

COMMUNITY CORRECTIONS SUBCOMMITTEE MEETING

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY - RESEARCH AND ANALYSIS UNIT

Diversions – Existing Programs in Illinois

- TASC provided R&A staff with a list of statutory diversion and alternatives to incarceration. Options include (see attached document titled, *Statutory Diversion and Alternatives to Incarceration in Illinois*, for summaries of each):
 - Drug school
 - First Offender Program
 - Offender Initiative Program
 - Second Chance Probation
 - Probation with Designated Program (TASC) Supervision
 - Specialty/Problem-solving courts

- Deferred Prosecution programs in Illinois
 - Based on a Google search by R&A staff, 31 counties were identified as having deferred prosecution programs. See Map for county locations.
 - TASC completed a survey in 2014 of select State’s Attorneys (N=16) about their use diversionary programs in Illinois. That survey found that few State’s Attorneys surveyed were using these programs. One-half had the Offender Initiative Program or something similar, just under half used the Second Chance Probation, and three offered Drug School.
 - TASC is poised to begin a survey of prosecutors to obtain information about the use of deferred prosecutions statewide. That project is expected to be completed Fall/Winter 2015. That survey covers the following topics:
 - Program authorization and oversight
 - Target population and goals
 - Program structure and services
 - Outcomes and evaluation
 - Recently, the Research and Analysis Unit supported an external evaluation of the Cook County SAO felony deferred prosecution program. That evaluation found that 71.5% of the study’s sample had their cases dismissed by prosecutors. Additionally, recidivism rates 18 months from the date of admission did not differ significantly from a matched comparison group (31.4% versus 33.5%, respectively). More details are provided in the Cook County Deferred Prosecution-Summary of Findings document.

Use of Probation, Prison and Parole in Illinois

- R&A staff created maps that show the use of probation, prison, and parole by county.

Probation/Parole Recidivism Rates and Technical Violations

- Persons on probation 2007-2009: 64.5% were rearrested, 41.8% were reconvicted; 24.8% were admitted to IDOC within three years after sentenced to probation. See Tables 4-6.
- Persons exiting IDOC 2008-2010: 73.0% were rearrested, 49.2% were reconvicted, and 35.5% were readmitted to IDOC within three years of exiting IDOC. Thirty-two percent (32.1%) were readmitted for technical violations within three years of existing IDOC. See Tables 1-3
- Technical violators:
 - Parolees may return to prison for a new offense, violating their MSR conditions or a combination of the two. Based on an analysis of technical MSR violators returned to prison in August 2011, it was found that:
 - 32.3% of returned for new arrests, with 18.9% arrested for a violent crime and 4.1% for UUW,
 - 15.7% returned for a new arrest and a violation of their MSR conditions,
 - 24.5% returned as “gate violators,” and
 - 17.9% returned for violating the conditions of their Electronic Monitoring (Olson, Stemen, Saltmarsh, Karr, and Shipinski, 2013).
 - According to the Authority’s Illinois Criminal Justice Cohorts: Criminal History and Recidivism Tool, 60.1% of the technical violators were originally admitted for non-violent offenses. See Tables 7-10.

Statutory Diversion and Alternatives to Incarceration in Illinois

Drug School – 55 ILCS 130

State's Attorney's Offices (SAOs) are authorized to apply to the Illinois Department of Human Services, Division of Alcoholism and Substance Abuse (DASA) for funding to establish or enhance drug school programs in their county (or groups of counties). In designing the drug school, the local SAO defines the eligible populations and has the authority to divert a defendant into the program as an alternative to traditional case processing. The drug school program consists of a mandated set of hours and a defined curriculum designed to present the harmful effects of drug use on the individual, family, and community, including the relationship between drug use and criminal behavior. The drug school also includes education regarding the practical consequences of conviction and continued justice involvement, including the impact on family, society and on one's vocational, educational, financial, and residential options. When an individual successfully completes the program, the charges are dropped, and successful graduates are given information on the sealing and expungement of records.

First Offender Probation – 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70

Each of the major sets of drug laws (for cannabis, controlled substances, and methamphetamines) contains provisions for specialized probation available only to individuals that have been convicted of certain lower level drug crimes, but have not been previously convicted of a drug crime. The judge may impose special conditions like drug testing, medical or behavioral treatment, pursuit of vocational, and others. Upon successful completion, the proceedings are dismissed. The conviction is not treated as a conviction for purposes of future proceedings or disqualifications or disabilities imposed by law.

Offender Initiative Program – 730 ILCS 5/5-6-3.3

The Offender Initiative Program allows for the diversion of eligible individuals charged with specified first-time, low-level, non-violent offenses by suspending the court proceedings while the individual participates in the program for at least one year. The judge has discretion to order involvement in addiction or mental health treatment as a condition of participation, along with additional conditions that may include drug testing, education, employment seeking, and others. Upon successful completion of the program, the case is dismissed or the court discharges the proceedings against the individual.

Second Chance Probation – 730 ILCS 5/5-6-3.4

Second Change Probation allows for the diversion of eligible individuals who have not previously participated in 1410/710 ("First Offender") probation, TASC, or the Offender Initiative Program and have been charged with certain non-violent theft- and drug-related Class 3 and 4 felonies. The judge has discretion to order involvement in addiction or mental health treatment as a condition of participation, along with additional conditions that may include drug testing, education, employment seeking, and others. While a sentence of probation is imposed, the supervision is pre-judgment, meaning that upon successful completion, the court discharges and dismisses the proceedings against the individual.

Probation with Designated Program (TASC) Supervision – 20 ILCS 301/40

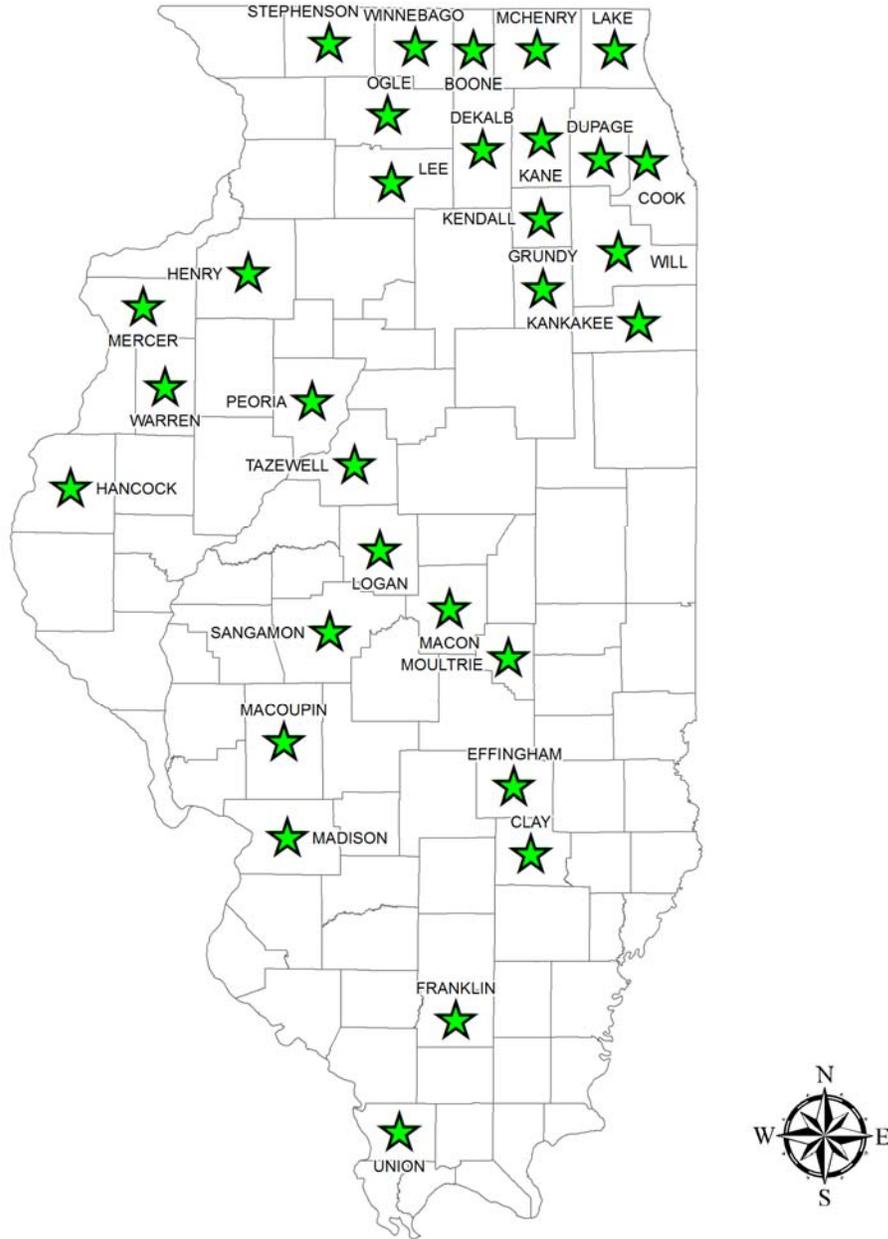
Certain individuals with non-violent offenses who demonstrate drug use as a factor in their criminal behavior may be eligible for probation under the supervision of the designated program (TASC). If the defendant, judge, and prosecutor agree, the individual is assessed by TASC to determine the extent of behavioral health need and its relationship to the crime. If found acceptable, the individual is convicted and sentenced to probation, with TASC serving as specialized case manager, facilitating access to community-based treatment and other services alongside traditional probation conditions, which are monitored by a probation officer. TASC regularly updates probation and the court as to the individual's progress and compliance with the treatment plan. Petitions to the court for dismissal of charges may be made within 30 days of acceptance into the program; upon successful program completion, the court may decide to grant a petition.

Source: TASC

Specialty/Problem-Solving Courts – 730 ILCS 166; 730 ILCS 167; 730 ILCS 168

The Chief Judge of each judicial circuit *must* establish a drug court program in that circuit, and *may* establish mental health and veterans courts. If the prosecutor agrees, and the defendant does not meet certain criteria for ineligibility (e.g., crime of violence, denial of need, prior participation in a similar court, etc.), the court will order a screening and assessment and the court team will develop a treatment regimen alongside other conditions that may include fines, restitution, and other requirements as deemed appropriate. Upon successful completion, the judge may dismiss the original charges or discharge the proceedings.

Counties with Illinois State's Attorney's Office Diversion Programs, 2015



Source: ICJIA internet searches, May 2015

Summary – Cook County State’s Attorney’s Office Deferred Prosecution Program

The Deferred Prosecution Program (DPP) is an ongoing operational collaboration of the States Attorney’s Office with the Cook County First Municipal District Judicial Circuit Court, the Department of Probation Pre-Trial Services Division, and TASC.

The Assistant State’s Attorneys (ASA) at various Cook County Branch Courts identify potential candidates (first time non-violent felony offenders) before preliminary hearings are conducted. If victims agree and DPP candidates accept the 12-month program offer, the preliminary hearing is waived and the case is transferred to the DPP program. Upon successful completion of the program, the felony charge is dismissed by the SAO and the participant can then have his record expunged. The low demand program requirements include:

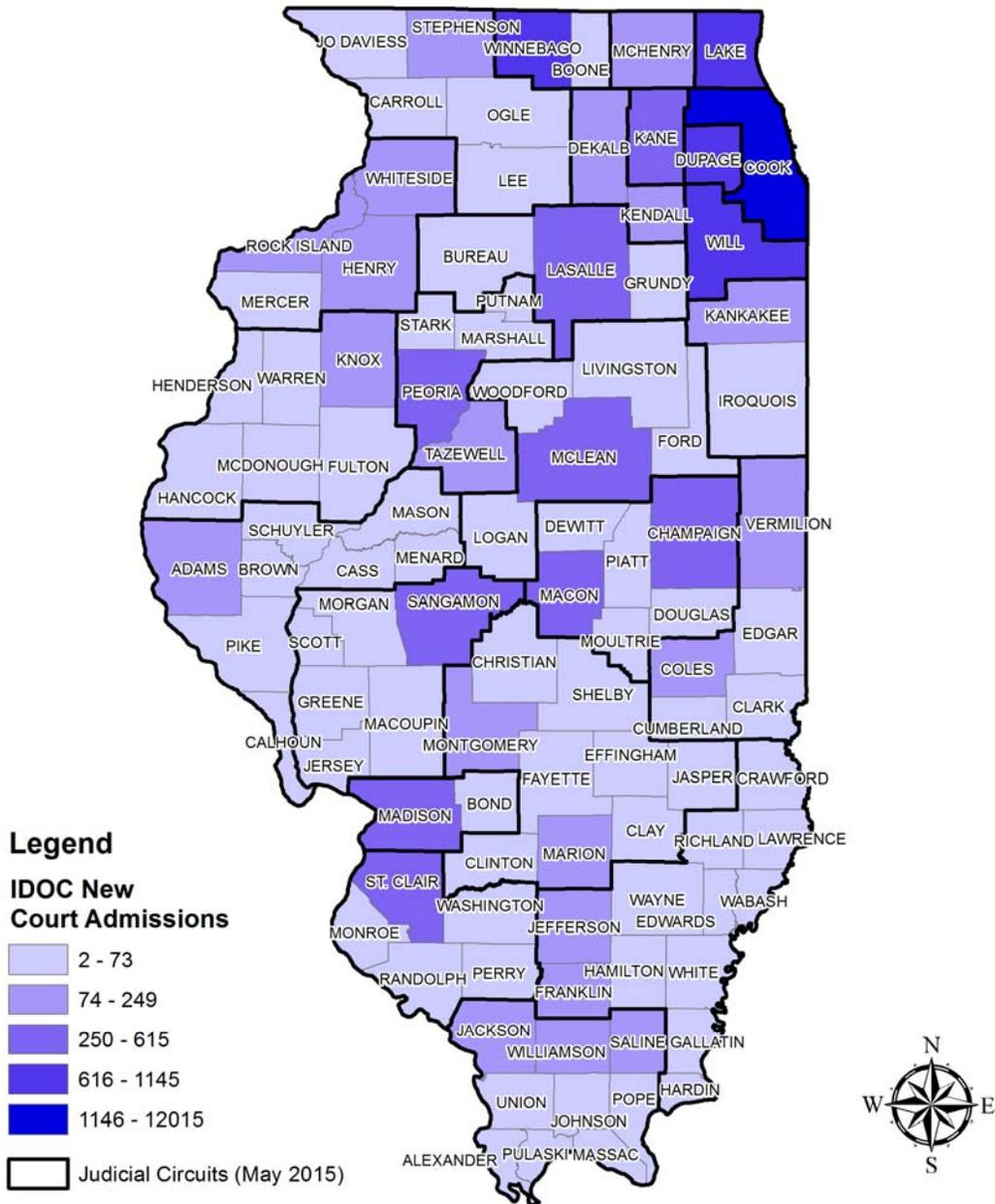
- regular court appearances in a DPP branch court;
- assessment and monthly meetings with pre-trial services officer;
- meeting of certain conditions dependent on their particular offense and their educational and employment status; and
- not reoffending.

Findings

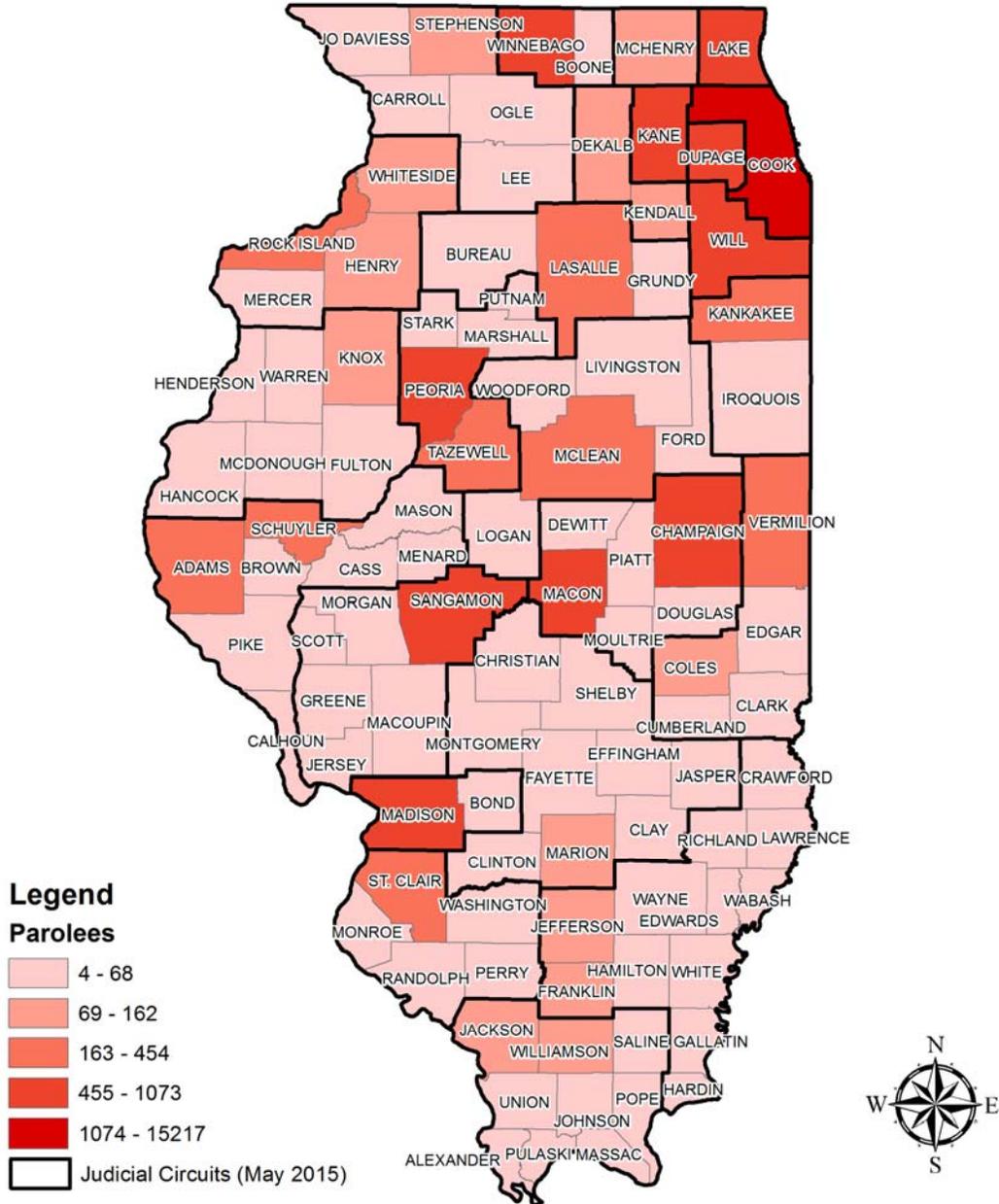
- Of our sample, 71.5 % had their cases dismissed (Nolle Pros), indicating a successful completion of the program; and roughly 28.5 % of individuals completing the program were terminated from the program, indicating an unsuccessful completion of the program.
- Roughly 31.4 % of DPP participants were re-arrested within 18 months of admission to DPP compared to roughly 33.5 % of defendants in the comparison group.
- In particular, DPP had a significant effect on re-arrest rates for women charged with theft; in such cases, DPP reduced the likelihood of re-arrest by roughly 76 %.
- Leadership and buy-in from key stakeholders is important in the development of any program and should be a clear consideration in other jurisdictions that this program is replicated. The strong collaboration and buy-in was instrumental to the low cost of the program, with stakeholders identifying and allocating already existing staff and resources and integrating DPP into existing operational structures

The program model is a cost effective way of delivering one of the key outcomes to participants: a lack of criminal conviction; and to the justice system, fewer individuals going through a costly adjudication. The impact of this cannot be overstated – felony criminal convictions can significantly hinder an individual’s ability to find employment, stable housing, and advanced education. Thus, although DPP may not reduce the likelihood of re-arrest, DPP significantly reduces the future collateral consequences of a criminal conviction for all individuals who complete the program.

FY2013 IDOC New Court Admissions



FY2013 IDOC Parole/Mandatory Supervised Release Population



Source: ICJIA Analysis of Data Provided by IDOC Planning and Research Unit

