

## Addressing the Complexity of Illegal Gun Possession for Participants in Gun Diversion Programs

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**Abstract:** *Incarceration-based approaches to illegal gun possession have not proven effective at reducing gun violence, and they have created dramatic racial disparities. Within this context, a small number of jurisdictions have developed prosecutor-led gun diversion programs (PLGDPs), which offer diversion from prosecution and an opportunity to engage in community-based services with a common goal of reducing illegal gun possession. The purpose of this paper is to explore the factors that contribute to illegal gun possession among PLGDP participants, and the extent to which PLGDP programming addresses these complex factors. Semi-structured interviews were conducted with 32 PLGDP stakeholders (8 PLGDP participants, 15 prosecutors, and 9 service providers), and qualitative analyses identified themes related to illegal gun possession and PLGDP programming connections and disconnections. Findings indicate that safety concerns related to structural issues of community violence are a primary factor driving gun possession among PLGDP participants. While PLGDPs were viewed as having some benefits, disconnects in PLGDP programming centered on assumptions made about the target population and the limitations of individual-level interventions to curb gun violence. If PLGDPs are to have an impact on gun violence, trauma-focused approaches must be incorporated, and efforts should be made to better understand and address environmental factors.*

**Keywords:** *Diversion programs; gun possession; decarceration; prosecutors; violence prevention*

### The Persistence and Urgency of Gun Violence in the U.S.

Gun violence is a persistent public health issue in the United States that has become increasingly salient in recent years. In 2020, the U.S. saw the highest number of gun-related deaths since the 1990s and the highest number of gun-related homicides since 1968 (Gramlich, 2023). The COVID-19 pandemic has had both short- and long-term impacts on incidents of gun violence; for example, in Buffalo, New York, Kim and Phillips (2021) found that the pandemic caused a temporary increase in fatal shootings and a longer-term increase in non-fatal and gang-related shootings. The impacts of gun violence are disparate by race and neighborhood as well. Black boys and men between the ages of 15-34 are 10 times more likely to die due to a firearm-related homicide than their white peers (Centers for Disease Control and Prevention, 2023), and urban gun violence is often concentrated to particular neighborhoods or even blocks within neighborhoods (Braga et al., 2010; Larsen et al., 2017). The pandemic-related increases in gun violence exacerbated these

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racial and neighborhood disparities even further (MacDonald et al., 2022). This persistent and disparate impact of gun violence on communities across the country highlights the imperative for policymakers, scholars, and community advocates to further understand why firearms are so prevalent throughout the United States and act with urgency to curb gun violence and enhance safety across communities.

### ***Drivers of Gun Ownership and Illegal Gun Possession***

Gun ownership and decisions about when and where to carry a gun are multifaceted and driven by complex, intersecting factors. While individual attitudes toward firearm ownership, influenced by political ideology, race, and gender, impact decisions to possess a gun (Celinska, 2007; Shapira & Simon, 2018), there is also evidence that environmental factors, such as neighborhood violence, influence these decisions as well (Molnar et al., 2004; Patchin et al., 2006). In general, rates of gun ownership have also increased since the beginning of the pandemic. Although gun sales are not uniformly tracked across jurisdictions, the number of background checks for gun purchases was three times higher in June 2020 than the previous year (Arnold, 2020). While these figures provide insights into increasing rates of gun ownership, they underestimate the overall rate of gun ownership as they do not take into account legal gun sales that do not involve background checks as well as illegal firearm acquisition.

Overwhelmingly, studies include safety and protection as major influences on both legal and illegal firearm ownership (Barragan et al., 2016; Carlson, 2015; Cook & Goss, 2014; Cook et al., 2018). Barragan et al. (2016) found that illegal gun possession (i.e. either owning or carrying a gun without the proper licensure and permits) is distinct in that it is often driven by community-level violence and first-hand exposure to gun violence. In a survey of 221 men incarcerated for illegal gun possession in the Illinois Department of Corrections, survey respondents reported feeling unsafe in their neighborhoods as a major factor driving their illegal gun possession, with shootings reported as the most common reason for feeling unsafe (40%), followed by gang activity (29%), and general violence (24%; Cook et al., 2018). In a study focused on youth, Beardslee et al. (2018), found that youth who witnessed or directly experienced gun violence were 40% more likely to carry a gun following the experience and were also more likely to carry firearms into young adulthood.

Low-income communities of color suffering from high rates of gun violence often experience a situational context in which self-protection strategies such as illegal gun possession are seen as a more viable option than seeking out the police for protection, due to discriminatory treatment and/or a lack of responsiveness (Barragan, 2022). In recognizing the impact of trauma and violence exposure on illegal gun possession, as well as the urgency of mitigating gun violence, it is crucial to consider the implementation of trauma-informed interventions as a viable strategy to do so (Beardslee et al., 2018). More commonly, however, strategies to reduce gun violence involve traditional law enforcement through arrest and prosecution for gun-related charges, including illegal gun possession.

### ***The Limits of Addressing Gun Violence Through Law Enforcement and Prosecution***

As the increase in gun violence has become a more salient concern across the country, the criminal legal system has focused primarily on arresting and prosecuting individuals for illegal gun possession as a gun violence prevention strategy (Olson et al., 2021; Webster et al., 2020; Weiss, 2022). Consequently, arrests for illegal gun possession have increased over the past 10 years across various localities (Chavis & Hing, 2023). However, there is little evidence that criminalizing and punishing illegal gun possession meaningfully decreases future gun violence (Barragan, 2022; Kollmann & Nong, 2013; Olson et al., 2021). For instance, in a recent study of people released from prison, those with a gun offense conviction were more than twice as likely to be arrested for another gun offense after their release from prison than those without a past gun conviction; however, even among those with a prior gun offense, the rate of a post-prison gun offense was just 4% (Ostermann & Hashimi, 2022). A limitation of this study is that all gun-related offenses were aggregated, so distinctions between gun possession versus use/discharge of a gun in an offense could not be examined. In one of the only known studies to focus solely on illegal gun possession offenses, just 7% of individuals who were prosecuted and incarcerated for illegal gun possession were re-arrested for a violent offense within a 3-year period (Olson et al., 2021). Aggressive law enforcement and harsh sentencing may ultimately create more harm to individuals and communities than successfully curbing violence: the harms of incarceration include its potential criminogenic effect, the disproportionate impact on disinvested communities of color, and the erosion of legitimacy of the legal system when those impacted by it see their sentences as discriminatory (Barragan, 2022; Webster, 2022; Weiss, 2022).

It is important to note that there are benefits to reducing the number of guns in communities, with multiple studies linking firearm prevalence to rates of homicide and violence in urban areas (Hepburn & Hemenway, 2004; Moore, 2017; Stroebe, 2013). One recent study specifically connected the prevalence of illegal firearms to rates of homicide, particularly in disinvested communities (Semenza et al., 2021). While the aim to reduce illegal gun possession seems sensible in reducing gun violence, the broadness of this enforcement strategy is often applied in a racially disparate manner, frequently resulting in Black men being disproportionately arrested for minor gun possession charges (Armalas & Thompson, 2022.). For example, from 2008-2019, 74% of individuals convicted for illegal gun possession in Cook County, Illinois were Black men, and the volume of arrests yielded limited impact on public safety (Olson et al., 2020). Although targeted, problem-oriented policing initiatives have shown some success in reducing illegal gun possession, the simultaneous under and over policing of disenfranchised communities is damaging to the efforts to reduce gun violence and illegal possession (Barragan, 2022; Kollmann & Nong, 2013; Webster, 2022; Weiss, 2022). While punitive approaches to social ills are familiar, their lack of efficacy and potential to cause harm drive the pursuit of community-based alternatives.

## **Alternative Responses to Illegal Gun Possession**

### ***Community-Based Models***

Reflecting on the lack of the criminal legal system's ability to reduce gun violence, Branas et al. (2021) write:

The public health, medical, and scientific research communities can no longer be at the mercy of US state and federal legislators, simply waiting for them to successfully pass or repeal laws as the only source of scientific and policy innovation to prevent gun violence in the US. (p. 243)

And communities have not waited idly by, but have initiated interventions to interrupt gun violence and illegal gun possession. A recent review of 13 community-based interventions for gun violence described three main types of approaches: systems, public health, and community mobilization, with many sites adopting more than one approach (Richardson, 2019). Systems-based approaches conceptualize gun violence as a combination of overlapping issues at the individual, familial, educational, and environmental levels and work to address multiple spheres of risk simultaneously. Community mobilization approaches center a community as both the focus of the intervention and integral to its development and execution. Lastly, the public health approach adopts a framework of risk and protective factors to treat gun violence similar to a disease. Richardson's (2019) review found that public health and systems approaches were most effective in reducing gun violence.

A growing body of research connects illegal gun possession with both individual and environmental factors; using data from Project on Human Development in Chicago Neighborhoods, researchers found that illegal gun possession among youth was associated with individual exposure to violence, as well as their neighborhood's lack of safe places for children to play and high levels of social and physical disorder (Molnar et al., 2004). As such, interventions that target both the individual and the community can have a positive impact on gun violence. Hospital-based violence intervention programs (HVIPs) or the Cure Violence model can interrupt and deescalate conflict and reduce recidivism by treating the mental health impacts of violence exposure (Butts et al., 2015; Wical et al., 2020). At the community level, expanding services such as youth programming and reinvesting in neighborhood housing and transportation can positively impact rates of violence by addressing structural factors (Branas et al., 2021). Similarly, Hureau and Wilson's (2021) longitudinal study of youth who both engaged in illegal gun possession and were exposed to gun violence found that, in the context of concentrated gun violence, gun possession was fluid and often involved periods of not illegally possessing a gun. These community-based approaches highlight a malleability in illegal gun possession behavior and the potential for such interventions to reduce rates of gun violence.

### ***Prosecutor-Led Gun Diversion Programs and Implications for Social Work***

In recognition that these community-focused, public health approaches to gun violence and illegal gun possession are more effective at reducing the cyclical harms of gun violence

than traditional law enforcement strategies, a small number of prosecutors have begun implementing diversion programming for some gun charges that incorporate community-based services. By applying lessons learned from public health-oriented and community-based violence intervention programs, these prosecutor-led gun diversion programs (PLGDPs) aim to reduce rates of illegal gun possession, and ultimately, incidents of gun violence across their jurisdictions. Expanding diversion programming is part of a larger trend of prosecutors and other criminal legal stakeholders moving toward alternatives to punishment and incarceration, where individuals are able to complete various programmatic requirements in exchange for the dismissal of their case(s) (Epperson et al., 2023). PLGDPs are an extension of this trend, particularly as prosecutors and gun violence reduction advocates have begun to recognize that traditional approaches to prosecution and incarceration have not yielded the public safety outcomes intended, and more frequently, perpetuate racial disparities and unnecessary collateral consequences of criminal legal involvement for communities of color (Giffords Law Center to Prevent Gun Violence, 2021).

Law enforcement's increased focus on illegal gun possession and the implementation of PLGDPs to address the prevalence of illegally owned guns and gun violence has great implications for social work and social justice. The racial disproportionality of arrest and incarceration for illegal gun possession charges, and subsequent criminal legal records, have immense collateral consequences on communities of color (Levin, 2015). As PLGDPs potentially provide alternatives to obtaining such records, these programs may have strong implications for social justice and racial equity. Additionally, PLGDPs tend to center cognitive-behavioral and mental health interventions (Sharif-Kazemi et al., 2021), and social work is especially suited to understanding the interaction of clinical and environmental factors impacting behavior and behavioral change (Berlin, 1982). Until recently, gun-related charges have broadly been ineligible for diversion programs or other alternatives, positioning PLGDPs as novel interventions to interrupt cycles of incarceration and violence. In 2021, a landscape scan identified eight PLGDPs across medium and large midwestern and East Coast cities (Sharif-Kazemi et al., 2021), and as advocates and system reformers call for both reductions in instances of gun violence and mass incarceration, these programs are well-positioned for implementation in additional jurisdictions. However, as emerging programs, PLGDPs require reflexive and critical engagement and analysis to understand whether their programming actually addresses drivers of illegal gun possession and, potentially, gun violence.

### **Current Study**

The current study aims to explore the individual and environmental factors that contribute to illegal gun possession behavior among participants in PLGDPs and the extent to which PLGDP programming addresses these complex factors. Within this paper, illegal gun possession is defined as the behavior of either owning or carrying a gun without the proper licensure and permits. Drawing on qualitative interviews with program participants, prosecutors, and service providers, the study also examines variations in PLGDP stakeholder perceptions of illegal gun possession and how these perceptions align with the programming offered to participants. While the findings from this study can be used by

any stakeholder engaged in criminal legal reform efforts, these insights will be particularly important for social work and furthering the field's goals of enhancing smart decarceration (Epperson & Pettus-Davis, 2015). As PLGDPs develop, it is crucial for social work to engage critically in assessing whether these programs are responsive to participant needs and continue to emphasize community-based practices over punitive methods, and more broadly, whether these programs encourage movement away from carceral logics and toward public safety and community well-being.

## **Methods**

### **Sample and PLGDP Sites Description**

As part of a larger mixed methods research project on PLGDPs, this study entails qualitative interviews with a range of stakeholders from five PLGDPs that are in various stages of development. Four of the PLGDPs are located in the Midwestern U.S., and one program is located in the south. Four of the PLGDPs are actively accepting participants and have been operational from less than one year to six years; one PLGDP is still in the planning and development phase. Three PLGDPs included in this study were included in the initial PLGDP landscape scan conducted in 2021, while two of the PLGDPs have been implemented since that time. The size and capacity of these programs vary greatly by jurisdiction; for example, for two PLGDPs implemented during the same year, one program has diverted 39 cases in its first two years, while the other diverted 17 in the same time period. The size and scope of each PLGDP are largely dependent on the number of cases screened, eligibility criteria, goals of the program, and/or capacity of the host prosecutor's office. Each PLGDP in this study is primarily focused on offering programming that will reduce each participant's likelihood that they will engage in gun violence in the future, and three of the implemented PLGDPs are also explicitly focused on reducing racial disparities and improving social outcomes for young men of color.

The four PLGDPs in operation accept participants charged with illegal gun possession, which may be filed as a gross misdemeanor or felony charge, depending on the state in which the PLGDP is located. Each program has additional eligibility criteria, which typically include no prior offenses involving interpersonal violence or, in some cases, any felony conviction. All of the programs offer dismissal of the illegal gun possession charge for participants who complete PLGDP programming and are not arrested for a disqualifying charge within the program's length, which ranges from six months to two years. Programming varies somewhat across the four existing PLGDPs, but in all cases it involves a combination of group and individual counseling, using four primary approaches: cognitive-behavioral therapy (CBT), life skills and anger management training, service and resource provision, and restorative justice circles. All of the PLGDP services and programming are provided by local social service agencies, and services are provided by trained social workers, psychologists, or other helping professionals.

Members of the research team conducted semi-structured qualitative interviews with a total of 32 PLGDP stakeholders, including eight PLGDP participants, 15 prosecutorial staff that were involved in the development of each program, and nine social service providers

from agencies contracted to provide PLGDP programming. Prosecutorial staff and service providers were recruited directly by the research team via email invitations to participate in an interview. PLGDP participants were recruited in two ways. For one PLGDP, members of the research team attended a group session and presented the study with an invitation to participate in an interview. For the remaining PLGDPs, service providers informed participants about the study and asked who would be willing to be contacted by a member of the research team to learn more about participation. Because most of these programs were in the early stages of implementation at the time of recruitment, there were a limited number of PLGDP participants available for recruitment. PLGDP participant interviews focused on a range of participant experiences and perspectives on the program, including program entry and participation (i.e. “What ultimately convinced you to participate in the program?”), experiences in the program (i.e. “What services did you receive in the program?” “Do you think the program is doing what it was designed to do?”), and recommendations on how the PLGDP could be improved. For prosecutorial staff and social service providers, collectively referred to as “PLGDP professionals,” interviews focused on PLGDP purpose, development and implementation, target population(s), rationale for services provided, and how success is defined and measured. Example questions from the PLGDP professional interview guide include: “To what degree has your PLGDP reached the target population?” “How does the fact that your clients are in a gun diversion program shape your thinking about treatment?” “Please describe the typical profile of a successful (and unsuccessful) participant in the program.”

### **Data Analysis**

Interviews, which lasted between 45 and 90 minutes, were audio recorded (with consent) and transcribed verbatim. Transcribed interviews were analyzed using a thematic analysis approach (Braun & Clarke, 2006) combined with elements of flexible coding as described by Deterding and Waters (2021). First, three members of the research team conducted line-by-line coding of all interview transcripts, applying an initial set of index codes derived from topics covered and questions from the interview guide (Deterding & Waters, 2021). Members of the research team met regularly to review memos, draft summaries of index codes, and relevant questions to explore in the analysis. Because PLGDPs focus on illegal gun possession charges, we focused our analyses on two aspects of gun possession: 1- How do PLGDP participants and professionals describe the factors related to illegal gun possession? And 2- To what extent does PLGDP programming address these factors and additional needs of PLGDP participants? Indexed excerpts related to assessments of PLGDPs, program design and implementation, and PLGDP participants were reviewed and flagged for potential relevance to the two research questions. Additionally, all eight PLGDP participant interviews were reanalyzed and excerpts of relevance to the research questions were identified. Next, a set of analytic codes was developed and applied to the indexed data, including the following analytic codes: contextual drivers of gun possession, individual vs. environmental factors, connections and disconnections between programming and needs. Summaries of analytic code excerpts were written and reviewed, and the various codes were sorted and organized into potential themes (Braun & Clarke, 2006). This distillation of themes was organized into two

sections: 1- the context of gun possession and related needs, which included the following themes: safety, demographics and policy context, and additional needs; and 2- PLGDP connections and disconnections to participant needs, which included the following themes: mental health and group programming, assumptions on target population, and limitations of individual-focused intervention.

## Results

In total, 32 PLGDP stakeholders across five sites participated in semi-structured interviews. Eight program participants were interviewed across three PLGDPs. All interviewed program participants identified as male, six participants identified as Black, one identified as biracial, and one identified as white. The interviewed participants' ages ranged from 25-45, with an average age of 32 and median age of 29. Among the 15 prosecutorial staff interviewed, 12 (80%) identified as white, two (13%) identified as Black, and one (7%) identified as Latinx; 12 prosecutorial staff (80%) identified as female, and three (20%) identified as male. All prosecutorial staff had received a degree in law, and they ranged from one to 23 years in their current position. Among the nine service providers interviewed, seven (78%) identified as Black and three as white; five (56%) identified as male and four as female. Three of the nine service providers had obtained degrees in social work, three in counseling or psychology, one in communications, and two service providers had received training in human services or trade school.

### Context of Illegal Gun Possession and Related Needs

#### *Safety*

Safety and violence concerns were primary factors driving illegal gun possession that were similarly discussed by PLGDP participants, prosecutors, and service providers. Stakeholders across PLGDPs acknowledge that many of their program participants possess firearms because they are afraid of gun violence in their communities, and these stakeholders provide various reasons why participants feel unsafe, including community-level gun violence, gang affiliation or fear of retaliation, and knowing a loved one impacted by violence. This recognition seems to be one of the motivating factors in developing PLGDPs – many stakeholders do not want to punish young people for illegally possessing firearms due to fears for their safety. In the following quote by a prosecutorial staff member, the recognition of illegal gun possession behavior due to safety concerns (versus intention to “commit crimes”) provides a rationale for offering PLGDP participation as an option after arrest.

*So some kids are getting guns, not because they want to commit crimes or they're part of a gang, but maybe they think they have to have a gun to be safe in their school. And if that child gets picked up with a gun, they get kind of funneled into the process with a label and a stigma about being a gun carrier. Although it's a very risky proposition in a sense that no one wants to divert someone that's got a previous gun case for possession and then find out later on they're involved in a shooting, that doesn't look good for anybody. But we recognized that we wanted to*



*be able to offer an olive branch to people and say, "We recognize that you're on the really outer peripheral of the major crime problem, the assault problem in our city, and if we can divert you and get you onto a better track sooner, now how do we do that?" (PLGDP Prosecutor)*

PLGDP participants also described safety concerns as a primary reason for gun possession, although many quotes discussed a broader context involving intersecting issues of poverty, trauma, neighborhood violence, and systemic issues like racism and policing that affect PLGDP participants' illegal gun possession behaviors. The most frequent environmental issue discussed was the prevalence of gun violence, which was described as "common as rain." Interviewees frequently connected the environmental factors above with individual-level attributes related to illegal gun possession. The most prevalent belief discussed was that gun possession was necessary for personal safety, which is clearly linked to an overall feeling of being unsafe within their neighborhoods. As illustrated in the following quote, PLGDP participants discussed being aware of the potential violence around them, at times being hypervigilant, and desiring the feeling of protection that a gun is perceived to provide.

*Take a little more into consideration the grim reality of certain people's situations. Me, myself where I live, where I come from, where I was arrested, all that, it's not a very bad place, it's not a bad neighborhood. However, there are far worse neighborhoods this way. And a lot of people live, work and play in those areas. And it's just a reality. And you could literally die at any one time through no fault of your own, whether you're outside or in the house. It's just messed up like that. Stray bullets are common as rain in certain places. And not only that, that's just for people that are out the way. You got people that are moving and grooving in the streets and whatnot, and that's a whole other risk to your health. So they got to deal with not only the passive risk, something happening to them, but now you've got an active risk. You've got police, you've got other street dudes, you got just... Everything is against you. (PLGDP Participant)*

Exacerbating these feelings of lack of safety and hypervigilance is a recognition of the "passive" and "active" risks – multiple levels of personal and environmental trauma, which can also lead to mental health difficulties and a feeling of hopelessness. Many PLGDP participants also recognized that these same neighborhoods are heavily policed, and that young Black men are often socialized to distrust police. This distrust of police, along with other risks, contributes to gun possession behaviors as PLGDP participants take it upon themselves to ensure their own safety.

### ***Demographics and Policy Context***

There was frequent recognition by both PLGDP professionals and participants that the overwhelming majority of participants in PLGDPs are young Black men from specific neighborhoods within cities. There are certainly older individuals, non-Black individuals, and women in PLGDPs, but the dominant characterization was of young Black men and the unique impact of illegal gun possession on them. Many of the subsequent discussions of individual, neighborhood, and societal factors were tied to this primary identity. At

times, this identity was contrasted with others who may illegally possess guns (i.e., white men) but are not caught up in the criminal legal system for it. Additionally, there was a frequent humanizing of the general type of PLGDP participant, that they are “good guys,” they are not “gang-bangers,” and that they are merely trying to protect themselves and make a living. There was also frequent mention of the fact that many of these young men were “first-time offenders” and were also referred to as “kids.” At times, the focus on young Black men fed into stereotypes of the target population:

*The program is set up for the inner city... The typical poster child for this program is going to be an inner city 19-year-old male, a 20-year-old male. That's where most of our gun cases are. And those tend to be people of color, because they're living in inner city. They're probably lower income folks. And the type of kid that has a gun for his own protection, because he lives in a gang neighborhood. And he needs it, or at least he feels like he needs it. That's the type of person that's our model here that we think we can help. If I had to sell it, I would mention that in a community meeting. (PLGDP Prosecutor)*

To a lesser extent, illegal gun possession was explained by lack of awareness of the legal technicalities of how and when a gun could be legally owned and carried, and these decisions tended to be framed as mistakes versus a more sustained pattern of gun-carrying behavior. The PLGDPs involved in this study represent several different states, each with unique and variably restrictive laws and processes for legally possessing and carrying a gun. For example, one participant who worked as a truck driver was arrested in another state for having a gun in their truck – a behavior that would be considered legal in their home state. PLGDP professionals also noted the challenges of implementing these programs within their distinct state contexts. Some states provide easy access to legal gun ownership, whereas some make it incredibly difficult and inaccessible to obtain proper licensure. In discussing their PLGDP clients, one service provider stated “There's a nice amount of guys that actually had a [legal gun ownership] card. So it's not like they were just oblivious. They took the necessary steps. Again, they just didn't go all the way with the conceal and carry [permit].”

### ***Additional Needs***

Both PLGDP participants and professionals discussed a range of additional needs for services and supports including employment opportunities, housing, substance use, mental health, education/GED pathways, transportation, and family challenges. In particular, service providers had holistic understandings of the varying challenges that the participants may face in their day-to-day lives.

*Now, if we're talking about our clients, we're talking about, on average, each client has a minimum of three barriers. That's what I've surmised. And I say on average. Some have more. Very few have less. When I'm talking about barriers, I don't know if I need to go into it, but we're talking about employment barriers, some educational barriers, some criminal barriers, some attitude barriers, some esteem barriers, some family barriers. So, there's all these things going on. Maybe they have some mental health stuff going on. They have some learning disabilities.*

*There's all this different stuff that's going on with these folks. (PLGDP Service Provider)*

However, PLGDP professionals (versus participants) more frequently tied these needs directly to illegal gun possession behavior. Most frequently, professionals focused on the importance of obtaining stable employment to reduce likelihood of illegal gun possession, connecting participants to jobs as well as providing help with resumes and interview preparation.

*Well, one is that we hope they never carry a gun again. Some of these kids came into our program with nothing to lose. And by them coming to our program and getting a job, and finding stable housing, and having relationship with us, they now have something to lose and stuff. They now have something that they can complete and help them in life. (PLGDP Prosecutor)*

Overall, stakeholders across programs emphasized how economic needs and barriers must be addressed to reduce illegal gun possession behavior. As we will discuss in the following section, this assumed connection and focus on individual-level intervention was often experienced by PLGDP participants as a disconnect from their actual needs.

### **PLGDP Connections and Disconnections to Participant Needs**

The overarching goal of PLGDPs is to provide participants with various services that address the needs that led the participant to possess a gun illegally. In attempting to meet these needs, PLGDPs aim to reduce future criminal legal involvement and, potentially, reduce gun violence within their jurisdictions. Building on the contextual drivers of illegal gun possession behavior discussed in the previous section, the following section considers whether PLGDPs are addressing these drivers through their programming. Interview excerpts were coded as “connections” or “disconnections” to signify alignment (or misalignment) between programmatic aspects, participant needs, and drivers of illegal gun possession behavior.

#### ***Connections: Mental Health and Group Programming***

The bulk of the excerpts coded as “connections” were from participant interviews, along with fewer excerpts from treatment providers and/or prosecutors. Among the participant interviews, there was remarkable consistency in the aspects of the PLGDP interventions that were discussed as helpful components. Most of this revolved around CBT approaches (although CBT was rarely named), such as connecting thoughts, feelings, and actions, learning how to replace and restructure thoughts, and managing anger. Many excerpts also discussed the benefits of developing skills such as decision-making, how to recognize risky situations and scenarios, practicing problem-solving, coping skills and self-control, and how to deal with conflict. Participant engagement with CBT approaches is exemplified in the following response to the question “Do you think that the program addresses the situation that led you to getting a gun charge?”

*Yeah, because of the simple fact it helps us with replacement thoughts, like maybe I wanted to come outside and I feel like that I needed to take my firearm somewhere versus ... What we talk about up in the group is maybe you can replace that thought with maybe you shouldn't go if you feel like that you need your firearm, or maybe you should just go about finding a better way to go about going, or going about and interacting with the situation. (PLGDP Participant)*

Very rarely were more typical mental health concepts such as depression, anxiety, trauma, or substance use discussed by participants. At times, participants did describe gaining insight and understanding, both about themselves generally and about their own emotions and thinking. Although participants discussed mental health focusing on skill-building, among the few service provider/staff excerpts, there was also a stated focus on CBT and connecting thoughts, feelings, and actions. PLGDP professionals also talked about larger issues such as trauma, values, childhood experiences, and being authentic, and they connected trauma and hypervigilance with the importance of offering a second chance for people who are arrested for illegal possession, as illustrated in the following quote:

*So from my understanding, the criminal legal system was not working in a favor of those who made mistakes. And as you know, the people who make these mistakes, which are formerly incarcerated people, and also people who have gotten these charge, it's kind of that one mistake kind of ruined their lives. And usually from my experience, working with this population, it comes from them making these mistakes, comes from their environment, being hypervigilant and things that have transpired throughout their childhood, which cause them to be on edge. And so circling back around to your question, I think the impetus behind this program was to provide not only a second chance, but be that conduit between the community in which they're servicing and the core systems to provide these people another chance, another shot at life. (PLGDP Service Provider)*

Two facets of the PLGDP intervention approach were also repeatedly mentioned as being appreciated by participants: the group format and structured activities. Many participants discussed the value of the group, talking with others with similar backgrounds and experiences, and being able to share and relate to one another.

*Most helpful? I would say the group, how it allows all of us to share our experiences as a collective and collectively... it allows us to actively converse about what's going on [in the world], give someone else an example of a situation that they may have been in that they didn't want to talk about previously or somebody else, "I didn't know you've been through this just as many times as I." It allows individuals to know that they're not by themselves. We all feel like at certain times, stuff just happens to us. And it doesn't, it happens to people all the time, across all walks of life for the same reasons or lack of reasons as it may or may not have happened to you. And that is a big thing as far as connection. If you can connect with somebody more, you're going to be more open. And that's what the group is focused on, being open to ideas but also opening yourself up so you know what's going on within you, and it does a really good job with that. (PLGDP Participant)*

The group session was also the setting where structured activities, assignments, and skill-building were referenced. Participants seemed to appreciate the structure of the activities, and the opportunity to work through them with others with whom they could identify.

### ***Disconnections: Assumptions on Target Population***

As discussed in the previous section, the contexts shaping illegal gun possession for PLGDP participants is multifaceted and complex. Stakeholders involved in the development and implementation of illegal gun possession diversion programs acknowledge these complexities by thinking critically and thoughtfully about systemic challenges that may lead to illegal gun possession behavior. As noted previously, in expressing their goals for these programs, programmatic stakeholders across jurisdiction frequently noted that they hope their programs address underlying needs such as employment, housing, mental health, and substance use to disrupt future instances of criminal legal system involvement.

Although there is promise in developing PLGDPs that holistically meet the needs of participants, we found disconnections between the types of services offered within the programs and the stated needs of the participants. Many of the participants of gun possession diversion programs are considered “low risk” due to the eligibility criteria of the programs and often do not require the types of assistance these programs are offering. For instance, PLGDP participants often discussed that they were employed and do not require assistance finding employment. One participant expressed that even though some people may benefit from the programming offered, they have personally never required housing or employment assistance, even though they have previously possessed guns:

*I feel this class will help so much people that—'cause I don't need a lot. Like I do have a great paying job. Like I always kept a job. I don't get in that much trouble. I have been caught with some guns, but I try to do them the legal way. I was halfway there. Didn't always get there. But there's some people that just need a lot more guidance than I do. So I don't need a lot. I don't ask for a lot. I got my own place, always have my own place, always had a job. Like, I've never been fired before. If I didn't like a job, I will find another job before I leave that. I've always been that type of person. (PLGDP Participant)*

These disconnections could speak to the fact that the underlying assumptions stakeholders have about the population in their program are not aligned with their lived realities; it may also speak to the idea that PLGDPs should consider widening their offerings for current participants or eligibility criteria to include individuals who will benefit from the current services.

PLGDP prosecutors and service providers often conveyed implicit or explicit assumptions about the participants and their needs, and these assumptions were largely negative. Some of the programming was experienced by participants as being somewhat common sense and included aspects that they had already learned in their families. One

participant shared, “I had an awesome mother, you know, and a lot of this stuff was like instilled in me, you know... a lot of the stuff I caught on to naturally.”

The assumptions around participants’ unemployment had a detrimental effect on their experiences in the programs, as many noted that they had to take off from work to attend weekday PLGDP programming. One PLGDP participant speaks directly to assumptions made about the group:

*Right. And I think honestly, when they created the program and they created a Thursday [for programming], they were probably looking at it like a lot of these people were maybe carrying guns, maybe don't have a job. Okay, so we could do it on a weekday because they probably don't work. I think that's probably was the mindset. And a lot of people actually do still work. And a lot of people don't work Saturdays, but they are probably looking at it, Saturdays the weekend. What if a lot of people don't show up? I get that too. (PLGDP Participant)*

The most prevalent disconnect noted was assumptions about illegal gun possession, criminality, and risk. Participants discussed a somewhat indirect sense that the PLGDP was made for more serious, high-risk participants, “repeat offenders,” “gang-bangers,” etcetera. Participants were likely to distance themselves from this perception, noting that many of them were in the PLGDP for a first offense and that their illegal possession charge was because of a technicality in how/where they carried the gun. Another participant discussed the importance of looking at the whole individual, not just the fact that they carried a gun, in developing programming. As one participant stated, the programming “doesn’t hurt,” but also noted that the CBT-based intervention does not address the real causes for why he and others might illegally possess a gun, which is largely due to neighborhood and environmental factors related to community violence.

### ***Disconnections: Limitations of Individual-Focused Intervention***

Broadly, the analyses highlight a significant disconnect between feelings of safety and PLGDP programming. Although PLGDP stakeholders consider safety and violence concerns as primary factors driving illegal gun possession behavior, there are limited programmatic interventions to address these concerns. Currently, PLGDPs tend to address feelings of safety through individual mental health treatment and CBT programming, and both prosecutors and service providers acknowledge that trauma often stems from community violence and prioritize offering mental health programming through PLGDPs to address this trauma:

*Because for most of these individuals, they have experienced various levels of trauma. A young man has experienced his brother dying in his arms, gunshot wounds. People are feeling the need to even retaliate and not think clearly about that in issues that affect family and someone takes a life. And that is somewhat of the cultural dynamic in those areas, crime ridden areas, where you retaliate. And so trauma by more trauma. (PLGDP Service Provider)*

*[Participants] always tell the police in their police interviews upon arrest, they're carrying the gun for protection. And that was a key factor. I think that's what led*

*to them developing the trauma piece because they believe they've witnessed some sort of violence as a young kid and that they end, but in the majority of our cases, when they get interviewed by the police, and they're like, "Yes, it was my gun and I, I found it on the street and I decided to carry it to protect me and my family." 90% of them, that's what they told the cop. They weren't like I wasn't carrying it, because I want to go do a robbery, it's to protect me. But that was a key piece of that. (PLGDP Prosecutor)*

However, there is little to no focus on broader violence prevention or the widespread presence of firearms in communities that address the contexts that made people feel unsafe in the first place. Providing mental health treatment may provide individuals with tools to manage trauma or fear, but ultimately, none of these program offerings are changing the underlying issues that initially created the sense of fear, anxiety, and hypervigilance experienced by participants.

Some stakeholders spoke to the disconnect between PLGDPs and their ability to curb or prevent violence that leads individuals to illegally possess guns. The prevalence of gun violence and illegal gun possession is cyclical: neighborhoods with high numbers of illegal gun possession cases have high incidence of gun violence, creating a cycle that leads to a disparate rate of surveillance, arrests, and criminal legal involvement. One participant expressed their disbelief that PLGDPs (and the criminal legal system more broadly) can address these systemic issues:

*But as far as the problems directly leading to why we got in a situation that directly led us up to being arrested, those are things they can't change, and that's just one of those kinds of harsh truths. The way I got got, the way the other guys in our group got got, how it happened will never change just because that's people, that's politics. That's an entire institution we're talking about changing, which it will not. So I'm just going to leave it at that. (PLGDP Participant)*

This same PLGDP participant later wrestled with the potential benefits of PLGDP programming in the broader structural context of gun violence:

*They can't [change the environment]. How could they? [The program] changing the entire city, specifically the south side, that's just... That's where most of us are, we're on the south side of the city and that's the problem side if you want to call it that. They can't change, as much as they want to. And I want to change it too, but they just can't, that's a few million people you talk about that just are out there. So that? No, they can't do anything about it. But as far as changing us, the individual or at least changing in the way we think about a situation for a second, that has a positive ripple effect and that's what they're going for and I think they're achieving. (PLGDP Participant)*

## Discussion

Overall, there is a rationale for focusing on illegal gun possession as a means to curb future gun violence in communities, and PLGDPs are one potential pathway to disrupting future criminal legal involvement. PLGDPs seek to rectify some of the problems with

traditional enforcement and punishment of illegal gun possession, such as racial disparities in arrests and convictions, the limited impact on public safety outcomes, and the collateral consequences of criminal legal records and incarceration, by providing participants with social services that prevent them from continuing illegal gun possession behavior. It is important to note that diversion in and of itself is a form of intervention – the benefits of avoiding the negative consequences of a conviction for both individual and community safety cannot be overstated. However, gun possession diversion programs face issues with implementing an approach that is targeted enough to curb violence in a broad way. While possessing a gun is a necessary precursor to committing gun violence, the majority of people who possess guns do not engage in violence. PLGDPs initially appear to be focusing on especially lower-risk cases, accepting participants who possess guns for safety or protection reasons. While these participants will benefit by avoiding a conviction, the potential impact of PLGDPs on reducing gun violence will depend greatly on who is allowed into the programs and to what extent the programming addresses illegal gun possession behavior.

One aspect of this disconnect is the political construction of “illegal gun possession” as a criminal charge that varies greatly depending on state contexts. For example, in one state represented in this study, gun laws are highly restrictive; most of the participants in the program held firearm ownership licenses but lacked conceal and carry permits, leading to their arrest. In other states with less restrictive laws, illegal gun possession may not even exist as a criminal charge – necessitating that individuals diverted into these programs are charged with much more than simple possession. In recognizing these variations, it is important to consider whether criminal charge is the best proxy for developing programmatic interventions that will strongly impact gun violence.

### **Convergent and Divergent Perspectives**

Our qualitative analyses revealed many points of converging and diverging perspectives between PLGDP professionals and participants on the factors that contribute to illegal gun possession and the extent to which PLGDP programming addresses these factors. Both PLGDP participants and professionals recognize safety concerns as a significant driver of illegal gun possession, yet participants described the limitations of individual-level intervention to address community safety, particularly in communities with high levels of gun violence. And while both the PLGDP professionals and participants in this study recognize that those charged with illegal gun possession are overwhelmingly young Black men, PLGDP participants pushed back on perceived assumptions of criminality and violence, family dysfunction, and types of services needed. Indeed, this point of divergence appears to be directly related to the misalignment between who is currently accepted into PLGDPs (i.e. relatively “low risk” individuals) versus who PLGDP programming is intended for, that is, individuals who demonstrate greater needs and likelihood to engage in gun violence. As PLGDPs evolve and expand, it will be important for programs to work to align programming to the types and intensity of participant needs.



## **Mental Health and Trauma**

It is notable that so many PLGDP participants speak highly of the mental health components of the programs, particularly in providing them with strategies like replacement thoughts to manage anxieties or fears that led to illegally possessing a gun. Based on participant responses, providing access to mental health services is a highlight of these programs and displays a strong connection between the stated needs and interests of the participants, illegal gun possession behavior, and the programming offered. The fear, trauma, and safety aspects of illegal gun possession is understood by other interviewed stakeholders and, generally, the acknowledgment that most people arrested for illegal gun possession do so due to past trauma and current fears around safety stands out as a strong motivator for the development of these programs. As participants express positive reactions to the mental health services that they receive through PLGDPs, this programming may be considered a success in meeting the needs of participants that influence their illegal gun possession behavior. On the other hand, it is important to critically assess whether PLGDPs are enabling the further criminalization of trauma. It is understood by almost all PLGDP stakeholders that most people who engage in illegal gun possession behavior are doing so due to safety fears that developed from exposure to personal or community-level violence. Although diversion programs are off-ramps from traditional prosecution, they can still result in consequences and prosecution if they are not successfully completed. It is therefore essential that PLGDPs adopt trauma-informed approaches and provide realistic program requirements to avoid high rates of termination.

## **Individual Versus Environmental Factors**

Across interviews, stakeholders understand that there are both individual and environmental reasons that people possess firearms illegally, and these reasons are frequently entangled and cyclical: first-hand exposure to gun violence, community violence, and fear create internal conditions that drive individuals to illegally possess guns for safety purposes; constraints on and lack of access to time, money, and/or information block these individuals from obtaining proper licensure; and the environmental exposure to such violence and the inaccessibility of the proper resources to obtain licensure are tied to the broader disinvestment of communities of color in urban areas. As these individual and environmental factors interact, both individuals and communities also find themselves caught in cycles of arrest, incarceration, and collateral consequences.

PLGDPs seem well-equipped to address some of the individual factors leading to illegal gun possession behavior. In particular, providing access to mental health services is useful, as participants consistently expressed their appreciation for these services. Importantly, this can help individuals learn the skills to manage some of the fear and integrate the trauma that led them to illegally possess a gun. Another promising practice is programs that offer pathways or resources for participants to obtain the proper licensure for their guns, so they are registered and regulated properly. Although the current population of especially low-level participants did not seem to require additional social services as frequently as program developers may expect, as programs scale up to include

new or higher-risk populations, access to these social services may become more important.

### Limitations and Conclusions

This study has several limitations that should be noted. Although the five sites and four active PLGDPs offer a richness of data, the qualitative analyses do not provide a site-level comparison of each PLGDP and its ability to address illegal gun possession behavior. Similarly, this exploratory study relies on the perceptions and experiences of PLGDP participants and professionals. Because these PLGDPs were in the early stages of implementation at the time of the study, there was a limited number of participants available for recruitment. As PLGDPs mature, it will be important to continue to learn from the perspectives and experiences of a greater range of participants. Additionally, quantitative studies must also be conducted to assess not only whether these programs impact illegal gun possession behavior, but also the degree to which their intended intervention targets and mechanisms contribute to the broader goal of reducing gun violence.

PLGDPs are not equipped to address the environmental factors that lead to illegal gun possession behavior, such as structural disinvestment at the community level that contextualizes the drivers of illegal gun possession. More broadly, the criminal legal system is not equipped to address these factors; although carceral systems are commonly expected to solve systemic social problems, the over-incarceration of communities actually exacerbates such social problems. Rather than relying primarily on the criminal legal system and punitive approaches, community-based violence prevention and social work interventions are crucial to curbing community violence. Although PLGDPs can serve as an important intervention for people who are arrested for illegal gun possession, their broader implementation must be in conjunction with community-based intervention programs focused on the structural drivers of gun violence in order to make a genuine impact.

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