

RETHINKING LAW ENFORCEMENT RESPONSES TO GUNS AND GUN VIOLENCE

ELEVATING ALTERNATIVES TO TRADITIONAL
ENFORCEMENT APPROACHES

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I. INTRODUCTION

In recent years, criminal justice reform and gun violence have emerged as two of the most pressing issues facing America. Advocates, policymakers, and public officials have responded by attempting to craft legislation and shift policy in ways that reduce gun violence, while simultaneously reducing the damage mass incarceration and over-enforcement have caused, particularly to communities that have been, historically, over-policed and under-protected. In the current moment, the extent of that damage has become a major topic of public discourse, and many are working to implement innovations that mitigate or reverse these harms in some way.

While discourse around criminal justice reform has largely focused on reducing incarceration rates, specifically by decreasing enforcement for low-level offenses, the reality is that more than 50% of inmates in state prisons are confined for violent crimes.¹ To make meaningful progress—both in terms of mass incarceration and gun violence prevention—it is imperative to seek approaches that advance public safety while reducing the enforcement footprint as much as possible.

Discretion is built into the criminal justice system, with branching decision points throughout for police officers, prosecutors, judges, probation officers, and other actors. There is also a growing recognition among municipal officials, police leaders, and district attorneys that local agencies can take actions to reduce unnecessary arrest and confinement. "[C]riminal law does not function as law," wrote criminologist William J. Stuntz. "Rather, the law defines a menu of options for police officers and prosecutors to use as they see fit."²

This wide variety of options has recently been getting increased attention, with many cities experimenting with the implementation of formal measures that reduce enforcement and sanction. For example, the elected district attorneys in four New York City boroughs recently agreed to clear outstanding arrest warrants for old, low-level charges, like selling loose cigarettes and drinking in public.³ The New York City Police Department (NYPD) and other major metropolitan departments have made a shift away

¹ Wendy Sawyer and Peter Wagner, "Mass incarceration: the whole pie 2019," Prison Policy Initiative, March 19, 2019.

² William J. Stuntz, *The collapse of American criminal justice* (Harvard University Press, 2011).

³ James C. McKinley Jr., "644,000 Old Warrants Scrapped for Crimes Like Public Drinking," *The New York Times*, August 10, 2017, <https://www.nytimes.com/2017/08/09/nyregion/644000-old-warrants-scrapped-for-crimes-like-public-drinking.html>.

from arrests for low-level marijuana possession⁴ and misdemeanor offenses.⁵ Many cities have also taken a cue from Seattle, Washington, whose Law Enforcement Assisted Diversion (LEAD) program diverts low-level drug addicts and sex workers directly into treatment programs.⁶ In Baton Rouge, Louisiana, the police department has supported “warrant amnesty days” to clear large volumes of outstanding fines and warrants.⁷ These are just a few examples of wide-sweeping, formal uses of less enforcement-focused ideas in general policing. In response to the COVID-19 pandemic, many jurisdictions released individuals from prisons and jails and reduced new admissions to those facilities to help prevent the spread of the virus.⁸

The National Network for Safe Communities (NNSC) explores whether and how new techniques such as these could be expanded and applied specifically to guns and gun violence. In particular, this report emphasizes that the encounters between police and firearms do not occur in a vacuum, but are the product of a long chain of decisions.⁹ This report seeks to explore that chain of decision-making and how departments can directly apply more innovative decision-making to address the extraordinarily important issue of gun violence. Police engagement with guns and gun violence encompasses more than the singular encounter with a gun, and there are in fact ways that police and police departments think and can think about gun violence that are broader than that encounter. Even more importantly, these innovative practices can reduce violence in communities with a high incidence of gun violence. This review begins with an examination of current

Methodology

This report is based on a thorough review of relevant literature, programs, and practices on the subject. NNSC researchers also conducted interviews with various law enforcement leaders, practitioners, and academic experts, and convened two working sessions, with a range of law enforcement and community practitioners, advocates, and academics to review the research and draw on front-line thinking and practice.

⁴ Jillian Jorgensen, "Bratton and de Blasio Announce NYPD Shift Away From Small Marijuana Arrests," *Observer*, September 28, 2016, <http://observer.com/2014/11/bratton-and-de-blasio-announce-nypd-to-shift-away-from-small-marijuana-arrests/>.

⁵ Ashley Southall, "Summonses, Not Arrests, for Small Crimes in Manhattan," *The New York Times*, March 1, 2016, <https://www.nytimes.com/2016/03/02/nyregion/summonses-not-arrests-for-small-crimes-in-manhattan.html>.

⁶ Camille Pendley, "How Some Cities Are Helping Drug Offenders Instead of Arresting Them," *Vice*, December 2, 2015, https://www.vice.com/en_us/article/gqmkmq/how-some-american-cities-actually-help-drug-offenders-rather-than-arresting-them.

⁷ Joe Gyan Jr., "Baton Rouge City Court open this Saturday to handle bench warrants, traffic and criminal matters," *The Advocate*, September 25, 2019, https://www.theadvocate.com/baton_rouge/news/courts/article_2c79acfe-dfa7-11e9-920a-134742a454c9.html.

⁸ Prison Policy Initiative, "Criminal Justice Responses to the Coronavirus Pandemic," Criminal justice responses to the coronavirus pandemic, accessed June 17, 2020, <https://www.prisonpolicy.org/virus/virusresponse.html>.

⁹ Robin Engel, National Network for Safe Communities: Discretion Working Session 1, February 6-7, 2019.

discretionary practices in law enforcement at large—including programs and decisions not traditionally thought of as such—and then returns to address new police thinking and practice around police encounters with illegal firearms.

II. CONCEPTUALIZING DECISION-MAKING

A. DISCRETION IN LAW ENFORCEMENT

Historically, discretion in policing is thought of simply as an officer deciding to do or not do something. If an officer pulls an individual over for speeding, are they going to issue them a citation, or simply give them a warning? Laws alone do not determine the answers to these situational questions. The administrative policies of a department and the personal experiences of an officer contribute to these decisions, thus often making their decisions discretionary.

The extent of police discretion was first explored in the 1950s when a group of researchers conducted ethnography with police officers in Wisconsin and Michigan. At a time when the dominant criminal justice narrative was that officers enforced the law as it was written, an American Bar Foundation (ABF) survey brought to light the fact that police have, use, and depend on discretion.¹⁰ Researchers observed that police officers used arrest as a tool—rather than an end in itself—to disrupt feuds, take troublemakers off the street for a few hours, or make a point to an audience of spectators.¹¹ Officers would draw upon their knowledge of their beats to inform their arrest decisions, often choosing not to arrest at all.¹² Police discretion allows officers to respond to the needs of their communities and utilize knowledge of their beats to be better problem-solvers.¹³ As such, the survey found that “‘abolishing’ police discretion [is] both unwise and unworkable.”¹⁴ At the same time, however, ABF researchers witnessed police lawlessness and discrimination, raising serious questions about the misuse of police discretion.¹⁵

Over the next half-century, academics have grappled with the concept of police discretion.

¹⁰ Samuel Walker, *Taming the system: The control of discretion in criminal justice, 1950-1990* (Oxford University Press on Demand, 1993).

¹¹ Samuel Walker, "Origins of the contemporary criminal justice paradigm: The American Bar Foundation Survey, 1953–1969," *Justice Quarterly* 9, no. 1 (1992): 47-76.

¹² Egon Bittner, *The police on skid-row: A study of peace keeping* (Ardent Media, 1967).

¹³ Wayne R. LaFave, "Arrest; the decision to take a suspect into custody," (1965); Bittner, *The police on skid-row*.

¹⁴ Walker, "Origins," 68.

¹⁵ *Ibid.*

Some legal scholars have criticized vast discretion as creating a fickle, illegitimate justice system, wherein officer bias impacts decision-making.¹⁶ Others, such as Herman Goldstein, have argued that discretion is impossible to eradicate and ought to be better guided by specific departmental policies on how to respond to precise situations (as in problem-oriented policing).¹⁷ Goldstein believed that there was a need for formal, explicit criteria for when or when not to enforce, so that officers would be fully aware of how they can and should conduct themselves on patrol.

Scholars such as David Thacher¹⁸ and Harold Pepinsky¹⁹ have argued that restrained and intelligent use of discretion can be used as a tool to increase police legitimacy, bolster public safety, and reduce the harms of the criminal justice system. Thacher has also noted that, historically, when officers were forced to “wing it,” their improvisation in the field could be guided by any number of illegitimate factors (pressures from the community, desire for overtime, racism, ignorance, etc.).²⁰ However, Thacher wrote that not only is discretion impossible to eradicate—as the law cannot account for every possible situation an officer will face—but that it is also an asset.²¹ Discretion allows officers to make contextual decisions that avoid arrest and prioritize community needs. With the use of transparently and with measures for accountability, officers’ decisions can prioritize reducing harms to civilians and costs to the criminal justice system.²²

In the years since the ABF survey, quantitative research has reinforced the notion that police exercise vast discretion in how they make routine decisions, often using it in the service of avoiding making an arrest. In a systematic observation of nearly 2,500 police encounters in Indianapolis, Indiana, and St. Petersburg, Florida, officers chose not to make an arrest in nearly 90% of incidents.²³ In cases where there was substantial evidence of a crime, officers avoided arrest nearly three out of four times, instead warning suspects (in approximately one third of cases), intervening to cease the behavior (in approximately one

¹⁶ Joseph Goldstein, "Police discretion not to invoke the criminal process: Low-visibility decisions in the administration of justice," *The Yale Law Journal* 69, no. 4 (1960): 543-594; Sanford H. Kadish, "The crisis of overcriminalization," *The Annals of the American Academy of Political and Social Science* 374, no. 1 (1967): 157-170.

¹⁷ Lloyd E. Ohlin and Frank J. Remington, eds. *Discretion in criminal justice: The tension between individualization and uniformity* (SUNY Press, 1993).

¹⁸ David Thacher, "Channeling Police Discretion: The Hidden Potential of Focused Deterrence," *U. Chi. Legal F.* (2016): 533.

¹⁹ Harold E. Pepinsky, "Better living through police discretion," *Law & Contemp. Probs.* 47 (1984): 249.

²⁰ David Thacher, National Network for Safe Communities: Discretion Working Session 1, February 6-7, 2019.

²¹ *Ibid.*

²² Debra Livingston, "Police discretion and the quality of life in public places: Courts, communities, and the new policing," *Colum. L. Rev.* 97 (1997): 551; Debra Livingston, "Gang loitering, the court, and some realism about police patrol," *The Supreme Court Review* 1999 (1999): 141-202.

²³ William Terrill and Eugene A. Paoline III, "Nonarrest decision making in police-citizen encounters," *Police Quarterly* 10, no. 3 (2007): 308-331.

fifth of cases), or doing nothing (in approximately one tenth of cases).²⁴ Similarly, a survey of police departments found that, alongside formal diversion programs for mental health-related incidents (which one third of departments had), police frequently resolve these incidents informally, without arrest, by referring civilians to services, de-escalating, or simply ignoring the situation.²⁵

One of the most common ways that officers avoid arrest is by issuing citations. A study by the International Association of Chiefs of Police (IACP) found that nearly nine out of ten agencies surveyed issued citations in lieu of arrest.²⁶ These agencies also reported that in nearly one-third of incidents, officers issued a citation instead of making an arrest.²⁷ Most relevant to this discussion, the study found that the vast majority (nearly 81%) of agencies left the decision to cite instead of arrest up to their officers' discretion.²⁸ Recent research has therefore reinforced that police officers often use their discretion to avoid making arrests.

Discourse around the use of discretion in the criminal justice system has sometimes led to monumental changes, but it has not always been with the intended outcomes. In the 1970s, for example, efforts to correct racial disparities in sentencing led to a spotlight on the extreme discretion used by judges in many criminal cases. However, by the time the matter reached Congress and state legislatures, efforts to limit bias in judicial discretion had evolved into a push for mandatory minimums and sentencing guidelines, a significant contributor to America's over-incarceration problem.²⁹ Therefore, considerations about the use of discretion, especially involving encounters as sensitive as those involving guns and gun violence, need to consider all of the potential factors at play, while focusing on maintaining both the safety and trust of the community and officer safety.

²⁴ Ibid.

²⁵ Kathleen Hartford, Robert Carey, and James Mendonca, "Pre-arrest diversion of people with mental illness: literature review and international survey," *Behavioral Sciences & the Law* 24, no. 6 (2006): 845-856; T. M. Green, "Police as frontline mental health workers. The decision to arrest or refer to mental health agencies," *International journal of law and psychiatry* 20, no. 4 (1997): 469-486.

²⁶ "Citation In Lieu of Arrest," International Association of Chiefs of Police, accessed October 8, 2019, <https://www.theiacp.org/projects/citation-in-lieu-of-arrest>.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Jeremy Travis, National Network for Safe Communities: Discretion Working Session 1, February 6-7, 2019; Meagan Day, "Liberals tried to create a fairer prison system. Here's how it backfired," *Timeline*, March 1, 2016, <https://timeline.com/how-liberals-unwittingly-screwed-up-the-criminal-justice-system-25d27c7ae462>.

B. THE INEFFECTIVENESS OF CURRENT TECHNIQUES DURING GUN ENCOUNTERS

As the scholar Egon Bittner understood, arrests are a technique that can be used to handle situations, not just to enforce the law.³⁰ However, arrest has generally been seen as obligatory when officers encounter illegal firearms or firearms crimes. Few would argue about the high-stakes nature of this moment, and the need for an immediate, safe resolution. Officers feel that they do not have many options available to them at that moment in the interaction, other than to confiscate the weapon and detain the individual, and there does not seem to be much room for *ad hoc* innovation.³¹ This report seeks to challenge those ideas, as well as other critical assumptions surrounding guns and gun violence.

A starting point is the strong conviction across many police departments that removing illegal firearms from the community—“taking guns off the street” or “gun recoveries”—is a, if not the, principal way that gun violence can be addressed. It is then worth noting that there is very little empirical or evaluation support for the conviction that heavy enforcement and high contact policing specifically meant to recover guns is actually associated with a decrease in gun crimes. The closest the literature gets to supporting gun recoveries as an effective gun violence prevention technique is evaluation research on “hot spot policing.” Hot spot policing is a strategy which involves focusing police resources on small geographic areas where crime is most concentrated. Studies that examine hot spot policing targeting illegal gun carrying show that it may produce a substantial reduction in gun violence in the targeted areas.³² However, those studies show effects that are limited to a few blocks and a matter of days;³³ one study found increases in violence;³⁴ and evaluations have not distinguished between gun arrests and recoveries and other hot spot policing activities. For example, in such strategies, there may be an increased officer presence as well as a substantial increase in pedestrian and vehicle stops,

³⁰ Egon Bittner, “Florence Nightingale in pursuit of Willie Sutton: A theory of the police,” *The potential for reform of criminal justice* 3 (1974): 17-44.

³¹ David Kennedy, National Network for Safe Communities: Discretion Working Session 1, February 6-7, 2019.

³² Christopher S. Koper and Evan Mayo-Wilson. “Police crackdowns on illegal gun carrying: A systematic review of their impact on gun crime,” *Journal of experimental criminology* 2, no. 2 (2006): 227-261; William Wells, Yan Zhang, and Jihong Zhao, “The effects of gun possession arrests made by a proactive police patrol unit,” *Policing: An International Journal of Police Strategies & Management* (2012).

³³ Ling Wu and William Wells, “A micro-level analysis of firearm arrests’ effects on gun violence in Houston, Texas,” *GeoJournal* 81, no. 6 (2016): 891-905; Brian R. Wyant, Ralph B. Taylor, Jerry H. Ratcliffe, and Jennifer Wood, “Deterrence, firearm arrests, and subsequent shootings: A micro-level spatio-temporal analysis,” *Justice Quarterly* 29, no. 4 (2012): 524-545.

³⁴ Ling Wu and William Wells, “A micro-level analysis of firearm arrests’ effects on gun violence in Houston, Texas,” *GeoJournal* 81, no. 6 (2016): 891-905.

community engagement, attention to environmental factors, etc.³⁵ It is thus difficult, if not impossible, to assess the contribution to violence reduction of gun recoveries and arrests as such.

Other approaches directly aimed at taking guns “off the street” and removing them from the community have similarly questionable evidentiary backing. Most notable is perhaps the “zero tolerance” era of policing in New York City, in which large numbers of “stop, question, and frisk” encounters aimed at gun recoveries were credited with violence reduction. However, as such stops decreased from their peak of 685,724 in 2011 to 11,629 in 2017, homicides in New York City also declined from 515 to 292.³⁶ The variation can also go the other way; for example, in Chicago, the rate of gun recovery was consistent between the years of 2013 and 2016, but the homicide rate fluctuated significantly.³⁷ Most recently, Philadelphia arrested 1584 people on firearms charges through November 2019—the largest number in five years—at the same time that the city was seeing the highest levels of shootings of the decade.³⁸ While in no way exhaustive, such findings and field experience suggest that there is no simple connection between police gun recoveries, and measures taken to promote police gun recoveries, and lower levels of gun violence.

Other approaches to the general removal of guns from the community similarly lack evidentiary backing. For example, gun buy-back programs, wherein gift cards or cash are offered in exchange for weapons with no questions asked, are a relatively common approach employed by cities to reduce the number of firearms in circulation. For example, a study of buyback programs in Boston in 1993 and 1994 found that the guns turned in bore little resemblance to guns actually being used in violent crime;³⁹ other such studies have similarly found that buy-backs tend to yield older, broken, low caliber handguns and long guns.⁴⁰ Similarly, a 2012 meta-analysis of gun violence prevention policies and

³⁵ Koper, Christopher S., and Evan Mayo-Wilson. "Police strategies to reduce illegal possession and carrying of firearms: effects on gun crime," *Campbell Systematic Reviews* 8, no. 1 (2012): 1-53.

³⁶ "Stop-and-Frisk Data." New York Civil Liberties Union. NYCLU, September 6, 2019, <https://www.nyclu.org/en/stop-and-frisk-data>. In addition, New York's "stop and frisk" policy was ultimately deemed unconstitutional, and both the mayor and a major city newspaper who supported the strategy have since publicly apologized for its use; <https://www.nytimes.com/2019/11/17/us/politics/michael-bloomberg-speech.html>; <https://www.nydailynews.com/opinion/wrong-ending-stop-frisk-not-stopping-crime-article-1.2740157>.

³⁷ The City of Chicago, *Gun Trace Report* by the City of Chicago, 3, Chicago, IL, 2017.

³⁸ Chris Palmer, "Philadelphia had more shootings in 2019 and homicides stayed high," *Philadelphia Inquirer*, December 30, 2019, <https://www.inquirer.com/news/philadelphia-crime-levels-2019-shootings-homicides-police-20191230.html>.

³⁹ David M. Kennedy, Anne M. Piehl, and Anthony A. Braga, "Gun buy-backs: where do we stand and where do we go?," *Under Fire: Gun Buybacks, Exchanges, and Amnesty Programs*, Washington, DC: Police Executive Research Forum, 1996.

⁴⁰ Anthony A. Braga and Garen J. Wintemute, "Improving the potential effectiveness of gun buyback programs," *American journal of preventive medicine* 45, no. 5 (2013): 668-671; Charles M. Callahan, Frederick P. Rivara, and Thomas D. Koepsell, "Money for guns: evaluation of the Seattle gun buy-back program," *Public health reports* 109, no. 4 (1994): 472; National Research Council,

practices found no empirical evidence that gun buy-back programs reduce gun-related crimes by any significant measure.⁴¹

Only one study has found support for seizures as such. Project Safe Neighborhoods (PSN) is a U.S. Department of Justice program launched in 2002 to establish a “comprehensive and strategic approach to reducing gun crime.”⁴² In practice, it largely drove federal action to prosecute gun possession. However, a particular program based in part on evidence-based focused deterrence principles called “Chicago PSN” was established in Chicago with the support of University of Chicago scholars. As discussed further in Section IV, these techniques were: 1) forums, or “call-ins,” inspired by interventions such as the original Boston Ceasefire and aimed at deterring individuals who were at the highest risk for potentially committing gun violence; 2) gun seizures by the Bureau of Alcohol, Tobacco Firearm (ATF) throughout the city; 3) prosecutorial strategies aimed at increasing the number of federal prosecutions; and 4) prosecutorial strategies aimed at increasing the length of sentencing for gun crimes. An evaluation of Chicago PSN found impact from gun seizures but also noted the singular Chicago environment—with both extreme density of illegal firearms and very high levels of gun seizures—and that the “forums” were more effective.⁴³

Nonetheless, many police departments continue to focus their enforcement tactics on gun recoveries, and police officers of course continue to encounter illegally possessed guns, and to encounter gun crimes. Arrest is generally held to be the obvious and only option. Likewise, when a community member encounters a weapon—for example, a mother finding a firearm in her son’s room—they too often feel as if have few options to safely get rid of it. The mother could contact the police and have the firearm removed, but that would most likely lead to her son’s arrest, an outcome she would seek to avoid. The lack of options for both officers and community members around encountering a gun means that these situations will generally end with full enforcement: the possessor of the weapon being arrested and likely facing (at the very least) a gun possession charge.

Innovative policing, however, is finding ways to address guns and gun violence that produce higher levels of public safety than these traditional approaches. At the same time, these techniques are reducing—sometimes profoundly—the use of enforcement, while bolstering communities and strengthening the relationships between law enforcement

Firearms and violence: a critical review, (National Academies Press, 2005).

⁴¹ Matthew D. Makarios and Travis C. Pratt, “The effectiveness of policies and programs that attempt to reduce firearm violence: A meta-analysis,” *Crime & Delinquency* 58, no. 2 (2012): 222-244.

⁴² Andrew V. Papachristos, Tracey L. Meares, and Jeffrey Fagan, “Attention felons: Evaluating project safe neighborhoods in Chicago,” *Journal of Empirical Legal Studies* 4, no. 2 (2007): 223-272.

⁴³ *Ibid.*

and those communities.

III. THE EXISTING LANDSCAPE OF LAW ENFORCEMENT INNOVATIONS

There is a range of mainstream innovative approaches in law enforcement that are presently being undertaken by police departments and prosecutor's offices. This section addresses a variety of these approaches. While the below accounting is by no means exhaustive, it describes various ways in which lessened, or non-enforcement strategies are being applied around the country to non-gun offenses by police departments.

Currently, many approaches that provide alternatives to arrest are conceived of as diversionary programs. However, "alternatives to arrest" does not simply equal diversion—rather it encompasses it. The majority of diversion programs tend to focus on keeping low-level offenders and special populations out of, or to lessen their exposure to, the criminal justice system, and there are not many which pertain directly to guns and gun violence. However, there are examples of cities and departments choosing to deploy (or not deploy) resources in ways that lessen the impact of the criminal justice system and continue to promote public safety.

A. INNOVATIONS IN POLICING

There are instances of executive level decisions around the country that are non-enforcement innovations, such as the Chief of Police in Greensboro, North Carolina ordering his officers to stop pulling motorists over for minor infractions after he learned of racial disparities in traffic stops.⁴⁴ However, the most prominent and publicized examples of this type of decision-making are perhaps the various jurisdictions around the country that have decided to end enforcement of low-level marijuana possession laws.⁴⁵

⁴⁴ Sharon LaFraniere, "Greensboro Puts Focus on Reducing Racial Bias," *The New York Times*, November 11, 2015, <https://www.nytimes.com/2015/11/12/us/greensboro-puts-focus-on-reducing-racial-bias.html>.

⁴⁵ Crystal Hill and Ryan Martin, "Marion County will no longer prosecute simple marijuana possession, officials say," *The Indianapolis Star*, October 1, 2019, <https://www.indystar.com/story/news/2019/09/30/marion-county-no-longer-prosecute-marijuana-possession-officials-say/3818748002/>;
David Ovalle and Samantha J. Gross, "Miami-Dade Won't Prosecute Minor Pot Cases. And Cops Can't Act on a Sniff Test Alone," *Miami Herald*, August 9, 2019, <https://www.miamiherald.com/news/local/crime/article233710307.html>;
"Tomorrow: D.A. Vance Ends Prosecution of Marijuana Possession and Smoking Cases," Manhattan District Attorney's Office, August 27, 2018.

These actions were deliberate decisions made by police departments and prosecutors' offices to not impose the harms that can be caused by low-level marijuana arrests.

There are also various initiatives which can be described as proactive attempts to intervene prior to an incident. In Burlington, Vermont;⁴⁶ Ramsey County, Minnesota;⁴⁷ and Staten Island, New York,⁴⁸ programs were introduced that have civilian outreach workers and mental health professionals respond to calls involving individuals in emotional distress. These individuals are deliberately directed towards support and services and away from the criminal justice system.

Voluntary drug amnesty programs are another example of police departments implementing initiatives that do not involve enforcement, arrest, or significant criminal justice exposure. Programs such as Gloucester, Massachusetts's Angel Program⁴⁹ and Montpelier, Vermont's Project Safe Catch⁵⁰ connect substance abusers to treatment, grant amnesty, and allow individuals to drop off their illicit substances in a drop box at the stationhouse without having to fear being arrested.

The numerous pre-arrest and pre-booking diversion and deflection programs undertaken by law enforcement agencies are also promising examples of non-enforcement strategies. The Law Enforcement Assisted Diversion (LEAD) program in Seattle, Washington,⁵¹ and the Crisis Intervention Team (CIT) that originated in Memphis, Tennessee⁵² are both meant to divert individuals towards services and support and away from the criminal justice system. Both of these programs have expanded since their inception, and they are demonstrative of how the implementation of new practices can lead to less harmful

<https://www.manhattanda.org/tomorrow-d-a-vance-ends-prosecution-of-marijuana-possession-and-smoking-cases/>.

⁴⁶ Brandon del Pozo, Phone interview with National Network for Safe Communities, November 20, 2018.

⁴⁷ Mara H. Gottfried, "Ramsey County tries new approach for some 911 crisis calls," *St. Paul Pioneer Press*, March 1, 2016, <https://www.twincities.com/2016/02/29/ramsey-county-911-will-send-mental-health-workers-to-crises/>.

⁴⁸ Caroline Lewis, "NYC Experiments With Routing 911 Calls To Mental Health Experts," *Gothamist*, September 23, 2019, <https://gothamist.com/news/nyc-experiments-routing-911-calls-mental-health-experts>.

⁴⁹ "Gloucester Police Department Volunteer ANGEL Program," Gloucester Police Department, August 7, 2015, <https://paariusa.org/wp-content/uploads/sites/46/2015/08/Angel-program-policy-Aug-7-2015.pdf>.

⁵⁰ "Montpelier Public Forum on the Regional Heroin Crisis: An Introduction to 'Project Safe Catch'," Montpelier Police Department, February 18, 2016,

<https://vtdigger.org/2016/02/18/public-forum-on-the-regional-heroin-crisis-an-introduction-to-project-safe-catch/>;

Steve Zind, "In Montpelier, A New Project Will Help Drug Offenders Get Treatment," *Vermont Public Radio*, March 8, 2016, <https://www.vpr.org/post/montpelier-new-project-will-help-drug-offenders-get-treatment>.

⁵¹ Sara Jean Green, "LEAD program, aimed at helping instead of punishing addicts, to expand to Burien," *The Seattle Times*, September 12, 2018,

<https://www.seattletimes.com/seattle-news/crime/lead-program-aimed-at-helping-instead-of-punishing-addicts-to-expand-to-burien/>.

⁵² "CIT IS MORE THAN JUST TRAINING...it's a community program," CIT International, Inc., accessed October 7, 2019, <http://www.citinternational.org/Learn-About-CIT>.

outcomes.⁵³

B. PROSECUTORIAL INNOVATIONS AROUND GUNS

While the innovations in policing discussed above are promising ways of approaching alternatives to arrest, they do not apply to gun offenses. However, district and circuit attorney offices around the country have pioneered a variety of new practices specifically focused on gun crimes.

In 2015, the Circuit Attorney's Office in St. Louis, Missouri was awarded a Department of Justice grant to implement a diversion program that would give certain individuals arrested on gun charges (generally those without prior convictions, although prosecutors can exercise discretion over the program's enrollment) the option to participate.⁵⁴ In the grant application, the Office acknowledged that not every individual in possession of a firearm is violent, writing, "Evidence in St. Louis indicates that a significant number of individuals who are arrested and charged with illegal gun possession exhibit some characteristics that indicate they do not harbor intent to commit further criminal acts, but rather are in possession of a weapon for a reason such as personal defense, 'style' or peer pressure."⁵⁵

Candidates for the St. Louis program, which continues today, are first vetted to, "ensure that they are not part of known crime circles," and then are required to plead guilty to the gun charge in order to enter the program.⁵⁶ After completing the approximately year-long program, their gun case will be dismissed. Each participant of the program receives customized social services and support, with the goal of keeping them out of prison in the future.

Project Re-Direct is a program in Brooklyn, New York that is designed for young people (ages 14 to 22) who are facing their first felony charge and who are involved with a gang or street group.⁵⁷ Though the program excludes individuals charged with a homicide, sex offense, arson, or firing a weapon, individuals may be diverted to the program if they are arrested for possession of a gun. Individuals are required to plead guilty before entering

⁵³ "LEAD: Advancing Criminal Justice Reform In 2019," LEAD National Support Bureau, accessed October 7, 2019, <https://www.leadbureau.org/>.

⁵⁴ Kevin Flannery, "City prosecutor launches felony diversion program, federal grant will fund innovative response to select first-time gun charges," *The St. Louis American*, October 1, 2015, http://www.stlamerican.com/news/local_news/city-prosecutor-launches-felony-diversion-program-federal-grant-will-fund/article_e9bd3c84-6870-11e5-a227-0fc0bca44eea.html.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ "Youth Diversion," The Brooklyn District Attorney's Office, accessed October 8, 2019, <http://www.brooklynnda.org/youth-diversion/>.

the program, which lasts between 18 to 24 months and may include: wearing an ankle bracelet, regularly communicating with staff, counseling, random drug testing, education, and employment. Successful completion of the Project Re-Direct program will result in the charges being dropped, while failure will result in the individual being incarcerated for the original charges.

The Philadelphia District Attorney's Office recommends some gun possession cases to a diversionary program similar to Project Re-Direct called the Accelerated Rehabilitative Disposition (ARD).⁵⁸ Gun possession cases are sent to ARD depending on their specific circumstances: they are reviewed for the individual's history, whether the gun was lawfully purchased, if the individual was eligible for a concealed-carry license, and if any other crimes were committed at the time of the incident. In the majority of ARD gun cases, individuals serve two years of probation and surrender their firearms. Following District Attorney Krasner's election in 2018, ARD has significantly increased the number of gun possession cases it takes on.⁵⁹

Beginning in 2012, Seattle, Washington implemented peace-making circles that use restorative conflict-resolution practices borrowed from Canada's indigenous people. These First Nations' ceremonies were adapted for youth charged with gun crimes.⁶⁰ Youth are chosen by prosecutors to participate in this post-charge, pre-sentencing program, which involves attending a peace-making circle at which the victim of the gun crime and their family members are present. Following the peace-making circle, participating individuals must meet all additional program requirements. Providing they do so, they are sentenced to probation and community service hours, instead of jail or prison. King County Prosecuting Attorney Dan Satterberg also worked with community partners in Seattle to develop a "Credible Messengers" program, wherein paid individuals trained in social work are deployed to spend time with high-risk young people.⁶¹ Prosecuting Attorney Satterberg stated that he believes the "antidote" to gun violence is this Credible Messengers program, as these particular youth now have adult role models in their lives

⁵⁸ "Diversion Unit," City of Philadelphia Office of the District Attorney, accessed October 8, 2019, <https://www.phila.gov/districtattorney/diversion/Pages/default.aspx>.

⁵⁹ Julie Shaw, "Under DA Krasner, more gun-possession cases get court diversionary program," *The Philadelphia Inquirer*, June 23, 2019, <https://www.inquirer.com/news/philadelphia-district-attorney-larry-krasner-gun-possession-cases-diverted-ard-probationary-program-20190623.html>.

⁶⁰ Claudia Rowe, "King County sticks with peace circles for juvenile crime, even after a murder charge," *The Seattle Times*, April 11, 2018, updated June 4, 2018, <https://www.seattletimes.com/education-lab/king-county-sticks-with-peace-circles-for-juvenile-crime-even-after-a-murder-charge/>.

⁶¹ Dan Satterberg, National Network for Safe Communities: Discretion Working Session 1, February 6-7, 2019.

that they know and respect, and who can help guide them moving forward.⁶²

In May 2017, the Minneapolis City Attorney's Office launched Pathways to New Beginnings, a trauma-informed diversion program for individuals charged with a first-time gross misdemeanor weapon offense (such as carrying a gun without a permit). The program assesses participants' risk factors and needs to determine programming for each individual. Successful completion of the program requires 82 hours of programming, and weekly follow-up for the remainder of one year. If participants commit no new offenses in the two years following completion of the program, their charges will be dropped. The first class of 15 participants successfully completed programming in mid-2019; their progress will be tracked by the City Attorney's Office.⁶³

IV. THE EFFECTIVENESS OF LESS TRADITIONAL TECHNIQUES

The above programs and practices are examples of innovative techniques that are designed with the intention of minimizing the use of formal law enforcement and law enforcement resources to the level required to achieve the desired public safety outcome. As noted, there are few examples in policing arrayed along traditional case processing lines: prosecutors can take a charged gun case and do something different with it, but police see little alternative, when they encounter a gun or a gun crime, to that initial arrest and charge. However, when stepping aside from the case processing framework and looking at larger strategic approaches police can take to guns and gun violence, interesting and important themes and practices emerge. The can be schematized as *policing the presence of guns*, *policing gun violence*, and *policing those at highest risk*.

Gun violence is driven by very small numbers of very high-risk people. Communities themselves are not dangerous; rather, they are remarkably ordinary places with a small number of extremely high-risk people in them. The high-risk individuals in a city (around 0.5% of that city's population) will routinely be associated with 60% to 80% of all

⁶² Ibid.

⁶³ Eric Chaloux, "IN-DEPTH: City Attorney Program Tries to Keep Gun Offenders from Reentering System," *KSTP*, June 6, 2019, <https://kstp.com/news/indepth-minneapolis-city-attorney-program-tries-to-keep-gun-offenders-from-reentering-system-pathways/5380334/>; Minneapolis City Attorney's Office. "Criminal Justice Reform Initiatives." Recent Criminal Justice Reform Initiatives. Minneapolis City Attorney's Office. Accessed January 17, 2020. <http://www.minneapolismn.gov/www/groups/public/@attorney/documents/webcontent/wcmssp-216118.pdf>.

homicides.⁶⁴ It is now common to hear police say things like, “It’s only 1%”—and even that, factually, is an exaggeration.

The innovations below demonstrate what can be achieved when this principle is taken under consideration. These approaches shift law enforcement resources away from broad, enforcement-heavy practices that may negatively impact entire communities and towards strategies and tactics that are focused on working collaboratively within communities, in order to engage with those high-risk groups, networks, and individuals. When resources are allocated in this way, it is possible both to minimize the level of formal law enforcement needed to effectively reduce gun violence and build stronger community-police relations.

A. POLICING THE PRESENCE OF GUNS

Departments have utilized public, innovative, and effective techniques to address the presence of guns themselves, sometimes in explicit contrast to traditional approaches to gun recovery and arrest. The most formalized and structured of these was the “Consent-to-Search” program that was carried out in St. Louis, Missouri during the early 1990s. The Consent-to-Search program was created after a community meeting during which a woman complained about a home where she knew youth were in possession of firearms. Officers from the St. Louis Metropolitan Police Department (SLMPD) told the woman that there was nothing they could do because they had no legal way of entering the home and not enough information to justify a search warrant. The woman asked, “Why don’t you just knock on the door and ask that mother if you can search the house?,” inspiring the creation of the program.⁶⁵ SLMPD realized that the legal repercussions for turning in a firearm were keeping community members from getting rid of guns they did not want in their homes and communities, and so it actively worked to sidestep those consequences.

The program, as summarized in a later National Institute of Justice report,

[I]nvolved [police officers] knocking on doors in high-crime areas and asking parents of high-risk youths for permission to search their homes for guns that their children might have hidden. Any guns found were confiscated, with no followup [sic] prosecution. Parents and young people who requested help were referred to agencies or community-based groups that offered appropriate services.⁶⁶

The program included the use of a “Consent to Search and Seize” form that allowed legal

⁶⁴ Stephen Lurie, “There’s No Such Thing as a Dangerous Neighborhood,” *Citylab*, February 25, 2019, <https://www.citylab.com/perspective/2019/02/broken-windows-theory-policing-urban-violence-crime-data/583030/>.

⁶⁵ Bill Bryan, “Soft sell of searches nets police 3,900 guns,” *St. Louis Post-Dispatch*, April 10, 1995.

⁶⁶ Scott H. Decker and Richard Rosenfeld, *Reducing gun violence: The St. Louis consent-to-search program*, US Department of Justice, Office of Justice Programs, National Institute of Justice, 2004.

access to homes and immunity for prosecution, a protocol that was meticulously developed through a collaboration between the police department and prosecutors. Officers explained to residents that the only purpose of the search was to recover illegal guns possessed by youth, and that the parents' written consent on the form ensured neither they nor their child would be charged with illegal possession of a firearm.⁶⁷

During this iteration of the Consent-to-Search program, police relied on the community to provide many of the addresses of homes targeted for search. Ninety-eight percent of those asked agreed to have their homes searched and police recovered 402 guns from youth during the first year of implementation.⁶⁸ However, the program eventually collapsed, as the chief of police who created it stepped down, and subsequent governmental decisions transformed it into two distinct, less successful iterations before Consent-to-Search ultimately shut down in 1999.⁶⁹ The later versions of the program were more police- and less community-driven, and as a result, had both lower consent to search agreements and gun recovery rates than the initial program.⁷⁰

In an evaluation of St. Louis's Consent-to-Search program, researchers noted that, as the program was developed in response to problems identified by civilians, it was able to directly include community members in the process of locating and confiscating guns.⁷¹ In addition, the evaluation discussed officer support for the program, noting, "Several officers have reported that they are willing to 'bite on' (ignore) evidence of all but the most serious crimes in return for access to homes of juveniles with firearms."⁷² This acknowledgment by the officers that the safer, less harmful option was to remove firearms from youth's homes rather than collecting evidence to make arrests is an important one. The evaluation reported that these officers' views could "be sustained only by a distinctive organizational culture that emphasizes strong leadership and sub-unit autonomy to help insulate officers from the traditional norms and procedures of 'real police work' (such as making arrests, investigating crimes, and pursuing offenders)."⁷³ As discussed below, the importance of changing norms and culture through departmental leadership is a crucial component to moving departments towards more productive, less enforcement-heavy practices around

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Decker and Rosenfeld, *St. Louis*.

⁷⁰ Ibid.

⁷¹ Richard Rosenfeld and Scott H. Decker. "Consent to search and seize: Evaluating an innovative youth firearm suppression program," *Law & Contemp. Probs.* 59 (1996): 197-220.

⁷² Ibid.

⁷³ Ibid.

gun recovery and gun violence.

Police can also specifically devote resources towards pursuing and preventing the trafficking of illegal firearms, in order to reduce their presence within communities. Beginning in the mid-1990s, the Bureau of Alcohol, Tobacco, and Firearms (ATF) began tracing guns used in crimes in order to identify and address patterns of trafficking and diversion. It ultimately determined that the majority of these weapons were purchased from licensed dealers, gun traffickers, or straw purchasers.⁷⁴ In recent years, ATF has established Crime Gun Intelligence Centers (CGIC) in several metropolitan areas to provide state and local law enforcement with access to unique crime gun intelligence, databases, and technology such as the National Integrated Ballistic Information Network (NIBIN). These resources facilitate the tracking of recovered crime guns from their point of purchase to those who have trafficked them, and can help match cartridge casings from multiple incidents back to their gun of origin.⁷⁵ These leads can then be paired with more traditional sources of intelligence (e.g., confidential informants, interviews with offenders, and anonymous tips) to identify and disrupt illegal gun markets.

An impact evaluation report from 2005 found a significant reduction in the supply of illegal new handguns in Boston, Massachusetts after the strategy's implementation.⁷⁶ Boston also launched a database sharing partnership in 2017 with Burlington, Vermont; Hartford, Connecticut; and Worcester, Massachusetts, to allow the cities to catalog and track down firearms that were used in crimes.⁷⁷ The database contains information about whether a gun confiscated by one department was used in any of the other partner cities, which has allowed for higher-quality investigations and prosecutions of these gun crimes.

Law enforcement has also formally supported a community-driven strategy to prevent illegal gun acquisition and circulation called "Operation LIPSTICK" (Ladies Involved in Putting a Stop to Inner City Killing), also first developed in Boston. LIPSTICK relies on networks of women, many of whom have been drawn into gun violence or suffered legal consequences around guns because of their ties to gun-involved men, to spread norms amongst women against illegal guns and actions that facilitate gun violence, such as illegally obtaining, storing, and transporting firearms. LIPSTICK works with police and

⁷⁴ Fox Butterfield, "Public Lives; The Woman Who Changed the Illegal-Gun Landscape," *The New York Times*, December 23, 2000, <https://www.nytimes.com/2000/12/23/us/public-lives-the-woman-who-changed-the-illegal-gun-landscape.html>.

⁷⁵ Dale Armstrong, *Firearms Trafficking: A Guide for Criminal Investigators*, (Sacco, ME: Prudens Group Consulting, 2018).

⁷⁶ Anthony A. Braga, "Long-term trends in the sources of Boston crime guns," *RSF: The Russell Sage Foundation Journal of the Social Sciences* 3, no. 5 (2017): 76-95.

⁷⁷ Antonio Planas, "Cops take aim at gun trafficking in New England," *Boston Herald*, October 10, 2017, <https://www.bostonherald.com/2017/10/10/cops-take-aim-at-gun-trafficking-in-new-england/>.

prosecutors, amongst others, and has been credited by Suffolk County, Massachusetts (Boston) prosecutor Dan Conley with a substantial reduction in gun prosecutions involving women.⁷⁸

B. POLICING GUN VIOLENCE

There are now a range of high-level strategic police responses to addressing gun violence itself. Many of these programs operate in the most challenging environments and are designed to produce results at the neighborhood and city levels. Many involve partnerships including law enforcement, social service agencies, and community figures, and are intended not only to reduce violence but to reduce arrests and increase police legitimacy.

1. THE COMMUNITY SAFETY PARTNERSHIP (CSP)

In 2011, in Los Angeles, California, the Los Angeles Police Department (LAPD) and the Housing Authority of the City of Los Angeles (HACLA) partnered to create the Community Safety Partnership (CSP).⁷⁹ CSP's mission was, "to increase and enhance the safety, security, and welfare of HACLA residents and the surrounding communities through the presence and sustainable relationships between LAPD officers, residents, and other community leaders deployed and assigned to the selected public housing developments."⁸⁰

CSP was specifically designed to address some of the most gun-violent areas of Los Angeles, as well as to handle gang issues and other forms of violence. CSP officers were given long-term assignments in order to try to build trust and reduce violence without, whenever possible, making arrests. In order to do so, CSP officers received training in both conflict resolution and communication, and the program expanded funding and support for community-based intervention programs.⁸¹ In addition, a critical part of CSP is relationship-building with members of the community. Its assigned officers' methods vary—from visiting local schools to working with Girl Scout Troops in the area—but this strategy is always at its core.⁸² As one CSP supervising sergeant, who started a track-and-

⁷⁸ Citizens for Safety, *LIPSTICK: Progress Report Nov 2015 – Dec 2016*, <http://files.constantcontact.com/f448d75f001/352e3627-acec-46bf-9d9d-d5b191b895d9.pdf>.

⁷⁹ "LAPD's Community Safety Partnership Program NR15021SF," Los Angeles Police Department, January 22, 2015, http://www.lapdonline.org/home/news_view/57887

⁸⁰ Constance Rice and Susan K. Lee. "Relationship-based policing achieving safety in Watts," *Washington, DC: Advancement Project* (2015).

⁸¹ *Ibid.*

⁸² Aaron Hagstrom, "The LAPD community safety partnership: An experiment in policing" (Masters thesis, University of Southern

field program for at-risk youth from ages 5 to 13 in one housing project noted, “We were all about suppression before. But that created monsters that went to jail, a criminal’s university, where they became even smarter. Now, we build relationships early to make sure that doesn’t happen again.”⁸³

As the program continued its efforts to rebuild trust with the community, CSP expanded to instruct its officers on how to respond to the community at homicide crime scenes. CSP officers created designated areas for victims’ families to come inside the police tape, and trained its officers to respectfully and calmly interact with these individuals (instead of the former practice of creating distance between families and the victims’ body).⁸⁴ Prior to the changes, officers protecting crime scenes would have to use force and sometimes throw mothers to the ground when they attempted to cross into the taped off crime scene to approach their children’s bodies too quickly. Now, CSP specifically tasks an officer to escort victims’ mothers to have a final moment of contact with the body before it is taken away from the scene. Further, CSP brings trauma counselors to these scenes, and deploys a group of clinicians to come whenever there is a shooting, speak to all the witnesses, and offer trauma counseling.

CSP’s respectful practices have led to fewer use-of-force incidents at homicide scenes and have even improved homicide and shooting investigations, as the families involved appreciate the CSP officers’ respect and tact, and are more willing to communicate in support of investigations. While CSP was initially met with enormous pushback from homicide detectives, there has been a dramatic decrease in gun violence and a decrease in officer-involved shootings since its creation.⁸⁵

In the first three years of CSP’s operation in the Watts neighborhood, both violent crime and arrests decreased by 50%.⁸⁶ These results were dramatically successful, and achieved what generations of heavy enforcement in Watts could not. One of the most historically violent areas in Watts, the Jordan Downs housing development, went three years without a murder, while in other parts of the neighborhood, homicide investigations were being solved faster than before, as a result of increased public cooperation and rebuilt trust between the community and the police.⁸⁷ CSP officers credit the fact that they are now working alongside the community, and that the community itself is preventing violence

California, 2014).

⁸³ Ibid.

⁸⁴ Phillip Tingirides, National Network for Safe Communities: Discretion Working Session 1, February 6-7, 2019.

⁸⁵ Ibid.

⁸⁶ Charlie Beck, "Share Relationship-Based Policing," *The Police Chief* 83, July, 2016, <https://www.policechiefmagazine.org/relationship-based-policing/>.

⁸⁷ Ibid.

from occurring.

2. GROUP VIOLENCE INTERVENTION (GVI)

The now well-known Group Violence Intervention (GVI), originally “Operation Ceasefire”, is another approach that cities can adopt in order to formally tackle the problem of gun violence.

By utilizing a “focused deterrence” model, GVI specifically focuses police, social service, and community resources on the relatively small number of groups consistently associated with the preponderance of homicide and gun violence. The express intent of GVI’s model is to reduce homicide and gun violence, while at the same time minimizing sanctions, providing support to those who need and want it, gaining compliance with community norms and standards, and shifting public resources from enforcement to prevention.⁸⁸

A 2018 meta-analysis of such strategies found that, “The strongest crime reduction impacts were associated with focused deterrence programs designed to reduce serious violence generated by ongoing conflicts among gangs and criminally active groups.”⁸⁹ By promoting and prioritizing the safety of high-risk individuals in these kinds of groups, GVI undercuts the very risks that often promote gun acquisition, carrying, and use in the first place. GVI has been implemented in dozens of cities across the country and internationally, and has had a major impact on the levels of violence and homicides—including a 63% reduction in youth homicides in Boston, Massachusetts and a 41% decrease in group member-involved homicides in Cincinnati, Ohio.⁹⁰

One method that the GVI strategy uses is called a “call-in,” a meeting during which law enforcement representatives (including police officers), influential community members, and social service providers speak directly to members of active, violent street groups. These speakers communicate a credible, moral message against violence, a credible law enforcement message about the group consequences of further violence, and a genuine offer of help for those who want it, and then urge individuals present to spread the message back to their associates. The goals of the call-in are to deter individuals from perpetrating violence and to communicate that there will be swift, certain consequences for the next group that commits a shooting or similarly violent act. While the core purpose

⁸⁸ “Group Violence Intervention,” National Network for Safe Communities, accessed October 8, 2019, <https://nnscommunities.org/strategies/group-violence-intervention/>.

⁸⁹ Anthony A. Braga, David Weisburd, and Brandon Turchan, “Focused deterrence strategies and crime control: An updated systematic review and meta-analysis of the empirical evidence,” *Criminology & Public Policy* 17, no. 1 (2018): 205-250.

⁹⁰ National Network for Safe Communities, “Group Violence Intervention,” accessed October 8, 2019, <https://nnscommunities.org/strategies/group-violence-intervention/>.

of the call-in is to communicate those key messages to the *groups* represented in the call-in, recent research finds that individuals who attend call-in meetings are 47% less likely to be re-arrested for violent crimes and 29% less likely to be re-arrested for any (non-traffic) crime, compared to similarly situated individuals over a period of three years.⁹¹ Following Cincinnati's implementation of GVI in mid-2007, an analysis of crime and arrest rates from 2008 to 2014 revealed that in addition to a 38.5% reduction in violent crimes, felony arrests fell by 41.3%.⁹²

C. POLICING THOSE AT HIGHEST RISK

When police or their partners have the right information, they can also take specific actions to try to deter those individuals who are at the highest risk. There have been several successful programs that have utilized this more specialized approach as well.

1. PROJECT SAFE NEIGHBORHOODS (PSN)

Similar to GVI's "call-ins," the federal gun violence reduction initiative Project Safe Neighborhoods (PSN) implemented in Chicago beginning in 2002 employed "offender notification forums." PSN's meetings specifically targeted probationers and parolees who had already been convicted for gun crimes and/or were involved in gangs or street groups.⁹³ In this program, participants heard messages from law enforcement officers and representatives of a range of supportive service providers, but also from a violence interventionist, who was often formerly involved in gun violence and who shared his or her personal story.

As noted earlier, in addition to the notification forums, PSN included three more elements: policing strategies aimed at the disruption of illegal gun markets, and prosecutorial strategies aimed at both increasing the number of federal prosecutions and the length of sentencing for gun crimes. An evaluation of Chicago PSN found that neighborhoods where it was implemented experienced a 35% reduction in homicide rates that persisted for over two years, and that of PSN's four components, the forums appeared to have had the greatest effect, particularly on group-related homicides.⁹⁴ Subsequent research found

⁹¹Giovanni Circo, Julie M. Krupa, Edmund McGarrell, and Alaina DeBiasi, "The Individual-Level Deterrent Effect of "Call-In" Meetings on Time to Re-Arrest," *Crime & Delinquency* (2019).

⁹² Engel, Robin S., Nicholas Corsaro, and M. Murat Ozer, "The impact of police on criminal justice reform: Evidence from Cincinnati, Ohio," *Criminology & Public Policy* 16, no. 2 (2017): 375-402.

⁹³ Papachristos, Meares, and Fagan, "Attention felons".

⁹⁴ Ibid.

sustained reductions in violent offending among call-in participants of about 50%.⁹⁵

2. CUSTOM NOTIFICATIONS

A particular tactic within focused deterrence strategies is a form of individualized communication known as “custom notifications,” a way for law enforcement, community members, and service providers to join together in intervening with potential shooters. These notifications enable quick, tactical, direct communication to specific group members who are at the highest risk. Custom Notifications articulate that group members are valued members of the community, give individualized information about their legal risk, and offer opportunities for help. Custom Notifications effectively interrupt group “beefs,” deter shootings and other retaliation after incidents, calm outbreaks of violence, and reinforce the GVI message of anti-violence.

3. SOUTH BUREAU INTERVENTION AND THE LOS ANGELES MAYOR’S OFFICE OF GANG REDUCTION AND YOUTH DEVELOPMENT (GRYD)

Even before the creation of CSP, the leadership of LAPD’s South Bureau established a practice of working with gang intervention or street outreach workers,⁹⁶ engaging them after violent incidents to find out from their community what had happened, and talking with those involved to try to calm tensions and prevent retaliation.⁹⁷ As those relationships strengthened, street outreach workers gained credibility in the community, creating a communication channel between the LAPD and those involved in or contemplating violence. The trust they built allowed them to gather information and intervene in brewing conflicts to shut them down, often without direct police involvement.⁹⁸

This form of intervention became formalized in 2007, when the Los Angeles Mayor’s Office of Gang Reduction and Youth Development (GRYD) was created to address gang violence through a combination of interventions and service provisions.⁹⁹ The GRYD

⁹⁵ Danielle Wallace, Andrew V. Papachristos, Tracey Meares, and Jeffrey Fagan, “Desistance and legitimacy: The impact of offender notification meetings on recidivism among high risk offenders,” *Justice Quarterly* 33, no. 7 (2016): 1237-1264. Similarly, see Clark-Moorman, Kyleigh, Jason Rydberg, and Edmund F. McGarrell, “Impact evaluation of a parolee-based focused deterrence program on community-level violence.” *Criminal justice policy review* 30, no. 9 (2019): 1408-1430.

⁹⁶ Rice and Lee, “Relationship-based policing”.

⁹⁷ Phillip Tingirides, National Network for Safe Communities: Discretion Working Session 1, February 6-7, 2019.

⁹⁸ *Ibid.*

⁹⁹ P. Jeffrey Brantingham, Nick Sundback, Baichuan Yan, and Kristine Chan, *GRYD intervention incident response and gang crime: 2017 evaluation report*, The City of Los Angeles Mayor’s Office of Gang Reduction and Youth Development, 2017, https://www.lagryd.org/sites/default/files/reports/GRYD%20IR%20and%20Gang%20Crime%20Report_2017_FINALv2_0.pdf.

Intervention Incident Response (IR) is a united response between GRYD, GRYD IR service providers, and the LAPD (known as the “Triangle Partners”), who coordinate to reduce retaliation after violent incidents and support victims and their families who are affected by this violence. Per an evaluation of GRYD, “[t]he Triangle Partners:

- Gather and share information about incidents;
- Deploy and provide community response (e.g., diffusion of rumors, crowd control);
- Provide referrals to services (e.g., connection to GRYD services, victim assistance);
- Negotiate peace treaties/ceasefire agreements; and
- Engage in proactive peacemaking activities and events (e.g., monitor hot-spots, conduct impact sessions).¹⁰⁰

The program is remarkably effective at preventing retaliation, with the number of total gang retaliations down 43.2% when GRYD IR is notified and participating relative to when they are not.¹⁰¹

These programs and practices demonstrate ways in which police departments frame and address guns and gun violence without primarily focusing on guns or enforcement, either for gun possession, a gun crime, or otherwise.

V. REVISITING THE ENCOUNTER WITH A GUN

Qualitative research with front-line police and community practitioners also showed that the principles driving such programs and practices were in fact informing different views of, and different actions around, actual officer encounters with illegally possessed firearms. In practice, that key moment in which an officer encounters an illegally-possessed firearm was not as cut-and-dried as it appeared.

Front-line practitioners noted several themes that were driving their evolving understandings of, and approaches to, gun possession. Most centrally, law enforcement practitioners explained that their thinking about and orientation toward guns and gun

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

possession was profoundly altered by a personal and departmental understanding that there are a small number of high-risk individuals in their communities and that these individuals are not high risk most of the time.¹⁰² Given the enforcement uncertainties and collateral harms frequently associated with gun arrests—addressed further below—that orientation was leading them to believe that arrest may be the appropriate response to a street encounter with a gun only if police intelligence indicated that the individual with the gun was at heightened risk at that particular moment.

As an alternative, some working session participants reported that they actually preferred not to arrest when they encounter a gun, when it seems safe and appropriate. For example, Assistant Chief Karl Jacobson of the New Haven, Connecticut Police Department spoke about how he once met with a woman whose grandson was group-involved, and told her that if she ever found a gun in her home, he would recover it with no questions asked, and without making an arrest (as long as the gun did not test back to a homicide or shooting).¹⁰³ Eight months later, the grandmother called Assistant Chief Jacobson, and he went to the home to recover the weapon without making an arrest.

Similarly, Sergeant Nichole Greene of the Fort Myers, Florida Police Department spoke about how she once conducted a vehicle stop of a young man who had an expired license and registration, empty marijuana bags, and a gun in his glove compartment.¹⁰⁴ While speaking to the man, Sergeant Greene learned that he could not renew his license or registration because he was unemployed and had little money. The individual was unknown to law enforcement, and seemed to have no intention of using the firearm to commit a crime. While the sergeant could have issued thousands of dollars in summonses and arrested the man, she instead determined that, because his problems stemmed from a lack of money, that approach was unnecessary and would only serve to further derail the man's life. Instead, Sergeant Greene gave the man a warning, provided him with information on how to safely, legally carry his firearm, and had him call someone with a valid license to drive his vehicle home.

Several front-line police officers noted that they had shifted their practices around car stops. In the past, their departments would arrest and charge everyone in a vehicle for the presence of one gun. However, this was often perceived as excessive by communities and reduced the legitimacy of law enforcement. Now, some departments wait for test results to come back, and then try to tie the gun to a specific person in the car via forensic

¹⁰² Louisa Aviles and Nichole Greene, National Network for Safe Communities: Discretion Working Session 2, October 16-17, 2019.

¹⁰³ Karl Jacobson, National Network for Safe Communities: Discretion Working Session 2, February 6-7, 2019.

¹⁰⁴ Nichole Greene, National Network for Safe Communities: Discretion Working Session 2, October 16-17, 2019.

evidence.¹⁰⁵ Sergeant Greene said that even if the individual is perceived as at high risk of violence, if it is not a "one guy, one gun" situation, she will rarely make an arrest during the stop.¹⁰⁶

Sergeant David Juday from Kalamazoo, Michigan, who attended the first working session, said that his Community Police Unit has, in certain instances, chosen to file a recovered firearm as a "found weapon" instead of charging a young person with a criminal weapons charge.¹⁰⁷ It is not uncommon for young people to report their peers who post photos of guns on social media to their School Resource Officers (SROs).¹⁰⁸ In the majority of cases, the young person posted the firearm photos (many of which turn out to be toy or replica weapons) because they felt bullied or threatened at school. Sergeant Juday's officers speak with parents, who are almost always surprised to see their children's social media post of firearms. The officers explain to the parents that they are not there to make an arrest, but instead to have an educational conversation with the family about legal and safety risks and recover any actual guns as "found firearms" instead of pursuing illegal possession. This has fostered trust with the community, and as a result, many community members call the police to turn in found weapons, trusting that they will not face arrest.

Although none of the participants in the working sessions had formalized guidelines for such alternatives to arrest, clear themes emerged as they shared their thinking. Most central was information about whether an individual is known to be violent, and even known to be in an immediate situation or dynamic that would promote violence.¹⁰⁹ There was general agreement that their departments' intensified focus on those at high risk for violence was producing the intelligence and insight that supported such judgements. Closely linked was a growing recognition that in many cases illegal gun possession was driven by trauma, fear, and victimization, and that illegal possession was therefore not invariably a marker for aggression and predation.¹¹⁰ For example, Deputy Chief Phillip

¹⁰⁵ Karl Jacobson, Nicole Greene, and Phil Tingirides, National Network for Safe Communities: Discretion Working Session 2, October 16-17, 2019.

¹⁰⁶ Nicole Greene, National Network for Safe Communities: Discretion Working Session 2, October 16-17, 2019.

¹⁰⁷ David Juday, Phone interview with National Network for Safe Communities, June 18, 2018.

¹⁰⁸ Kalamazoo's SROs report to the Community Police Unit and work collaboratively on cases involving young people, to minimize their exposure to the criminal justice system.

¹⁰⁹ Karl Jacobson, National Network for Safe Communities: Discretion Working Session 2, February 6-7, 2019. ("For a frontline control guy, it's going to have to be where does he get the information that says, hey, this guy's not a problem for the city. He's not a shooter. He's probably a, you know, 18-19 year-old being told to hold a gun and has no criminal history. Or for our state, if they're 18-19. They could have torn up the world prior to that and we can't see that, you know, some of us can, but the front line guy can't run and get that information. He can get what the record in-house is.")

¹¹⁰ Melissa Barragan, Nicole Sherman, Keramet Reiter, and George E. Tita, "'Damned if You Do, Damned if You Don't' Perceptions of Guns, Safety, and Legitimacy Among Detained Gun Offenders," *Criminal Justice and Behavior* 43, no. 1 (2016): 140-155.; Brunson and Wade, "Oh hell no"; Fontaine, La Vigne, et al., "We Carry Guns to Stay Safe".

Tingirides of the LAPD said that the purpose of CSP in the Watts area of Los Angeles was to create a, “[m]ulti-angled approach to try and create a relationship with a community that in the past was controlled with the fear they had.”¹¹¹

Front-line law enforcement practitioners both consistently articulated a “zero tolerance” orientation toward illegal guns, while simultaneously articulating that in their minds “zero tolerance” required some kind of effective response, not necessarily an arrest.¹¹² Assistant Chief Jacobson, Deputy Chief Tingirides, and Sergeant Greene all agreed that particularly where young people are involved, simply getting a gun off the street can be a sufficient, appropriate response. This was informed in considerable part by a savvy realism about arrest: that it does not necessarily mean all that much anyway, in terms of actual consequences. As Captain Ersie Joyner with the Oakland Police Department noted, “[I]n the Bay Area, you can arrest the guy for a gun and he can be out in four hours.”¹¹³

Delay can, in fact, improve enforcement focus and outcomes: several working group participants spoke about how once a gun is recovered, police have the opportunity to make a more informed decision about whether or not to follow up with an arrest. For example, a gun can be DNA tested and checked against information in the National Integrated Ballistic Information Network (NIBIN), to see if it has been used in a crime.¹¹⁴ Indeed, police can get more information about the person at the station, rather than when they are out on the street. They can also check in with units engaged in focused deterrence, who may have the best assessment of a person's likeliness to engage in violence.¹¹⁵

Sergeant Greene reported that in her jurisdiction, prosecutors have ten days to bring a charge after an arrest is made. If they do not have enough evidence by then, the person is released and the case is dropped. If police do determine that a person is dangerous and that an arrest is necessary, waiting to make arrest can give them time to build a case. Since Sergeant Greene began gathering evidence before making gun arrests, prosecutors she works with have appreciated receiving stronger cases from her unit. This, in turn, has improved her relationship with prosecutors' offices and enhanced her ability to work with them on strategies like GVI. Prosecutors sometimes now call on her for input on sanctions, and take recommendations when she believes the person charged with a crime (and both

¹¹¹ Phillip Tingirides, National Network for Safe Communities: Discretion Working Session 2, February 6-7, 2019

¹¹² Phillip Tingirides, National Network for Safe Communities: Discretion Working Session 2, February 6-7, 2019.

¹¹³ Ersie Joyner, National Network for Safe Communities: Discretion Working Session 2, February 6-7, 2019.

¹¹⁴ Karl Jacobson and Nicole Greene, National Network for Safe Communities: Discretion Working Session 2, October 16-17, 2019.

¹¹⁵ Ibid.

the police and prosecutors' missions) would be better-served by alternatives such as GPS monitoring and call-ins, rather than by years in prison.¹¹⁶

When officers consider their range of possible options in this way, they often make fewer arrests. Instead, they reach higher levels of public safety, better relationships with their communities, better relationships with key criminal justice agency partners, higher levels of job satisfaction, and are perceived by communities as being fairer. These officers are developing strategies and patterns of decision-making that have the potential to become best practices and even formal changes in policy and protocol, eventually transferrable to other departments. Critically, they also consistently articulated producing higher levels of officer safety through more respectful, supportive, and nuanced relationships with the community, including gang members and those at high risk for gun crime.

VI. EXPANDING THE RANGE OF POSSIBLE INNOVATION

There is, then—despite first appearances—a great deal of innovation that police can, and often do, demonstrate around guns and gun violence. Those practices can produce higher levels of public safety, lessen the enforcement footprint, address the trauma that results from gun violence, build stronger relationships in communities, increase perceptions of police legitimacy, increase officer safety and wellbeing, improve the quality of police investigations, and reduce the number of officer involved-shootings. The lessons learned from all of these examples provide good reason for agencies to foster new approaches to guns and gun violence.

However, the changing the response of front-line officers to gun violence will often require explicit guidance, clear options, the time and resources to exercise it, and incentives for doing so. What follows is a common-sense schematization of ways that police leadership can foster and elevate that flexibility and creativity.

A. VISION SETTING AND VALUES STATEMENTS

With clear executive leadership and a strongly communicated commitment to change, departments can increase legitimacy in the neighborhoods that they serve and create more effective policies on guns and gun violence. Executive leaders can use their authority to provide clear guidance on departmental values and clear expectations for how officers

¹¹⁶ Ibid.

should adhere to those values. These leaders should use measurable, meaningful criteria to hold officers accountable for failures to adhere to the newly established departmental and values. In addition, by making a commitment to accountability and the departmental goals and values publicly accessible, law enforcement executives and departments can set and manage community expectations.

Several departments around the country have already introduced statements and policies that reflect many of the goals described above. In June 2017, Burlington, Vermont's then-Chief of Police, Brandon del Pozo, issued a "Fair and Impartial Policing Policy" that was made publicly available on the city's website.¹¹⁷ Burlington's policy declares that, "[c]itizenship, immigration status, nation origin, race, and ethnicity should have no bearing on an individual's treatment in the Department's custody or interactions with the public," and prevents officers from routinely asking victims and witnesses about their immigration status. Additionally, the policy formally prohibits officers from engaging in biased policing, and includes a specific section on "Community Relations" that describes ways in which officers can, "cultivate and foster transparency and trust," such as providing reasons for stops and detaining individuals for no more time than is necessary for investigation. The policy ensures that, "all members and employees are compliant with [City] Council and legislative requirements regarding fair and impartial policing," and notes that additional training modules maybe be added to cover topics such as "anti-bias" and "power and privilege."

The Stockton (California) Police Department has a public-facing strategic plan which definitively states that one of the department's goals is to, "[i]ncrease trust between the community and police." Stockton's plan also acknowledges the primacy of legitimacy, stating, "To improve trust and relationships between the police and the community, it is important that we build and enhance our partnerships through community oriented policing and increase legitimacy using Procedural Justice." The Pittsburgh Bureau of Police has a similar document—the Pittsburgh Police Code of Ethics—which includes both the department's "Core Values" and "Guiding Principles". These sections speak directly to the department's priorities, and place an emphasis on transparency and building trust with the community.

The Brooklyn District Attorney Office's Justice 2020 action plan is another comprehensive public document that lays out the office's mission, values, and goal of seeking out non-

¹¹⁷ "Department Directive DD 03 Fair and Impartial Policing Policy," Burlington Police Department, June 12, 2017, <https://www.burlingtonvt.gov/sites/default/files/DD03%20-%20Fair%20and%20Impartial%20Policing.pdf>.

conviction, non-jail resolutions before incarceration.¹¹⁸ The plan also discusses office culture and how, “[i]nstead of viewing themselves as case processors, with convictions as the main measure of success, prosecutors should think about what they’re trying to achieve and why.”¹¹⁹

The Justice 2020 action plan acknowledges the importance of partnering with the community in order to understand their needs and values and build trust. It also places a focus on transparency and outlines concrete steps towards achieving this vision. The document addresses the issues of outcomes versus outputs and performance metrics, stating, “The performance measures of nearly every local prosecutor’s office in the country are limited to gross measures of punishment, including dismissals and trial convictions. By establishing goals that encourage alternatives to prosecution rather than more punitive responses, and rewarding ADAs who meet these goals, the culture of the DA’s office will continue to change in line with the vision of Justice 2020.”¹²⁰ Departments need to take this important step towards vision setting as they put forth important answers to questions such as: What are the values of the organization? What are our priorities? What are the outcomes we want to see?

Ideally, a statement of departmental goals and values should include the principles that also guide departments towards better, less enforcement-centric outcomes around guns and gun violence. An acknowledgement of the distinction between guns as such and those at highest risk, and a written commitment to prioritize department resources around the latter, could lay the groundwork for the implementation of other initiatives. A departmental “mission statement” should clearly articulate the goal of preventing gun violence while still respecting, serving, and protecting the community, and outline the steps to get there, such as fewer arrests, prioritizing strategies and tactics that defuse situations (like the work done by the New York City Mayor’s Office to Prevent Gun Violence, described below), partnering with local prosecutors, and engaging with the community.

Importantly, departmental leadership must provide resources and support to officers for the department to carry out the mission statement goals. Formal guidance from the top, clearly stated and modeled, can drive change within the department, and can provide an example that officers can internalize and use to understand how they should be

¹¹⁸ Eric Gonzalez, *Justice 2020: An action plan for Brooklyn* (New York: Brooklyn District Attorney’s Office, 2019), <http://brooklynda.org/wp-content/uploads/2019/03/Justice2020-Report.pdf>.

¹¹⁹ Ibid.

¹²⁰ Ibid.

conducting themselves both in general scenarios and in those involving guns.

B. TRAINING AND PEER LEARNING

While it is crucial that departments develop top-down guidance for officers, it is also important that they create the space and time for robust training and for bottom-up and peer-to-peer guidance to thrive.¹²¹

Departments can expand and redesign current training curricula to align with newly stated goals and values. Training should include, for example, the growing empirical understanding that gun violence is concentrated amongst very small and distinct populations of individuals and groups at very high risk, the victim/offender overlap, historical contexts that lead to gun violence, and the consequences of arrest and incarceration.¹²²

As this report shows, some of the most important innovations in addressing guns and gun violence are coming from line-level officers engaged in daily front-line work. Creating a formal means for police officers to engage with their peers, for the purpose of sharing experiences and lessons from the field, could provide officers with an opportunity to learn from each other and internalize more effective ways of managing “in the field” scenarios. This, in turn, could help establish the behavioral norms and values that can drive “pragmatic improvisation” and create better outcomes in situations involving guns and gun violence.¹²³ In these sessions, officers can workshop the different situations they have encountered and discuss with one another what they did right and wrong, and how they would change their behaviors and approaches going forward. Holding informal “after action” discussions, during which officers explain the specific police actions they did or did not take and receive feedback from their supervisors and other officers can also provide similar benefits.¹²⁴

As described above, alternatives can, and should, include options other than enforcement. Departments should consider developing an enforcement continuum to provide guidance on how officers approach gun encounters and describe the appropriate levels of enforcement for the given situation. Similar to the Police Executive Research Forum (PERF)’s Critical Decision-Making Model, the continuum would allow officers to feel that they have viable, sanction options to full enforcement and that accountability will be in

¹²¹ Michael Musheno, National Network for Safe Communities: Discretion Working Session 1, February 6-7, 2019.

¹²² Lynda Garcia, National Network for Safe Communities: Discretion Working Session 2, October 16-17, 2019.

¹²³ Michael Musheno, National Network for Safe Communities: Discretion Working Session 1, February 6-7, 2019; David H. Bayley, “The forgotten path to police reform in the United States: an essay,” *Policing and Society* 28, no. 2 (2018): 125-136.

¹²⁴ David Bayley, National Network for Safe Communities: Discretion Working Session 2, October 16-17, 2019.

accordance to these published guidelines.¹²⁵

C. MANAGING AND EVALUATING OFFICERS

The ways in which officers are evaluated provide another means to implement changes in the policing of guns and gun violence. Holding one-on-one supervisory meetings can help reinforce departmental values and provide feedback from supervisors to officers (and vice versa), as can the aforementioned individualized “after action” discussions.¹²⁶ Changing reward structures to work in concert with the newly defined goals and values of a department can also help move officers toward change. For example, paying officers overtime for participating in activities such as call-ins, custom notifications, and community outreach, instead of only offering overtime when officers make arrests can support the proposition that less enforcement-heavy actions can be productive and rewarding.¹²⁷ Folding those activities and the values described above into promotional criteria will also signal to officers that the department supports what they are doing and that working with and for the community is the right thing to do. Alternately, when officers are not acting in alignment with the departmental mission, officers must be held accountable.

D. COMMUNITY ENGAGEMENT AND PARTNERSHIPS

Cultivating relationships and engaging with the community are pivotal steps that police departments can take that will ultimately lead to less gun violence and safer communities. Departments can, and should, develop their values statements in consultation with the community, in order to reflect its specific needs. Collaborating with the community will ensure those voices are heard and they will share more in the outcome of any police activities.

For example, as mentioned earlier, CSP involves extensive community engagement, as the officers who are assigned to some of the most gun-violent areas of Los Angeles focus on relationship-building with community members.¹²⁸ From working with local schoolchildren to attending to victims’ families at the scenes of homicides, CSP focuses on showing the ultimate respect to the community, which allows the community to then give that respect back. Other ways that departments can engage with the community and show this kind of respect are by addressing community members and advocates after a significant enforcement action (i.e., after the arrests of numerous community members, a

¹²⁵ "The Critical Decision-Making Model," Police Executive Research Forum, accessed December 4, 2019. <https://perf.memberclicks.net/assets/ICAT/CDM%20Handout.pdf>.

¹²⁶ David Bayley, National Network for Safe Communities: Discretion Working Session 2, October 16-17, 2019.

¹²⁷ Karl Jacobson, National Network for Safe Communities: Discretion Working Session 2, October 16-17, 2019.

¹²⁸ Rice and Lee, "Relationship-based policing".

shooting, a gang “raid,” etc.); deploying rapid response teams out into the community after a traumatic event, such as a homicide or an officer-involved shooting to reassure community members that their safety is a priority; and consistently communicating with community members—especially those immediately affected by a shooting—with updates on all attempts to solve crimes.

Departments can also engage with the community through other agencies that are not focused on law enforcement. For example, in New York City, the New York City Police Department (NYPD) actively shares information with the Mayor’s Office to Prevent Gun Violence (OPGV), which allows for community, non-law enforcement workers to intervene and act to prevent gun violence without necessarily resorting to or requiring actual law enforcement. NYPD uses formal and informal means to share critical information with OPGV about potential shootings and dangerous feuds, which allows OPGV staff an opportunity to safely intervene without the need for arrests.¹²⁹ While the information flow between police departments and intervention organizations is generally one way—police share with interventionists, while interventionists do not share with police—there are generally understandings by which intervention organizations can alert police to immediate and extreme situations. Beyond operational cooperation and coordination, police advocacy for such efforts can heighten their legitimacy and salience and convey police commitment to minimizing enforcement as much as possible.

VII. CONCLUSION

From a starting point suggesting that there is little room to move in the critical moment that police encounter an illegal firearm, it turns out that in fact there is tremendous latitude to think and act around policing and gun violence: in ways that demonstrably reduce violence and reduce harmful encounters between communities and police and other criminal justice agencies, and hold promise for building trust and legitimacy. As in many other areas of police and public safety innovation, some of the most important lessons and directions can be found in creative front-line practice and in collaboration with community partners. Those insights and innovations should be recognized and nurtured, to the benefit of all parties.

¹²⁹ Eric Cumberbatch, National Network for Safe Communities: Discretion Working Session 1, February 6-7, 2019.

The National Network for Safe Communities (NNSC), an internationally recognized action-research center at John Jay College of Criminal Justice, provides evidence-based, life-saving violence reduction strategies to dozens of communities across America and beyond. NNSC's paradigm-shifting violence reduction work has demonstrated conclusively that even within distressed communities, the overwhelming majority of residents are not dangerous. Rather, there are often a small number of people who commit multiple violent offenses—and they are the individuals who are often at the most risk of being victimized themselves. NNSC is therefore committed to utilizing its evidence-based strategies and outreach resources to protect the most vulnerable people residing in the most vulnerable places.

NNSC has achieved this goal in a variety of time-tested ways: by strengthening community norms against offending, communicating directly with high-risk people to deter them from violence, and by enhancing police legitimacy by advising for use of the minimum level necessary for law enforcement actions. We collaborate closely with city governments, law enforcement agencies, community leaders, and outreach and support providers in order to realign official policies and practices with both available evidence and community priorities. In addition to providing strategic advising to jurisdictions implementing these interventions, NNSC also facilitates peer support and collaborative learning opportunities among cities. By bringing together our partner sites, NNSC helps cities learn from one another, address common issues that they all share, and makes these interventions more standard practice across the United States.

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