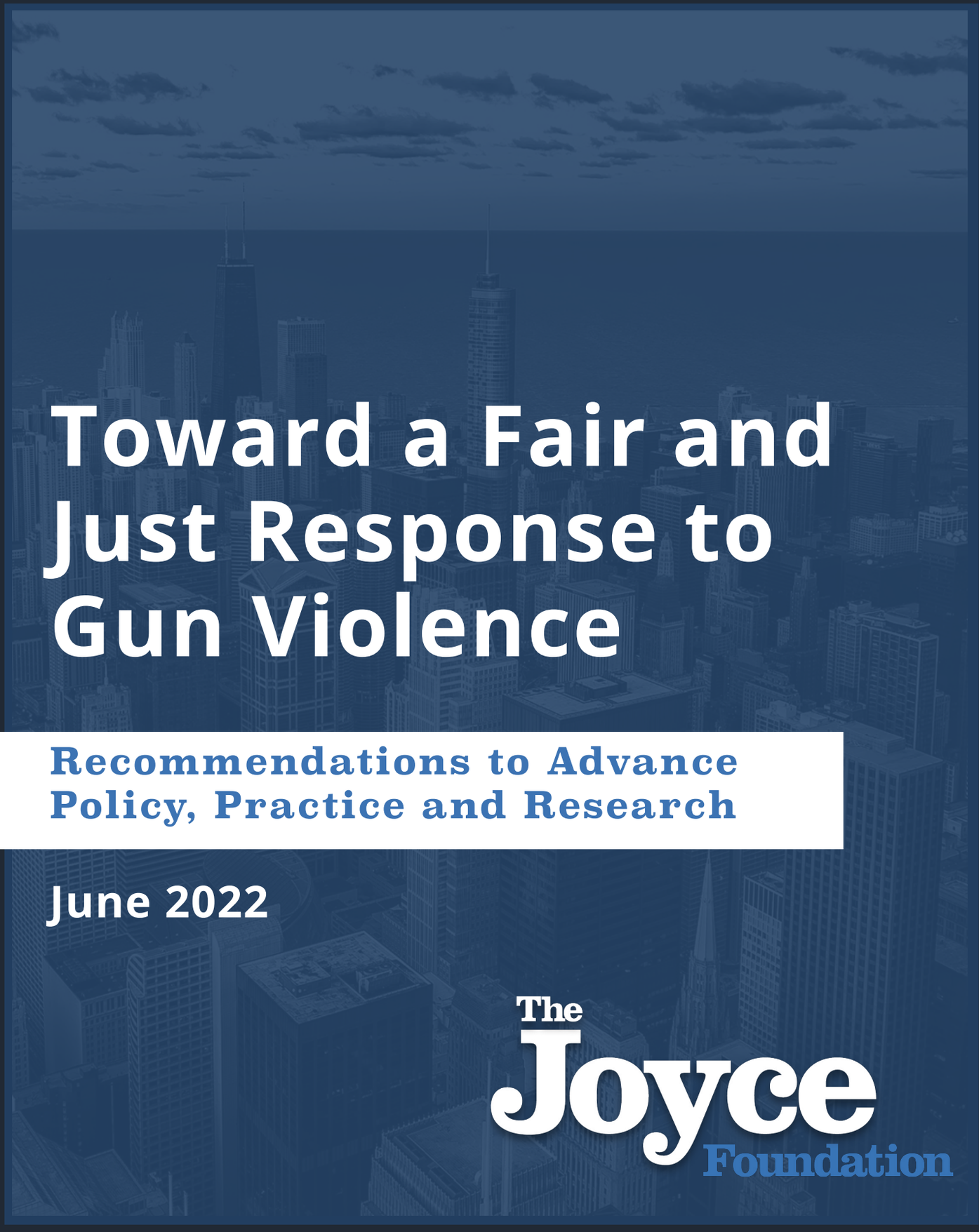
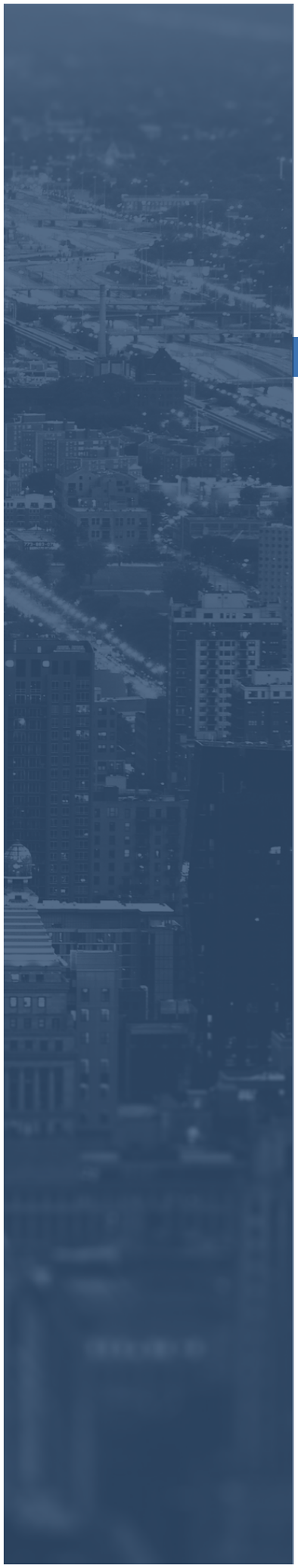


Toward a Fair and Just Response to Gun Violence

Recommendations to Advance Policy, Practice and Research

June 2022

The Joyce Foundation



The Joyce Foundation

TOWARD A FAIR & JUST RESPONSE TO GUN VIOLENCE

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EXECUTIVE SUMMARY

This report contains the latest work of a unique group of experts convened by the Joyce Foundation beginning in 2019 under the banner "Toward a Fair and Just Response to Gun Violence." The group includes advocates, prosecutors and defense attorneys, policy experts, researchers, violence intervention practitioners, and members of law enforcement, all experts in their fields who have come together as a community of practice to address some of the hardest questions facing our communities in 2022: how to reduce the devastating toll of gun violence experienced in many U.S. cities; how to limit the proliferation of guns - many owned illegally - in those same communities; how to do so without further undermining the relationship between police and communities of color; and how to do so without contributing to the over-incarceration of men and boys of color.

Following a series of virtual meetings in 2020 and 2021, the members of the community of practice arrived at this set of consensus recommendations for policy, research and practice, all in furtherance of the group's shared goals of *reducing the harms caused by guns, and reducing the harms caused by punitive law enforcement responses to gun violence.*

The recommendations, summarized in brief, are as follows:

(1) Expand community-based interventions: These recommendations recognize the importance of non-law enforcement approaches in reducing community gun violence.

- Treat community violence intervention (CVI) as a public health intervention.
- Create or expand citywide offices of violence prevention.
- Increase public investment in CVI and improve coordination of funds for community-based programs.
- Continue to increase professionalization of the field of community violence intervention and prevention.
- Improve economic mobility, access to safe and affordable housing, and access to healthcare for returning residents through increased collaboration between CVI and reentry stakeholders.

(2) Emphasize supply-side solutions to gun violence that curtail availability of illegal guns: Supply-side approaches address gaps in existing firearms laws that enable gun trafficking and gun crime.

- Institute licensing for handgun purchasers.
- Strengthen federal and state policies to enhance gun seller accountability to reduce gun violence.
- Regulate privately-made firearms and require microstamping technology.
- Assess the racial equity implications of proposed firearm policies.

(3) Refocus the law enforcement response to illegal gun possession: These recommendations point toward a more fair and effective approach to policing and punishment in gun possession cases.

- Increase investment in communities that are heavily affected by gun violence to develop their capacity to respond effectively.
- Refocus policing tactics relating to gun possession toward high-risk people and places, and away from harmful approaches that undermine constitutional protections, trust and legitimacy.
- Study and expand diversion options for non-violent illegal gun possession.
- End the use of mandatory minimum prison sentences for nonviolent, illegal firearm possession and move toward individualized sentencing that avoids custodial sanctions where appropriate.

ABOUT THE JOYCE FOUNDATION

The Joyce Foundation is a private, nonpartisan philanthropy that invests in public policies and strategies to advance racial equity and economic mobility for the next generation in the Great Lakes region. The Foundation's Gun Violence Prevention & Justice Reform program works to build safe and just communities in the Great Lakes region through investments in gun violence prevention, justice system reform, and violence intervention. For more information about the Joyce Foundation and this report, please visit www.joycefdn.org.

INTRODUCTION

Since August 2019, the Joyce Foundation has convened a group of the nation's leading experts in gun policy, violence prevention, and criminal justice reform to explore the intersection of these fields of study and practice. The Foundation was motivated by a growing sense that researchers, practitioners and advocates in these fields worked largely in siloes, focused on discrete objectives centered around: (a) reducing access to guns through stronger gun policies; (b) expanding community-based violence interventions; or (c) reducing racial disparities in our criminal legal system, including arrests and incarceration. Our work divulged that these goals were often overlapping and aligned, pointing toward solutions with a strong evidence base and broad agreement among our experts. At other times we unearthed areas of where the goals seemed to diverge. By bringing these leaders together, we hoped to encourage shared learning, identification of common interests, and a cooperative approach to exploring and working through areas of disagreement.

Our first gathering, at the West Creek Ranch in Montana in 2019, was described by many participants as transformative in building new collaborations around shared goals, namely *reducing the harms caused by guns, and reducing the harms caused by punitive law enforcement responses to gun violence.* We created space to understand the difficult tensions that can exist between reducing gun violence **and** reducing arrests and incarceration, while setting a course for ongoing learning with the goal of developing a common agenda that would move communities closer to a fair and just response to gun violence. A summary of the 2019 convening, prepared by Northwestern University Prof. Andrew Papachristos, is here.

In many cities, gun violence has reached levels not seen since the 1990s. This crisis is disproportionately impacting communities of color, who have similarly been ravaged by the economic impacts of the pandemic.

Since 2019, the group has continued to meet, albeit virtually due to the Covid-19 pandemic. The composition of the group has evolved as some members moved on to different roles and others were added. (A list of current members is in Appendix A.) Our work has been deeply influenced by the pandemic and contemporaneous forces, including:

- In many cities, gun violence has reached levels not seen since the 1990s. This crisis is disproportionately impacting communities of color, who have similarly been ravaged by the economic impacts of the pandemic.
- Following the murder of George Floyd in 2020, calls to dramatically overhaul policing have raised important questions about the appropriate role of police in communities of color, including whether some calls for service may be better handled by trained mental health workers or other non-law enforcement actors. Meanwhile, many police departments have struggled to retain and hire officers, leaving agencies understaffed compared to previous years.
- There is evidence that voters are rejecting more extreme proposals to dismantle and defund

policing, for example in Minneapolis where voters rejected a ballot measure to disband the police department and replace it with a department of public safety. Similarly, rising rates of shootings and homicides have led some cities like New York to bring back gun suppression units that had been previously disbanded due to concerns about racial profiling and aggressive tactics.

» Disagreements between mayors, police leaders and prosecutors over the appropriate response to gun violence have increasingly turned into public disputes in some cities, with mayors and police leaders calling for mandatory sentences and pretrial confinement in all gun cases from illegal possession to murder, while some prosecutors have favored a less punitive approach in some cases.

The popular misconception that safety and fairness are in conflict causes many to overlook the policies and strategies that are designed to achieve both and are successful because they do.

» Gun ownership is on the rise, including in communities of color, and the predominant reason people now give for owning guns is for personal protection, notwithstanding the growing body of evidence demonstrating the riskiness of doing so.

» Many cities have turned to community-based violence interventions, but funding and program capacity have not kept pace with the demand.

Individually, these forces are complex, and researchers are working to better understand them. Even more complex is the way they do or do not intersect. For example, research suggests that increases in gun carrying in communities leads to more police shootings of community members. Unfortunately, nuance is largely absent from the public debate about gun violence and what to do about it. Instead, the rhetoric is often highly politicized and typically features a simplistic, binary choice between "tough-on-crime" or "soft-on-crime" approaches that does little to inform solutions or make communities safer. The popular misconception that safety and fairness are in conflict causes many to overlook the policies and strategies that are designed to achieve both and are successful because they do.

Throughout 2020 and 2021, this community of practice has examined the data underlying these forces, interrogated the conflicting claims, and considered the research that points to strategies that can actually make a difference to reduce the harms caused by guns **and** the harms caused by punitive responses to gun violence. This report summarizes a series of recommendations reflecting the consensus of the group's members. These recommendations fall into three broad categories: (1) Expanding community-based interventions; (2) Emphasizing supply-side solutions to gun violence; and (3) Refocusing the law enforcement response to illegal gun possession.[1] Taken together, these recommendations offer a roadmap with a powerful central message: just practices make us safer.

It should be noted that this report is intended only to summarize the collective thinking of the community of practice, and the recommendations contained herein do not indicate endorsement by any member's organization.

[1] In the course of the group's work, some proposals did not find consensus, and as such they are not included in our summary of recommendations. Nonetheless, they raise important issues that may be worthy of further study and discussion by this group, or by others. In the interests of transparency, and to illustrate the complexity of the topics considered and the diversity of views held by our members, we are choosing to include these proposals as an appendix to this report. They are contained in Appendix B.

RECOMMENDATIONS

I. EXPAND COMMUNITY-BASED INTERVENTIONS

Renewed attention towards the harms and consequences of over-policing and mass incarceration has catalyzed greater awareness of the importance of community-based violence prevention initiatives—programs and efforts organized and operated by local non-state actors (such as non-profits or religious organizations). Despite the long tradition of community programs in violence prevention, much of the research and policy in this space is still emerging. Our recommendations recognize the importance of these non-law enforcement approaches and consider how they can be expanded to take advantage of new research and advocacy efforts to increase public sector funding.

Recommendation I.A: Increase public investment in community violence intervention and improve coordination of funds for community-based programs.

There is a need for increased state and federal support in community violence intervention (CVI). Such funding can provide essential training and technical assistance, evaluation support, facilitate the implementation of best practices, and help bolster the continued professionalization of the field. Several states in the Northeast and on the West coast have recently expanded their budgets for CVI, but state funding in the Midwest and South has lagged. Increasing federal funding for CVI is also critical to ensuring that these efforts have the necessary resources to operate in disinvested communities. Congress is currently considering a proposal which would invest $5 billion in CVI over eight years as part of the Build Back Better legislation. Along with an expansion of funding sources, there is also a need for organizations and networks that provide capacity-building and grant support to small CVI programs. Many of these small organizations face considerable challenges around applying for and accessing funding, including lack of awareness about funding opportunities and inadequate staffing for fundraising and development. Outside organizations providing such support must have a strong track record of focusing on issues of race and equity and must solicit input from community-based organizations.

Violence intervention and prevention professionals should be adequately compensated based on their accreditation, education and skill set in similar fashion that we do with law enforcement; social workers, first responders, or others who are exposed to hazardous environments.

Recommendation I.B: Continue to increase professionalization of the field of community violence intervention and prevention.

Research highlights the importance of credible messengers and peer networks in interrupting violence, treating trauma, and strengthening anti-violence norms. While numerous community-based programs leverage this approach, the field has only just begun professionalization and many frontline community violence intervention and prevention specialists, also known as outreach workers, do not receive adequate recognition, training, supervision, compensation, and opportunities for career advancement. We recommend that frontline community violence intervention and prevention specialists be formally designated as *community health workers*. Additionally, we recommend the establishment of a national accreditation for violence intervention and prevention specialist training. We also recommend the creation of training academies that focus on standard of care for violence

intervention and prevention, including providing ongoing mental health and trauma support. Violence intervention and prevention professionals should be adequately compensated based on their accreditation, education and skill sets in similar fashion that we do with law enforcement, social workers, first responders, or others who are exposed to hazardous environments. Violence prevention professions should also include employment benefits, vacation time, overtime pay, health and dental insurance, life and disability insurance, professional development hours, and career mentoring.

Recommendation I.C: Treat community violence intervention as a public health intervention.

Community violence has been declared as a public health crisis by the American Public Health Association, many epidemiologists, and other public health professionals. Adopting a public health framework for CVI means focusing on determinants of health and safety in the physical and social environment (e.g., green space, poverty), prioritizing trauma-informed practices and behavioral health services, and using evidence and data to inform and evaluate interventions. Public health interventions should also balance and coordinate immediate trauma/violence responses with truly transformative policies and practices. Additionally, a public health approach would allow CVI to leverage and coordinate with existing public health infrastructure. Some examples include incorporating violent incidents into local health department surveillance as is being implemented in Philadelphia, and allowing Medicaid reimbursement for violence prevention services as has passed in states such as Connecticut and Illinois.

Recommendation I.D: Create or expand citywide offices of violence prevention.

Several cities have established municipal government offices or departments to address community violence including GRYD in Los Angeles, the Mayor's Office of Gun Violence Prevention in NYC, Oakland's Department of Violence Prevention, Richmond's Office of Neighborhood Safety, Washington, DC's Office of Neighborhood Safety and Engagement, Minneapolis' Office of Violence Prevention, and Baltimore's Mayor's Office of Neighborhood Safety and Engagement. These offices can serve as hubs to disperse public funding to community-based organizations and further develop the capacity of local CVI infrastructure. They can also convene and coordinate key stakeholders, develop collaborative initiatives between city government and community-based organizations, and design and implement a comprehensive strategy to address risk factors for serious violence. The development of such efforts should follow best practices, such as those laid out by the National Offices of Violence Prevention Network.

Recommendation I.E: Improve economic mobility, access to safe and affordable housing, and access to healthcare for returning residents through increased collaboration between CVI and reentry stakeholders.

Localities should build dedicated teams devoted to supporting returning residents, especially those with histories of violence, as these individuals have substantial barriers to safe and affordable housing and employment. Formal infrastructures should include directors of reentry and "navigators" to help facilitate successful reentry. These professionals should work in tandem with the city's Office of Violence Prevention (should the city have one) to ensure coordination of services when appropriate. Furthermore, employers should evaluate hiring policies as they relate to returning residents and update policies in accordance with EEOC guidance, which advises that hiring exclusions occur only in certain circumstances. This point is important given that the people involved in CVI programming or impacted by violence face the highest level of exclusion as job prospects for "violent" offenders are minimal. These exclusions are also pronounced in both public and private markets. In the same way that exclusions need to be examined related to employment, the same should apply to housing.

Many CVI providers report participants' housing insecurity as being an impediment for successful participation. Last, access to healthcare services for returning residents impacted by violence is pivotal. Many returning residents impacted by violence have several physical and emotional needs stemming from underlying trauma.

II. EMPHASIZE SUPPLY SIDE SOLUTIONS TO GUN VIOLENCE

Communities ravaged by gun violence seem to be awash in guns. This is no accident. Intentional weaknesses in federal firearms laws and law enforcement practices make it difficult to stop the flow of guns to people who commit violence and to hold those who profit from gun trafficking accountable. Research has shown that gaps in firearms laws contribute to gun crime and that strong upstream policies reduce gun trafficking and gun violence. Constraining the supply of guns to the underground market should also reduce arrests and incarceration for illegal gun possession and for violent crimes committed with firearms.

By reducing diversions of guns to the underground market, acquisition by prohibited individuals, and criminal acts of violence, handgun purchasers licensing laws should reduce arrests and incarceration for gun crimes.

Recommendation II.A: Institute licensing for handgun purchasers.

Laws requiring background checks for all firearms transfers reduce gun trafficking. Requiring handgun purchasers to obtain a license or permit strengthens comprehensive background checks and is a stronger deterrent to the diversion of guns for use in violence. Studies have shown that handgun purchaser licensing reduces firearm homicides, mass shootings, suicides, and law enforcement officers shot in the line of duty. Preliminary data also show that handgun purchaser licensing may be associated with lower rates of civilians being shot by police. By reducing diversions of guns to the underground market, acquisition by prohibited individuals, and criminal acts of violence, handgun purchaser licensing laws should reduce arrests and incarceration for gun crimes. This recommendation includes supporting federal funding to support and incentivize state handgun purchaser licensing systems, and the adoption of handgun purchaser licensing laws by states.

Recommendation II.B: Strengthen federal and state policies to enhance gun seller accountability to reduce gun violence.

Firearm laws and regulations should serve as a deterrent to practices which facilitate the illegal transfer of firearms. However, the gun industry has shaped federal firearms laws so that it is difficult to hold firearm sellers accountable – administratively (licensing), criminally, or via litigation – for illegal or negligent practices that lead to firearms being diverted for criminal use. Research has demonstrated that strong firearm dealer regulation and oversight at the state level reduces the diversion of guns for use in crime as do lawsuits against scofflaw firearms dealers.

At the federal level:

- Remove special litigation protections for the gun industry.
- Allow public and researcher access to crime gun trace data.
- Create theft-prevention standards for Federal Firearms Licensees (FFLs – retail firearms sellers) that require guns to be secured, security cameras, alarms, employee background checks.
- Address the most problematic portions of the Firearm Owners' Protection Act, including the prohibition on any system of registration of firearms, firearms owners, or firearms transactions or disposition; and the mandate that ATF compliance inspections can be done no more than once per year.

» Revise the "willful" violation standard for actions against FFLs, a high threshold which requires proof that the dealer commits a violation with an intentional disregard of a known legal duty or with plain indifference to their legal obligations, before license revocation may be considered.
» Provide ATF with more options for promoting compliance, including fines and suspension.
» Increase funding for ATF's FFL oversight and other anti-trafficking efforts.
» Require physical inventory for firearm dealers' compliance checks. While ATF "highly recommend[s]" that FFLs conduct an annual inventory to protect against theft or loss, they are prohibited from requiring a physical inventory under the Tiahrt Amendments.

At the state level:
» Require mandatory reporting for firearm theft or loss.
» Require record-keeping for all private transfers.
» License and provide regulatory oversight to gun dealers, providing law enforcement with the authority to fine, suspend or revoke licenses for dealers who are noncompliant.
» Adopt theft prevention standards for FFLs.

Recommendation II.C: Regulate privately-made firearms and require microstamping technology.

The use of privately-made firearms (also known as "ghost guns") in crime has been rising dramatically in cities across the U.S. Ghost guns are growing in popularity among youth, individuals involved in crime, and domestic terrorists. Do-it-yourself gun kits and online instructions allow individuals to build working firearms that are less expensive than guns purchased in gun shops and allow individuals to evade background checks and record-keeping requirements. Ghost guns also cannot be traced because they lack serial numbers and records to track a gun's origins. Avoiding in-person background checks and traceability make ghost guns particularly appealing to gun traffickers.

Law enforcement agencies take images of ballistic evidence recovered at the scene of shootings and attempt to match the so-called "ballistic fingerprints" from different shootings using the ATF's National Integrated Ballistic Information Network (NIBIN) to determine whether the same gun was used in multiple shootings. NIBIN is most useful when the firearm used in the shootings is also recovered from a criminal suspect, which is often not the case. The use of microstamping technology by firearm manufacturers would enable criminal investigators to scan the code from spent shell casings to identify the firearm that fired the bullets. If the microstamp data are shared with a state's firearm registry, investigators could identify the individuals who purchased the firearm used in a shooting. This technology would serve as a strong deterrent to illegal transfers and criminal use of firearms.

At the federal level:
» Treat partially complete lower receivers and frames as firearms that require serialization and a background check at the point of sale.
» Establish an ATF task force for enforcing this policy.
» Provide guidance and encouragement for local agencies to record information on crime guns that are ghost guns.

At the state level:
» Treat partially complete lower receivers and frames as firearms that require serialization and a background check at the point of sale.
» States should require firearm manufacturers to include microstamping technology in all their semi-automatic firearms.

Recommendation II.D: Assess equity implications of proposed firearm policies.

Because of concerns about the actual or potential racial disparities in enforcement of gun laws, states should establish task forces to study and report to state policy makers assessments of equity impacts of laws regulating the sale of firearms.
This Racial Equity Impact Assessment Tool provides a useful framework.

We recommend increased investment in the resources and capacity of communities that are heavily affected by gun violence, so that they have the right tools to effecive develop and sustain diversion and deflection initiatives that ensure meaningful exit ramps from the criminal legal system and promote lasting change.

III. REFOCUS THE LAW ENFORCEMENT RESPONSE TO ILLEGAL GUN POSSESSION

Policy makers and the public are actively debating the appropriate role of the criminal legal system and its response to gun violence. Concerns about over-policing and over-incarceration in communities of color are grounded in the lived experience of many Americans. After examining data about the system's response to gun crime and research examining how police could more fairly and effectively enforce gun laws, we offer these recommendations to refocus the law enforcement response to illegal gun possession.

Recommendation III.A. Increase investment in communities that are heavily affected by gun violence to develop their capacity to respond effectively.

Individuals affected by violence, those who have direct experience in the criminal legal system, and people who reside in communities where safety is a daily concern are well suited to develop responses to the problems affecting their own lives. Put differently, those who are closest to the problem are also often closest to the solution and ignoring that expertise is a missed opportunity. We recommend increased investment in the resources and capacity of communities that are heavily affected by gun violence, so that they have the right tools to effectively develop and sustain diversion and deflection initiatives that ensure meaningful exit ramps from the criminal legal system and promote lasting change. (Recommendations in Section I above discuss the practical components of community investment in greater detail.)

Recommendation III.B. Refocus policing tactics relating to gun possession toward high-risk people and places, and away from harmful approaches that undermine constitutional protections, trust and legitimacy.

Ready access to firearms, particularly in the hands of individuals with histories of prior violence, increases shootings and homicides. Many police departments target illegal gun possession as a central component of their gun violence prevention strategy, but some tactics such as pretextual vehicle searches and "stop and frisk" practices harm Black and Brown individuals and communities – often without reducing violence. Such tactics have been shown to be racially discriminatory and erode police legitimacy and trust with the communities they serve, making violent crimes more difficult for police to solve. They also waste police resources by taking attention away from the small percentage of individuals who engage in gun violence.

Therefore, identifying the appropriate role for police that is effective in resolving and preventing gun violence while minimizing harm is essential. In addition to focusing on solving shootings and homicides, research indicates that focused deterrence, hot spot policing, and other targeted enforcement strategies are significantly more likely to reduce shootings than traditional policing tactics. Community acceptance of policing tactics is also generally higher when police attention is focused on the individuals, places, and situations where the risk for gun violence is the highest. Public perception that police are willing and able to solve crimes and protect individuals from violence increases the likelihood that witnesses to gun violence will come forward and may also reduce the perceived need to carry guns for protection, as well as the incidence of retaliatory shootings. To ensure accountability, law enforcement agencies should collect and share data from gun-related arrests and prosecution outcomes to track whether enforcement is appropriately targeted.

Recommendation III.C. Study and expand diversion options for non-violent illegal gun possession.

Diversion is an alternative to incarceration that delivers accountability while providing critical services that provide a path to positive behavior and community involvement. In most jurisdictions, however, individuals charged with illegal gun possession are not eligible for diversion. In large cities like New York, Chicago, Milwaukee, and Los Angeles, most arrests for illegal gun possession involve young men of color, some of whom have no prior criminal history and who do not pose an imminent risk to the community. While they vary considerably, diversion interventions can provide meaningful support to a group at increased risk for gun violence and thereby improve public safety. We can think of these diversion opportunities as "exit ramps" that lead those charged with illegal gun possession away from confinement and its collateral consequences, and toward community-based opportunities for positive behavior change and growth. Because, to date, only a handful of empirical studies have investigated gun diversion programs, we recommend the development of, and investment in, a research agenda assessing the implementation, impact, and outcomes of diversion programs. The findings from this work can help inform the meaningful expansion of diversion programming, minimize unnecessary contact with the justice system among people charged with possessing illegal guns, and improve public safety.

Recommendation III.D. End the use of mandatory minimum prison sentences for nonviolent, illegal firearm possession and move toward individualized sentencing that avoids custodial sanctions where appropriate.

While gun violence takes a heavy toll on communities, and recent spikes in violence demand solutions, there is strong evidence that simply increasing punishments for nonviolent gun possession offenses is not only ineffective at improving public safety, but actually causes further harm to the very communities most impacted by gun violence. Mandatory prison sentences are based on the false assumption that all of those who possess firearms illegally pose a threat that justifies incarceration. We recommend focusing the use of prison sentences on cases where incapacitation is the only way to protect public safety, moving toward the use of individualized sentencing that avoids custodial sanctions, and expanding the use of alternative noncustodial sanctions where appropriate, as a fair and just response to illegal gun possession. Such least restrictive alternatives help keep people in their communities, minimize collateral consequences following incarceration, and enhance community safety and stability.

APPENDIX A

Toward a Fair and Just Response to Gun Violence Participants[2]

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[2] Organizational affiliations are as of December 1, 2021

APPENDIX B

Proposals Not Achieving Group Consensus

The recommendations contained above represent a strong consensus agenda for addressing gun violence while minimizing harm and racial disparities in the criminal legal system's gun crime enforcement efforts. Here we offer additional measures that were discussed by the group but that did not achieve consensus to include as recommendations of the whole. It should be said that many members of the group saw them as worthwhile and impactful, but there were dissenting viewpoints and as such they are not part of the group's recommendations.

» Invest in youth and childhood programs and services: Many youth-focused programs and policy interventions have been shown to reduce violence. Such evidence-based interventions include positive youth engagement and development, summer employment programs for youth, and youth programs focused on building self-control, social skills, and decision-making. Investing in schools and educational supports as well as raising the age at which youth are permitted to drop out of high school have also been shown to have positive effects for violence reduction. Providing visible civilian safety officers in areas with high foot traffic among youth such as schools zones and parks can also improve public safety. While adolescence is an important developmental period for violence prevention and intervention, early childhood programs focused on social and emotional learning are also critical in shaping life trajectories and exposure to violence.

  Opposition to this proposal stemmed from the sense that it was outside the scope of the group's work which focused on adults, and therefore had not been adequately considered or discussed.

» Implement restorative practices: Mass incarceration and tough-on-crime policies have had counterproductive effects including destabilizing low-income neighborhoods and communities of color and driving distrust in the legal system. We propose that "truth-in-sentencing" laws that do not allow for the possibility of parole be replaced by an early-release process involving a review board with representation from the community and community-based support for reentry. We also recommend expanding and evaluating community restorative practices including healing circles, conflict resolution programs, healthy communication workshops for families and communities, and alternative courts when and where appropriate.

  Members expressed concerns about the breadth of this proposal; while there was support for restorative practices, some preferred a flexible, case-by-case approach.

» Consider options for deflection in lieu of arrest for illegal gun possession cases: Deflection and diversion can both be alternative responses for people who are arrested for possessing illegal firearms. "Deflection" refers to practices at the pre-arrest stage whereas diversion options are available at every decision point in a case.

  While the group recommends considering diversion for illegal gun possession cases (see Recommendation III.B), a broader recommendation that included deflection in lieu of arrest was not favored absent further analysis and discussion.

» End the felonization of first-time unlawful gun possession: In most states, the absence of a gun license is a misdemeanor (or ordinance violation or is not a crime). Due to the unique barriers a felony conviction presents to housing, employment, and other opportunities that support safer communities and people, states should not felonize violations in the first instance. Reducing these penalties to misdemeanors may also reduce racial disparities.

Several members favored an approach that calls for improved data collection regarding first-time illegal gun possession cases to better understand the scope of this issue. Others called for a case-by-case recommendation coupled with an emphasis on more equitable enforcement.

» Automatically expunge charges related to illegal gun possession at the date of case closure: The devastating consequences of having a criminal record are well established. This is especially true for felony charges, which can prevent the person from being able to work, go to school or find safe and affordable housing and can be used in future criminal cases as evidence of public safety risk and grounds for confinement. Although risk assessments used in criminal courts typically account for the length of time elapsed since the last charge, the proposal would remove illegal gun possession charges from consideration altogether at the date of case closure. Doing so can eliminate the possibility of unnecessarily using incarceration to address outdated infractions.

Automatic expungement of illegal gun possession charges was not favored by many members who felt these charges could be predictive of individuals at high risk of violence. Further discussion is needed.

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