

## ADULT OFFENDER DIVERSION PROGRAMS

**Question:** What do we know about the effectiveness of adult offender diversion programs?

**Background:** In the past few years Canada has seen decreasing reported crime rates but, at the same time, an increase in various criminal justice processing. Courts have become busier, probation caseloads have increased and Canada's imprisonment rate is one of the highest in the Western world. Three decades ago efforts were initiated to divert offenders from deeper insertion into the criminal justice system. Can these diversion programs provide alternative and less intrusive ways of dealing with offenders?

**Method:** A literature review of diversion programs was conducted. The review selected studies that: (a) had an evaluative component; descriptive reports of programs were not included, (b) the diversion had to be programmatic and not an intermediate sanction such as electronic monitoring or boot camps and, (c) targeted adult offenders (juvenile diversion programs were reviewed if they had implications for adult diversion).

**Answer:** The evaluation literature on adult diversion was disappointingly sparse. This may be due to the "conservative arc" of the past two decades that was more interested in being tough on crime rather than providing alternatives with fewer controls over

offenders. The majority of diversion evaluations were with juveniles and other select groups of offenders who were seen as more deserving of help and social services.

One of the major issues surrounding evaluations of diversion programs is the possibility of "net-widening". Net-widening is a term used to describe the unintended effect of adding controls to offenders who would not have received these controls in the normal application of justice. For example, if it were not for the program being available would the offenders really have gone to jail or would they have simply been given probation?

An analysis of who is referred to diversion programs found that it is usually the low risk offender who is seen as "needing a break". First-time offenders and those who were convicted of minor offenses represented the majority of offenders in diversion programs. Mentally disordered offenders were also seen as suitable candidates for diversion. These findings suggest that many diversion programs widen the net rather than truly divert offenders from deeper penetration into the criminal justice system. The targeting of low risk offenders also indicates that diversion programs have had a limited impact on containing prison populations since these are not the offenders normally sent to prison. There are a few programs however, that have targeted higher risk offenders and have

managed them safely in the community. These programs offer some promise in providing a true alternative to incarceration.

Diversion programs are offered at different points in criminal justice processing. There are pre-charge police diversion programs, post-charge programs and diversion from prison at the point of sentencing. Evaluations of police diversion programs and programs under the control of prosecutors tend to find a net-widening effect. Formalizing diversion at the police level often means the recording of contacts that follow the offender and could subsequently be used to obtain a more severe sanction. In post-charge diversion or deferred prosecution programs a referral may be made to an intensive program when the prosecutor feels that the likelihood of obtaining a conviction is low.

From the few studies that provided post-program follow-up with comparison groups, there is little evidence of an impact on recidivism. However, almost none of the evaluations provided sufficient information to allow an assessment as to how successfully treatment or services were delivered to the clients.

Finally, diversion programs affect a very small proportion of the total criminal caseload. Estimates are typically in the 1-2% range. The small proportions may be traced to stringent program eligibility criteria (i.e., often only low risk offenders are considered)

as well as the program's capacity to accept referrals.

#### **Policy Implications:**

1. Diversion programs must target offenders who are truly at risk for deeper penetration into the criminal justice system. Otherwise, net-widening is the result with no cost savings.
2. Formal pre-charge diversion programs at the police level have been associated with increased system penetration. It appears that formalizing police discretion is not a good strategy for preventing deeper system penetration.
3. Expectations about the impact of diversion on corrections need to be realistic. Unless criteria for diversion programs are adjusted to include moderate risk offenders, impacts will be minimal.
4. Despite the scant literature, the few programs that carefully selected higher risk groups for enhanced community-based services suggest that adult diversion programs can successfully divert offenders from prison.

SOURCE: Nuffield, J. (1997). *Diversion Programs for Adults* (User Report No. 1997-05). Ottawa: Solicitor General Canada.

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