

Philadelphia DAO Policy on Accelerated Misdemeanor Program (AMP) Expansion



Effective Date: 2/4/2019

The District Attorney's Office of Philadelphia is increasing access to diversion, beginning with the Accelerated Misdemeanor Program (AMP) expansion policy. The Charging, Diversion and MC units have been trained and will effectuate these policies beginning Monday February 4, 2019.

Previously, AMP unfairly limited the benefits of diversion due to strict eligibility requirements. Given the successful outcomes of the AMP program, access should not be limited, and diversion into AMP should be extended to more people by lowering eligibility barriers. Society's expectation of the criminal justice system is moving away from incarceration towards restorative justice models, thereby demanding an end to our reliance on strictly punitive measures. Additionally, society has recognized how the criminal justice system has disproportionately impacted communities of color.

The goal of this policy is to increase the number of people eligible for diversion, and to remove disqualifying criteria that prohibit equity. This goal promotes fairness, individual justice, and appropriate responses to unlawful behavior. The policy is a subset of AMP's eligibility criteria. If you have questions regarding AMP's eligibility criteria or the application of this policy, please contact the Supervisor of the Diversion Unit.

New AMP Policy: Removing Barriers to AMP Entry

The following AMP Expansion Policy contains presumptions applicable to all AMP cases. An Assistant District Attorney (ADA) may depart from these presumptions if he or she has good cause to do so and has consulted with a supervisor.

1. If a defendant owes less than \$500 of restitution, restitution shall not be a barrier to entry into AMP. If more than \$500 is owed, an ADA may use his or her discretion in admitting a defendant.**
2. A defendant is excluded if s/he was in possession of an illegal or unlicensed gun at the time of arrest.
3. A defendant will not be excluded for previously declining an AMP offer.
4. A defendant will not automatically be excluded for previously failing to complete AMP, but ADAs may use discretion where they believe a defendant who previously failed AMP is inappropriate for re-admittance.**
5. Prior successful completion of AMP 2 will not be considered when assessing program eligibility.
6. A defendant will not be excluded if s/he has several violent arrests within the last 10 years that did not result in a conviction.
7. A defendant will not be excluded if s/he has a prior finding of “not guilty” on a homicide.
8. A defendant will not be excluded if s/he is a Gunstat Offender.¹
9. A defendant will not be excluded from AMP I for prior Accelerated Rehabilitation Disposition (ARD) or AMP I diversion, provided 5 years have passed since the date of the crime. Otherwise, a defendant is eligible for AMP 2.
10. A defendant will not be excluded from AMP I for entering a prior nolo plea provided 5 years have passed since the date of the crime. Otherwise, a defendant is eligible for AMP 2.
11. Prior juvenile adjudications will not be considered when assessing AMP eligibility.
12. A defendant is not excluded from AMP 2 for a prior misdemeanor conviction within the past year.

¹ Gunstat is no longer utilized by this administration

** Discretion against these presumptions will be reviewed quarterly