

PROGRAM: The Choice is Yours

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By Carl Hessler, Jr.

NORRISTOWN — With the concepts of restorative justice and “second chances” permeating the conversation in a Montgomery County courtroom this week, two young men became the first graduates of an innovative diversionary program aimed at helping non-violent felony drug offenders avoid jail and get their lives back on track.

“I’m sure the shock of the arrest was like, ‘Oh my God what’s going to happen to my life?’ That’s a scary proposition,” county Judge Steven T. O’Neill addressed the men who graduated from the Choice Is Yours program on Monday. “Your futures were not erased. Both of you carry great promise for your futures. It is a proud day.”

O’Neill officially dismissed possession with intent to deliver charges against the men who completed the 13-month diversionary program and who can apply to have their criminal records wiped clean, or expunged, after one year of remaining arrest-free.

“The significance of it is far greater than a piece of paper. The future is bright. The future is yours. Keep making the right choices,” O’Neill addressed the graduates, a 22-year-old N.J. man who was accused of selling marijuana in Collegeville and a 22-year-old Hatboro man accused of selling marijuana to friends in Lower Merion.

O’Neill said the program helps “make us a court of second chances, a court that looks at the humanity of the individuals.”

“Humanity matters,” said O’Neill, who is known as a passionate advocate of court diversion programs such as the county’s drug treatment court over which he’s presided for 17 years. The Choice Is Yours program is a partnership between JEVS Human Services of Philadelphia and the county district attorney’s office and also includes representatives from the county probation and public defender offices.

The district attorney’s office began looking at candidates in 2020 and so far, six offenders have been enrolled in the program. As the COVID-19 pandemic subsides, officials hope to expand the program to include more participants.

The innovative alternative-to-incarceration program offers nonviolent felony drug offenders a chance to avoid prison sentences and instead receive education and workforce training, along with social services, counseling and other support services. Officials said the program combines accountability and opportunities for self-improvement.

The primary goals of the program are to reduce recidivism without compromising public safety and to help chart a path to more successful and productive futures for participants, officials said.

O’Neill said county First Assistant District Attorney Edward F. McCann Jr. was integral in bringing the program to Montgomery County. McCann was familiar with the program, having worked with it as a prosecutor in Philadelphia before he came to Montgomery County.

“I thought the whole notion of giving people an opportunity to overcome the types of mistakes that they made, was a transforming thing,” McCann said. “Over time, there’s been so many collateral consequences that have risen up around convictions and the collateral consequences for a felony conviction are really significant.”

Those accused of low-level drug offenses often face felony charges, convictions of which can have significant life-long consequences such as hindering their future job opportunities, military service or enrollment in educational institutions.

Officials stressed the program is not open to violent offenders or those with significant criminal records.

McCann and O’Neill said the program complements other diversionary programs in Montgomery County that give deserving individuals a second chance.

“This is aimed toward a group of offenders that didn’t have a diversion opportunity before. That’s why we created it here,” McCann explained.

McCann congratulated the two men who graduated from the program and praised their efforts.

“I think these guys clearly understand where they went wrong but they embraced the opportunity to get a second chance, cooperated every step of the way with the people from JEVS and earned this,” McCann said.

The two graduates beamed with pride and expressed gratitude for their second chances.

“It’s kind of like having a sunny side to a rainy day. It’s a second chance after being in the wrong place at the wrong time. The opportunity that JEVS and the DA’s office gave me is one of the best I could have found. Without this program, I would have been a felon for the rest of my life. It’s so hard to find work once that’s on your record,” said the 22-year-old Hatboro man who graduated from the program on Monday and is studying to become an electrical engineer.

Officials said the Choice Is Yours model was developed with information from reentry and alternative sentencing initiatives implemented across the country, particularly the Back on Track program begun in 2005 in San Francisco and led by then-District Attorney Kamala Harris.

Participants in the diversion program are first-time, non-violent drug offenders between the ages of 18 and 30. According to JEVS officials, the program offers a variety of employment, education, job training and placement and life skills activities and requires a minimum of 220 hours of community service in the communities where the offenses occurred.

“The community service is really a key provision. The judge talked about restorative justice and JEVS certainly believes in that, giving back to the community,” McCann said. “And they have to meet regularly with their caseworker at JEVS. It’s a very well-rounded program.”

Program graduates are eligible to have their records expunged a year after they graduate from the program if there have been no further arrests and all fees are paid.

“What we’ve found is that the majority of our clients do remain arrest-free and about 75% of our clients do get their cases expunged,” explained Nigel Bowe, executive director of diversion services at JEVS Human Services. “The majority of the people really change their lives, really look at this as an opportunity to start over fresh with a clean slate in life and legally and they stay out of trouble.”

During the program’s nine years in existence in Philadelphia, 82% of enrolled participants have graduated from the program and with only 15% recidivism one-year post-graduation, according to JEVS officials.

“Not having that felony on your record, I think they understand the fact that there were so many limitations that could have been put in front of them ... and that having the opportunity to get this first case and only case dismissed and expunged I think really sets the tone for them to realize that this is the best opportunity they ever had and they take advantage of it,” Bowe said. “It really is an opportunity to start fresh, to start new.”