

Research on the Effectiveness of Diversion: Evidence from San Francisco

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Overview

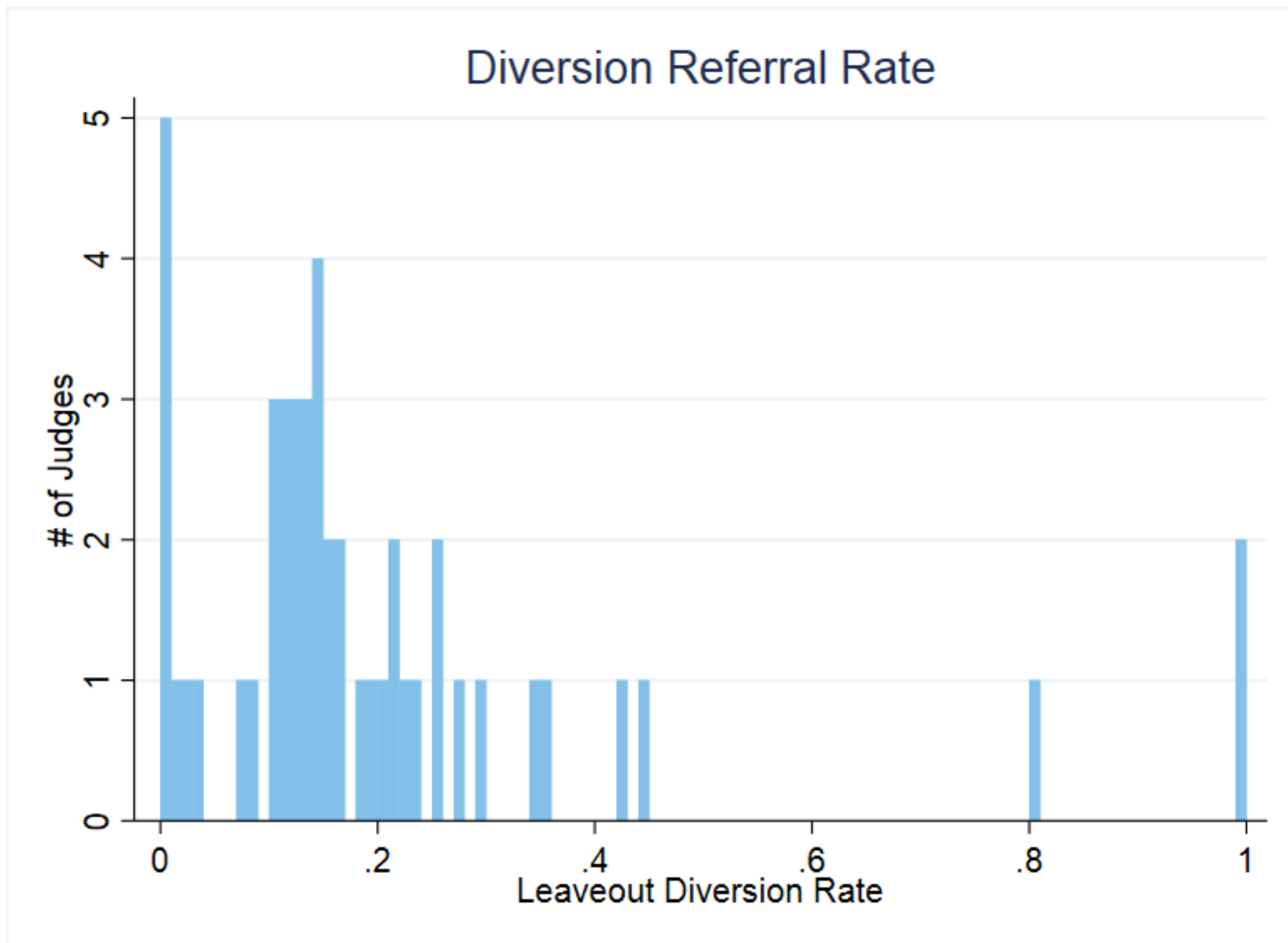
- San Francisco has a robust set of post-filing pretrial diversion programs and a long history of experimenting with reform
- Research partnership between the San Francisco District Attorney's Office and the California Policy Lab at UC Berkeley has generated several studies over the past decade or so including
 - Decision point analysis of race disparities in criminal case processing.
 - Disparate impacts by race of California reforms on case dispositions.
 - Deep descriptives dives into the diversion programs that have existed in the county for decades
 - Causal analysis of adult diversion for felony cases.
 - Randomized control trial evaluation of a youth restorative justice program.

Studies discussed today

- Augustine, Elsa, Johanna Lacoë, Steven Raphael, and Alissa Skog. "The impact of felony diversion in San Francisco." *Journal of Policy Analysis and Management* 41, no. 3 (2022): 683-709.
- Shem-Tov, Yotam, Steven Raphael, and Alissa Skog. "Can Restorative Justice Conferencing Reduce Recidivism? Evidence From the Make-it-Right Program." *Econometrica* 92, no. 1 (2024): 61-78.

SF Collaborative Courts

- The City and County of San Francisco operates a network of programs to divert criminal cases from traditional case processing
- The Collaborative Courts serving individuals charged with felonies:
 - Behavioral health court (treatment and case managed for mental health needs)
 - Drug court (diagnosed substance abuse disorders)
 - Veterans Court
 - Young adult court (serves individuals 18-25)
 - Participants meet with case attorneys, program staff, and a judge to monitor progress
- Successful cases are often disposed without a criminal conviction and without community supervision once the case is resolved
 - Cases that do not successfully complete are returned to criminal court



Research question and methods

Main question: What is the impact of a referral to a felony diversion program in SF on case outcomes and subsequent contact with the criminal justice system?

Methods: Exploit random assignment of cases to judges to identify exogenous variation in the likelihood of being referred to one of the Collaborative Court programs

Sample

- First observed arrest for each defendant resulting in charges filed by the SFDA between 2009 and 2017
- Felony cases only
- Exclusions
 - Defendants with missing age (159 records)
 - Cases based on arrests for DV, murder, and sex crimes that are categorically ineligible for diversion to the Collaborative Courts (1,695 records)
 - Cases where arraignment judge was not recorded (2,038 records)
- Final sample: 16,958 records

Case outcomes

	OLS		2SLS	
	BIVARIATE	MULTIVARIATE	BIVARIATE	MULTIVARIATE
Convicted	-0.289 ^a (0.0229)	-0.239 ^a (0.0202)	0.0846 (0.155)	-0.0878 (0.143)
Case Dismissed	0.0397 ^b (0.0159)	0.00716 (0.0143)	-0.177 (0.127)	-0.0958 (0.0791)
Time to dispo.	204.7 ^a (13.27)	208.8 ^a (13.95)	288.5 ^a (114.0)	325.5 ^a (68.26)
Positive outcome	0.189 ^a (0.0164)	0.146 ^a (0.0151)	-0.0879 (0.0998)	0.0316 (0.0751)

Figure 1

Impact of diversion referral on cumulative subsequent outcome

2 yr cohort, 95% and 90% CIs

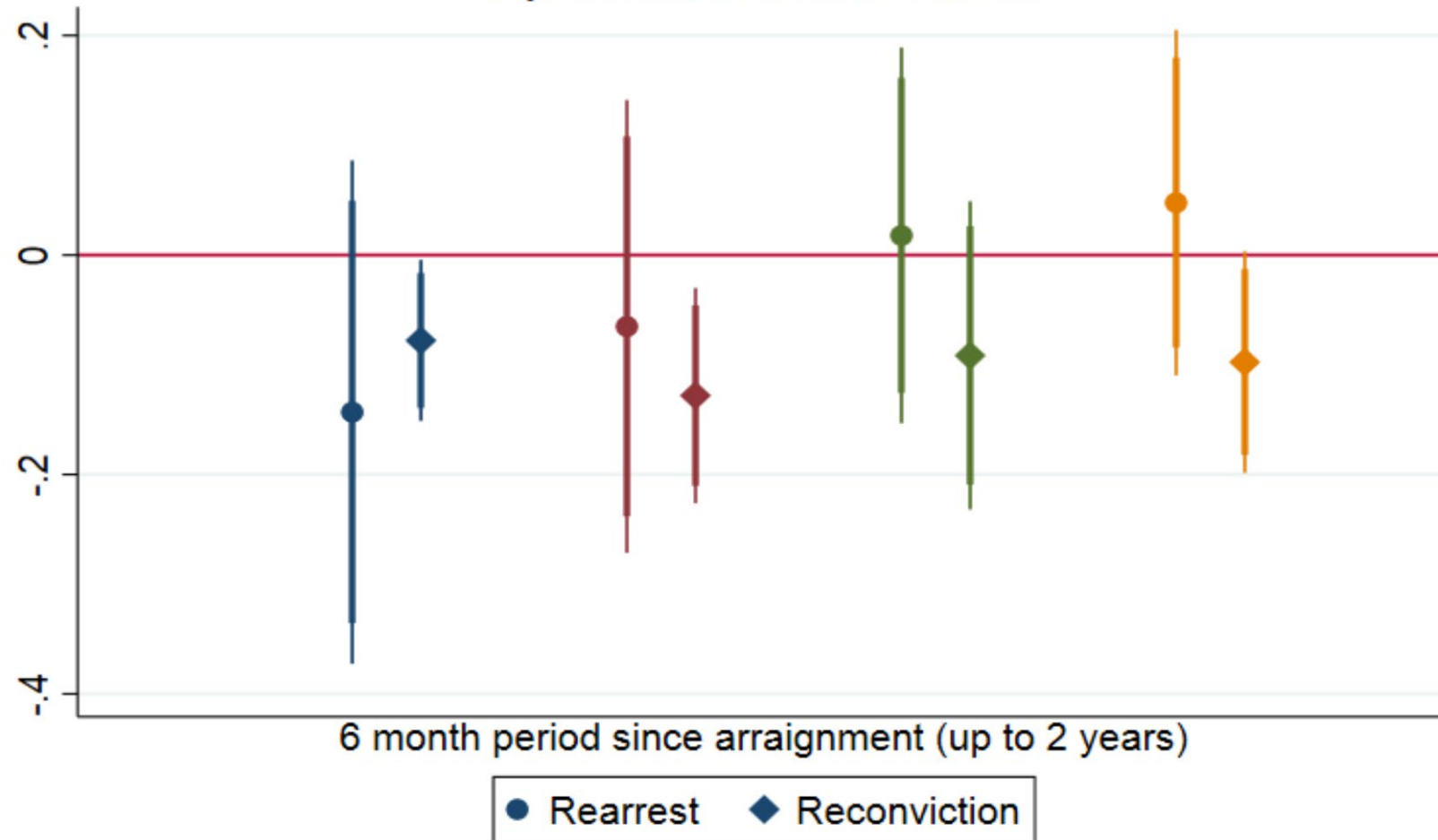
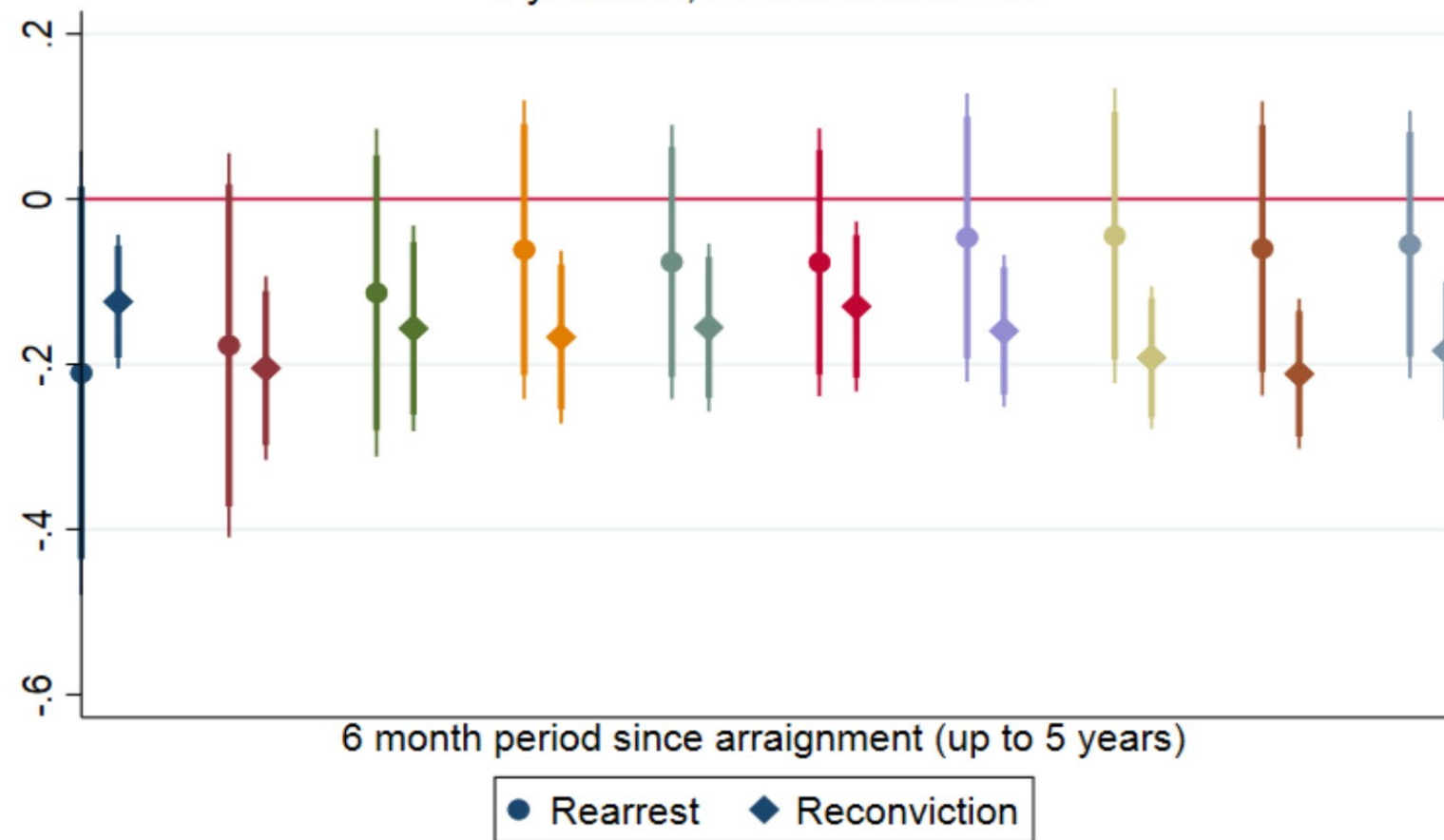


Figure 2

Impact of diversion referral on cumulative subsequent outcome
5 yr cohort, 95% and 90% CIs



The MIR program

Piloted in late 2013 and RCT lasted until May 2019 (then expanded to all eligible youth)

MIR is a restorative justice community conferencing intervention that is an alternative to a criminal prosecution and acts as a diversion program

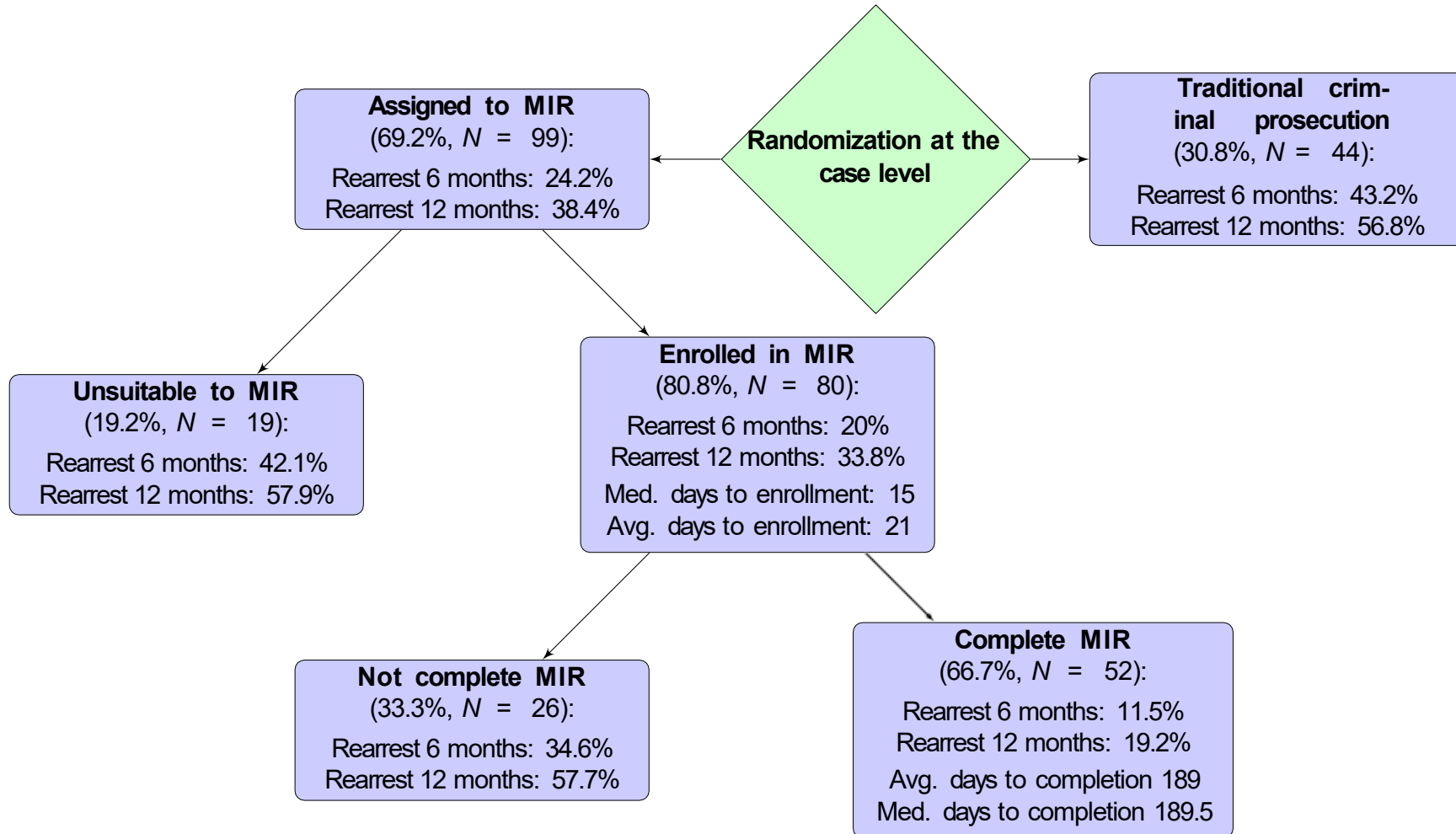
Main eligibility criteria:

- Did not injure the victim or use a weapon
- Not affiliated with a gang
- Not on probation or in detention at arrest
- No prior 707(b) arrests or sustained positions (707(b) offenses that would count as a strike under California's three-strikes for juveniles 16 and over),
- Resident of San Francisco county, northern Alameda county

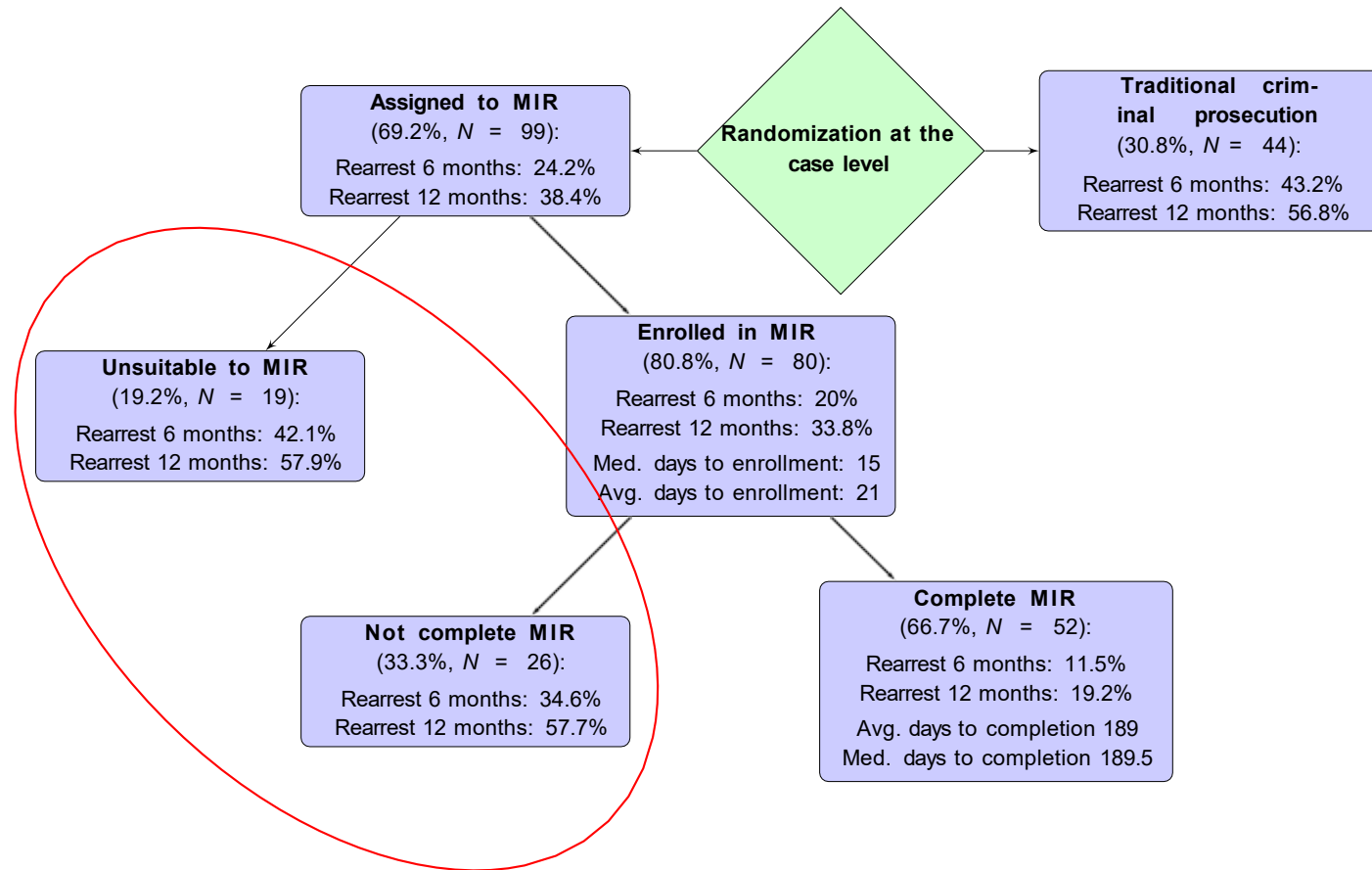
Case sequencing

- Determine eligibility (will be charged with a felony, meets other eligibility criteria)
- Seek victim consent (all victims consented)
- Randomly assign cases to MIR or traditional felony prosecution
 - Randomization handled by paralegal and walled-off from ADA making the eligibility and charging assessment
- Community Works West (non-profit specializing the restorative justice programming) implemented pre-conference activities and actual conference
- Huckleberry youth center manages post-conference case management and compliance monitoring.
- Law enforcement is not involved in the RJ programming and no-information is shared other than whether or not the youth successfully completes.

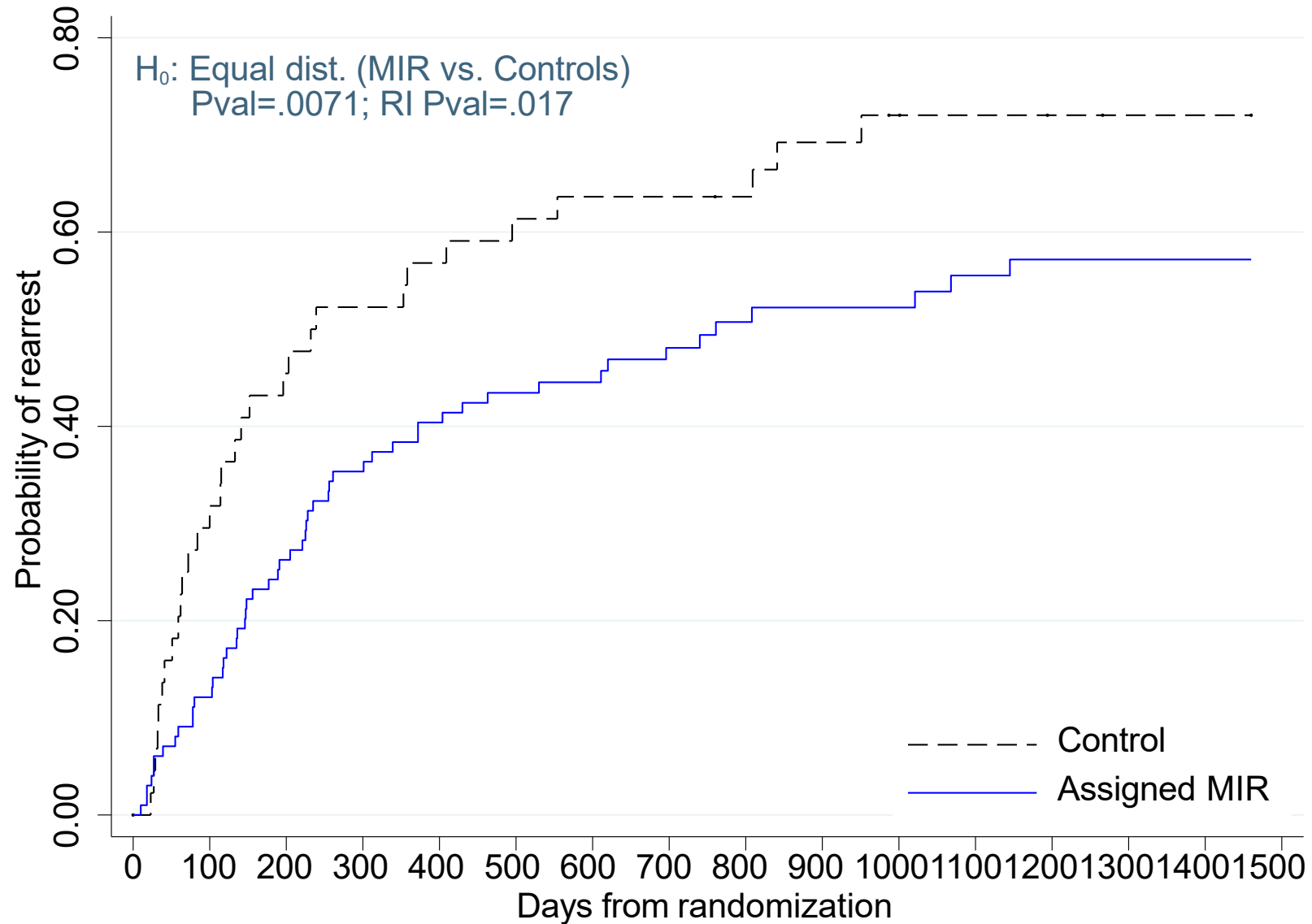
Treatment assignments, enrollment, and rearrest outcomes



Treatment assignments, enrollment, and rearrest outcomes



MIR causes a permanent reduction in rearrests



Assignment to MIR reduces recidivism

$$Y_{it} = \gamma_0 + \gamma_1(\text{Assigned MIR})_i + c_{it}$$

	(1)	(2)	(3)	(4)	(5)	(6)
	6 months	12 months	24 months	36 months	48 months	12-48 months
Assigned to MIR (ITT)	-0.189	-0.184	-0.144	-0.147	-0.267	-0.270
	(0.084)	(0.092)	(0.103)	(0.118)	(0.133)	(0.154)
	{0.0132}	{0.0237}	{0.0830}	{0.1092}	{0.0249}	{0.0423}
	[0.0140]	[0.0410]	[0.1130]	[0.1680]	[0.0850]	[0.1040]
First-Stage coefficient	0.808	0.808	0.781	0.750	0.736	0.736
	(.0463)	(.0463)	(.0558)	(.0676)	(.0832)	(.0832)
Rearrest rate among controls	0.432	0.568	0.632	0.750	0.833	0.667
Rearrest rate among compliers	0.434	0.566	0.606	0.745	0.876	0.726
controls Includes controls	No	No 143	No 120	No 100	N 71	No 71
Number of observations	143					

Participation in MIR causes large reductions in recidivism

$$Y_{it} = \beta_0 + \beta_1(\text{Enrolled MIR})_i + \eta_{it}$$

$$(\text{Enrolled MIR})_i = \alpha + \alpha_1(\text{Assigned MIR})_i + \xi_i$$

	(1) 6 months	(2) 12 months	(3) 24 months	(4) 36 months	(5) 48 months	(6) 12-48 months
Participated in MIR (treated)	-0.234 (0.103) {0.0120} [0.0030]	-0.228 (0.111) {0.0211} [0.0050]	-0.184 (0.128) {0.0759} [0.0722]	-0.196 (0.151) {0.0979} [0.1150]	-0.363 (0.165) {0.0157} [0.0230]	-0.368 (0.199) {0.0344} [0.0250]
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