

Tanya Domi:

Hi, this is Tanya Domi. Welcome to the Thought Project, recorded at The Graduate Center of the City University of New York, fostering groundbreaking research and scholarship in the arts, social sciences, and sciences. In this space, we talk with faculty and doctoral students about the big thinking and big ideas generating cutting edge research, informing New Yorkers and the world. Today's guest is Professor Candace McCoy, who is a core faculty member in criminal justice at The Graduate Center.

Tanya Domi:

Trained in law, she applies legal concepts to social science research on a variety of criminal justice operations and organizations. She has published widely and held several fellowships for research and teaching. From 2016 to 2018, while on professional leave from the university, she served as the director of policy analysis for the inspector general of the New York Police Department. Dr. McCoy has taught hundreds of students in a career spanning four decades and has worked with government agencies for research and training. She is a member of the Ohio Bar. Welcome back to the Thought Project, Professor Candace McCoy.

Candace McCoy:

Hello.

Tanya Domi:

Thanks for joining us again. You're one of the Thought Project's favorite guests and you return at a fortuitous moment, 18 months into the COVID-19 pandemic and the resumption of the academic year of 2021 through 2022. And we have witnessed, nationally and locally, a spike in crime throughout the country and this includes, unfortunately, a proliferation of hate crimes that's plagued, in this context most recently, the Asian American community throughout the country and here in New York City as well. What are your thoughts about that spike in hate crimes during the pandemic which has surprised a lot of people?

Candace McCoy:

It is surprising. It's an important topic. I want to say, just backing up though, you said, "Well, there's a spike in crime because of the pandemic," that's not exactly the case overall. The crime has not increased significantly, the everyday crimes that we think of, of the theft, the burglaries, but the hate crime question is very concerning. Whether it is caused by pandemic conditions or not, we don't know because causation is hard to say. It could be it's a terrible result of the strident partisan divide and anger that is not pandemic-related necessarily but rather as part of the politics that have been raging during the pandemic and that's a political question, Tanya.

Tanya Domi:

Well, that's true. I'm not suggesting that the pandemic caused it. You're right. And many would say that certain political leaders have instrumentalized racial bias and have become xenophobic, resulting in these crimes.

Candace McCoy:

Well, that's a matter of opinion but it certainly is a good hypothesis and all I'm saying is it's terrible. It's very concerning. It runs counter to the other crime types, as I say, burglary, robbery. What has gone up

in the pandemic is domestic violence, as you would imagine. And strangely car and bicycle theft, because people are afraid to be on transit, but all in all to see such a spike like that in a particular kind of crime when everything else is holding steady, for the most part, it says that something else is going on other than the pandemic, I would say. So your hypothesis about fomenting it as part of a political agenda is supported by that.

Tanya Domi:

Sure. But there is a proliferation of gun ownership in America and there's lots of guns. And you've actually written a blog for the Thought Project on our medium vertical page that I'm going to encourage our listeners to read, and you're suggesting that and now will there be a war on guns in America? So how is a war on guns? How do you see it and what are the dynamics involved?

Candace McCoy:

Well, you're right about the gun ownership. We thought it was high before, but with the various politics, again, that have roiled our nation in the last couple of years, the gun ownership has gone even higher. So, that is one side of it. The other side that is more particular and specific in relation to crime rates right now is the spike in gun violence among residents of impoverished communities. And it's really sad and really hard. I do think that in a way it's pandemic-related.

Candace McCoy:

Any criminologist, theorists will probably explain it in terms of, we call it differential association, networks of people who learn these problematic behaviors from each other and get involved in a group mind of respect and lack thereof, and unfortunately do not have the countervailing influence of elders and responsible elders within those networks right now because of the pandemic and its effect on the elders. It's a horrible situation, Tanya.

Tanya Domi:

Yeah. I was going to mention, it was pretty shocking, a video in New York City that played out across all the TV stations of a situation in Brooklyn involving youth and somebody had a gun and he was running down the sidewalk and shot at three young people, little kids, as a matter of fact...

Candace McCoy:

I know.

Tanya Domi:

And actually missed them, which as somebody who has served in the army I have learned about how people miss because they don't want to look. That's an interesting phenomenon, but that shocked the public, that event.

Candace McCoy:

These are kids with guns in their 20s, a lot of them in their 20s, but people who have never been trained in how to use a gun and it's also a horrific example because these things are going to play out on the street, bystanders get involved. And the situation you described is horrible but if you just pull up a local New York media outlet on any day, I checked today, five people died last night. Every night, every day there are these shootings going on and this is not at all what things were like pre pandemic. So yes,

there's a lot of discussion and, again, a political movement, a push I'd say, not a movement, but a push, something must be done. So now what we're going to have is a quote war on guns. And we have to be very careful, and this is what my op-ed on the medium blog says, we have to be very careful to apply the lessons we learned in the war on drugs and the war on terror. We have learned some really important things from those quote wars.

Tanya Domi:

Can you tell our listeners how would a war on guns be similar to a war on drugs? How would they be similar?

Candace McCoy:

Sure. One of the things we've learned when we want to suppress, and it will never eliminate, but suppress an illegal good, whether it be drugs or alcohol or prostitution or guns, illegal guns, anything, you name it, there's a two-prong approach that public policy will take. It would be nice if it were three prongs, but I'll get into that later. The third prong being real cultural change, which is much deeper and more difficult. But in the short term, you have a two pronged approach, which is to intervene with both the supply and the demand.

Candace McCoy:

So the supply question, this is something in many ways we thought the war on drugs, trying to stop the smuggling, trying to stop various drugs from coming in at the borders once they are in and being transported, how do we get at the smugglers and how do we stop the distribution network once the drugs arrive and get distributed. Just watch *The Wire*, it's all there. In terms of the demand, of course, we try to convince people not to use the drugs. And there are ways to do that. So can we convince these young people in impoverished neighborhoods not to use the guns? It has to be a convincing process. I wouldn't call it education. Back in the war on drugs we called it education. And then that's like, "Oh great. Just what we need, more education." The kids are not going to go for that.

Tanya Domi:

It probably goes to some kind of social compact that you convince them to give up guns, there must be a better way to live, right?

Candace McCoy:

Yes, exactly. Which is interesting, again, the parallel to the war on drugs. If you look at the last 25 years with the war on drugs, you will find that cocaine, which was the precipitating panic in the 1980s that created the war on drugs or precipitated it, the cocaine use dropped really low in the early 2000s compared to what it was earlier, is that because the war on drugs had worked? Well, to a degree, but it was partly because the users themselves had plenty of time then to see their horrific consequences, had been able to see people dying of it or acting very strangely and ruining their lives. So it wasn't a question necessarily of confiscating the drugs from them or all of the law enforcement response, but rather, whoa, this is a bad outcome, we're not going to do this anymore.

Candace McCoy:

And so when you at it that way and apply that to guns, Tanya, if you would do this approach, there is a very well-established, well-studied intervention model. Many people know Professor David Kennedy at

John Jay College, who has pioneered ceasefire first in Boston and then replicated with federal funding across the nation, that is one model of it. It's basically focused in deterrence. You find within the social networks, with law enforcement investigation, you find the folks who are the pivotal people who influence others and who are likely to have these illegal guns, in other words, guns.

Candace McCoy:

And you bring them in and you have their grandmothers talk to them and you don't arrest them but you watch them and work with them and supposedly give them lots of social services, which is we're uncertain that's happened. The second model is a violence interrupters model, more in the Chicago model, that is not necessarily a focused deterrent, but is rather a peer influence, neighborhood based intervention among the networks. It is less law enforcement oriented and more community-based with some, of course, coordination with law enforcement. So those are the two models. I don't want to talk about... You have a lot to talk about, but...

Tanya Domi:

The Biden administration is approaching a gun issues in terms of interdiction here through these different models. Are they not?

Candace McCoy:

Yes. They're approaching it in both prongs.

Tanya Domi:

In both ways.

Candace McCoy:

Interrupt both the supply and the demand. So the supply angle is very interesting, guns unlike drugs are supposed to be registered and there's a serial number on each of them, unless they're a ghost gun, that's been printed up on a 3-D printer, which is a whole other problem. So there's a way for law enforcement to track them. It takes a lot of resources and investigation and all those smart data people to track them, but it is possible to do it, unlike drugs. The Biden administration is empowering the ATF, the Alcohol, Tobacco and Firearms, to really ramp up their tracking of these guns and most particularly to shut down the firearms dealers who basically operate in the shadow economy...

Tanya Domi:

They're lawless.

Candace McCoy:

They are lawless. They are criminals of the first degree. You want to study criminal justice, justice or lack thereof, you want to study crime, study the arms dealers who are completely unregulated and lawless, and let's not forget, this is an underground economy. Just like the war on drugs we all know billions and billions of dollars move illegally through the drug trade, drugs.

Tanya Domi:

So, this is the black market?

Candace McCoy:

It is. And it is like the drug market. They know that they are the criminals and they are doing it, and they are making a hell of a lot of money. The markets in guns are tremendously powerful. There's a lot of money at stake. They always say follow the money. It's not just the cultural questions of why do people like guns? Why do they want guns? What are they going to use guns for? It's who's benefiting from making people afraid because ultimately, Tanya, it's a question of fear. People get guns because they're fearful.

Tanya Domi:

And the political [crosstalk 00:16:30] has driven that fear up. Which has yielded to this proliferation of ownership. There's also an approach where you tighten down access and you have an effort to increase the value of guns, they're harder to buy because they cost more money, isn't that also one approach to try to increase the cost of buying guns?

Candace McCoy:

You stated it perfectly.

Tanya Domi:

Try to try to get a handle on the market, because these Saturday night special handguns that are so cheap you can get them anywhere.

Candace McCoy:

Well, yes. You stated it perfectly. There's not much more for me to say there, except one point on building on what you just said about trying to drive the price of the guns up, it's often said, and it was often said about drugs too, there's so much of it going on there's nothing we can do. Well guns, of course, you kill other people, whereas drugs you kill yourself. So this is even more need to intervene with the guns. The number of guns per capita in the United States, I have heard, don't quote me, but I do believe it's a one in four people have access to a gun in the United States, access to one.

Candace McCoy:

And if that's the case, you just throw up your hands in despair. Well, not so. How did they get access? They have to buy them. So by a relentless effort to suppress the illegal gun ownership, the guns may become less commonly available and therefore more expensive, and many young people who do not have a lot of money will not be able to acquire them. There are a lot of steps along the way there, and God knows if that'll play out the way that I just described, but that is the hope.

Tanya Domi:

That's a very interesting approach. And then one of the aspects to this new federal funding and the approach by the Biden administration is one of the concerns that you raised in your op-ed is that will the police stand back and allow these different approaches that are community-based to play out and to be applied. And what are your thoughts on that in terms of local police and clearly there's tensions also between the local police and the Fed's all the time. We know about that, this plays out Law & Order and on the popular TV shows, but how much truth is there with regard to these tensions between jurisdictions?

Candace McCoy:

There's a lot of truth to it. Of course. I do think that even on a broader question though, not just the inter-jurisdictional rivalries and differences among some cities will go for it and some cities will not, absolutely true, but in general, again, looking at the war on drugs, our experience with law enforcement was not good at all in terms of the money given to law enforcement to fight the war on drugs, ended up encouraging an aggressive invasive mindset that it was okay to go into impoverished communities and be sure that we'll stop the drugs. Well, if that doesn't work, having a cop on every corner will not stop the drugs and it won't stop the guns either. And we learned that and all it does is violate civil liberties and encourage a militaristic aggressive attitude among law enforcement. So we've got to learn that lesson from the war on drugs. Don't do that.

Tanya Domi:

Right.

Candace McCoy:

So what the Biden administration has said is they're going to allocate 350 billion, that's with a B, dollars that has already been allocated for post pandemic relief. So, this money is ready to flow right now, and they are going to give it to law enforcement, local law enforcement. Now the requirement is that it be given only to create violence interruptions squad within the police departments that will work with the community-based violence interrupters. So there was never any requirement like that in the war on drugs.

Tanya Domi:

So that's never happened before?

Candace McCoy:

Not explicitly, that's right.

Tanya Domi:

Interesting.

Candace McCoy:

Now, there are so many ways this could go wrong, the unintended consequences. And it's really hard to say the tension between residents of impoverished neighborhoods and the police, as we know in the year of George Floyd, is palpable. Saying that we will now have officers who will work closely with the people designated as the violence interrupters, and the designation has come not from the police themselves but from the organizations within the community, otherwise there will be no credibility at all. And that's going to be a hard lift for law enforcement. Let's lift our eyes and pray, if you're a praying person, and hope that law enforcement has learned some lessons from the war on drugs and the aftermath, and will be smarter and more collaborative this time.

Tanya Domi:

It sounds like another research project.

Candace McCoy:

Oh, good. Let's do a grant proposal.

Tanya Domi:

[crosstalk 00:23:02] in the National Science Foundation. But also what's interesting about this unfortunate circumstance is that it does seem like the gun regulation, the anti-gun lobby of citizens because of so many people dying, school shootings with guns like AR-15's and semi-automatic military grade weapons that people aren't standing in place on this and so there's been some innovative approaches. For example, in San Jose, California, they would require gun owners to purchase liability insurance similar to that of a car owner who's licensed has to have insurance to drive a car. That's one approach and also Albany passed along this pass session that will allow people to sue gun manufacturers. And we know that we'll end up in court, but it does seem like that people are not standing still, that there are citizens organizing around this and trying to think in new and different ways about how to approach this proliferation of guns.

Candace McCoy:

You're absolutely right. And I would point to a huge difference, a huge distinction, the difference between the handguns that we were just discussing that are being carried by young people, primarily males in impoverished neighborhoods, and a completely different situation of the quasi-military armaments that are popular among people who frankly contemplate mass shootings. The public opinion on these matters is shifting. When I say these matters I don't mean the guns question, because that is still really politically and legally fraud. There will be a Supreme Court case in the next term on the handguns question. But the semi-automatics which used to be against the law...

Tanya Domi:

That's Bill Clinton being...

Candace McCoy:

The Brady. Yes. The outcome of that was mixed. Of course, it's not as if they went away but we can say that they might've been worse. In any event, the public opinion, majority of people, including gun owners, people who own handguns say, "No, those should be against the law." There is no reason for an individual person to have such a weapon, because the idea of personal ownership is for your own personal protection.

Tanya Domi:

For personal protection, exactly.

Candace McCoy:

Now, whether you believe that you need that or not is a whole other question. Putting that aside, the notion that a semi-automatic weapon that can mow down multiple people at just one pull of a trigger really disturbs a broad section of the gun owning public.

Tanya Domi:

I'm somebody who's handled military grade weapons and I happen to be a veteran who supports gun reform. And so many of us say that civilians should not have access to these weapons. There is no reason. And, of course, if you're a hunter you're not going to use a military grade semi-automatic

weapon because it will destroy the carcass. You won't be able to eat. The bullets are designed to rip through flesh and they tumble and they destroy everything because they're designed to kill.

Tanya Domi:

And so it's very clear that you're right, there has been a shift and a lot of people are coming out against them and maybe we will get to the tipping point I hope sooner rather than later, because it's just too many people have been killed in these situations in classrooms across America when our kids have to go to school and think about how to protect themselves. And the other question I might have for you is not only is this interdiction and trying to stop the supply and you're not going to completely end the production of guns but try to slow it down, this is going to have to be persisted against isn't it? This isn't going to happen over night. What kind of turnaround do you see in terms of improvement, if there's anything to base upon from past studies?

Candace McCoy:

Well, there are people who have studied these things, but it's very tendentious. There's a SAT word for you. People have a tendency to buy into the gun nuts side or the gun suppressor side and the wing nuts, we call them. And even the scholarship itself is somewhat suspect as being partisan on this issue. So I really can't point to...

Tanya Domi:

Any precise data.

Candace McCoy:

I should look it up again, because frankly you have to look at this over such a long time period.

Tanya Domi:

A long period of time.

Candace McCoy:

This is getting back to the point when I said the three prong approach. Yes, get the supply, get the demand but ultimately it comes down to a cultural change. Ultimately people in our American culture have to ask themselves, why do we love these guns? Why do we think it's okay to have a tool available to us that will kill other people?

Tanya Domi:

That makes sense. It would seem too that there's now a whole generation of young people who've been survivors of gun shootings in schools. And as you know, Candace, I had a student this past semester during the summer, at Hunter student who was a survivor and I think...

Candace McCoy:

Parkland. It was a Parkland shootout.

Tanya Domi:

Yeah, the Parkland shooting and she was a survivor. And these young people have been radicalized and they basically say they are living to stay alive. These are American young people. So I think maybe a lot of people who love guns, maybe if it personally affects their family if somebody dies but I think these young people are very committed and they seem that they're going to carry this forward and they're not going to relent.

Candace McCoy:

I think that's right and I think also culturally, when it's possible to push back against the narrative that the NRA puts out there, this is also changing. The NRA is weakening due to its own greediness at the top executive levels. And the narrative of the NRA has consistently been you have a right to use the Second Amendment right. You're under attack. You should be fearful. You should never allow any regulation on guns because it's a slippery slope. There is serious pushback.

Tanya Domi:

They're probably at their weakest moment politically because of the malfeasance that you've just mentioned. And of course they attempted to declare bankruptcy and to move to Texas from New York. And the attorney general in the State New York said, "Oh, no you can't do that." And so they are in a really weak position politically.

Candace McCoy:

Okay. So I'm going to make a bad joke. I think they shot themselves in the foot.

Tanya Domi:

Well, it seems to be appropriate, doesn't it?

Candace McCoy:

I know. But the point about the NRA, it's always slippery slope, you can't do any regulation of any kind of gun. And people, not just the Parkland survivors or the survivors way back when of Columbine, the traumas...

Tanya Domi:

Oh, yes this goes way back.

Candace McCoy:

It goes way back. But that's one type. You want to see real trauma based on gun use in the United States, ask people who has committed suicide in your family, who has had an accident with a gun, how many seniors who have Alzheimer's or Parkinson's have access to guns and end up shooting their caregivers. This happens all the time. And the NRA has said, "Oh, but it's the slippery slope. If you do any kind of regulation on those guns then they're going to come tomorrow and take away your life that you hunt deer with." Well, if you really just continue to point out to people that the use of the guns in their houses so often is more likely to end in a terrible tragedy and trauma for the entire family than a situation in which you managed to protect yourself against God knows what you want to protect yourself against then it puts it in a new light. And without the NRA out there constantly beating the drum about Second Amendment rights and slippery slopes I think slowly the cultural change can occur.

Tanya Domi:

So this has been an interesting conversation, but before I let you go I wanted to ask you about this new research you've been conducting with your students on grand juries and when do you expect to publish this research? And why is it so important? What are you trying to find out about grand juries?

Candace McCoy:

Well, we're trying to find out if a prosecutor really can indict a ham sandwich.

Tanya Domi:

That is a famous saying in New York.

Candace McCoy:

Well, everywhere, all across the nation, maybe even the globe. Grand juries have come up for some scrutiny politically this last year because grand juries will not indict police officers accused of a crime. And so there's been a renewed interest in grand juries. I must say, Tanya, this wasn't me. This was a wonderful doctoral student in the psychology and law doctoral program at the GC and John Jay, Anna Vineman, took my class in courts. I teach a class about courts and she was very interested in grand juries. And because she is a psychology person, she's interested in laboratory experiments in which you can experimentally, with a control group, test a hypothesis. So she wrote this marvelous seminar paper about what it would take to test a question on whether a prosecutor can indict a ham sandwich. Now, we are not trying to simulate the ham sandwich in this grand jury study but we have come up with a varied... It'll be in a lab and it will be simulated grand jury hearings.

Candace McCoy:

Professor from John Jay, Kevin McCarthy, who is a former prosecutor, recorded all of these grand jury presentations and with witnesses that vary the strength of the evidence. Strong evidence, medium evidence, weak evidence. And we will be presenting these to focus groups, asking them to be grand jurors for a minute and tell us whether they would indict. I think it's going to be really exciting outcome. There's been nothing like it that we've been able to find that was scientifically experimentally controlled. And I give all credit to Anna for thinking of that and the marvelous John Jay masters student Una Newman, who is a videographer of the first degree who has been helping us put it together. I don't know when it'll be published. We're getting ready to start the simulated grand juries now. So I hope you come back and ask me about a year from now.

Tanya Domi:

I will. And you and your students, all of you together, and we look forward to hearing about that. So I want to thank you again for being with us today, Candace.

Candace McCoy:

Thank you.

Tanya Domi:

And for our listeners, please go to the Thought Project Medium blog to read professor McCoy's latest piece, "And Now, A War on Guns." It will be an interesting read full of a lot of important information. And today I ask our audience to also stay in touch and listen in because we're coming back with

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contemporary issues right now as per the mayor's election, and so all of our issues are going to be related to New York City in particular. So thanks for tuning into the Thought Project and thanks to our guest, professor Candace McCoy of The Graduate Center, CUNY.

Tanya Domi:

The Thought Project is brought to you with production, engineering and technical assistance by Kevin Wolf of CUNY TV. I'm Tanya Domi. Tune in next week.