



THE UNIVERSITY OF  
CHICAGO

SMART  
DECARCERATION  
PROJECT

# Prosecutor-Led Gun Diversion Programs: Preliminary Findings, Future Directions

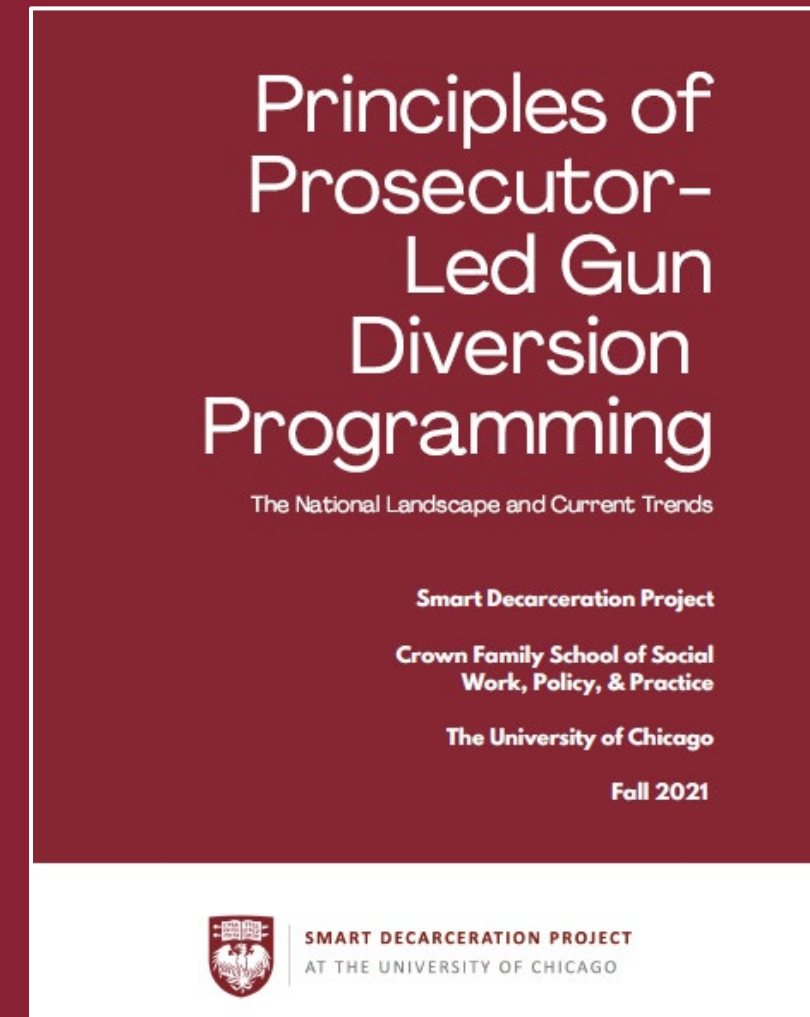
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Examining Prosecution Workshop  
National Academies of Sciences,  
Engineering, and Medicine  
Washington DC: 9/23/24

# Research on Prosecutor-Led Gun Diversion Programs (PLGDP's)

- Motivations
  - Ineffectiveness of only prosecution and incarceration
  - Racial disparities
  - Differentiating between gun charges
- Program Models:
  - Cognitive Behavioral Treatment
  - Life Skills and Anger Management Training
  - Service and Resource Provision
  - Restorative Justice



Available at  
[www.smartdecarceration.org](http://www.smartdecarceration.org)

# Minneapolis PLGDP: Pathway to New Beginnings

- Established in 2017 by Minneapolis City Attorney's Office
  - Motivations
- Eligibility
  - Gross misdemeanor weapons offense
  - Excluded prior convictions: gun, violence, felony, DV
  - Not currently on probation
- 2 Phases of programming (group, individual, cast mgt.)
  - Phase 1: 12 weeks, 67 hours of programming
  - Phase 2: 2-6 months, 9-15 hours of programming
- Reasons for termination:
  - Failure to complete requirements
  - New charge: gun, felony, DWI, violence

# Pathway Outcomes Analysis

- ♦ **Data Summary**

- ♦ Pathway Participant Demographic Information & Graduation Rates

- ♦ Recidivism Rates (Charges & Convictions) for:

- ♦ Pathway Participants (n=76) (2017-2019)
    - ♦ Comparison Group (n=93) (2014-2016)

- ♦ Inferential Statistics

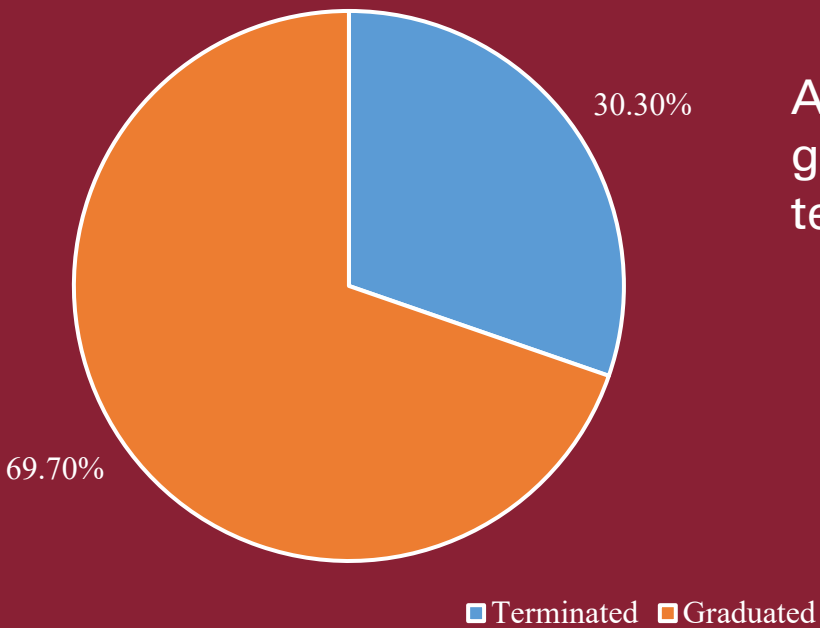
- ♦ Are individuals in the Pathway Program less likely to experience recidivism (i.e., charges or convictions) than individuals in the Comparison Group?

- ♦ Successful vs. Unsuccessful completion
      - ♦ Focus on recidivism charges involving a weapon or interpersonal violence

**Table 1:** Descriptive information for Pathway Participants (N = 76) and individuals in the Comparison Group (N = 93)

	Pathway Participants (N = 76)		Comparison Group (N = 93)	
	M	SD	M	SD
Age	24.67	7.57	28.30	11.98
Race	N	%	N	%
Black	60	78.9%	68	78.3%
White	6	7.9%	13	14.0%
Hispanic	5	6.6%	3	3.2%
Native American	4	5.3%	4	4.3%
Asian	1	1.3%	0	-
Unknown	0	-	5	5.4%
Sex				
Male	72	94.7%	82	88.2%
Female	4	5.3%	11	11.8%
Charges Prior to Relevant Weapons Charge	40	52.6%	68	73.1%

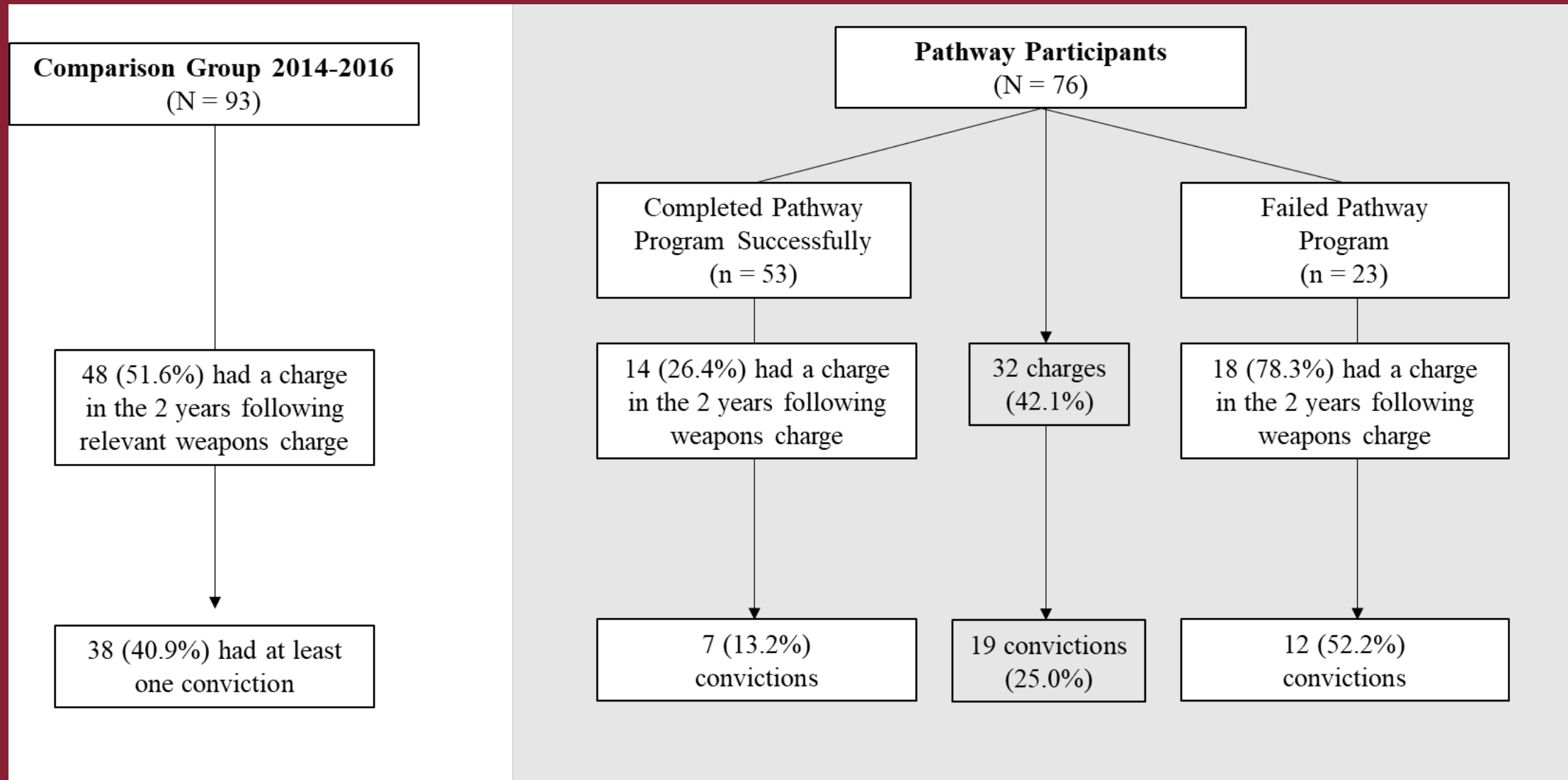
# Program Completion & Termination



Among the 76 participants, 53 (69.7%) have graduated, while 23 (30.3%) have been terminated.

	N	%
<b><u>No contact or engagement</u></b> (failed to contact, lost contact, never engaged)	11	47.8%
<b><u>New charge</u></b> (new charge, new felony, conviction for felony, went to prison)	9	39.1%
<b><u>Other</u></b> (e.g., deported, injury, inappropriate conduct)	3	13.0%

# Recidivism: Charges and convictions in the *2 years* following the relevant weapons charge



# Comparing Pathway Participants & Comparison Group on Recidivism

- In the first model, there was not a significant association between condition (Pathway vs. Comparison) on charges within 2 years of the weapons charge.
- In the second model (shown below), there was a significant association between condition and convictions within the 2 years of the weapons charge. Pathway Participants had significantly lower odds of conviction than those in the Comparison Group.

	Recidivism: <u>Conviction</u> within 2 years of weapons charge		
	B	SE	aOR
<b>Covariates</b>			
Age	-0.051*	.022	0.950
Black Race	0.801	.454	2.229
Prior Charges	0.490	.381	1.633
<b>Condition: Pathway Participants (compared to Comparison Group)</b>	-0.787*	.363	0.455



# Comparing Pathway Participants (and their Graduation Status) to the Comparison Group

Third, we tested Pathway Participation (graduated or terminated) compared to the Comparison Group.

- Pathway Program graduates had significantly lower odds of recidivism (charges and convictions) than those in the comparison group.

	Recidivism: <u>Charge</u> within 2 years of weapons charge		
	B	SE	aOR
Control Variables			
Age	-0.056	.020	0.945
Black Race	0.501	.415	1.650
Prior Charges	0.568	.378	1.765
Pathway Participant - Graduated	-1.227**	.403	0.293
Pathway Participant - Terminated	1.200*	.589	3.319

	Recidivism: <u>Conviction</u> within 2 years of weapons charge		
	B	SE	aOR
Control Variables			
Age	-0.046*	.021	0.955
Black Race	0.801	.463	2.228
Prior Charges	.487	.396	1.628
Pathway Participant - Graduated	-1.534**	.475	0.216
Pathway Participant - Terminated	0.367	.500	1.444

# Comparing Pathway Participants (and their Graduation Status) to the Comparison Group

- Pathway Program graduates had significantly lower odds of a charge involving violence or a weapon than those in the comparison group.

	New Violent or Weapons <u>Charge</u> within 2 years of initial weapons charge		
	B	SE	aOR
Control Variables			
Age	-0.077*	.033	0.926
Black Race	0.628	.558	1.874
Prior Charges	0.336	.452	1.399
Pathway Participant - Graduated	-1.326*	.591	0.266
Pathway Participant - Terminated	1.173*	.520	3.233

# Discussion

## - Summary

- Overall: Lower odds of conviction
- Graduated: significantly lower odds of arrest, conviction, and weapon/violent arrest
- Terminated: higher odds

## - Implications

- PLGDP implemented without jeopardizing public safety
- Promising results on race and racial disparities
- High graduation rate + improved outcomes for graduates = greater magnitude of success

# Challenges and Future Directions

- Additional PLGDP research underway
- Expanding eligibility
  - Scope, reach
- Goal of reducing gun violence
  - Incorporating PLGDPs into gun violence prevention ecosystem
- Areas for continued program development:
  - Moving beyond recidivism
  - Expungement
  - Participant experience



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Thank you

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[www.smartdecarceration.org](http://www.smartdecarceration.org)

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# Comparing Graduates to Terminated Pathway Participants (N = 76)

Second, we only examined Pathway Participants (N = 76). We compared Pathway Participant graduates to those who did not graduate (i.e., who were terminated).

- Controlling for age, race, and prior charges, graduates of the Pathway Program had significantly lower odds of recidivism (charges and convictions) in the two years beyond their relevant weapons charge.

	Recidivism: <u>Charge</u> within 2 years of weapons charge		
	B	SE	aOR
Control Variables			
Age	-0.060	.020	0.942
Black Race	0.534	.409	1.705
Prior Charges	.441	.366	1.554
Pathway Participant Graduates	-1.466**	.389	0.231

	Recidivism: <u>Conviction</u> within 2 years of weapons charge		
	B	SE	aOR
Control Variables			
Age	-0.048	.021	0.953
Black Race	0.817	.463	2.263
Prior Charges	0.444	.390	1.559
Pathway Participant Graduates	-1.619**	.460	0.198

1. Substantially reduce the incarcerated population in jails and prisons

## smart decarceration

2. Redress existing racial, economic, and behavioral health disparities among the incarcerated

3. Maximize public safety and wellbeing



### Problem Statement

- Overrepresentation of young Black men with gun possession charges
- Traditional criminal legal processing led to more serious outcomes (high recidivism rate, many of which were violent crimes)

### Stakeholders

Participants (individuals charged with a gross misdemeanor weapons offense, no prior violent, felony or domestic assault convictions), Minneapolis City Attorneys' Office (MCAO), Urban Ventures, Public Defenders' Office

### Inputs

- Urban Ventures staff
- MCAO funding
- Access to internet for programming
- Diagnostic and risk assessments
  - ACEs
  - IORNS
  - Therapeutic assessment
- Referrals from Urban Ventures to community resources



### Outputs

- MCAO identifies eligible participants
- Individual agrees to participate, pleads guilty, case enters stay of adjudication for 2 years
- Participant completes 80+ hours of programming over 9 months. Phase 1 and 2 includes group programming, case management, and motivational speaking curriculum
- Urban Ventures and MCAO communicate on a case-by-case basis
- Participant completes 2 years of probation (including programming time) and does not receive any disqualifying charges, with potential for early dismissal
- Urban Ventures makes referrals to external organizations as needed
- Graduate waits 1 year from probation completion to apply for expungement
- Case proceeds through usual criminal legal process if participant does not complete program



### Outcomes

Short term:

- Skill development to 1) address past traumas; 2) reframe decision making to reduce illegal gun carrying behavior; 3) utilize communication and coping skills
- Access employment, mental health services, and substance use services as needed

Medium:

- Weapon is confiscated and destroyed
- Case dismissal after program completion
- Reduce illegal gun possession

Long:

- Reduction in recidivism by addressing risk factors and needs of those charged with illegal gun possession

# Differentiation: a First Step to Diversion

*[State redacted] is very restrictive, and it's very expensive to go through the [process] and pay for the classes and all that kind of stuff. So, we definitely identify that some of these people who are carrying the guns illegally, they're not doing it to create more violence there, they did it because they didn't have the money to pay or the time to go through the classes. And so I think everyone was very receptive because they saw the need and then someone finally came up with a really good idea as to how to address it and try something new.*

*Generally young men...they were finding it frustrating that, they weren't really getting any support and, counsel...they were made part of the legal system because they were carrying a gun without proper licensing. And, in many cases were, put in, jail.*

*I'm going to be honest, when I brought this program to our leadership meeting, people were scared. Saying, "Wait a minute, first-time gun offenders? We got kids here." I just said, Chill out. You don't understand these kids. And we're not just taking any kid. We're not taking the kid that's shot his teacher. We're not taking the kid that pistol-whipped somebody.*



# Aligning Programming, Outcomes, and Participants

*What I'm trying to say too, is that we're focused on low risk individuals right now, but I know treatment court, it's the high risk people that these types of programs really help. And we're not really doing that at this point for the reasons I've talked about. That's in the back of my mind. We're going to succeed because these folks are low risk. And they might not commit other crimes anyway. And so naturally we're going to look good. But if we really want to be super effective, let's consider higher risk people. But God, it's just so dangerous with gun crimes...But I think if we really want to benefit society to the fullest, we got to start thinking about that...We're making small steps here, and I think that's the best approach right now to not jump into, "Hey, let's bring in high risk violent people into this thing right now." At least in my opinion.*

*What we started to recognize was that a lot of these guys were very low risk. First time offenders, may have had a [permit], working, productiveness in society, just were scared. And the community didn't take the proper channels to have this firearm legally, and so as a result were caught and this is the result of what they're dealing with. So I think what we recognized that we did have to alter the program because we didn't want to provide services for people who aren't... A lot of those people, you don't need a lot of interventions for them. It's more designed for moderate or high risk.*

