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# Reducing Incarceration in Philadelphia

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# Reducing Incarceration in Philadelphia

## **Abstract**

Reducing incarceration is an important public health priority. There is now widespread recognition that criminal justice systems are a significant source of public health harm. They sometimes penalize individuals without improving community health, or create improvements that are offset by the considerable individual and communal harms associated with incarceration and with the collateral consequences of criminal convictions.

Philadelphia has become a leader in implementing criminal justice reforms. In 2010, the District Attorney's Office initiated changes to reduce overcharging. In the last seven years, the First Judicial District has created nine specialized diversion programs, with seven specifically aimed at addressing the underlying causes of criminal activity. These programs vary in design but share key features. All attempt to prevent future criminal activity by diverting offenders away from incarceration and into community supervision. Programs also provide access to appropriate social and health services, and utilize a more collaborative approach between prosecutors, defense attorneys, judges and social services staff. This more efficient use of resources allows greater attention to more serious and violent crimes in Philadelphia.

## **Disciplines**

Public Health

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## REDUCING INCARCERATION IN PHILADELPHIA

Written by Ruth Shefner, MSW with consultation from Evan Anderson, JD, PhD and Derek Riker, JD

### BACKGROUND

Reducing incarceration is an important public health priority. There is now widespread recognition that criminal justice systems are a significant source of public health harm.<sup>1</sup> They sometimes penalize individuals without improving community health, or create improvements that are offset by the considerable individual and communal harms associated with incarceration and with the collateral consequences of criminal convictions.<sup>2</sup>

Philadelphia has become a leader in implementing criminal justice reforms. In 2010, the District Attorney's Office initiated changes to reduce overcharging.<sup>3</sup> In the last seven years, the First Judicial District has created nine specialized diversion programs, with

seven specifically aimed at addressing the underlying causes of criminal activity.<sup>4</sup> These programs vary in design but share key features. All attempt to prevent future criminal activity by diverting offenders away from incarceration and into community supervision. Programs also provide access to appropriate social and health services, and utilize a more collaborative approach between prosecutors, defense attorneys, judges and social services staff. This more efficient use of resources allows greater attention to more serious and violent crimes in Philadelphia.

### SPECIALIZED COURTS AND DIVERSION PROGRAMS

In 2016, over 40% of Philadelphia's 17,041 misdemeanor cases were referred to a diversion program.<sup>4</sup> The largest

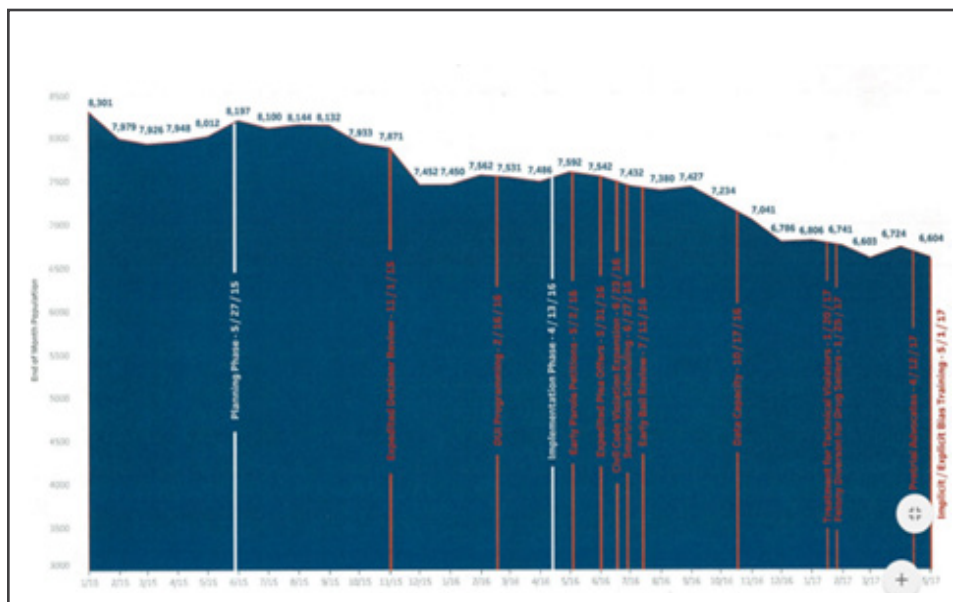
“There is an enormous amount of innovation and reform taking place locally and across the country in criminal justice systems. Much of this reform is guided by increasing collaboration between law enforcement, court systems and public health professionals. The work is incomplete and ongoing, but also hopeful and exciting.”

—CPI Senior Fellow,  
Evan Anderson JD, PhD

program, the Accelerated Misdemeanor Program (AMP), diverts non-violent cases away from the central courthouse and into small courtrooms in local police districts. It has resolved over 10,000 cases since 2010. In the first tier of this two-tier program, defendants avoid convictions by performing community service, and are eligible to have their record expunged upon completion of the program. In the second tier of the program, defendants can avoid convictions or jail through participation in substance abuse or mental health treatment. Diversion is not limited to misdemeanor cases; about 8% of the 17,707 felony cases charged in 2016 were referred to a diversion program.<sup>4</sup>

Diversion programs in Philadelphia have been successful at reducing incarceration and recidivism. The Choice is Yours (TCY) program is designed for young first-time felony drug sales offenders and focuses on workforce development. In 2016, 85% of participants graduated and the program had a 1-year recidivism rate

Figure 1. Reduction in the Incarcerate Population in Philadelphia (2015-2017)



of less than 13%. Defendants who rejected TCY had a conviction rate of 91% and a 1-year recidivism rate over 60%. The DUI Treatment Court has graduated over 3,000 participants generating \$1,500,000 in annual savings through reduced incarceration. Participants in the Domestic Violence Diversion program recidivate 2 to 3 times less frequently than defendants who do not participate in or complete the program<sup>4</sup>

## SELECT PHILADELPHIA DIVERSION PROGRAMS

Domestic Violence Court for individuals charged with a first time domestic violence misdemeanor

Future Forward for first time felony offenders charged with a non-violent crime who are interested in obtaining college credits

Project Dawn Court for women with prior prostitution convictions

Small Amount of Marijuana (SAM) for offenders with <30 grams of marijuana

Sexual Education and Responsibility (SER) for non-violent offenders charged with patronizing a prostitute

Veteran's Court for veterans charged with non-violent crimes

Drug Treatment Court for non-violent drug offenders with no more than 2 previous convictions

DUI Treatment Court for repeat offenders facing mandatory periods of incarceration

The city also operates five post-sentencing programs, which work with individuals during and after their incarceration, and often negotiate shortened prison sentences. These programs develop job and life skills, connect individuals with internships and programs, and provide case management and support.

## PHILADELPHIA POST-SENTENCING PROGRAMS

Goldring Reentry Initiative (GRI) provides therapeutic case management services in support of probation supervision by Penn Social Work students before and after release

MENTOR provides mentorship post-release by trained community volunteers

State Reentry Court provides transitional services for select offenders reentering the community from state prison.

Mental Health Court for Intensive wrap-around treatment and individualized probation supervision for non-violent felony offenders with a serious mental illness who are serving a county sentence

New Leash on Life provides offenders serving county sentences with the opportunity to train dogs while incarcerated and are placed in animal care internships post-release

## INCARCERATION IN PHILADELPHIA

- ➔ Each year Philadelphia criminal courts process about 34,000 cases.
- ➔ There are currently about 45,000 people on county probation, and about 6,800 and 50,000 are incarcerated in county jails and state prisons respectively.
- ➔ Philadelphia has the highest rate of incarceration per capita of any major US city.
- ➔ About two thirds of individuals leaving Philadelphia's jails will return in 3 years.
- ➔ Philadelphia has received funding from the MacArthur Foundation Safety and Justice Challenge to address this issue. (Figure 1).
- ➔ There has been nearly a 20% reduction in the last two years with a targeted goal of a 34% reduction from over 8300 in local custody in 2015.

## ABOUT CPHI

The Center for Public Health Initiatives was founded in 2007 by the University of Pennsylvania to act as an interdisciplinary public health center that brings together faculty, staff, and students from across Penn's campus. The mission of CPHI is to educate and train new and emerging public health leaders, foster multi-disciplinary collaborations, and promote excellence in public health research and community partnerships.

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