

# Low-Touch, Misdemeanor Diversion Programs with Record Expungement Reduce Reconviction Rates

Prosecutor-initiated diversion programs offer an alternative to traditional procedures. These programs provide an opportunity for defendants to avoid incarceration and exit the criminal justice system without a record. But if diversion programs are used to supervise people whose cases would otherwise have been dismissed, these efforts could expand the scope of supervision, thereby leading to net-widening. This study provides empirical evidence on these tradeoffs by examining Philadelphia's Accelerated Misdemeanor Program (AMP).

The study shows that low-touch diversion programs like AMP can increase clean-slate exits from the criminal justice system and reduce recidivism. The program's use of community service, lower court costs, quicker case dispositions, and expungement could all contribute to the reductions in recidivism.

AMP Hours  
Required

**12–18**

AMP Increase  
in Expungement

**50%**

AMP Reduction  
in Reconviction

**35%**

## Background

AMP was started in 2010 and created for people charged with a misdemeanor non-violent offense who had no or minimal prior criminal history. Instead of the year of probation and high fees that the only tenable diversion program offered in Philadelphia at that time, AMP required just 12 to 18 hours of community service and the payment of lower court fees within 5 to 10 weeks. Individuals who completed the program would have their case record expunged.

## Methods

To evaluate AMP, we compare recidivism and disposition rates of people who were eligible for AMP and those who were not, both before and after the program was rolled out. This approach allows us to account for differences across groups and temporal differences that affect both groups in the same way. We examined 4,179 misdemeanor cases opened between June 2009 and September 2011, focusing on individuals aged 18 to 27 at the time of entering the program.

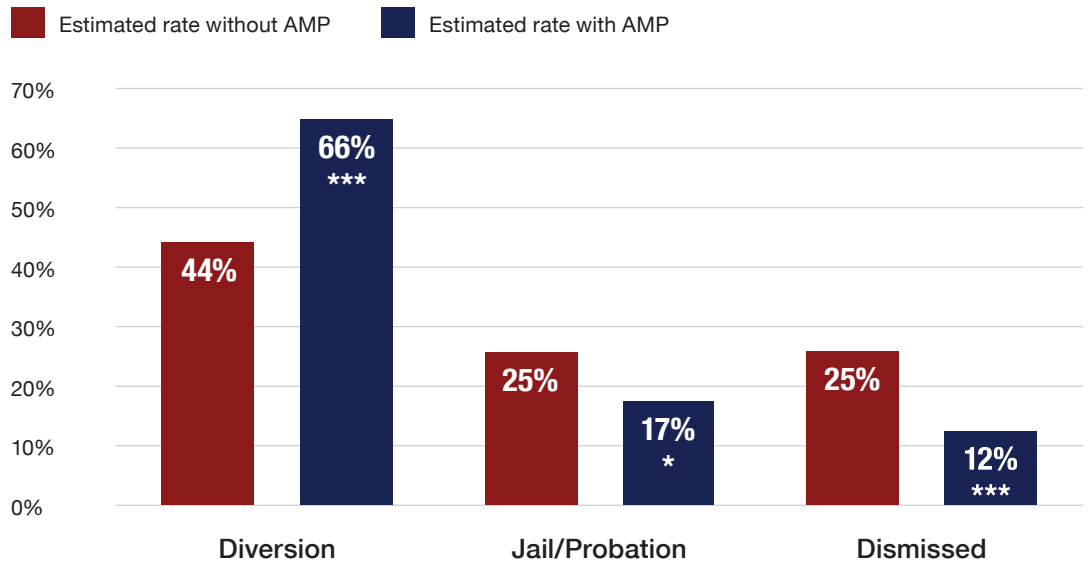
## Results

- **The implementation of AMP increased diversion rates by 22 percentage points and reduced the rate of cases sentenced to jail or probation by 8 percentage points.** AMP also diverted cases that previously would have been dismissed, reducing the dismissal rate by 13 percentage points, suggestive of net-widening. Critically, while we find no effect of AMP on re-arrest rates, it reduced five-year reconviction rates by 35%.
- **AMP caused a 50% increase in expungement rates, which could explain improved public safety outcomes.** A criminal record can reduce people's access to housing, employment, education, and other essentials. Expungements mitigate this issue by eliminating the case record. AMP facilitated higher expungement rates by shifting the responsibility for requesting expungement from individuals to the prosecutor's office and making it easier to successfully complete diversion.
- **AMP shifted individuals away from probation and re-oriented individuals towards shorter periods of community service.** Mandatory community engagement could have also increased accountability among individuals, thereby encouraging community reintegration.

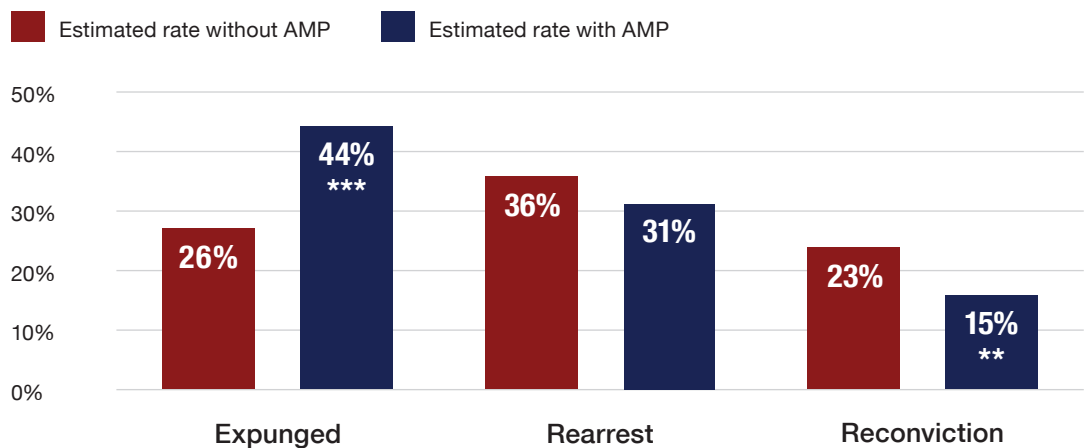
These findings suggest that net-widening concerns related to the growth of diversion programs might be mitigated by longer-term net-narrowing effects, if these diversion programs allow people to exit the system with a clean record.

Because they are situated at the beginning of the criminal justice process, prosecutor-initiated diversion programs can reduce penetration into the criminal justice system and impose lighter sanctions. AMP indicates that responding to certain cases with a lighter touch may be more beneficial for public safety and the defendants' overall welfare as opposed to a traditional sanction.

**AMP increased diversion rates and lowered formal sanctions or dismissals.**



**AMP increased expungement rates and lowered reconvictions.**



**Notes on Figures:** Statistically significant difference relative to the comparison group is noted at the 0.1% (\*\*\*), 1% (\*\*), or 5% (\*) level. The estimated rate without AMP is the rate for eligible people before AMP; and to obtain the estimated rates with AMP, we add the differences-in-differences estimate to the estimated rate without AMP.



For further reading, see: Nguyen, Viet (2021). The efficacy of prosecutor-initiated, adult diversion for misdemeanor offenses. This work is supported by Arnold Ventures, a philanthropy dedicated to tackling some of the most pressing problems in the United States.