

A SECOND CHANCE: The Case for Gun Diversion Programs

The United States accounts for just 4% of the global population but a startling 25% of the world's prisoners. The mass incarceration crisis that is bloating our nation's prisons disproportionately affects Black and Brown Americans, tearing apart families and communities—often because of crimes that didn't involve violence.

Data has shown that this “tough on crime” mentality doesn't actually reduce crime or enhance public safety. While the public is increasingly aware of the harmful impact of failed policies like the war on drugs, a lesser-known yet still significant driver of mass incarceration is the criminal legal system's response to nonviolent illegal gun possession. Tens of thousands of Americans are arrested and incarcerated each year on nonviolent weapon possession charges.

Given that the majority of violent crime in any city is driven by a very small percentage of individuals, **we can improve public safety and reduce mass incarceration by rethinking our approach to nonviolent gun possession.** This report explores prosecutor-led diversion programs and makes the case for expanding this promising alternative to incarceration.

MASS INCARCERATION IN THE UNITED STATES



US population:
4%
of global population



US prison population:
25%
of global population

Sources: CNN and National Research Council

How Diversion Programs Work

While diversion can take a variety of forms, this report focuses on prosecutor-led diversion, in which prosecutors offer defendants the option to participate in programming as an alternative to traditional sentencing. The most common requirements for diversion programs are community service, substance abuse education and treatment, and individual therapy.

A growing body of research shows that prosecutor-led diversion programs improve public safety and generate significant cost savings for taxpayers. A 2018 study of prosecutor-led diversion programs funded by the National Institute of Justice found that participants in all five programs were less likely to be convicted and incarcerated, and in four of the five programs, participants experienced reduced recidivism. These programs also generated remarkable cost savings.



FIVE OUT OF FIVE

Participants in all five programs were less likely to be convicted and incarcerated



FOUR OUT OF FIVE

In four out of five programs, participants experienced reduced recidivism

Pathways to New Beginnings in Minneapolis

In Minneapolis, Minnesota, the vast majority of people convicted of illegal possession of weapons charges were people of color. Deputy City Attorney Mary Ellen Heng noted that despite conviction rates as high as 90%, “we saw that we were doing almost nothing to change the trajectory of these individuals’ lives.”

In 2016, the city put out a competitive solicitation seeking assistance from a community-based organization to create trauma-informed programming for individuals with firearm possession charges. Local nonprofit Urban Ventures won the solicitation, and Pathways to New Beginnings was born.

Program

In its current form, Pathways to New Beginnings is a six-to-nine-month commitment divided into two phases. The process begins with a 10-hour intake that includes a diagnostic evaluation, risk assessment, and the creation of an individual service plan.

Phase I:

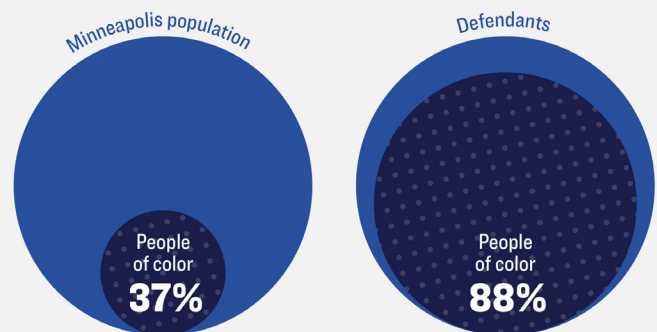
The in-person version of Phase I lasts about three months and involves 66 hours of group curriculum (48 hours over Zoom), which has its foundations in the National Substance Abuse and Mental Health Services Administration’s cognitive behavioral therapy curriculum for individuals involved in the criminal legal system. Modules include “Healing from the Pain,” “Managing Strong Emotions,” “Thinking for Change,” and “Lifeblood: Life Changing Transformation.”

Phase II:

Phase II lasts up to six months and includes ongoing case management and a group curriculum focused on practical life skills. Participants work on goal setting and create “life maps,” as well as learn job skills and strategies for finding and maintaining employment. At least one session is dedicated to relevant social justice issues, giving participants the opportunity to discuss their lived experience with structural racism.

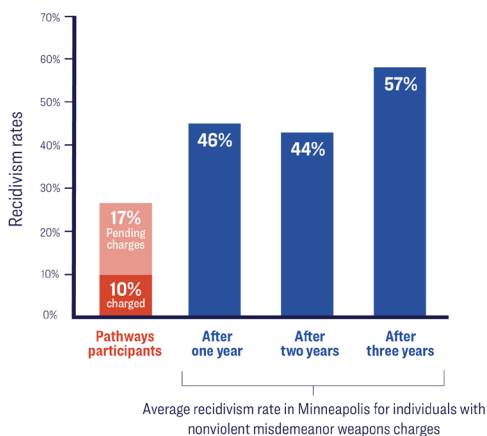
WEAPONS-RELATED GROSS MISDEMEANOR CONVICTIONS

(2014–2016)



Source: City Attorney's Office of Minneapolis

RECIDIVISM RATES AMONG PATHWAYS PARTICIPANTS



Source: Minneapolis City Attorney's Office

Results

Of the 59 graduates, the overall recidivism rate is just 10%. While some additional Pathways clients are facing new pending charges, even assuming all of those cases result in convictions, the overall recidivism rate for the Pathways graduate population would still be 27%. **This recidivism rate for Pathways participants is three to five times lower than the 60% three-year average recidivism rate for individuals convicted of nonviolent weapons charges in Minneapolis.**

Recommendations

Only a handful of diversion programs exist to specifically address situations where individuals are charged with nonviolent gun possession. The following recommendations are intended to encourage the proliferation and evolution of prosecutor-led diversion programs in this context.

Prosecutors: Implement Diversion Programs for Individuals with Nonviolent Firearm-Related Charges

1. Make the Case for Diversion with Data
2. Implement Gun Diversion Programs Using Promising Practices
3. Explore New Funding Sources to Launch or Expand Diversion Programs

State Legislators: Support Diversion Programs and Reform Draconian Gun Possession Sentencing Policies

1. Fund Diversion Programs
2. Reexamine Criminal Penalties for Illegal Gun Possession
3. Incentivize Local Law Enforcement to Solve Violent Crime



The United States lost 45,000 Americans to gun violence in 2020, an increase of nearly 15% over the previous year. Evidence shows that there are many proven ways to reduce gun violence, but locking up nonviolent offenders for firearms-related charges is not one of them.

To truly improve public safety, we must invest in under-resourced communities, not ravage them. We must give young men and women who have experienced trauma pathways to new beginnings, not send them into a revolving door of incarceration and violence. Navigating a better path forward will require marshalling significant resources and political will. We hope this report serves as a useful call to action for charting this course.