession for Participants in Gun Diversion Programs. *Advances in Social Work*, 24(1), 27-47. Retrieval at <https://doi.org/10.18060/27398>

arrested for illegal gun possession in Illinois; notably, prior convictions for violent offenses preclude eligibility for this diversion program.¹⁰⁵

Additionally, in 2024, Chicago Appleseed Center for Fair Courts published a report¹⁰⁶ on the RJCCs, which highlighted that the program requirements, though likely a less harmful alternative to traditional court processes, place heavy inflexible burdens on its participants and are unable to address the root causes of gun possession.

FACT #7:
The hypercriminalization of gun possession has dire consequences and fails to address the root causes of gun violence.

The mental, emotional, social, and financial consequences of criminal legal system involvement are well-documented.¹⁰⁷ Ongoing criminal cases cause long-term trauma, social isolation, and financial distress; often require accused people to take time off work and pay transportation, childcare, and/or legal fees; and, in the worst cases, result in

loss of freedom and a felony conviction on their records. The mental health concerns stemming from this traumatic experience are only worsened for people who face pretrial incarceration in the torturous conditions of jail, where treatment is scarce and insufficient.¹⁰⁸ Research shows that even a single day of pretrial incarceration could harm an accused person's health, destabilize their life, and increase their likelihood of future arrest, and longer periods of incarceration worsen these effects.¹⁰⁹ As one interviewee told us:

There's an entire generation of young people who are coming into contact with the destabilizing effects of the criminal legal system very young [because of gun possession charges].

These young people may have experienced a parent or family member's pretrial incarceration, or they themselves are "being treated very harshly by that system. They're facing trauma and pretrial incarceration at very young ages."

The Pretrial Fairness Act,¹¹⁰ which was implemented in September 2023, eliminated money bond in Illinois, restricted pretrial detention, and placed limits on the length of time an arrested person may

¹⁰⁵ Olson, D., Stemen, D., Michalak, H., Juarez, S., Ward, A., Jacobs, L. (2020). Arrests in Illinois for Illegal Possession of a Firearm: Examining the Characteristics and Trends in Arrests for Illegal Possession of a Firearm Within the Context of Crimes Involving Guns. Center for Criminal Justice Research, Policy, and Practice at Loyola University Chicago. Retrieved on June 10, 2024, from [https://loyolaccj.org/IllinoisGunPossessionArrestBulletinjuly2020\[9718\].pdf](https://loyolaccj.org/IllinoisGunPossessionArrestBulletinjuly2020[9718].pdf)

¹⁰⁶ *Supra* note 96.

¹⁰⁷ Sundaresh, R., Yi, Y., Roy, B., Riley, C., Wildeman, C., & Wang, E. (2020). Exposure to the US Criminal Legal System and Well-Being: A 2018 Cross-Sectional Study. *American Journal of Public Health*, 110(S1): S116-S122. Retrieval at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6987921/>

¹⁰⁸ Bryant, E. (2023, October 17). "The United States Criminalizes People Who Need Health Care and Housing." Vera Institute of Justice. Retrieved on August 6, 2024, from <https://www.vera.org/news/the-united-states-criminalizes-people-who-need-health-care-and-housing>

¹⁰⁹ Nam-Sonenstein, B. (2024). "Research Roundup: Evidence That a Single Day in Jail Causes Immediate and Long-Lasting Harms." Prison Policy Initiative. Retrieved on August 7, 2024, from https://www.prisonpolicy.org/blog/2024/08/06/short_jail_stays/

¹¹⁰ Public Act 101-0652: Safety, Accountability, Fairness, and Equity - Today (SAFE-T) Act. 101st General Assembly of Illinois. (2021). Retrieval at <https://www.ilga.gov/legislation/BillStatus.asp?DocNum=3653&GAID=15&DocTypeID=HB&LegId=120371&SessionID=108&GA=101>

wait to see a judge.¹¹¹ Still, enduring a felony criminal case can take years because they often move at an incredibly slow pace,¹¹² and the uncertainty and length of the pretrial period can be so unbearable as to cause people to plead guilty to charges they otherwise would have fought in court just to end the torturous questions about their fate and disruptive impact of an ongoing criminal case on their families.¹¹³

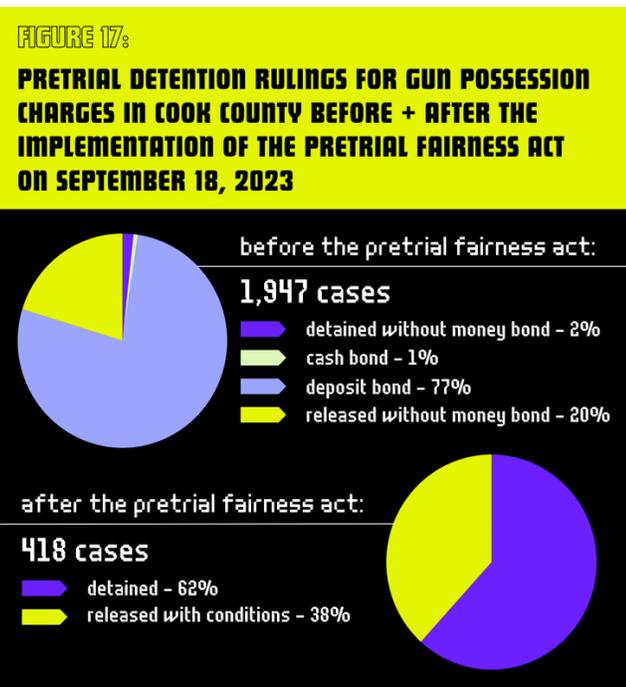


FIGURE 17:
 These pie charts represent the pretrial detention rulings in the year before and after the implementation of the Pretrial Fairness Act (September 18, 2023) for felony gun possession cases, based on 2,365 cases in Cook County.

Figure 17 shows a breakdown of the detention rulings in the 12 months before and after the implementation of the Pretrial Fairness Act.¹¹⁴ Before full implementation, very few gun possession cases (2%) resulted in pretrial detention without money bond, and a large majority (78%) required the accused person to pay a specified amount of cash to be released (“cash bond” or “deposit bond”). This placed a greater burden on poor people, who are already disproportionately at risk of incarceration for gun possession, to rely on their networks for money or go into debt to avoid pretrial incarceration. Prior to the implementation of the Pretrial Fairness Act, a large majority of people on bond in Illinois were not able to pay them and were thus incarcerated until their trials.¹¹⁵

The Pretrial Fairness Act notes that “a defendant is entitled to release” until their trial and reserves pretrial detention for cases in which people are facing detention-eligible charges (a set of charges restricted by the law) and/or “the defendant poses a specific, real and present threat to a person, or has a high likelihood of willful flight.”¹¹⁶ **In the first several months of implementation of the Pretrial Fairness Act, judges denied pretrial**

¹¹¹ Prior to the Pretrial Fairness Act’s implementation, an arrested person would either be detained without money bond, released if they are able to pay a specified amount of cash, or released on their own recognizance until their trial; now, an arrested person is either detained or released with conditions, and bond does not play a role.

¹¹² Ostrom, B., Hamblin, L., Schauffler, R., & Raaen, N. (2020). *Timely Justice in Criminal Cases: What the Data Tells Us*. National Center for State Courts (NCSC). Retrieval at https://www.ncsc.org/_data/assets/pdf_file/0019/53218/Timely-Justice-in-Criminal-Cases-What-the-Data-Tells-Us.pdf; Staudt, S. (2021). *Waiting For Justice: An Examination of the Cook County Criminal Court Backlog in the Age of COVID-19*. Retrieval at <https://www.chicagoappleseed.org/2021/01/28/long-waits-for-justice-cook-county-criminal-court-backlog/>

¹¹³ Walsh, D. (2017, May 3). On Plea Bargaining, The Daily Bread of American Criminal Courts. *The Atlantic*. Retrieval at <https://www.theatlantic.com/politics/archive/2017/05/plea-bargaining-courts-prosecutors/524112/>

¹¹⁴ The ruling was reported as *I Bond*, *D Bond*, *C Bond*, or *No Bond* in the Felony Dashboard prior to the implementation of the Pretrial Fairness Act and *I Bond* or *No Bond* (saving 5 cases that were removed) after the implementation. Based on this, we assumed that *I Bond* and *No Bond* continued to signify release without money bond and detention without money bond respectively. We encourage the Cook County State’s Attorney’s Office to be more transparent in its data collection and entry practices to inform future analysis.

¹¹⁵ Illinois Network for Pretrial Justice. (2022). *State of Injustice: A Community Review of Bond Courts in Illinois*. Retrieval at https://endmoneybond.org/wp-content/uploads/2022/11/stateofinjustice_r4.pdf

¹¹⁶ *Supra* note 110.

release for 62% of people charged with felony gun possession in Cook County, which appears to violate the spirit of the legislation.

Gun possession is not a violent crime; unless the specifics of the case suggest otherwise, there is no reason to presume that someone who possesses a gun without the correct licensure “poses a specific, real and present threat to a person.” As described above, most people who carry guns without the correct licensure do so for their own protection, which does not equate to dangerous or threatening behavior.¹¹⁷ Data from the Cook County Adult Probation Department shows no significant change in the quantity of people in their electronic monitoring program for gun possession after September 2023.¹¹⁸

Beyond the pretrial period, there are many ways that a conviction itself puts into motion various harmful domino effects in a person’s life; the consequences of a felony conviction are incredibly harmful and long-lasting.¹¹⁹ Charges for gun possession, especially, lay the foundation for future criminalization by specifically targeting youth who are then excluded from future legal firearm possession in Illinois. A representative from Stick Talk¹²⁰ explained these lasting consequences even when someone does not serve a long prison sentence for gun possession:

If you're trying to destabilize certain

communities, you really focus on young folks and...setting up future criminalization. That being on your record, and you having that case on there is doing a lot of work already, kind of laying the groundwork for further escalating tactics to criminalize you.

Moreover, a felony conviction precludes an individual from ever securing a FOID card and thereby from ever legally possessing a gun in Illinois, all without addressing the lack of safety that most likely led them to possess a weapon in the first place. This has devastating impacts for people convicted of illegal gun possession (most of the charges for which are felonies), who have to weigh the risk of violence in their communities with that of further criminalization. The Cook County Adult Probation Department reported that, **between 2018 and 2021, just less than one in every 100 people on probation for a weapons charge died by gun homicide, a rate 37 times that of Chicago broadly and 54 times that of Cook County.**¹²¹

Ultimately, criminalization and punishment are not effective in deterring people from legally carrying guns when the alternative is potentially dire. Research suggests that increasing the severity of punishments is not effective at preventing people from breaking gun possession laws and, under certain circumstances, can actually make the issue

¹¹⁷ *Supra* note 89.

¹¹⁸ Adult Probation Department of the Circuit Court of Cook County, Illinois. (n.d.). Electronic Monitoring Population & Utilization Reports. Retrieved on August 27, 2024, from <https://www.cookcountycourt.org/departments/adult-probation/adult-probation-department-research-statistics/electronic-monitoring>

¹¹⁹ National Inventory of Collateral Consequences of Conviction. (n.d.). What Are Collateral Consequences? Retrieval at <https://niccc.nationalreentryresourcecenter.org/>

¹²⁰ *Supra* note 48.

¹²¹ Circuit Court of Cook County, Illinois. (2022). Gun Homicide Deaths of People on Probation (Preliminary) [Report]. Retrieved on August 27, 2024, from <https://www.cookcountycourt.org/gun-homicide-deaths-people-probation-preliminary>

worse “by pushing punishees into such a low resource state that they have no reasonable option but to continue [doing so].”¹²²

Despite research that shows the devastating impacts of incarceration on individuals and communities, law enforcement and prosecutors continue a tough-

on-gun-possession strategy. Former CPD Superintendent David Brown claimed that “each gun recovered, regardless of how, is a potential life saved.”¹²³

However, **the dramatic increase in gun possession arrests since 2015 has not**

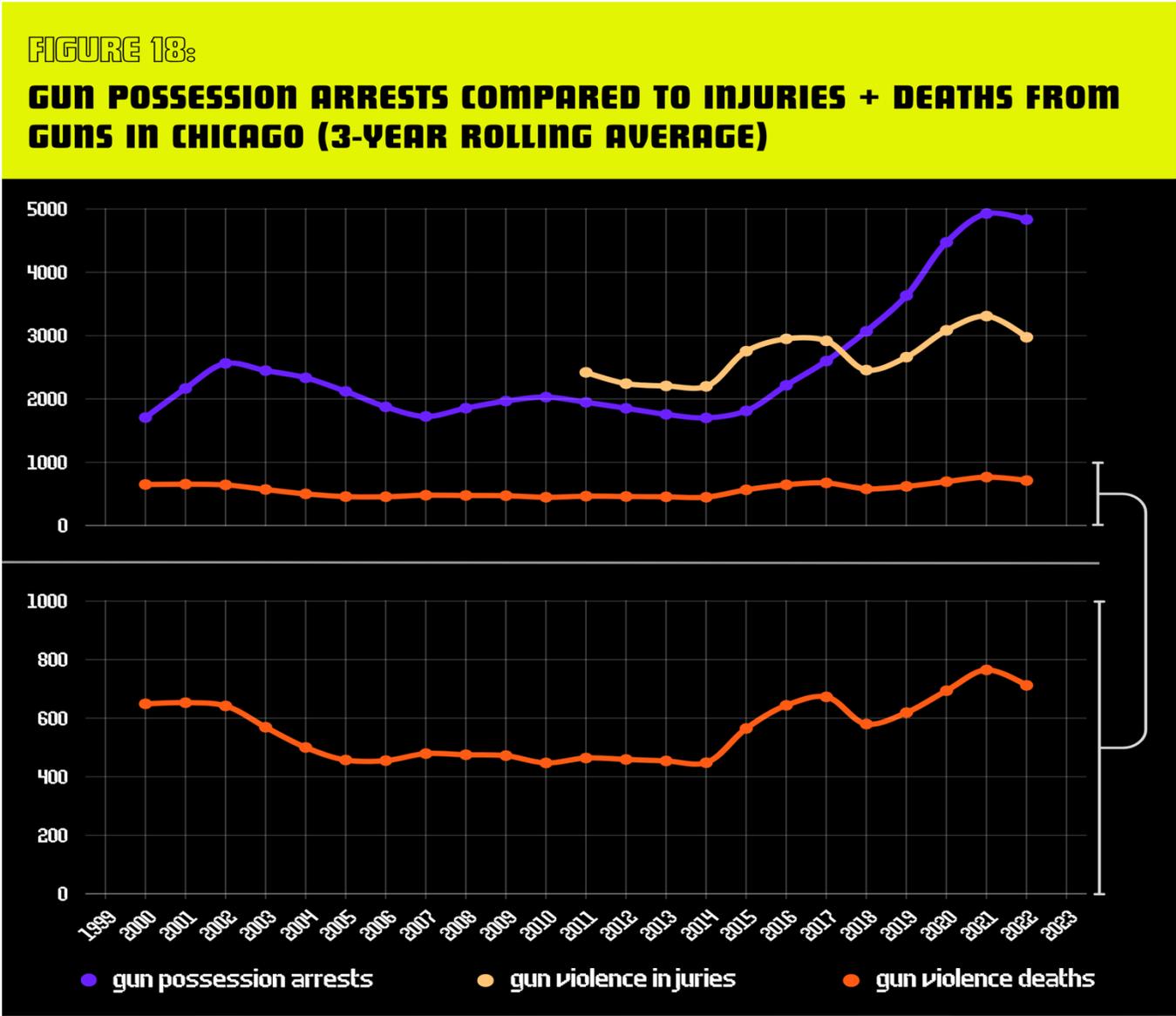


FIGURE 18: This line graph represents a 3-year rolling average of the number of gun possession arrests, injuries from guns, and deaths from guns between 1999 and 2023 based on 69,476 arrests and 51,271 casualties (injuries and deaths combined).

¹²² De Courson, B. & Nettle, D. (2021). Why Do Inequality and Deprivation Produce High Crime and Low Trust? *Science Reports* 11(1): 1,937. Retrieved on May 30, 2024, from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7820585/>

¹²³ Brown, D. (2022, June 17). “Superintendent David O. Brown Holds a Media Availability” [Recording of Live Press Conference]. Retrieved from the Chicago Police Department Facebook on June 4, 2024, at <https://fb.watch/sv3OYB-8iC/>

succeeded in reducing the number of injuries and deaths caused by gun violence.

Figure 18 demonstrates that such injuries and deaths have vacillated independently of arrests since 2014, showing no evidence that the heightened arrests have been effective in reducing gun violence in Chicago.¹²⁴

As explained above (see Fact #2), punishments for unlicensed gun possession fail to address the root causes of gun possession, including segregation and poverty, easy access to guns, and the perceived and real threats to safety for many people living in certain Chicago communities. Policing and incarceration do not address any of these root causes and instead only perpetuate the cycle of gun possession criminalization by preventing people from obtaining legally possessed guns. Even diversion, which helps participants skirt the more harmful aspects of the criminal legal system, cannot address root issues of gun possession.¹²⁵

**FACT #8:
Strategies to address gun violence that don't rely on carceral logic are practiced in Chicago and**

deserve investment.

Responding to gun violence does not require criminalizing firearm possession.¹²⁶ There are several strategies currently being practiced in Chicago to address the root causes of gun violence that have been effective without relying on carceral practices; resource distribution to groups empowering communities to keep themselves safe, and especially those practicing harm reduction, is necessary. Surveillance and incarceration deteriorate people's lives and community safety without providing support to people who carry guns out of fear and for protection.

Harm reduction can be incredibly powerful in groups that are often targeted by the criminal legal system for illicit behaviors; for example, people who practice "risky" behaviors such as drug use or participate in sex trade.¹²⁷ Harm reduction practices have historically been created by marginalized groups as a way to survive and improve quality of life. Some harm reduction techniques have more recently been adopted by mainstream entities such as hospitals and clinics as a public health strategy.

"Liberatory Harm Reduction," however, is a deeper approach that has been defined by Hassan (2022) as:

[A] philosophy and set of empowerment-

¹²⁴ *Supra* note 3. See also, City of Chicago Data Portal. Violence Reduction - Victims of Homicides and Non-Fatal Shootings [October 11, 2024]: <https://data.cityofchicago.org/Public-Safety/Violence-Reduction-Victims-of-Homicides-and-Non-Fa/gumc-mgzz>

¹²⁵ *Supra* notes 96 and 104.

¹²⁶ ucker, e. (2021). Do We Dare Love the Shooters? 9 Principles of Firearm Harm Reduction. *Listening to the Movement: Essays on New Growth and New Challenges in Restorative Justice*, Cascade Books. Retrieval at <https://zehr-institute.org/publications/docs/chapter-8.pdf>

¹²⁷ Collins, S. E., Clifasefi, S. L., Logan, D. E., Samples, L. S., Somers, J. M., & Marlatt, G. A. (2012). "Current Status, Historical Highlights, and Basic Principles of Harm Reduction." In Marlatt, G. A., Larimer, M. E. & Witkiewitz, K. (Eds.), *Harm Reduction: Pragmatic Strategies for Managing High-Risk Behaviors* (2nd ed., pp. 3-35). The Guilford Press; Iman, J., Fullwood, C., Paz, N., W., D., & Hassan, S. (2009). Girls Do What They Have to Do to Survive: Illuminating Methods Used by Girls in the Sex Trade and Street Economy to Fight Back and Heal. Young Women's Empowerment Project. Retrieved on August 21, 2024, from: <https://youarepriceless.org/wp-content/uploads/2011/06/girls-do-what-they-have-to-do-to-survive-a-study-of-resilience-and-resistance.pdf>; Rekart, M. L. (2005). Sex-Work Harm Reduction. *The Lancet*, 366(9503), 2123-2134. Retrieval at [https://doi.org/10.1016/S0140-6736\(05\)67732-X](https://doi.org/10.1016/S0140-6736(05)67732-X)

*based practices that teach us how to accompany each other as we transform the root causes of harm in our lives...reduce the negative health, legal, and social consequences that result from criminalized and stigmatized life experiences.*¹²⁸

Harm reduction approaches to illicit firearm possession are being effectively applied in Chicago. Stick Talk, for instance, is a survivor-led organization that has created “a network of Firearm Harm Reduction hubs,” which are “neighborhood-level incubators for healing, critical conversations, culturally responsive political education, skill acquisition, [and] mutual aid” designed to “build competencies and capacities for community safety and accountability that openly acknowledge (without shame or judgment) the easy availability of firearms, and are inclusive of those who carry them.”¹²⁹ Stick Talk practices a Firearm Harm Reduction framework that does not stigmatize people for possessing illicit firearms and makes places where firearm possession is not criminalized or stigmatized.¹³⁰

Grassroots community groups, researchers, and advocates have proposed many relevant strategies for community healing that do not rely on “abstinence-based approaches to firearms.”¹³¹ For

example, Ujimaa Medics (UMedics), which is a collective of Black “community care responders,” provide emergency first-response and survival skills training to community members so they can “be of service in an emergency,” primarily to address gunshot wounds.¹³² These kinds of community safety interventions acknowledge the availability and presence of guns without shame or judgment, and meet people with concrete, life-saving interventions, education, and resources to minimize risk and work on grief and healing.¹³³ GoodKids MadCity Englewood (GKMC-E) – another grassroots organization, designed by a collective of high school students impacted by gun violence – organizes to “fight against violence in the Englewood community” by “shift[ing] and [reframing] the narrative on urban violence by amplifying the voices of those directly impacted.”¹³⁴ According to Glasser (2022), similar harm-reducing approaches have been successfully applied in other areas of public health, such as driving safety and disease prevention: For example, advocates and healthcare providers reduced “new HIV infections by more than 70% and AIDS-related death rates by nearly 90%,” not through prohibition of sex and drugs but rather destigmatization, research, and biomedical advances.¹³⁵

The Illinois Blueprint for Peace¹³⁶ emphasizes the

¹²⁸ Hassan, S. (2022). *Saving Our Own Lives: A Liberatory Practice of Harm Reduction*. Haymarket Books. ISBN-13: 9781642598414

¹²⁹ Stick Talk. (2023). “Who We Are.” Retrieved on August 5, 2024, from <https://www.sticktalk.org/about>

¹³⁰ Stick Talk (n.d.). 9 Principles of Firearm Harm Reduction. Retrieved from: <https://www.sticktalk.org/resources>

¹³¹ *Supra* note 124.

¹³² Ujimaa Medics (UMedics). (2023). Retrieved from <https://www.umedics.org/>

¹³³ Glasser, N., Pollack, H., Ranney, M., & Betz, M. (2022). Economics and Public Health: Two Perspectives on Firearm Injury Prevention. *The Annals of the American Academy of Political and Social Science*, 704(1), 44–69. Retrievable at <https://doi.org/10.1177/00027162231168738>

¹³⁴ GoodKidsMadCity-Englewood (GKMC). (2020). Retrieved from <https://www.gkmcenglewood.com/>

¹³⁵ *Id.*

¹³⁶ The Illinois Blueprint for Peace is a coalition that advocates for policies to reduce harms of gun violence, racism, and criminalization.

need for community input in developing strategies for meeting community needs, suggesting that each individual community should be empowered to find and employ a tailored approach to the issues in their neighborhood rather than relying on statewide or citywide plans.¹³⁷ Mayor Brandon Johnson's administration has been generally supportive of this plan, and has already started distributing \$1 million to community organizations,¹³⁸ with the Deputy Mayor of Community Safety stating: "We're not going to dictate to communities and tell them what

they need. It's a matter of showing up for them, working hand-in-hand." We believe that it is essential that communities consider the merits of a harm reduction approach to gun possession. This will require community members to confront the negative stereotypes and commonly accepted framing that people who possess guns are morally corrupt, and embrace that they are responding rationally to the pressures of their environment and are worthy of support.

conclusion

Broadly, like the War on Drugs, the "War on Guns" is wasteful, counterproductive, and racist—and increased penalties do not reduce the likelihood that someone will carry a gun without a license.¹³⁹ As Glazek (2024) writes:

The war on guns bears important similarities to the war on drugs—both are used as pretexts for searching, arresting, and imprisoning ethnic minorities. Gun control, like drug control, doesn't do much to restrict supply—instead, it creates a black market for the product regulated through violence . . .

We've essentially made it legal to own a gun if you're wealthy and [W]hite, and illegal to own a gun if you're poor and [B]lack.¹⁴⁰

Given the lack of safety experienced in some areas of Chicago and the high availability of firearms, gun ownership will remain widespread in spite of the city's efforts to reduce it through its strict enforcement of gun laws. The interconnected dangers of gun violence and the policing of gun possession primarily harm the same communities on the South and West Sides of Chicago, placing poor

Chicago Appleseed Center for Fair Courts is a member of this coalition. For more information, visit <https://www.ilblueprintforpeace.org/>

¹³⁷ Kollmann, S., Aramburu, J., & Flaum, A. (2022). Illinois Blueprint for Peace Recommendations. Retrievable at <https://www.ilblueprintforpeace.org/>

¹³⁸ Hill, T. (2024, March 14). "City to Target Four Community Areas on The South and West Sides for the Second Phase of Community Safety Plan." *The TRiiBE*. Retrievable at <https://thetriibe.com/2024/03/city-to-target-four-community-areas-on-the-south-and-west-sides-for-the-second-phase-of-its-community-safety-plan/>

¹³⁹ Granse, A. (2019). Gun Control and the Color of Law. *Law & Inequality*, 37(2). Retrieved from <https://scholarship.law.umn.edu/lawineq/vol37/iss2/5>

¹⁴⁰ Glazek, C. (2012). Raise the Crime Rate. *N+1 Magazine*, 13. Retrieved on March 21, 2024, from <https://www.nplusonemag.com/issue-13/politics/raise-the-crime-rate/>

Black and Latine Chicagoans at a highly precarious intersection of victimization. Rather than target the root causes of gun violence—namely segregation and poverty—Chicago’s enforcement of gun possession laws only serves to further destabilize Black and Brown communities by criminalizing their response to being and feeling unsafe. While this demonization and liberty deprivation already spurs more violence and depletes resources available for healing, ending criminalization must also come with investment in community-led initiatives that address the roots of violence and reduce the harms of illicit gun possession.

We encourage policymakers, philanthropies, and other decision-makers to center the communities that are most impacted by gun violence and gun

possession arrests to identify solutions that make the most sense for them. Rather than rely on the ineffective and harmful practices of policing, prosecution, and incarceration to reduce gun violence, we encourage Chicago to fund harm-reducing, community-based approaches that target the root causes of gun violence and support rather than punish those at the greatest risk. Specifically, we recommend that Chicago disinvest from its enforcement of gun possession laws and use that money to fund the creation and maintenance of neighborhood spaces empowered to support people who possess illicit firearms and address gun violence; this would guarantee that gun violence response is informed by several generations of people impacted by trauma and criminalization in their own communities.

appendix

Data from the Cook County State's Attorney's Office's Felony Dashboard includes the Offense Code Table (OFT) code—the system used by the Administrative Office of the Illinois Courts to identify distinct charges—for every charge in each case. For the purpose of analyzing this data set, we define *gun possession*, *gun discharge*, and *gun sale and delivery* as narrow sets of OFT codes corresponding to charges.

For this analysis, we confine *gun possession* charges to the following set of OFT codes: 0012309, 0012310, 0012467, 0012469, 0012470, 0012474–0012479, 0012489–0012494, 0012526–0012529, 0013532, 0013534, 0013535, 0013723, 0013855, 0015061, 0015062, 0015730, 0016572, 0016573, 0017785, 0017787, 0017788, 0017862–0017899, 0018235, 0018236, 0018494, 0019030, 1210600, 1211500, 1211700, 1214500, 1230000, 1230100, 1230300, and 1230400. Together, these encompass the illegal ownership or carrying of a firearm but not the sale, alteration, or discharge of a firearm; carrying of a firearm while concealing identity, intoxicated, or in a gun-free zone; or ownership of a stolen firearm or a firearm banned from commercial sale. At the case level, we filtered the Felony Dashboard data to include only cases where the primary charge (as identified in the data) was a gun possession charge. We filtered further by removing cases where the charge flagged the primary charge was not the charge of the highest class and cases with even a single *gun discharge* or *gun sale or delivery* charge.

For this analysis, we confine *gun discharge* charges to the following set of OFT codes: 0010322, 0010323, 0012142, 0012143, 0012173–0012178, 0012299, 0012351, 0012352, 0013800–0013803, 0015802, 0016114–0016118, 0016215, 0016216, 0017228, 0017285, 00124850, 1214825, 1214850, 1214875, 1214900, 1214925, 1214950, and 5205300. This set accounts for all charges definitively involving the discharge of a firearm, including some reckless discharge, assault, battery, kidnapping, invasion, and criminal damage charges. At the case level, we filtered the Felony Dashboard data to any case with at least one *gun discharge* charge.

For this analysis, we confine *gun sale or delivery* charges to the following set of OFT codes: 0010679, 0012705, 0016508–0016541, 0016544–0016549, 1235200, and 1235300. These include charges where a firearm not banned from commercial sale was allegedly sold, delivered, or transferred illegally. At the case level, we filtered the Felony Dashboard data to any case with at least one *gun sale or delivery* charge.

We conducted an outer join of two adult¹⁴¹ arrest datasets provided by the Chicago Police Department—the publicly available Arrests data set (January 2018 – present) and a data set requested by a community partner via the Freedom of Information Act (January 1999 – May 2021)—by CB number. Both datasets identify the violated statute for (at least) the primary charge of an arrest. For the joined data set, we define *gun possession* arrests as

¹⁴¹ Juvenile arrest data was excluded from this analysis due to routinely de-identified or missing data.

those for which the primary charge was a violation of one of the following statutes: 430 ILCS 65/2-A-1, 720 ILCS 5/24-1-A-10, 720 ILCS 5/24-1-A-4, 720 ILCS 5/24-1-A-9, 720 ILCS 5/24-1.1-A, 720 ILCS 5/24-1.6-A-1, 720 ILCS 5/24-1.6-A-2, 720 ILCS 5/24-1.7-A, 720 ILCS 5/24-1.8-A-1, 720 ILCS 5/24-1.8-A-2, 720 ILCS 5/24-3.1-A-1, 720 ILCS 5/24-3.1-A-2, 720 ILCS 5/24-3.1-A-3, 720 ILCS 5/24-3.1-A-4, and 720 ILCS 5/24-3.1-A-5. These statutes correspond to similar charges identified by the OFT codes in the Felony Dashboard data. To calculate the number of total arrests and gun possession arrests for the time period of interest (1999 – 2023), we counted any arrest that exists in either data set. We checked that these two datasets yielded fairly similar values for their overlapping years, visualized in **Figure A1**. We encourage the Chicago Police Department to make all their not personally-identifiable arrest data public so as to avoid such patchwork analysis in the future.

FIGURE A1:

GUN POSSESSION ARRESTS + TOTAL ARRESTS PER YEAR IN CHICAGO, CALCULATED FOR EACH DATASET (3-YEAR ROLLING AVERAGE)

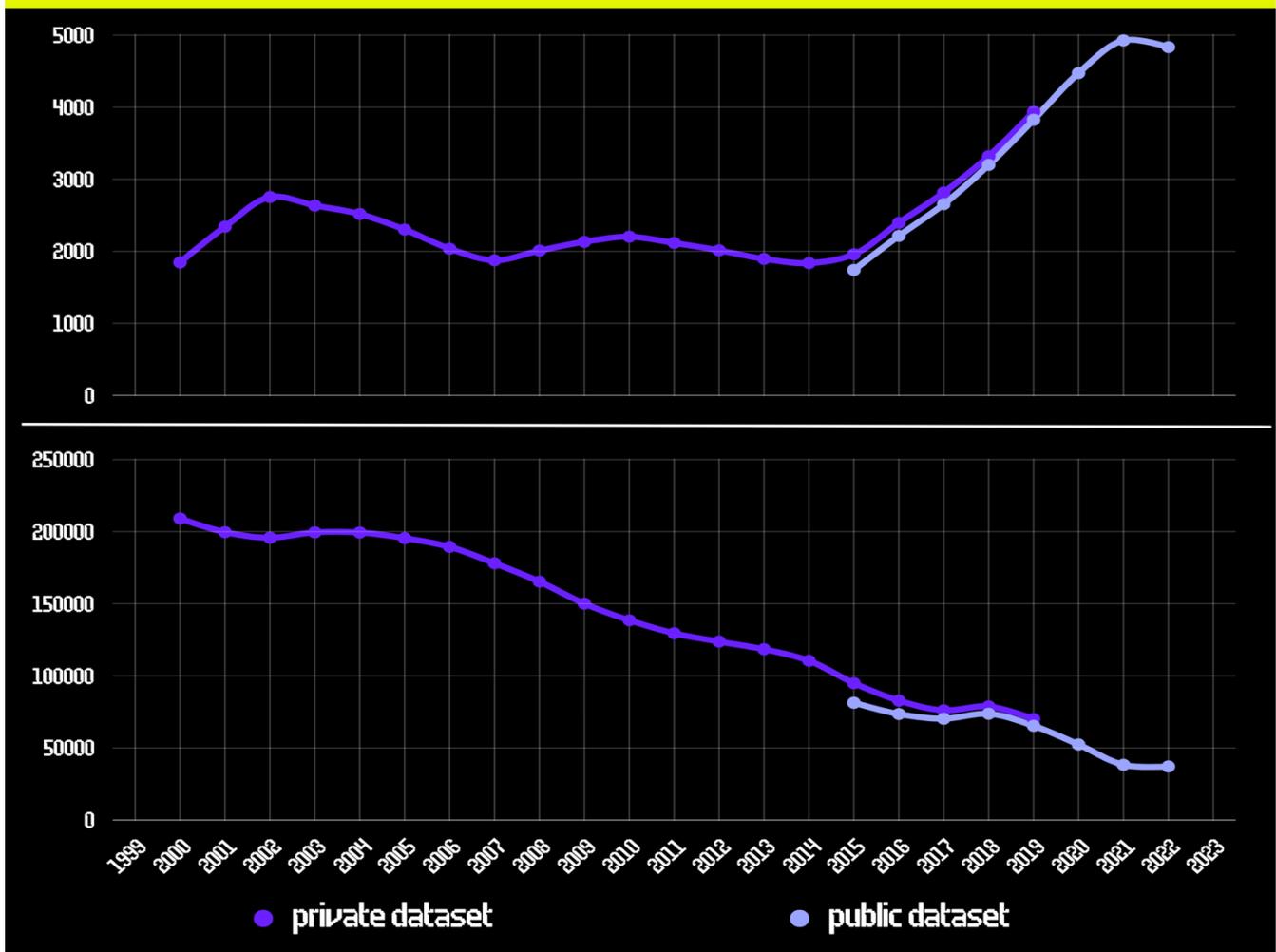


FIGURE A1:

This line graph represents a 3-year rolling average of the number of gun possession arrests and total arrests made per year by the Chicago Police Department between 1999 and 2020 for the private dataset and between 2014 and 2023 for the public dataset, based on 1,994,437 total arrests. Juvenile arrests and arrests for murder are not included in these datasets.

The Chicago Police Department's *Crimes – 2001 to Present* data set identifies an Illinois Uniform Crime Reporting (IUCR) code for each crime; while these codes cannot predict what charges would ultimately be brought against an accused person and are less specific than the statutes provided in the arrests data, they are useful for broadly classifying criminal incidents by what offense was committed. For this data set, we define *gun possession* arrests by the following set of IUCR codes: 141A, 141B, 143A, 143B, 1460, and 1480. These represent illegal possession of a handgun or other firearm and violations of a Concealed Carry License other than possession in prohibited places or while intoxicated. Though this dataset represents the number of reported crimes resulting in one or more arrests, we rely on it to visualize patterns at the community area level; comparison with arrest data confirmed that their estimates of total gun possession arrests are fairly similar during the years of interest.

We utilized racial, ethnic, and gender data from the Felony Dashboard, Investigatory Stop Report, and Violence Reduction Dashboard; while we recognize that these datasets likely misrepresent and oversimplify people's identities, this data is still very useful for identifying very consequential disparities in the enforcement of gun possession laws. We recategorized each individual's racial data into consistent, easily analyzable racial categories: *Black or African American, Non-Black Hispanic or Latine, Non-Hispanic/Latine White, and Other*.

In Fact #6, we reference a logistic regression; here, we will describe the model and its estimates in detail. Felony Dashboard data was filtered to include only gun possession cases between January 2011 and September 2024 that ended in a plea or verdict and in which it is known whether a grand jury was used ($n = 31,256$). We ran a logistic regression to test the relationship between the use of a grand jury in a case (independent variable) and the likelihood of an accused person pleading guilty rather than letting their case go to trial (dependent variable). We controlled for the primary charge category and year to isolate the effect of a grand jury on an individual case from broader trends of how often people plead guilty by charge or across time.

The estimates from this regression are included in **Figure A2**.

FIGURE A2:

LOGISTIC REGRESSION SUMMARY TABLE

	variable	b	p
	(constant)	3.0207	0
	grand jury	-0.1594	0.0007
PRIMARY CHARGE, COMPARED TO UPW	aupw	-1.4237	0
	persistent upw	-2.2669	0
	felon in possession	-1.8760	0
	gang member in possession	-1.2843	0
	foid act	-1.3769	0
	2012	-0.1270	0.0882
	2013	-0.3200	0
YEAR, COMPARED TO 2011	2014	-0.3854	0
	2015	-0.3411	0
	2016	0.2873	0.0014
	2017	0.7495	0
	2018	0.7065	0
	2019	1.0826	0
	2020	1.3893	0
	2021	1.2243	0
	2022	1.4692	0
	2023	1.7046	0
	2024	2.8197	0

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