

Diversion Programs

What is a diversion program?

Diversion is generally divided into three categories:

- providing sentencing alternatives at the time of conviction;
- providing sanctioning alternatives to revocation; and
- reducing the future likelihood of recidivism.

How can we measure it?

Ideally, programs would be involved in all three types of diversions. While many programs are designed with the intent of meeting one or more of these criteria for diversionary impact, it may be difficult to provide objective evidence that they are in fact, achieving those goals. The following are commonly accepted methods of measuring diversionary impact for programs.

- A prediction as to the number of sentencing/revocation alternatives to be achieved.
- Tracking, for before and after program-establishment comparisons, of annual count of relevant felony sentences/revocations to prison/state jail and community supervision in the effected jurisdiction. Ideally, there would be a control group for comparison.
- Tracking of annual counts of relevant arrests in the jurisdiction.
- Comparisons of the above counts with those from other jurisdictions.
- In addition, one might include statements from judges and prosecutors in the jurisdiction that the proposed program is needed and would increase the likelihood of some felons receiving community supervision, or continuing on community supervision rather than being revoked. Such statements might be helpful, but would require additional indicators to determine the program's diversionary value.

What roles do surveillance and intervention have in community corrections?

Joan Petersilia, Ph.D., Professor of Criminology, Law and Society at the University of California, Irvine, remarks, "The most important finding from the intermediate sanctions literature is that programs must deliver high "doses" of both treatment and surveillance to assure public safety and reduce recidivism. "Treatment" alone is not enough; nor is surveillance" by itself adequate. Programs that can increase offender-to-officer contacts and provide treatment have reduced recidivism." In a nutshell, effective programs focus on surveillance to assure public safety and correctional interventions, such as targeting anti-social values, to prevent re-offending in the short and long-term protection of the community.

One concept that can be very helpful in understanding the importance of measuring risk is "risk management" vs. risk reduction." Risk management involves determining risk level of the offender and providing appropriate sanctions and supervision. Programs such as ISP and electronic monitoring are effective strategies for risk management. Risk reduction is when we take it a step further and measure both risk level and criminogenic needs (dynamic risk factors) with the aim of reducing risk factors through effective interventions and appropriate supervisions. These two goals are not mutually exclusive. It makes sense to do both.

What kinds of interventions are effective for risk reduction?

There is much additional information to assist us in our efforts to reduce recidivism. The following have been consistently found to be components of programs effective in reducing recidivism.

- **Effective programs target the right kind of people; high to medium risk offenders.** In this context, risk means likelihood of committing a new offense; any new offense. It does not refer to dangerousness or threat of violence (stakes).
- **Effective programs utilize appropriate assessments to determine risk level, as well as those factors that contribute to criminal behavior.** These assessments are not only completed, but are also used in placement and treatment decisions throughout the offender's participation in the program.
- **Effective programs target the right things; dynamic risk factors identified by a valid assessment.** Dynamic risk factors are changeable and are often referred to as criminogenic needs. While criminogenic needs vary among individuals, the most common among high risk offenders are: anti-social thoughts, beliefs, values, and peers; personality factors like impulsivity, egocentrism, and psychopathy; low levels of family affection, caring, and cohesiveness, poor parental supervision, and discipline practices, and neglect and abuse; low levels of personal, educational, vocational, or financial achievement.
- **Effective programs pay attention to barriers that might interfere with the offender's ability to receive and respond to the intervention provided.** Considering those factors when developing and delivering interventions to individual offenders is called responsivity. There are both internal responsivity factors (poor social and/or verbal skills, inadequate problem-solving skills, readiness for change, race, gender, age) and external responsivity factors (counselor characteristics, environment where the intervention is delivered, type of intervention).
- An offender's history of anti-social behavior is a major risk factor as well. It is a static factor, meaning it is historical and cannot be changed, but it can provide program staff with helpful information to be used in determining risk for re-offending, and the intensity of risk management strategies such as frequency of field contacts, drug testing, and other surveillance techniques.

There are also factors that are not empirically linked to recidivism (lower class origins, personal unrest or feelings of alienation, personal distress, and biological or neuropsychological indicators like ADD). Historically, corrections has targeted some of these issues when delivering interventions. Programs like electronic monitoring, surveillance, pre-trial diversion, urinalysis, education based programming (DWI classes), non-directional therapies (talk therapies, self-esteem promotion, educational programs (GED classes), community service restitution, and punishment do not reduce recidivism. While they can be effective surveillance techniques, or have other valuable purposes, like contributing to the community, they do not impact criminogenic factors. In attempting to divert offenders from incarceration, only programs with risk reduction in mind are appropriate. **The most effective diversion programs will incorporate risk management efforts as a secondary component in concert with interventions that target major risk factors linked to recidivism.**

Where can I confirm this for myself or refer staff for resources?

These concepts have been studied and tested in corrections for many years. There is much research supporting these conclusions. Below are listed just a few of the myriad resources where this evidence can be researched and additional information regarding the field of corrections across the country and abroad may be located. We invite you to use these resources to learn more about best practices and to assist you in incorporating some of those practices into your diversion programs.

Offender Rehabilitation: From Research to Practice

James Bonta, Ph.D.

A concise overview of the effectiveness of offender rehabilitation and sanctions based on thirty years of research.

www.sgc.gc.ca/publications/corrections/pdf/199701_e.pdf

State and Local Programs: Treatment, Rehabilitation and Education June 1994 Subsection Intermediate Sanctions: What Can They Do? P. 15

A research based review of intermediate sanctions and their effectiveness.

www.ncjrs.org/txtfiles/sanfrn.txt

Preventing Crime: What Works, What Doesn't, What's Promising, Chapter 9

A report to the United States Congress prepared by the U.S. Department of Justice.

www.ncjrs.org/works/chapter9.htm

Perspectives on Crime and Justice: Lecture #4 in the 1997-1998 Lecture Series A Decade of Experimenting With Intermediate Sanctions: What Have We learned? Joan Petersilia, Ph.D.

Joan Petersilia assesses intermediate sanction programs and provides suggestions for changes to enhance the reduction of recidivism.

www.seweb.uci.edu/users/joan/Images/decade_intermed_sanc.pdf

Oregon Department of Corrections Community Corrections: What Programs Work?

A listing of research based publications and information outlining what programs are effective in community corrections, focusing on a combination of treatment and surveillance.

www.doc.state.or.us/community_corrections/whatiscc/whatwork.shtml

Classification and Restorative Justice: Is There A Relationship?

Michael Dooley, Correctional Program Specialist, National Institute of Corrections Academy

Insights into combining two practices previously considered mutually exclusive by many in corrections.

www.nicic.org/pubs/1999/period165.pdf

Effective Interventions: (An NIC resource page)

Since the mid-1990's, NIC has promoted an awareness of what has become known internationally as "what works" in correctional practice.

www.nicic.org/Resources/supplemental/PubDetails.aspx?recordID=253