

Diversion programs reduce criminal justice system footprint in Philadelphia

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When a person with no criminal history is charged with a non-violent, misdemeanor offense, the prosecutor has several choices, including getting the case dismissed or pursuing a conviction.

Diversion programs offer a middle ground, an alternative that keeps the person from formally entering the [criminal justice system](#). Philadelphia's Accelerated Misdemeanor Program (AMP), for example, requires a defendant to do 12-18 hours of community service and to pay court fees within 10 weeks of accepting the terms. Those who complete the program have their case records expunged.

However, such programs can expand the number of people interacting with the criminal [justice](#) system, drawing in cases that would previously have been dismissed. Penn criminology doctoral student Viet Nguyen sought to study the impact of diversion programs and determine whether they actually cause a net-widening effect or, in fact, do the opposite.

In a new white paper published in conjunction with the Philadelphia District Attorney's Office (DAO), Nguyen found that diversion programs can produce a net-narrowing effect. In other words, rather than growing the number of people who interact with the criminal justice system long term, these programs reduce the overall scope by increasing expungement rates and lowering conviction rates.

"It can change a young person's trajectory," Nguyen says. "That's a nuanced part of diversion programs that people don't often talk about."

The findings represent the first to come from research Penn has conducted since early 2020 with the DAO. The work, co-led by Penn criminologists Aurélie Ouss and Greg Ridgeway, aims to evaluate how prosecutorial decision-making affects individuals and families in the near term and down the line.

Nguyen's involvement in the project stemmed from his desire to study policies that aim to shrink the footprint of the criminal justice system. "I'm interested in understanding what the tradeoffs are," he says. "If we're trying to reduce the footprint here, what are the tradeoffs in terms

of public safety, resources, and defendant well-being?"

In recent years, the role prosecutors play in shaping criminal justice outcomes has garnered significant attention, Ouss says. "The diversion that happens at the pre-trial stage is something prosecutors control," she adds. "But there are concerns about what these programs do, either in terms of increasing crime because criminal justice will be less punitive or increasing the scale of the criminal justice system."

Philadelphia's AMP program began in 2010, so Nguyen decided to look at recidivism and disposition rates before and after then. He analyzed more than 4,100 misdemeanor cases opened between June 2009 and September 2011 for people aged 18 to 27.

"Key for this study was to find a comparison group unaffected by the change," Nguyen says. "So, we found a second misdemeanor group, those who had violent misdemeanors and who were ineligible for AMP, then looked before and after AMP was introduced." Importantly, the comparison group was convicted at the same rate before and after the policy suggesting that it did not affect them.

The research showed that AMP increased diversion rates by 22%, reduced cases sentenced to jail or probation by 8%, and dropped five-year conviction rates by 8%. Though AMP did reduce the case-dismissal rate by 13%, it also upped the rate of expungement—meaning a wholesale deletion of the criminal record—by 18%.

Expungement offers these young adults a clean slate, Nguyen says. "The defendant can find a job, find housing. If they have contact with the criminal justice system again, they now have stakes in the community, which gives prosecutors more information on how to move forward. They're less likely to draw that person back into the system."

Ouss says the findings broaden the conversation about diversion programs. "Viet's work sheds interesting light here around these tradeoffs. He found that they do bring more people into the criminal justice system, confirming concerns about diversion programs 'widening the net' of criminal justice. However, focusing on the initial time period when you're part of this diversion program doesn't paint the full picture," she says. "When there are opportunities to completely clear out your record, a short-term involvement may curtail the shadow of the criminal justice system in the long run."

In the future, Nguyen says he hopes to conduct work that can elucidate why this policy is effective for young people and what factors make that true. "If we can figure out those mechanisms, it's something that maybe other jurisdictions could adopt, too." Other work from the DAO collaboration includes research to better understand the effect of changes to formal sentencing policies such as shortening the post-incarceration supervision period and stacking multiple sentences rather than having someone carry them out in succession.

Provided by University of Pennsylvania

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