



A Survey of Prosecutorial Diversion in Illinois

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Report and appendices available at www.centerforhealthandjustice.org.

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Appendix A

Diversion Program/Practice/Initiative Descriptions, by Jurisdiction

This Appendix presents narrative summaries describing diversion programs, practices, and initiatives, by jurisdiction, based on information provided in 2015 survey responses. Within the framework of the project’s stated methodology, every attempt has been made to provide accurate information about programs and initiatives. However, due to the limitations outlined in the report, information herein may not be fully accurate, and there is a reasonable likelihood that it is not comprehensive. For the complete discussion on methodology and limitations, see the Project Overview section of the full report, available at www.centerforhealthandjustice.org.

The observations presented in the report are not intended to represent the characteristics, scale, or scope of all diversionary programs, initiatives, and mechanisms operating across Illinois, nor a statistical analysis, but instead a baseline for understanding how different jurisdictions throughout the state manage pre-sentence criminal justice populations and what types of diversion options are employed. They are intended to provide insight into how program leadership and staff view diversion, and to describe practical details to inform diversion efforts in other jurisdictions.

To submit a correction or inquire about the inclusion of a program or initiative in a subsequent iteration of Appendix A, please contact CHJ.

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Calhoun County

Diversion Options Available in Calhoun County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Second Chance Probation (under 730 ILCS 5/5-6-3.4)

Program: Second Chance Probation

Jurisdiction Served: Calhoun County

Oversight by: Calhoun County Probation Department

Intercept Point: Plea negotiation

Program Start: Unknown

Individuals Diverted Annually: 3

The Second Chance Probation program in Calhoun County is designed for individuals charged with felony offenses. Participation is limited to those with first-time, non-violent, felony offenses. The goal of the program is rehabilitation without the stigma of a felony. The program accesses substance use treatment services. It does not include the use of evidence-based or best-practice models, services, or tools.

The program does not indicate what is required of participants to successfully complete the program. If participants are successful, their records are expunged. The typical length of participation is two years.

The program reports that its measurable outcomes are unknown. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program reports no budget specific to this program, and did not indicate a funding source for the program.

The Calhoun County State's Attorney recommends expanding program eligibility to include more non-violent felony offenses.

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Cook County

Diversion Options Available in Cook County:

- Crisis Intervention Team (CIT)
- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Drug School (55 ILCS 130)
- Offender Initiative Probation (730 ILCS 5/5-6-3.3)
- Second Chance Probation (under 730 ILCS 5/5-6-3.4)

The Cook County State's Attorney's Office provided information about numerous diversion programs operating in its jurisdiction.

Program: Cook County State's Attorney's Office Felony Deferred Prosecution Program

Jurisdiction Served: Cook County

Oversight by: State's Attorney's Office

Intercept Point: Deferred prosecution

Program Start: March 2011

Individuals Diverted Annually: 1,019 individuals were in the program at some point in FY 2015

The Felony Deferred Prosecution Program in Cook County is designed for individuals charged with a non-violent felony offense, no past history of a felony conviction, or any conviction of violence. The majority of offenses bringing individuals into the program are property and drug crimes. Participation requires victim agreement if there is a victim involved. If restitution is involved, it must be paid prior to any dismissal of charges. Participation is limited to those with non-violent felony offenses.

The program goals are to admit approximately 500 individuals per year, and to achieve 75 percent successful completion/case dismissal. It accesses mental health treatment, substance use treatment, case management services, education, and job training. The program reports that it does not use evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals who did not graduate high school must actively engage in a GED program, individuals who are not employed must obtain a job or complete 100 hours of community service, individuals who are in need of behavioral health treatment (primarily mental health or substance use) must successfully link to community-based services, and all participants must remain relatively free of further engagement with the criminal justice system. If successful, their case is dismissed, and they have the opportunity to immediately apply for record expungement. The typical length of participation is 9-12 months.

The key measurable outcome identified by the program is case dismissal in 76 percent of cases. The program also tracks recidivism among program graduates—among over 735 cases reviewed, greater than 85 percent have no new arrest one year after the original case dismissal, and 97 percent have no new felony conviction. A formal program evaluation was funded by the Illinois Criminal Justice Information Authority (ICJIA) and performed by Loyola University. This was completed in 2014 and reported back to the Authority in 2015. (Report accessible here: http://www.icjia.state.il.us/assets/pdf/ResearchReports/Cook_County_Deferred_Prosecution_Evaluation_0715.pdf.) An internal assessment found approximate annual cost savings of \$500,000, based only upon reduced court costs, not including long-term savings resulting from reduced criminal activity in the future or reduced cost of probation for participants who would have been found guilty and sentenced to probation through traditional processing.

This program reports that it was one of eight programs across the nation honored by the Association of Prosecuting Attorneys (APA), in partnership with the Center for Court Innovation (CCI) and the U.S. Department of Justice's (DOJ) Bureau of Justice Assistance (BJA), in April 2015 at their bi-annual "Innovations in Criminal Justice Summit." Additionally, the program was presented at the National Association of Drug Court Professionals' (NADCP) annual conference in July 2015 as a potential intervention for low risk/low need individuals in a quasi-treatment court setting. Program staff note that this model is clearly taking hold in Illinois, as evidenced by the number of jurisdictions which are employing it, most notably and recently Lake County, Illinois.

The program does not have a dedicated budget. It is funded through the municipal/county budget, and through assumption of costs by individual partner organizations. There are no application or program fees associated with this Program.

Program: Drug School Diversion Program
Jurisdiction Served: Cook County
Oversight by: State's Attorney's Office
Intercept Point: Deferred prosecution
Program Start: 1972
Individuals Diverted Annually: Approximately 2,000 in FY 2015

The Drug School Diversion Program in Cook County is designed for individuals with low-level drug possession cases who have not accepted the offer of this type of diversion in the last three years and who have no felony conviction history or history of violence. Participation is limited to those with non-violent offenses. The program goals are to admit between 1,500 and 2,000 individuals annually and to achieve greater than 80 percent successful completion/case dismissal. It accesses substance use education services. The program reports that it does not use evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must attend ten hours of educational classes related to the multitude of impacts of substance use on one's life—financial, medical, social, familial, etc. If successful, their case is dismissed, and they have the opportunity to immediately apply for record expungement. The typical length of participation is four weeks.

The key measurable outcome identified by the program is successful completion and case dismissal in greater than 80 percent of cases. Additionally, recidivism among program graduates is 75 percent lower than for those who do not complete the program successfully. This program underwent a brief evaluation by the Association of Prosecuting Attorneys (APA) and the Center for Court Innovation (CCI) in November 2013, and is currently undergoing a full, two-year analysis including cost savings conducted by CCI. An internal assessment based strictly on reduced court costs found approximate annual cost savings of over \$500,000.

The program has a dedicated annual budget of \$702,000 in the county budget. There are no application or program fees associated with this Program.

Program: Misdemeanor Deferred Prosecution Program (MDPP)
Jurisdiction Served: Cook County (80 percent of suburban Cook County, 80 percent of the City of Chicago)
Oversight by: State's Attorney's Office
Intercept Point: Deferred Prosecution
Program Start: August 2012
Individuals Diverted Annually: 2,020 in FY 2015

The Misdemeanor Deferred Prosecution Program in Cook County is designed for individuals charged with non-violent misdemeanor offenses and no felony conviction history or history of violence. Participation is limited to those with non-violent misdemeanor offenses. The program goals are to link approximately 2,000 individuals with misdemeanor offenses annually to licensed community behavioral treatment providers, the U.S. Department of Veterans Affairs (VA), and/or the Veterans Legal Support Center and Clinic at John Marshall Law School. It accesses mental health and substance use treatment services. The program reports that it uses evidence-based or best-practice models, services, or tools provided by the treatment providers.

To successfully complete the program, individuals must attend one appointment to participate fully in a behavioral health assessment and one follow-up to hear the recommendations of the formal assessment. They must also remain arrest-free while their case is pending. If successful, their case is dismissed, and they have the opportunity to immediately apply for record expungement. The typical length of participation is three months.

The key measurable outcome identified by the program is greater than 1,500 cases dismissed annually. Additionally, the program tracks recidivism, finding that among graduates, one year after case dismissal, 72 percent have no arrest of any kind, and 95 percent have no felony arrest. This program underwent a brief review by the Association of Prosecuting Attorneys (APA) and the Center for Court Innovation (CCI) in November 2013, and is currently undergoing a full, two-year evaluation including cost savings conducted by CCI. An internal assessment based strictly on reduced court costs found approximate annual cost savings of \$200,000. This Program continues to expand and should reach 100% countywide coverage in FY 2016.

The program is funded through the existing municipal/county budget, and a federal SMART Prosecution Program grant from the U.S. Department of Justice's (DOJ) Bureau of Justice Administration (BJA) of \$350,000. The federal grant funds a segment of the program—20 percent of suburban Cook County and 20 percent of the City of Chicago. There are no application or program fees associated with this Program.

Program: Drug Deferred Prosecution Program (DDPP)
Jurisdiction Served: 100 Percent of the City of Chicago
Oversight by: State's Attorney's Office
Intercept Point: Deferred prosecution
Program Start: October 2015
Individuals Diverted Annually: 100 served in first six weeks of implementation, anticipated number served to be over 1,000

The Drug Deferred Prosecution Program (DDPP) is designed for individuals charged with felony drug possession who also have past felony convictions for non-violent offenses. While a participant's current offense must be a drug charge, he can have previous convictions for drug offenses or other non-violent felony offenses and remain eligible. This is the first deferred prosecution program offered through the State's Attorney's Office that is open to individuals with felony convictions in their background as long as they meet other program criteria.

The program goal is to link eligible individuals to licensed substance use treatment agencies in the community, which provide participants with full substance use assessments and treatment recommendations. To successfully complete the program, participants must undergo an assessment and attend a subsequent appointment to discuss treatment recommendations. All services provided by the licensed substance use treatment providers are evidence-based. If participants are successful, their charges are dismissed.

The program, which began very recently, anticipates that in excess of 1,000 eligible individuals will be offered and accept this program in the first year. Offers to participate are made at bond court, at which point an individual must waive his right to a preliminary hearing, and a recommendation is made to the court for release from custody on an I-Bond (which requires no payment). The success of the program will be monitored by the University of Chicago Crime Lab, which has been involved in programmatic discussions throughout its development.

The program does not have measurable outcomes yet. The program anticipates that it will result in cost savings associated with participants' reduced time in custody, elimination of preliminary hearing, elimination of need for arresting officers to appear at preliminary hearing, elimination of need to test evidence, and reduced occurrence of cases going to trial. The program plans to calculate total cost savings once it has been in operation for an adequate period of time to do so.

The program does not have a specific budget. It is funded through existing resources in the county budget. However, it anticipates applying for grant funding in the future to support its general and geographic expansion.

Program: Mental Health Treatment Court
Jurisdiction Served: Cook County (all of the City of Chicago, 80 percent of suburban Cook County)
Oversight by: Collaboration of the Office of the Chief Judge, the State's Attorney's Office, and the Public Defender
Intercept Point: Post-booking, post-plea
Program Start: 2003
Individuals Diverted Annually: There were 341 active participants in the County MH Court system in FY 2015.

The Mental Health Treatment Court in Cook County addresses individuals with serious mental health issues who also have significant criminal justice background. The program operates seven mental health courts throughout the County. Some are gender-specific courts, some focus on *Diagnostic and Statistical Manual of Mental Disorders (DSM)* Axis 1 disorders, others on Axis 2, and most incorporate treatment for co-occurring mental health and substance use disorders. The program's goal is to admit to the program every eligible individual. It accesses mental health treatment, substance use treatment, medical services, case management, education, housing assistance, and job training. The program reports that treatment providers and probation use evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must successfully engage in community-based treatment, remain relatively free of contact with the criminal justice system, develop and maintain a viable treatment and life plan (after program involvement), and obtain symptom stability. If successful, the participant's legal counsel is permitted to withdraw that plea, and the State's Attorney's Office (SAO) dismisses the charge. The typical length of participation is 18-24 months.

The key measurable outcome identified by the program is 50 percent successful program completion. Additionally, the SAO maintains records on recidivism, tracking arrests and time spent in custody post-case dismissal and comparing them to similar periods pre-admission. In each case, reductions in excess of 80 percent are noted among graduates. There has not been a formal evaluation of outcomes. An internal assessment based strictly on reduced days spent in custody found approximate annual cost savings of greater than \$8 million.

The program does not have a dedicated budget. It is funded through the municipal/county budget. There are no application or program fees under the control of the SAO associated with this Program. There may be court costs or probation fees.

Program: Cook County Veterans Treatment Court

Jurisdiction Served: 100 percent of Cook County

Oversight by: Collaboration of the Office of the Chief Judge, the State's Attorney's Office, and the Public Defender

Intercept Point: Post-booking, post-plea

Program Start: 2009

Individuals Diverted Annually: 111 veterans were active participants in the countywide Veterans Treatment Court system in FY 2015

The Cook County Veterans Treatment Court is designed for individuals who have served in the U.S. Military, primarily, but not limited to, those with an honorable discharge. By statute, current charges of violence, past convictions of violence in the past ten years render, or a dishonorable discharge from the military render an individual ineligible. Participation is limited to veterans with non-violent offenses. The program's goal is to admit more than 50 veterans annually. It accesses mental health treatment, substance use treatment, medical services, case management, education, housing assistance, and job training. The program reports that all treatment provided through the U.S. Veterans Affairs (VA) relies on evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must remain relatively free of involvement with the criminal justice system, engage fully in an active treatment plan with the VA and/or other treatment providers, and maintain a healthy living situation and be relatively symptom free with 120 days of sobriety. If successful, the participant's legal counsel is permitted to withdraw that plea, and the State's Attorney's Office (SAO) dismisses the charge. The typical length of participation is 12-18 months.

The key measurable outcome identified by the program is 50 percent successful program completion. Additionally, the SAO maintains records on recidivism. In the first year after program completion, felony arrests among graduates decreased by 91 percent, and total arrests decreased by 86 percent. There has not been a formal evaluation of outcomes. An internal assessment based strictly on reduced days spent in custody found approximate annual cost savings of greater than \$1 million.

The program does not have a dedicated budget. It is funded through the municipal/county budget. There are no application or program fees under the control of the SAO associated with this Program.

Program: Drug Treatment Court

Jurisdiction Served: 100 percent of City of Chicago, 60 percent of suburban Cook County

Oversight by: Collaboration of the Office of the Chief Judge, the State's Attorney's Office, and the Public Defender

Intercept Point: Post-booking, post-plea

Program Start: 1998

Individuals Diverted Annually: There were 465 active participants in the Countywide Drug Treatment Court system in FY 2015

The Drug Treatment Court is designed for individuals charged with non-violent offenses and without a conviction for a violent offense within the past 10 years who have substance use disorders. In the City of Chicago, all participants have felony offenses, and in suburban Cook County courts, most participants have felony offenses. The program's goal is to engage individuals who have substance use disorder and are involved in the criminal justice system with the substance use treatment system, to help them achieve a period of sobriety and establish a productive, crime-free, sober lifestyle. It accesses mental health treatment, substance use treatment, medical services, case management, education, housing assistance, and job training. The program reports that treatment providers utilize evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must remain relatively crime-free, achieve 120 days of sobriety, be fully engaged in the recovery system, and develop and implement a full connection to a treatment system to promote a sober, productive, crime-free lifestyle. If successful, the participant's legal counsel is permitted to withdraw that plea, and the State's Attorney's Office (SAO) dismisses the charge. The typical length of participation is 18-24 months.

The key measurable outcome identified by the program is greater than 35 percent successful completion and full engagement in a treatment system by graduates. Additionally, the SAO maintains records on recidivism. There has not been a formal evaluation of outcomes. An internal assessment based strictly on reduced days spent in custody found approximate annual cost savings of \$6 million.

The program does not have a dedicated budget. It is funded through the municipal/county budget, and through assumption of costs by individual partner organizations. There are no application or program fees associated with this Program under the control of the SAO, there may be court costs or probation fees.

Program: Access to Community Treatment (ACT) Court

Jurisdiction Served: 100 percent of City of Chicago

Oversight by: Collaboration of the Office of the Chief Judge, the State's Attorney's Office, and the Public Defender

Intercept Point: Post-booking, post-plea

Program Start: 2013

Individuals Diverted Annually: There were 137 active participants in the ACT Court in FY 2015

The Access to Community Treatment (ACT) Court is designed for individuals charged with felony drug crimes and/or retail theft who have been sentenced to serve time in the Illinois prison system (i.e., the Illinois Department of Corrections, or IDOC) in the past and are at risk of incarceration in IDOC again. Individuals with a charge of violence or conviction of violence in the past ten years are not eligible. Participation is limited to those with non-violent felony offenses. This program is based upon the model of community-based treatment, as opposed to in-custody treatment. Individuals are removed from custody as quickly as possible and engaged in treatment in the community.

The program's goal is to reduce the number of admissions from Cook County to IDOC by 25 percent. It accesses mental health treatment, substance use treatment, medical services, case management, education, housing assistance, and job training. The program reports that treatment providers utilize evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must remain relatively crime-free and develop a sober, productive lifestyle while engaged in a full treatment system. If successful, the participant's legal counsel is permitted to withdraw that plea, and the State's Attorney's Office (SAO) dismisses the charge. The typical length of participation is 12-18 months.

The key measurable outcome identified by the program is to reduce admissions to IDOC by 25 percent. The funding entity maintains records of participant response to the program, including recidivism. The program reports that the cost savings associated with the program are unclear.

The program has a dedicated budget of approximately \$1 million. It is funded with State funding provided through the Adult Redeploy Illinois program. There are no application or program fees under the control of the SAO associated with this Program. There may be court costs or probation fees.

Program: Prostitution and Human Trafficking Intervention Court

Jurisdiction Served: 100 percent of City of Chicago

Oversight by: State's Attorney's Office

Intercept Point: Deferred prosecution

Program Start: June 2015

Individuals Diverted Annually: There were 102 active participants in the program in its first six months of operation in FY 2015

The Prostitution and Human Trafficking Intervention Court is designed for individuals charged with misdemeanor prostitution who have limited past felony conviction history. Participation is limited to those with non-violent misdemeanor offenses. The program's goal is to fully engage participants in the treatment community process and to dismiss charges for participants. It accesses mental health treatment, substance use treatment, medical services, case management, education, housing assistance, and job training. The program reports that treatment providers utilize evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must fulfill the recommendations of the treatment assessment. Such recommendations may entail an assessment and referral or some more intensive intervention, to be determined by the assessment, history, and past involvement in the program. If successful, the case is dismissed. The typical length of participation is 1-6 months.

The program has not identified clear outcome expectations yet, since it is new, nor an assessment of cost savings. Given that this approach is new and innovative, the program intends to monitor how participants respond to the existing structure, and to modify the program accordingly. Program staff noted that they intend to track recidivism as is done with other diversion programs, but also that they will focus on engagement in treatment as a key goal.

The program reports no dedicated budget. It is funded with municipal/county funds, and a grant received by the Public Defender's Office to support a full-time assistant public defender position for the program. Additionally, the partnering community-based treatment provider has access to local funding resources. There are no application or program fees under the control of the SAO associated with this Program.

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DuPage County

Diversion Options Available in DuPage County:

- Crisis Intervention Team (CIT)
- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Second Chance Probation (under 730 ILCS 5/5-6-3.4)
- State's Attorney's Diversion Program
- Drug Court
- Mental Health Court

Program: State's Attorney's Diversion Program

Jurisdiction Served: DuPage County

Oversight by: DuPage County's State's Attorney's Office

Intercept Point: Law enforcement, post-booking, jail

Program Start: January 2014

Individuals Diverted Annually: 25-40

The State's Attorney's Diversion Program in DuPage County is designed for individuals charged with a first-time non-violent felony. Participation is limited to those with first-time, non-violent, felony offenses. The goal of the program is to hold individuals accountable for their conduct and allow them to avoid a conviction and expunge their record. It accesses mental health treatment, substance use treatment, medical treatment, case management, and education services. The program uses SWAP (Sheriff's Work Alternative Program), community service, and mental health or drug treatment, all of which are referenced as evidence-based/best-practice models/services/tools.

What is required to successfully complete the program varies by case, but requirements usually include payment of fee and restitution, completion of community service or SWAP hours, maintenance of passing grades in school or securing employment, and attending any counseling deemed necessary (e.g., anger management, drug addiction, alcohol). If successful, their guilty plea is vacated, charges are dismissed, and they are eligible for immediate expungement. The typical length of participation is one year.

The key measurable outcome identified by the program is low recidivism, though the program notes that it is too early yet for data on re-offending. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program's annual budget is \$44,000. It is funded through the municipal/county budget, as well as client fees. Generally, there is a \$750 fee to get into the program, but the fee can be adjusted depending on ability to pay. The fee is collected before the participant is discharged from the program.

The State's Attorney notes that he believes the program works well. It involves a plea of guilty in front of a judge. Sentencing is deferred pending completion of the diversion program. If the program is successfully completed, the plea is vacated and the charges dismissed. This design allows the courts to maintain control. In addition, participants must appear in front of a panel of civilians who make recommendations regarding whether they should be admitted into the program.

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Ford County

Diversion Options Available in Ford County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Second Chance Probation (under 730 ILCS 5/5-6-3.4)

Program: First Offender Probation

Jurisdiction Served: Ford County

Oversight by: Ford County State's Attorney's Office, Ford County Court Services

Intercept Point: Post-booking

Program Start: June 2014

Individuals Diverted Annually: 20

The First Offender Probation program in Ford County is designed for individuals with drug involvement charged with drug crimes. Participation is limited to those with first-time offenses. The goal of the program is to reduce drug use and abuse. The program accesses substance use treatment and case management services. It does not include the use of evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must complete substance use treatment, complete community service work, pay fees, and avoid rearrest. If participants are successful, no conviction is entered. The typical length of participation is two years.

The program's key measurable outcome is successful discharge from probation. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. It is funded through the municipal/county budget and by program fees. Each participant is required to pay \$25 per month in probation fees.

Program: Second Chance Probation

Jurisdiction Served: Ford County

Oversight by: Ford County State's Attorney's Office, Ford County Court Services

Intercept Point: Post-booking

Program Start: June 2014

Individuals Diverted Annually: 15

The Second Chance Probation program in Ford County is designed for individuals charged with first-time, non-violent, felony offenses. Participation is limited to those with first-time offenses. The goal of the program is to reduce recidivism. The program accesses mental health treatment, substance use treatment, case management, and education services. The program reports that it is unaware whether it utilizes evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must complete recommended treatment, complete community service work, pay fees, and avoid rearrest. If participants are successful, no felony conviction is entered. The typical length of participation is two years.

The program's key measurable outcome is successful completion of probation. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. It is funded through the municipal/county budget and by program fees. Each participant is required to pay \$25 per month in fees.

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Greene and Scott Counties

Diversion Options Available in Greene and Scott County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Offender Initiative Probation (730 ILCS 5/5-6-3.3)
- Second Chance Probation (under 730 ILCS 5/5-6-3.4)

Program: First Offender Probation

Jurisdiction Served: Greene and Scott Counties

Oversight by: Greene/Scott Probation Department

Intercept Point: Post-booking, deferred prosecution, jail

Program Start: When statute began

Individuals Diverted Annually: 10-20

The First Offender Probation program in Greene and Scott Counties is designed for individuals charged with drug offenses whose drug use has predicated their criminal activity. Participation is limited to those with first-time felony offenses who present with substance use or mental health problems. The goals of the program are to prevent participants from having a felony conviction on their record to help them continue or return to being a productive member of society, and to reduce the likelihood of return to the criminal justice system by addressing their substance use problem. The program accesses substance use treatment, case management, education, and housing services. It utilizes evidence-based practices in the case supervision of clients with first-time offenses, including cognitive behavioral interventions in one-on-one meetings and case planning based on risk-level and needs.

To successfully complete the program, individuals must successfully complete a substance use evaluation and treatment as recommended, pay fees and fines, avoid rearrest, successfully complete at least three random drug tests, and complete 30 hours of community service work. If participants are successful, no conviction is entered. The typical length of participation is two years.

The program reports no identified measurable outcomes. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program reports no budget specific to this program, and that it is funded through a combination of municipal/county and state funds, along with probation service fees assessed to everyone on supervision or probation. Funding from the Illinois Administrative Office of the Illinois Courts (AOIC) finances probation in Greene and Scott Counties, which pays the salary of the probation officer who supervises program participants.

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* * * * *

Hamilton County/2nd Judicial Circuit

Diversions Available in Hamilton County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Drug School (55 ILCS 130)
- Offender Initiative Program (under 730 ILCS 5/5-6-3.3)
- Second Chance Probation (730 ILCS/5/5-6-3.4)

Program: Drug Court

Jurisdiction Served: 2nd Judicial Circuit (11 counties): Crawford, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jefferson, Lawrence, Richland, Wabash, and White Counties

Oversight by: Probation for each county

Intercept Point: Post-booking, specialty/problem-solving court (pre-sentence only)

Program Start: 2015

Individuals Diverted Annually: Not yet available

The Drug Court program operating in the 2nd Judicial Circuit is designed for individuals charged with drug possession or other offenses that were committed in direct relation to a drug addiction. Participation is limited to those with non-violent felony offenses presenting with a substance use or mental health problem. The goal of the program is to help individuals become substance-free and stop committing criminal behavior so they may return to their communities as productive members of society. The program accesses mental health treatment, substance use treatment, and case management services. The program reports that its use of evidence-based or best-practice models, services, or tools is unknown.

To successfully complete the program, individuals must pay fees, complete substance use treatment, secure employment, remain drug-free, not commit crimes, and complete community service. If participants are successful, the charges will be either dismissed or not filed. The typical length of participation is two years.

Because the program is new, there are no identified outcomes or measurables yet. There has not been a formal identification or evaluation of outcomes or assessment of cost savings.

The program reports that there is no dedicated budget, and did not identify the amount of the fees charged to participants. It is funded through the municipal/county budget.

The Hamilton County State's Attorney notes that if individuals charged with certain crimes show law enforcement, probation, and judges that they are willing to complete treatment, keep a job, and be productive members of society, he believes they may be diverted to receive a second chance and avoid a criminal record. He recommends that more counties investigate diversion programs to save costs and reduce case loads.

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Jackson County

Diversion Options Available in Jackson County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)

Program: Southern Illinois Batterers Prevention Program

Jurisdiction Served: Jackson County

Oversight by: Carbondale Police Department

Intercept Point: Deferred prosecution

Program Start: Projected – October 2015

Individuals Diverted Annually: 40

The Southern Illinois Batterers Prevention Program in Jackson County is designed for individuals with first-time domestic battery offenses in cases where the victim has little to no visible injury and provides consent for program participation. Participation is limited to those with first-time non-violent offenses. The goals of the program are to hold individuals accountable for their offenses and reduce recidivism. The program accesses case management services. It utilizes the Duluth Model, which is referenced as an evidence-based/best-practice model.

To successfully complete the program, individuals must have regular attendance and program participation, and no new criminal charges. If participants are successful, charges are not filed. The typical length of participation is 24 months.

The program's measurable outcomes include a reduction in cases dismissed due to lack of victim cooperation, and individuals held accountable to avoid future charges. As it is a pilot program, there has not been a formal evaluation of outcomes or assessment of cost savings. The program reports that it is working to get facilitators trained so it can begin in October 2015.

The program's budget is to be determined. It is funded through a grant from the U.S. Department of Justice Violence Against Women Act and a participant fees of \$250.

Program staff recommends increased training opportunities for facilitators and more programs in rural areas.

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Johnson County

Diversion Options Available in Johnson County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Second Chance Probation (under 730 ILCS 5/5-6-3.4)

Program: First Offender Probation

Jurisdiction Served: Johnson County (within the 1st Judicial Circuit)

Oversight by: Local Probation Office

Intercept Point: Conditional discharge, probation

Program Start: Pre-2012

Individuals Diverted Annually: No data maintained

The Second Chance Probation Program in Johnson County is designed for individuals with first-time felony offenses. Participation is limited to those with first-time felony offenses who present with substance use or mental health problems. The goals of the program are to change behavior and prevent continued involvement in the criminal justice system. The program accesses mental health treatment, substance use treatment, and case management services. It does not include the use of evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must complete a substance use evaluation and treatment, sometimes complete a mental health evaluation and treatment, demonstrate negative drug screens on a regular basis, and remain free of further criminal activity. If participants are successful, they avoid conviction. The typical length of participation is 24 months.

The program does not collect data and has not identified key measurable outcome. It reports outcomes are anecdotal, and that they vary widely. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a designated budget. It is funded through the municipal/county budget.

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Kane County

Diversion Options Available in Kane County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Second Chance Probation (under 730 ILCS 5/5-6.3.4)
- Drug Court
- Mental Health Court
- Bad Check Program
- Deferred Prosecution Programs (Five Offerings)

Program: Deferred Prosecution Programs (Five Programs)

Jurisdiction Served: Kane County

Oversight by: Kane County State's Attorney's Office

Intercept Point: Deferred Prosecution

Annual Budget: \$374,700 (for all five programs)

The Kane County State's Attorney's Office operates five Deferred Prosecution programs designed for individuals charged with varying specific crimes. The goals of these programs are: 1) to provide those applicants who are deserving with an opportunity to avoid a permanent conviction from being entered on their record, 2) to provide services to 10 percent of the total number of felony and misdemeanor cases charged annually, and 3) to achieve an overall participant success rate of 70 percent.

All five programs provide access as appropriate to mental health, substance use, and medical treatment, as well as case management, education, housing, and job training. All of the programs use evidence-based tools; all currently use the LSI-R SV and LSI-R (if necessary) risk and needs assessments tool(s) to determine an individual's future risk of recidivism and appropriate level of supervision, and to assist in identifying areas of potential risk.

Requirements for successful program completion vary depending on the nature of the individual's charge and his/her areas of need, but typically include community service, program fees, random drug testing, a letter of apology, and restitution. Depending on the individual's presenting issues, they may also include substance use or mental health treatment (referrals to social service agencies are provided), employment, education, and cognitive thinking groups, including Theft Awareness, Parenting Support, Drugs of Abuse, and Decision Pathways. Upon successful completion, charges are dismissed, and participants are immediately eligible to file an expungement petition, except in the case of Domestic Violence Deferred Prosecution, where they must wait until five years after successful discharge to file the petition.

Key measurable outcomes for all five programs include an annual completion rate averaging 74 percent or greater, and diversion by the State's Attorney's Office of 10 percent or more of all felony and misdemeanor cases filed. A formal program evaluation of the deferred prosecution program was completed in 2015 (Report accessible here: <http://saopublic.co.kane.il.us/News%20Releases/2015-08-31%20Recidivism%20Study.pdf>). There has not been a formal assessment of cost savings.

Deferred Prosecution

Program Start: October 1995

Individuals Diverted Annually: 275-300

The Deferred Prosecution program is designed for individuals with first-time non-violent offenses who have not been previously convicted of any criminal offense. It is limited to only those with first-time non-violent offenses. Application and program fees are assessed based on a participant's income and ability to pay. Fees can range from \$0 to \$1,500 and are collected in monthly installments throughout the duration of the participant's agreement. The average length of participation is 6-12 months.

Misdemeanor Drug/Alcohol Deferred Prosecution

Program Start: November 2005

Individuals Diverted Annually: 225-275

The Misdemeanor Drug/Alcohol Deferred Prosecution program is for individuals charged with misdemeanor drug and or alcohol offenses for the first time. Participation is limited to only those with first-time, non-violent, misdemeanor offenses. Application and program fees are assessed based on a participant's income and ability to pay. Fees can range from \$0 to \$1,000 and are collected in monthly installments throughout the duration of the participant's agreement. Average time of participation is 6-12 months.

Prostitution/Solicitation Deferred Prosecution**Program Start:** January 2002**Individuals Diverted Annually:** 10-25

The Prostitution/Solicitation Deferred Prosecution program is for individuals charged with an act of prostitution or solicitation. Participation is limited to only those with first-time, non-violent, misdemeanor offenses. Application and program fees are assessed based on a participant's income and ability to pay. Fees can range from \$0 to \$1,000 and are collected in monthly installments throughout the duration of the participant's agreement. The average length of participation is 12 months.

Felony Drug Deferred Prosecution**Program Start:** May 2012**Individuals Diverted Annually:** 60-100

The Felony Drug Deferred Prosecution program is for individuals charged with a felony drug offense for the first time. It is limited to only those with first-time, non-violent, felony offenses, and only non-violent offenses. Application and program fees are assessed based on a participant's income and ability to pay. Fees can range from \$0 to \$1,500 and are collected in monthly installments throughout the duration of the participant's agreement. The average length of participation is 12 months.

Domestic Violence Deferred Prosecution**Program Start:** October 2010**Individuals Diverted Annually:** 275-350

The Domestic Violence Deferred Prosecution program is for individuals charged with a domestic battery offense for the first time. It is limited to only first-time misdemeanor offenses. Application and program fees are assessed based on a participant's income and ability to pay. Fees can range from \$0 to \$400 and are collected in monthly installments throughout the duration of the participant's agreement. Average time of participation is 12 months.

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Lake County

Diversion Options Available in Lake County:

- Alternative Prosecution Program

Program: Alternative Prosecution Program

Jurisdiction Served: Lake County

Oversight by: State's Attorney's Office

Intercept Point: Law enforcement (may recommend to State's Attorney), Specialty/problem-solving court (pre-sentence only), felony review assistants recommend program to defendants/defense attorneys

Program Start: July 2015

Individuals Diverted Annually: Program new, to be determined (anticipate 100 applicants/year)

The Alternative Prosecution program in Lake County is designed for individuals charged with first-time, non-violent, felony offenses who accept responsibility for their criminal behavior. Most cases are drug and theft offenses. Participation is limited to those with first-time, non-violent, felony offenses. The goals of the program are to restore to individuals the possibility of a successful future, to offer relief to taxpayers, and relieve overcrowding in jail and caseloads in courtrooms. The program accesses mental health treatment, substance use treatment, education, behavior modification, theft intervention, parenting classes, and English as a second language (ESL) classes. The use of evidence-based or best-practice models, services, or tools is unknown.

To successfully complete the program, individuals must successfully complete all conditions and requirements from the program agreement and court order, including any required services, education, or other courses. If participants are successful, the individual's guilty plea will be vacated and charges will be dismissed, and they will then be eligible to file for felony expungement. The typical length of participation is one year.

The program's key measurable outcomes will be based on client success in the program. As the program is new, outcomes have not yet been determined, nor has there been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. It is funded through client fees, which range from \$500 to \$1,500, and they are paid through the clerk of court through the year-long program.

The program's coordinator notes that it was very helpful to receive guidance from Kane and DuPage Counties as they developed the program. (Program brochure available here: <http://www.lakecountyil.gov/DocumentCenter/View/6780>.)

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Lee County

Diversions Options Available in Lee County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Deferred Prosecution
- Second Chance Program
- Drug Court
- Mental Health Court

The Lee County State's Attorney provided information about five programs operating in various jurisdictions falling within the County. She recommends that prosecutors and other criminal justice practitioners, as a group, reassess how they process drug/alcohol- and mental health-related crimes, and that they work collaboratively to increase opportunities to provide diversion programs and services.

Program: First Offender Probation

Jurisdiction Served: Lee County, including Dixon, Amboy, Paw Paw, Lee, Lee Center, Franklin Grove, Ashton, Nachusa, Nelson, West Brooklyn, Compton, Steward, Sublette, and Harmon

Oversight by: Lee County Probation, Lee County State's Attorney, 15th Judicial Circuit Court, Lee County

Intercept Point: Post-booking, jail, conditional discharge, after plea

Program Start: Not indicated

Individuals Diverted Annually: 10

The First Offender Probation program in Lee County is designed for individuals charged with possession of drugs who do not have any prior drug-related offenses. Participation is limited to those with first-time offenses. The goal of the program is to reduce recidivism by treating/educating participants without the ramifications of a conviction. The program accesses mental health treatment, substance use treatment, and case management. It employs an evidence-based LSI-R assessment administered by the probation department to determine risk/needs profile and recommended services.

To successfully complete the program, individuals must complete the LSI-R assessment, recommended treatment, a minimum of 30 hours of public service employment, pay fines and fees, and avoid rearrest. If participants are successful, the case is dismissed and no conviction is entered on record. The typical length of participation is 24 months.

The program's key measurable outcomes are increased numbers of individuals on probation who successfully complete the program and reduced numbers of them who re-offend. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. Participants are required to pay probation service fees, which range from \$10 to \$35/month, depending on participants' particular drug of choice.

Program: Deferred Prosecution

Jurisdiction Served: Lee County, including Dixon, Amboy, Paw Paw, Lee, Lee Center, Ashton, Franklin Grove, Steward, Compton, West Brooklyn, Sublette, Harmon, Nelson, and Nachusa

Oversight by: Lee County State's Attorney

Intercept Point: Post-booking, deferred prosecution

Program Start: August 2013

Individuals Diverted Annually: 5

The Deferred Prosecution program in Lee County is designed for individuals under age 21 who have drug- and/or alcohol-related charges. Participation is limited to those with first-time offenses. The goal of the program is to provide drug and alcohol education in order to reduce the number of similar charges in the future. The program accesses substance use treatment, and it employs an evidence-based curriculum that is administered by a professional certified in drug/alcohol treatment.

To successfully complete the program, individuals must pay a \$250 fee and attend a four-hour educational session. If participants are successful, the case is dismissed. The typical length of participation is three months.

The program's key measurable outcome is reduced rearrests for drug/alcohol offenses among participants. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. Participants are required to pay a \$250 fee, which is collected prior to participation.

Program: Second Chance Program

Jurisdiction Served: Lee County, including Dixon, Amboy, Paw Paw, Lee, Lee Center, Ashton, Steward, Compton, West Brooklyn, Sublette, Harmon, Nachusa, and Nelson

Oversight by: Lee County State's Attorney, Lee County Probation, 15th Judicial Circuit Court

Intercept Point: Post-booking, deferred prosecution, other supervision (pre-sentence)

Program Start: September 2005

Individuals Diverted Annually: 20

The Second Chance program in Lee County is designed for individuals charged with a non-violent felony offense who have no prior felony history. Participation is limited to those with first-time, non-violent, felony offenses. The goals of the program are to identify individuals with low-risk/low-needs profiles and provide the services needed to reduce recidivism. The program accesses substance use treatment, mental health treatment, case management, and education services, and it employs an evidence-based LSI-R assessment to determine risks/needs for participants.

To successfully complete the program, individuals must complete all recommended services, avoid rearrest, pay the program fees, pay restitution, and if required, complete public service employment. If participants are successful, the case is dismissed. The typical length of participation is 12 months.

The program's key measurable outcome is reduced recidivism through provision of needed services. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. Participants are required to pay \$25 for an initial program screening and \$750 to participate in the program.

Program: Drug Court

Jurisdiction Served: Lee County, including Dixon, Amboy, Paw Paw, Lee, Lee Center, Steward, Compton, Ashton, Franklin Grove, West Brooklyn, Sublette, Harmon, Nelson, and Nachusa

Oversight by: Lee County Drug Court Team

Intercept Point: Law enforcement, pre-booking, post-booking, jail, specialty/problem-solving court (pre-sentence only)

Program Start: November 2005

Individuals Diverted Annually: 15

The Drug Court program in Lee County is designed for individuals with drug-related offenses who are assessed as high-risk/high-need. Participation is limited to those with felony offenses who present with substance use or mental health problems. The goals of the program are to treat individuals' addiction to reduce recidivism, reduce property-related crime, and increase public safety. The program accesses substance use treatment, mental health treatment, medical treatment, case management, education, housing, and job training services. It employs an evidence-based assessment to determine eligibility and acceptability for the program. Once individuals enter the program, they undergo an evidence-based substance use assessment, and evidence-based treatment is provided.

To successfully complete the program, individuals must complete drug/alcohol treatment; submit negative urinalysis screens; obtain a full-time job, attend school full-time, or obtain a legal source of income; pay program fees; and avoid rearrest. If participants are successful, the case is dismissed. The typical length of participation is 25 months.

The program's key measurable outcome is reduced recidivism. There has been a formal evaluation of outcomes, but no assessment of cost savings.

The program reports that the annual budget is unknown. Funding from the municipal/county budget and program fees support the program, along with a federal grant from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) through the National Association of Drug Court Professionals (NADCP). Participants are required to pay \$1,000 fee upon entry to the program.

Program: Mental Health Court

Jurisdiction Served: Lee County

Oversight by: Lee County Mental Health Court Team

Intercept Point: Law enforcement, pre-arrest, post-arrest, deferred prosecution, jail, specialty/problem-solving court (pre-sentence only)

Program Start: April 2013

Individuals Diverted Annually: 5

The Mental Health Court program in Lee County is designed for individuals with mental illness who would benefit from mental health treatment and who are high-risk/high-need. Participation is limited to those presenting with a substance use or mental health problem. The goal of the program is to reduce the number of individuals with mental illness who commit crimes and are subsequently imprisoned due to the effects of their disorder. The program accesses mental health treatment, substance use treatment, medical treatment, case management, education, housing, and job training services. It employs an evidence-based assessment to determine eligibility and a treatment plan, and treatment accessed through the program includes many evidence-based modules.

To successfully complete the program, individuals must complete mental health and substance use treatment; remain stable, pay program fees, avoid rearrest, and either obtain full-time employment, attend school full-time, or if appropriate, obtain disability benefits. If participants are successful, the case is dismissed. The typical length of participation is 30 months.

The program's key measurable outcome is reduced recidivism. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. Participants are required to pay \$1,000 fee upon entry to the program.

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Livingston County

Diversion Options Available in Livingston County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Offender Initiative Probation (730 ILCS 5/5-6-3.3)
- Second Chance Probation (under 730 ILCS 5/5-6-3.4)

Program: First Offender Probation

Jurisdiction Served: Livingston County

Oversight by: Courts/Probation

Intercept Point: Post-plea

Program Start: Statutory enactment date

Individuals Diverted Annually: < 10

The First Offender Probation program in Livingston County is designed for individuals with drug offenses. Participation is limited to those with first-time offenses. The program indicates that it is a statutory sentencing option, and that there are no stated goals. It accesses mental health treatment, substance use treatment, and medical treatment services. It does not include the use of evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must complete all terms of their probation. If participants are successful, they are discharged from probation and the charge is dismissed. The typical length of participation is 24 months.

The program does not track measurable outcomes. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. It is funded through the municipal/county budget.

Program: Offender Initiative Probation

Jurisdiction Served: Livingston County

Oversight by: State's Attorney, Courts, Probation

Intercept Point: Deferred prosecution

Program Start: Statutory enactment date

Individuals Diverted Annually: < 3

The Offender Initiative Probation program in Livingston County is designed for a specified set of individuals with felony offenses who are eligible for probation. Participation is limited to those with first-time, non-violent, felony offenses. The program indicates that there are no stated program goals. It accesses mental health treatment, substance use treatment, and medical treatment services. It does not include the use of evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must complete all terms of their probation. If participants are successful, they are discharged from probation and the charge is dismissed. The typical length of participation is not less than 12 months.

The program does not track measurable outcomes. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. It is funded through the municipal/county budget.

Program: Second Chance Probation
Jurisdiction Served: Livingston County
Oversight by: State's Attorney, Courts, Probation
Intercept Point: Post-plea
Program Start: Statutory enactment date
Individuals Diverted Annually: < 5

The Second Chance Probation program in Livingston County is designed for individuals with low-level felony offenses. Participation is limited to those with first-time, non-violent, felony offenses. The program accesses mental health treatment, substance use treatment, and medical treatment services. It does not include the use of evidence-based or best-practice models, services, or tools.

Requirements for successful program completion were not indicated, nor what are the outcomes for those who successfully complete the program. The typical length of participation is 24 months.

The program does not track measurable outcomes. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. It is funded through the municipal/county budget.

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Macon County

Diversion Options Available in Macon County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Adult Diversion Program
- Deferred Prosecution Program

Program: Macon County State's Attorney's Adult Diversion Program

Jurisdiction Served: Macon County

Oversight by: State's Attorney's Office

Intercept Point: During case review by Assistant State's Attorney

Program Start: 1992

Individuals Diverted Annually: Approximately 300

The Macon County State's Attorney's Adult Diversion Program is designed for individuals with misdemeanor offenses and low-level, non-violent, felony offenses. Participation is limited to those with first-time offenses, and individuals with sex offenses are not permitted to participate. The main program goal is caseload reduction, which saves tax dollars. Fewer cases results in fewer employees and avoids prosecution costs. Additionally, the program provides an opportunity to individuals with first-time offenses who may have made a mistake in judgment to avoid a criminal record. It accesses mental health treatment, substance use treatment, and job training services. The program reports that it does not make use of evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must have no new offenses, pay the program fee, pay Give-Back-to-the-Community fee of \$50 for felonies/\$25 for misdemeanors (which goes to local non-profit organizations), complete community service hours, write an apology letter to the victim, receive counseling or treatment when deemed appropriate, and comply with any no-contact or prohibited area restrictions. Most successful cases result in no charges being filed. Occasionally, successful participants enter the program after charges have already been filed, and their end result is a dismissal of charges. The typical length of participation is six months.

The key measurable outcomes of the program are fewer cases and saved tax dollars. The program reports collecting in excess of \$100,000 in fees annually, which is deposited into the Macon County general fund, and that recidivism among program participants is very low. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program has an annual budget of approximately \$50,000. It is funded through the municipal/county budget and program fees. The fees, which are collected during the program, are \$700 for felony cases and \$400 for misdemeanor cases.

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Macoupin County

Diversion Options Available in Macoupin County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Offender Initiative Probation (730 ILCS 5/5-6-3.3)
- Second Chance Probation (under 730 ILCS 5/5-6-3.4)

Program: First Offender Probation

Jurisdiction Served: Macoupin County

Oversight by: Macoupin County Probation Department

Intercept Point: Deferred judgment

Program Start: Not indicated

Individuals Diverted Annually: Not indicated

The First Offender program in Macoupin County is designed for statutorily eligible individuals. Participation is limited to individuals with first-time non-violent offenses. Specific program goals were not indicated. The program accesses mental health and substance use treatment services. The program reported that the use of evidence-based or best-practice models, services, or tools is unknown.

To successfully complete the program, individuals must complete the statutory requirements laid out in 720 ILCS 550/10 and 570/401, and have no further criminal charges. Payment of fees is not required to complete the program. If participants are successful, the guilty plea is vacated and charges are dismissed. The typical length of participation is two years.

The program did not indicate key measurable outcomes. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. It is funded through the municipal/county budget. Each participant pays \$25 per month in probation fee, but payment is not required for successful program completion.

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Massac County

Diversion Options Available in Massac County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Offender Initiative Probation (730 ILCS 5/5-6-3.3)
- Second Chance Probation (under 730 ILCS 5/5-6-3.4)
- Juvenile Diversion

Program: First Offender Probation

Jurisdiction Served: Massac County

Oversight by: First Judicial Circuit Probation and Court Services

Intercept Point: After plea of guilty

Program Start: Unknown

Individuals Diverted Annually: Approximately 25

First Offender Probation in Massac County is designed for individuals who are not convicted of a felony and charged with possession of a controlled substance. Participation is limited to only those with felony offenses and those presenting with substance use or mental health problems. The main program goal is to provide an opportunity to avoid a felony conviction for individuals with first-time drug offenses through treatment and drug testing to aid in rehabilitation. It accesses mental health treatment and substance use treatment. It does not include the use of evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must complete probation, including substance use treatment, a minimum of 30 hours of public service work, and a minimum of three negative drug screens for controlled substances. Upon successful completion, the case is dismissed, and the arrest may be expunged from their record five years after successful completion. The typical length of participation is 24 months.

There are no identified measurable program outcomes. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program is funded through the municipal/county budget, operating out of the standard probation budget.

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McHenry County

Diversion Options Available in McHenry County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)

Program: First Offender Probation

Jurisdiction Served: McHenry County

Oversight by: McHenry County State's Attorney's Office

Intercept Point: Deferred prosecution

Program Start: September 2010

Individuals Diverted Annually: Since 2010, 164 individuals have been accepted into the program (290 have applied)

The First Offender program in McHenry County is designed for individuals charged with first-time non-violent offenses. Participation is limited to individuals with first-time, non-violent, felony offenses. Excluded from program eligibility are active gang members; individuals who commit offense(s) while on bond; and individuals charged with class X, non-probationable, weapons, drug/alcohol, identity theft, or traffic offenses; and individuals charged with crimes against elderly victims. The goal of the program is to provide an opportunity for participants to keep a conviction from being permanently entered on their record. The program accesses mental health treatment, substance use treatment, and education services. It does not include the use of evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must successfully complete the requirements placed upon them, which may include: community service; obtaining a high school diploma or GED; competing counseling; writing a letter of apology; and paying restitution and program fees. If participants are successful, charges are dismissed. Typical length of participation is at least one year.

The program reports no identified measureable outcomes. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget, and instead makes use of existing resources and services. Participants pay a program fee of \$750 and an application fee of \$25, which are applied to the County's general fund.

The State's Attorney's Office indicates that there is a need for more resources and services.

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Mercer County

Diversion Options Available in Mercer County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)

Program: First Offender Probation

Jurisdiction Served: Mercer County

Oversight by: Probation

Intercept Point: Conditional discharge, other supervision (pre-sentence only)

Program Start: September 2000

Individuals Diverted Annually: 30

The First Offender program in Mercer County is designed for individuals with offenses. Participation is limited to individuals with first-time, non-violent, felony offenses. The goals of the program are for the participant to finish the program and not have a record. The program accesses substance use treatment services. It does not include the use of evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must have no law violations and pay all fees. If participants are successful, charges are dismissed at the end of the term. The typical length of participation is 24 months.

The program reports that 75 percent of participants successfully complete probation under the program. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. It is funded through the municipal/county and State budgets, using funds from the regular state's attorney's probation program.

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Morgan County

Diversions Options Available in Morgan County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Offender Initiative Probation (730 ILCS 5/5-6-3.3)
- Second Chance Probation (under 730 ILCS 5/5-6-3.4)

Program: First Offender Probation

Jurisdiction Served: Morgan County

Oversight by: State's Attorney and Probation Department

Intercept Point: Conditional discharge

Program Start: When statutorily authorized

Individuals Diverted Annually: Approximately 5-8

The First Offender Probation program in Morgan County is designed for anyone charged with a qualifying offense under the First Offender statute (possession of cannabis, controlled substances, and methamphetamines). Participation is limited to those with first-time felony offenses. The program indicates that there are no written program goals; it assists participants to deal with substance use. It accesses mental health treatment, substance use treatment, and case management. The use of evidence-based or best-practice models, services, or tools is unknown.

To successfully complete the program, individuals must complete the specific terms of their probation. If successful, their conviction is vacated. The typical length of participation is two years.

The key measurable outcome identified by the program is reduced substance use by the target population. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. It is funded through the municipal/county budget (through the Probation Department), as well as client fees. Most criminal probation cases require a \$25 per month probation fee; how that fee is applied is information from the Probation Department.

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Peoria County

Diversion Options Available in Peoria County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)

Program: First Offender Probation

Jurisdiction Served: Peoria County

Oversight by: Probation

Intercept Point: Post-booking

Program Start: When statute became effective

Individuals Diverted Annually: Approximately 75

The First Offender program in Peoria County is designed for all individuals qualifying as first offenders. Participation is limited to individuals with first-time offenses. The goal of the program is to convince participants to stop drug use. The program accesses substance use treatment and mental health treatment. It does not include the use of evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must pay fines and costs, and complete drug treatment. If participants are successful, charges are dismissed. The typical length of participation is two years.

The program did not indicate key measurable outcomes. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. It is funded by the State, using general funds that operate the Probation Department.

The State's Attorney recommends that diversion programs be used for low-level offenses.

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Pope County

Diversion Options Available in Pope County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Offender Initiative Probation (730 ILCS 5/5-6-3.3)
- Second Chance Probation (under 730 ILCS 5/5-6-3.4)

Program: First Offender Probation

Jurisdiction Served: Not indicated

Oversight by: Probation – 1st Circuit

Intercept Point: Specialty/problem-solving court (pre-sentence only), other supervision (pre-sentence), pretrial appearances

Program Start: Unknown

Individuals Diverted Annually: Estimated under 10-15

The First Offender program in Pope County is designed for individuals with drug offenses, including cannabis, methamphetamine, and controlled substances. Participation is limited to individuals with first-time felony offenses. The goal of the program is to reduce recidivism. It accesses substance use treatment and mental health treatment. The use of evidence-based or best-practice models, services, or tools is unknown.

To successfully complete the program, individuals must pay fines/costs, complete substance use treatment, complete public service work, pass drug tests, and report to Probation. If successful, no felony conviction is reported, and conviction is deferred. The typical length of participation is 24 months.

The program indicated that it does not have specific data about measurable outcomes of the program. It did not indicate whether there has been a formal evaluation of outcomes or assessment of cost savings.

The program reports that its funding source is unknown.

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Randolph County

Diversion Options Available in Randolph County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)

Program: First Offender Probation

Jurisdiction Served: Randolph County

Oversight by: Court

Intercept Point: Time of plea/sentence, after determination of guilt

Program Start: Enacted by statute

Individuals Diverted Annually: 10-15

The First Offender program in Randolph County is designed for individuals with non-violent, first-time, felony drug offenses. Participation is limited to individuals with first-time non-violent offenses. The program indicates that there are no stated program goals. The program accesses substance use treatment and mental health treatment. It does not include the use of evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must undergo a substance use evaluation and treatment, and pay court costs and drug assessment fees. If participants are successful, no conviction is entered, and they are eligible for expungement. The typical length of participation is two years.

The program indicates that there are no measurable outcomes. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program reports no budget specific to this program.

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Sangamon County

Diversion Options Available in Sangamon County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Illegal Consumption of Alcohol by a Minor

Program: First Offender Probation

Jurisdiction Served: Sangamon County

Oversight by: State's Attorney's Office, Adult Probation

Intercept Point: At sentencing to First Offender Probation

Program Start: Not indicated

Individuals Diverted Annually: Not indicated

First Offender Probation in Sangamon County is designed for individuals with first-time drug offenses. Participation is limited to only those with first-time offenses. The program did not indicate goals. It accesses substance use treatment. It did not indicate whether it makes use of evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must meet the statutory requirements. Upon successful completion, a conviction is not entered against the defendant. The typical length of participation is two years.

The program did not indicate measurable outcomes, and did not indicate whether there as been a formal evaluation of outcomes or assessment of cost savings.

The program reports no budget specific to this program. It is funded through the municipal/county budget.

Program: Illegal Consumption of Alcohol by a Minor

Jurisdiction Served: Sangamon County

Oversight by: State's Attorney's Office, Probation

Intercept Point: Deferred prosecution

Program Start: 2012

Individuals Diverted Annually: Not indicated

The Illegal Consumption of Alcohol by a Minor Program in Sangamon County is designed for individuals with first-time offenses who were arrested for illegal consumption of alcohol by a minor. Participation is limited to only those with first-time offenses who are under 21 years old. The goal of the program is successful completion of a specific program established by Probation for underage drinking offenses. It does not include the use of evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must attend the underage-specific program set up by probation. Upon successful completion, charges are not filed. The typical length of participation is 45 days.

The program did not indicate whether there are measurable outcomes. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program reports no budget specific to this program. It is funded through the municipal/county budget and a client fee of \$300 per participant.

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St. Clair County

Diversion Options Available in St. Clair County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Drug School (55 ILCS 130)/Offender Accountability Program (OAP)
- Second Chance Probation (under 730 ILCS 5/5-6-3.4)
- Drug Court
- Mental Health Court
- Veteran's Court
- Domestic Violence Diversion
- Election of Treatment

The St. Clair County State's Attorney's Office provided information about six diversion programs operating in its jurisdiction.

Program: Drug School/Offender Accountability Program (OAP)

Jurisdiction Served: St. Clair County

Oversight by: St. Clair County State's Attorney's Office

Intercept Point: Law enforcement, deferred prosecution, pre-plea cases can be referred with court dates continued until completion

Program Start: Drug School 2008 (when Drug School Act enacted)/OAP January 2012

Individuals Diverted Annually: 820 individuals have completed the program since inception in 2012

The Drug School/OAP Program in St. Clair County has two tracks – 1) Drug School OAP is designed for individuals with minor drug charges and requires that there is no prior criminal history, 2) General OAP is designed for individuals with property offenses (misdemeanor or felony) and requires that there is minimal criminal history, usually no felony history. The program is used primarily for individuals with misdemeanor and class 3 and 4 felony offenses. Participation is limited to those with non-violent offenses. The program did not indicate any community services available through the program.

The main goal of the program is to modify behavior and put in place a deterrent to future criminality without the need for creating a criminal record, and to do all of this at no charge to the general public. Specific program goals include reducing dockets and giving individuals with non-violent offenses a less-onerous diversionary program on minor offenses through reduced charging and closure of cases after charging. The use of evidence-based or best-practice models, services, or tools is unknown.

To successfully complete General OAP, individuals must complete a four-hour behavior modification course, pay program fees and restitution, pass drug tests in certain cases, and complete up to 50 hours of community service. For Drug School OAP, individuals must complete 10 hours of drug treatment. If successful, no charges are filed on pre-charge cases, and charges are dismissed on post-charge cases. The typical length of participation is three–six months.

The key measurable outcomes identified by the program is 53 percent of felony and misdemeanor cases put into the program since 2012 have been successfully completed, and more than 800 cases were disposed of through the expenditure of no public funds. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. It is funded through client fees, which range from approximately \$420 to \$965, and which are collected during the course of the program. There is an indigency fund comprised of fees paid by other participants for clients who cannot afford the program.

Program: Specialized Probation (includes First Offender Probation, Second Chance Probation, and Election of Treatment)
Jurisdiction Served: St. Clair County
Oversight by: St. Clair County Circuit Court/Court Services and Probation Department (20th Judicial Circuit)
Intercept Point: TASC evaluation ordered while case pending, may be offered by State's Attorney and agreed to at plea or may be imposed by court at sentencing
Program Start: Not indicated
Individuals Diverted Annually: 200-250 across the three types of specialized probation

Specialized Probation in St. Clair County consists of three programs, which are all tracked together by the St. Clair County Court Services and Probation Department – 1) First Offender Probation, which is designed for individuals charged with simple possession of cannabis, controlled substances, and methamphetamines, 2) Second Chance Probation, which is designed for individuals charged with class 3 or 4 property crimes, not necessarily linked to addiction, and 3) Election of Treatment, which is designed for all non-violent felonies not excluded by statute where there is a link between addiction and criminal activity (St. Clair County State's Attorney's Office does not agree to this option on weapons cases). Participation in any of the three programs is limited to individuals with non-violent felony offenses. Participation in First Offender Probation is limited to those with first-time offenses who have no prior drug charges presenting with substance use or mental health problems. Participation in Second Chance Probation is limited to those with no prior felonies. Participation in the Election of Treatment is limited to those presenting with substance use or mental health problems.

The goals of the program are to reduce prison populations and recidivism rates, and to prevent individuals from having a felony record. The program accesses mental health treatment, substance use treatment, medical treatment, and education services, through referral to providers. It does not include the use of evidence-based or best-practice models, services, or tools.

To successfully complete First Offender Probation, individuals must complete substance use treatment, 30 hours of community service, and all other conditions of the program. To successfully complete Second Chance Probation, individuals must make restitution, pass drug tests, complete at least 30 hours of community services, and complete all other conditions of the program. To successfully complete Election of Treatment, participants must complete substance use treatment and all other conditions of the program. If participants are successful, charges are dismissed. The typical length of participation for all three programs is 24 months. The Election of Treatment program can take up to the statutory maximum of 48 months if the relevant offense is class 1 or 2, or 30 months if it is class 3 or 4.

The program does not identify key measurable outcomes. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. It is paid for out of the probation and court services budget included in the municipal/county budget. Additionally, it is supported by client probation fees, which are generally \$50 per month over the course of probation. Services to which defendants are referred are not funded by probation/court services.

Program: Domestic Violence Diversion
Jurisdiction Served: St. Clair County
Oversight by: Circuit Court of the 20th Judicial Circuit
Intercept Point: Pre-sentence supervision
Program Start: 1997
Individuals Diverted Annually: More than 200 counts of domestic battery entered into program annually (some individuals have two or more counts), estimated 90 percent of individuals completing successfully

The Domestic Violence Diversion Program in St. Clair County is designed for individuals charged with domestic battery (misdemeanor) and orders of protection (misdemeanor) crimes. Participation is limited to individuals with first-time misdemeanor offenses. The goal of the program is to obtain effective treatment wherein the cycle of violence related to domestic violence offenses can be stopped. The program accesses substance use treatment and domestic violence partner abuse prevention program guidelines. It includes the use of evidence-based or best-practice models, services, or tools, through domestic violence counseling and partner abuse intervention programs that are certified and that use best-practice models.

To successfully complete the program, individuals must complete domestic violence group counseling sessions and substance use/alcohol treatment, per treatment recommendations by TASC. If participants are successful, charges are dismissed. The typical length of participation is 32 weeks.

The program reports that approximately 90 percent of participants successfully complete the program. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. It is funded by weekly client fees of \$20-25 for weekly counseling/group sessions, a \$40 fee for a TASC substance use/alcohol evaluation, and a \$10 fee for urinalysis.

Program: Drug Court

Jurisdiction Served: St. Clair County

Oversight by: St. Clair County State's Attorney, St. Clair County Circuit Court (20th Judicial Circuit)

Intercept Point: Specialty/problem-solving court (pre-sentence), State's Attorney's Office approves evaluation after charge filed and judge gives final approval for drug court plea

Program Start: 2006

Individuals Diverted Annually: 5-10 graduates per year (approximately 20 participants at any given time)

The Drug Court Program in St. Clair County is designed for individuals charged with non-violent felony offenses who have a significant criminal history (excluding violence or drug-dealing offenses) resulting from addiction. Participation is limited to individuals with non-violent felony offenses who present with substance use or mental health problems. No specific program goals were indicated. The program accesses substance use treatment and case management services. The use of evidence-based or best-practice models, services, or tools is unknown.

To successfully complete the program, individuals must complete drug treatment, undergo frequent drug tests, and appear in court weekly. They may also be required to meet employment or educational goals. If participants are successful, charges are dismissed. The typical length of participation is 15-24 months.

The program reports no identified measureable outcomes. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. It is funded through court fees assessed in other cases, which go into a "mental health fund" that is used to fund this court.

Program: Mental Health Court

Jurisdiction Served: St. Clair County

Oversight by: St. Clair County's State's Attorney's Office, St. Clair County Circuit Court (20th Judicial Circuit)

Intercept Point: Specialty/problem-solving court (pre-sentence)

Program Start: July 2011

Individuals Diverted Annually: Expect approximately 10-20 annually, 6 graduates to date (program recently began graduating participants in 2014)

The Mental Health Court Program in St. Clair County is designed for individuals with mental health issues and little prior criminal history who are charged with misdemeanors or low-level felonies. Participation is limited to individuals with non-violent offenses who present with mental health problems. No specific program goals were indicated. The program accesses mental health treatment, substance use treatment, and case management. The use of evidence-based or best-practice models, services, or tools is unknown.

To successfully complete the program, individuals must complete mental health treatment, complete substance use treatment if required, avoid being charged with any additional offenses, and comply with any other conditions ordered by the court. If participants are successful, charges are dismissed. The typical length of participation is two years.

The program reports no identified measureable outcomes. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. It is funded through court fees assessed in other cases, which go into a "mental health fund" that is used to fund this court.

The program reports that the Mental Health Court program is really starting to take off, and that there is hope to see substantial spikes in program numbers in the coming years.

Program: Veteran's Court

Jurisdiction Served: St. Clair County

Oversight by: St. Clair County State's Attorney's Office, St. Clair County Circuit Court (20th Judicial Circuit)

Intercept Point: Problem-solving court (pre-sentence)

Program Start: 2012

Individuals Diverted Annually: 2012 – 7 candidates; 2013 – 8 candidates, 3 graduates; 2014 – 10 candidates, 5 graduates; 2015 – 16 candidates; Since inception, there have been only 3 unsuccessfully terminated

The Veteran's Court Program in St. Clair County is designed for individuals with non-violent felony and misdemeanor offenses, including a substantial number of driving under the influence (DUI) cases and some misdemeanor domestic battery cases. Participation is limited to individuals with non-violent cases (misdemeanor domestic battery and battery are the only "violent" crimes permitted) who are veterans having served active duty. The program's goals are to assist veterans who have mental health and substance use issues with getting services they need, and to help them become productive members of society outside of their military service. The program accesses mental health treatment, substance use treatment, medical treatment, case management, education, housing, and job training services, all provided through the U.S. Department of Veterans Affairs (VA). The use of evidence-based or best-practice models, services, or tools is unknown.

To successfully complete the program, individuals must complete any services recommended by the VA. The program's approach is holistic, emphasizing physical and emotional health. Mental health treatment is usually one of the primary focuses. If participants are successful, charges are dismissed. The typical length of participation is 18-24 months.

The program reports no identified measureable outcomes. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. It is funded through court fees assessed in other cases, which go into a "mental health fund" that is used to fund this court.

The program reports that the Veteran's Court program is really starting to take off, and that there is hope to see substantial spikes in program numbers in the coming years.

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(All Programs Except Domestic Violence Diversion)

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Stark County

Diversion Options Available in Stark County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)

Program: 720 First Offender Probation

Jurisdiction Served: Stark County

Oversight by: Court Services

Intercept Point: Post-booking

Program Start: 1992

Individuals Diverted Annually: 5

The First Offender program in Stark County is designed for individuals who qualify pursuant to statute (720 ILCS 550 or 570). Participation is limited to individuals with first-time offenses who present with substance use or mental health problems. The goals of the program are to assist individuals to address substance use and related issues, including employment, training, and incarceration. The program accesses substance use treatment and mental health treatment. The program does not make use of evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must complete formal treatment and remain drug-free until discharged. If participants are successful, they receive no conviction. The typical length of participation is two years.

The program's key measurable outcomes are compliance with the program and no new arrests. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program reports that there is no budget specific to the program, and that its funding is included in the court services budget.

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Wabash County

Diversions Options Available in Wabash County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Offender Initiative Program (under 730 ILCS 5/5-6-3.3)

Program: First Offender Program

Jurisdiction Served: Wabash County, Illinois 2nd Judicial Circuit

Oversight by: Probation Department

Intercept Point: Court-imposed disposition after criminal charges formally filed

Program Start: When it became available pursuant to statute

Individuals Diverted Annually: Program indicates these numbers are maintained in Circuit Clerk's Office

The First Offender Probation program in Wabash County is designed for individuals who meet the statutory criteria. Participation is limited to those with first-time offenses. The goal of the program is to reduce recidivism rates. The program accesses mental health treatment, substance use treatment, and case management services. The use of evidence-based or best-practice models, services, or tools is unknown.

To successfully complete the program, individuals must complete the statutory requirements. If participants are successful, the case is dismissed without a conviction. The typical length of participation is two years.

The program identifies its key measurable outcome is a reduction in recidivism. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget. Participants are required to pay \$25 per month in probation fees in the circuit.

Program: Offender Initiative Program

Jurisdiction Served: Wabash County, Illinois 2nd Judicial Circuit

Oversight by: Unknown

Intercept Point: Court-imposed disposition after criminal charges formally filed

Program Start: When it became available pursuant to statute

Individuals Diverted Annually: Program indicates these numbers maintained in Circuit Clerk's Office

The Offender Initiative program in Wabash County is designed for individuals who meet the statutory criteria. Participation is limited to those with first-time offenses. The goal of the program is to reduce recidivism rates. The program accesses mental health treatment, substance use treatment, and case management services. It does not include the use of evidence-based or best-practice models, services, or tools.

To successfully complete the program, individuals must complete the statutory requirements. If participants are successful, the case is dismissed without a conviction. The typical length of participation is two years.

The program identifies its key measurable outcome is a reduction in recidivism. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program reports that it does not have a dedicated budget, and that its funding sources are unknown.

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Winnebago County/17th Judicial Circuit

Diversion Options Available in Winnebago County:

- First Offender Probation (under 720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70)
- Drug School (55 ILCS 130) / Offender Accountability Program (OAP)
- Second Chance Probation (under 730 ILCS 5/5-6-3.4)
- Deferred Prosecution Program (includes Drug School)
- Diversion Program

The Winnebago County State's Attorney's Office provided information about three diversion programs operating in its jurisdiction.

Program: Diversion Program

Jurisdiction Served: 17th Judicial Circuit

Oversight by: State's Attorney's Office

Intercept Point: Pre-charge

Program Start: April 2010

Individuals Diverted Annually: 315 in 2014; 274 in 2013; 302 in 2012; 206 in 2011

The Diversion Program in Winnebago County covers five misdemeanor offense areas—check offender, retail theft, minor drinking, minor possession of drugs, and prostitution. Participation in the program is limited to individuals with first-time offenses. The goal of the program is to keep first-time misdemeanor offenses off individuals' criminal records. It offers a means of ensuring accountability among and producing positive impacts for participants without requiring criminal charges and convictions. This prevents the county and the participants from incurring the costs associated with criminal processing and records.

Individuals charged with writing bad checks are referred to a program administered by specific provider. Those charged with retail theft and minor drinking are referred to and monitored by another provider. To date, there have been no participants facing prostitution charges.

Minor participants facing charges of drug possession are sent through Drug School, which is administered by a substance use treatment and education provider. During an average six weeks of participation, defendants must successfully complete a weekly drug class. The use of evidence-based or best-practice models, services, or tools is unknown.

If individuals complete the program requirements, which vary by offense area and individual, charges are not filed. The key measurable outcome is that in approximately 85 percent of the cases, charges are not filed. The program reports that in the remaining cases, clients either cannot afford the program fees or choose not to complete program requirements, resulting in charges being filed against them. There has not been a formal evaluation of outcomes or assessment of cost savings.

Funding for the diversion program is provided by the county budget and through participant fees ranging between \$100 and \$315.

Program: Deferred Prosecution Program

Jurisdiction Served: 17th Judicial Circuit

Oversight by: State's Attorney's Office

Intercept Point: Post-booking, other supervision (pre-sentence)

Program Start: January 2014

Individuals Diverted Annually: Not indicated

The Deferred Prosecution Program in Winnebago County is designed for individuals with first-time non-violent offenses. It is limited to those with first offenses, non-violent offenses, and felony offenses. The goal of the program is to correct criminal thinking and behavior in order to help make individuals productive members of the community and reduce recidivism. It accesses mental health treatment, substance use treatment, medical treatment, case management, education, housing, and job training services. The use of evidence-based or best-practice models, services, or tools is unknown.

To successfully complete the program, participants must complete individualized case requirements, which can include counseling, treatment, employment, and other requirements. If participants complete the program successfully, charges are dismissed, and they avoid a felony on their record. The typical length of participation is six months to one year.

The key measurable outcome tracked by the program is the completion rate, as well as the recidivism rate for each participant. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program is funded from the municipal/county budget and client fees, which are \$500 per client.

Program: Second Chance Probation
Jurisdiction Served: 17th Judicial Circuit (Winnebago and Boone Counties)
Oversight by: 17th Judicial Circuit Court, supervised by probation department
Intercept Point: Post-booking, other supervision (pre-sentence)
Program Start: January 2014
Individuals Diverted Annually: 16 participants enrolled in first 3 months of operation

The Second Chance Probation program is designed for individuals with low-level, non-violent, first-time felony and misdemeanor offenses. Participation is limited to those with non-violent offenses and first-time offenses. The goals of the program are to give individuals a second chance at not having a conviction on their record and to provide access to programming that helps them become productive members of society. It accesses mental health treatment, substance use treatment, medical treatment, case management, education, housing, and job training services. The use of evidence-based or best-practice models, services, or tools is unknown.

To successfully complete the program, participants must complete the terms of their probation, which can include drug testing, public service, securing a job, or enrolling in education. If participants successfully complete the program, they avoid having a conviction on their record and avoid jail time. The typical length of participation depends on the judge's discretion.

The program identified no measurable outcomes, given that it was just recently launched. There has not been a formal evaluation of outcomes or assessment of cost savings.

The program does not have a dedicated budget, and is funded from the State budget.

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Appendix B

Survey Questionnaire

This Appendix presents the survey questionnaire, which consisted of 29 questions. The survey collected quantitative and qualitative data about diversion program authorization, oversight, target population, goals, structure, services, outcomes, and evaluation. It also invited additional information and recommendations related to diversion policies, programs, or options in Illinois. Both paper- and web-based versions of the survey were offered. For the complete discussion on project methodology, see the Project Overview section of the full report, available at www.centerforhealthandjustice.org.

Should You Complete This Survey?

The survey's authors recognize that many different definitions of "diversion" exist. This survey seeks information **ONLY** about programs that divert individuals from involvement in the criminal justice system in a way that affords them the opportunity to **avoid a public criminal conviction**.

- If your program does **NOT** result in the opportunity to avoid a public conviction record, please do **NOT** complete or submit the survey.
- If your program **DOES** result in the opportunity to avoid a public conviction record, we very much appreciate your taking the time to complete the following questions to the best of your ability.
- If you have **MULTIPLE** programs that result in the opportunity to avoid a public conviction record, please complete a **SEPARATE** survey questionnaire for each program that does not result in a public conviction record.

Filling Out the Survey

To fill out the survey, visit [URL provided]. If you would prefer to fill out a hard copy, please use the attached form and write clearly, and then either scan/email or mail a hard copy of the completed document to [project staff contact info provided]. If you have any questions, please contact [project staff].

PROGRAM AUTHORIZATION & OVERSIGHT

1. Which of the following diversion programs currently operate in your jurisdiction (select all that apply)?
 - CIT (Crisis Intervention Team)
 - First Offender Probation (*720 ILCS 550/10; 720 ILCS 570/401; 720 ILCS 646/70*)
 - Drug School (*55 ILCS 130*)
 - Offender Initiative Program (*730 ILCS 5/5-6-3.3*)
 - Second Chance Probation (*730 ILCS 5/5-6-3.4*)
 - Other _____
2. For the remainder of this survey, please answer the following questions with respect to **ONLY** one diversion program. What is the name of the diversion program for which you will be completing the survey?
3. What jurisdiction/area is served by the diversion program?
4. What agency has statutory or administrative oversight over the program?
5. When did the program start (month/year)?
6. What is the annual budget for the program?

7. What is/are the funding source(s) for the program (select all that apply)?
- Municipal/County Budget
 - State (provide detail in Question 8)
 - Federal grant (provide detail in Question 8)
 - Foundation grant (provide detail in Question 9)
 - Client Fees (provide detail in Question 10)
 - Other _____
8. If you selected State or Federal grant to Question 7, please provide detail about which State or Federal agency provided the grant and funding stream (if known).
9. If you selected Foundation Grant to Question 7, please indicate which foundation.
10. If you selected Client Fees to Question 7, please describe the amount of those fees, and when they are collected.

TARGET POPULATION & GOALS

11. Describe the target population for the diversion program, including current offense, if applicable (e.g. individuals with drug involvement charged with property or drug crimes).
12. Do any of the following limits on eligibility apply?
- Only first-time offenses
 - Only non-violent offenses
 - Only felony offenses
 - Only misdemeanor offenses
 - Only veterans
 - Only women
 - Only individuals presenting with substance use or mental health problems
 - Other _____
13. What are the goals for the program? Please be as specific as possible (e.g. serve 100 individuals per year, reduce jail time by 5 days, improve court appearance rates by 10%).
14. How many people are diverted annually by this program?

PROGRAM STRUCTURE & SERVICES

15. At what phase does program intervention take place (select all that apply)?
- Law enforcement
 - Pre-booking
 - Post-booking
 - Deferred prosecution
 - Jail
 - Conditional discharge
 - Specialty/problem-solving court (pre-sentence only)
 - Other supervision (pre-sentence)
 - Other _____
16. What community services are accessed through the program (select all that apply)?
- Mental health treatment
 - Substance use treatment
 - Medical treatment
 - Case management
 - Education
 - Housing
 - Job training
 - Other _____

17. Does the program include the use of evidence-based or best-practice models, service modalities, or tools? If so, please describe.
- Yes (please describe below)
 - No
 - I don't know
18. If you answered "Yes" above, please describe the evidence-based or best-practice models, service modalities, or tools used by the program.
19. What are all the requirements necessary for a participant to successfully complete the program? (e.g. complete substance use treatment, secure employment, pay fees, avoid re-arrest, complete community service)
20. What is the end result of success for the participant? (e.g. charges not filed, charges dropped, automatic arrest expungement)
21. What is the typical length of participation in the program?

OUTCOMES & EVALUATION

22. What are the key measurable outcomes of the program, as measured against program goals? (e.g. charges not filed in 75% of cases, 65 clients accessed behavioral health treatment)
23. If there are any measured outcomes other than those stated in the program goals, what are they?
24. Has there been a formal evaluation?
- Yes (please provide detail in Question 25)
 - No
25. If you answered "yes" to Question 24, and the information is available online, please include a web link below, or email the evaluation to TASC [email address provided].
26. Has there been an assessment of cost savings?
- Yes (please provide detail in Question 27)
 - No
27. If you answered "yes" to Question 26, what are the cost savings?

WRAP-UP

28. Is there anything else you'd like to tell us about the program? Are there any documents related to the program that might provide additional information? If yes, please include a web link below if they are posted online, or send them to TASC [email address provided].
29. What are your recommendations, if any, related to diversion policies, programs, or options in Illinois?

YOUR CONTACT INFO

Name:
Title:
Organization:
Full Address (please include street, city, state, and zip):
County:
Email:
Phone:

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Appendix C

Brief Descriptions of Statutory Options for Diversion and Alternatives to Incarceration in Illinois

This Appendix describes current statutory diversion and alternative-to-incarceration options authorized by Illinois policymakers for implementation in jurisdictions across the state. It includes options those that allow or facilitate diversion as defined by this project—programs/practices that divert individuals from involvement in the criminal justice system in a way that affords them the opportunity to avoid a public criminal conviction on record—as well as those that allow or facilitate alternatives to incarceration but still result in a conviction on record. It does not include programs created in specific jurisdictions outside of these statutory authorizations or mandates, or programs codified after the report's publication.

These descriptions are intentionally brief, intended to include only information most relevant to this project. Comprehensive detail regarding each program's requirements, characteristics, or other important information is not included. For more information about any of these options, visit the online database of Illinois Compiled Statutes at www.ilga.gov/legislation/ilcs/ilcs.asp.

Drug School — 55 ILCS 130

State's attorney's offices (SAOs) are authorized to apply to the Illinois Department of Human Services' (DHS) 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, 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, called First Offender Probation, available only to individuals whose current conviction is for one of several lower-level drug offenses, and they have not been previously convicted of a drug crime. The judge may impose special conditions like drug testing, medical or behavioral treatment, pursuit of vocation or training, and others. Upon successful completion, the proceedings are dismissed. Before sentencing, the court may refer the person to the local drug court team for assessment. If the drug court team finds that the individual has a substance use problem that may make him unlikely to successfully complete the offender initiative program, the drug court must set forth its findings via written order, and the person cannot be sentenced under this statute, but may instead be considered for drug court participation. A conviction under one of the first offender probation statutes 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. Additionally, the court may refer the person to the local drug court team for assessment. If the drug court team finds that the individual has a substance use problem that may make him unlikely to successfully complete the offender initiative program, the drug court must set forth its findings via written order, and the person cannot be sentenced under this statute, but may instead be considered for drug court participation. Upon successful completion of the Offender Initiative 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 Chance Probation allows for the diversion of eligible individuals who have not previously participated in First Offender Probation, the Designated Program, 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. Additionally, the court may refer the person to the local drug court team for assessment. If the drug court team finds that the individual has a substance use problem that may make him unlikely to successfully complete the offender initiative program, the drug court must set forth its findings via written order, and the person cannot be sentenced under this statute, but may instead be considered for drug court participation. Under the Second Chance Probation statute, a sentence of probation is imposed, however the supervision is pre-judgment, meaning that upon successful completion, the court discharges and dismisses the proceedings against the individual.

Probation with Designated Program 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. (DHS-DASA oversees designated program licensure.) If the defendant, judge, and prosecutor agree, the individual is assessed by the designated program 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 the designated program 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. The designated program regularly updates probation and the court as to the individual's progress and compliance with the treatment plan. Eligible individuals may petition the court for dismissal of charges upon successful completion of the program.

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

The chief judge of each judicial circuit can establish drug courts, mental health courts, and/or veterans courts. These specialty courts are designed to be non-adversarial and collaborative in nature, with the court team working closely to provide access to substance use treatment, behavioral health treatment, and other supportive services. The three types of courts operate in essentially the same way. If the prosecutor agrees, and the defendant does not meet certain criteria for ineligibility (e.g., higher class of felony charge, 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 otherwise discharge the proceedings. Drug courts may also play a role in First Offender Probation, the Offender Initiative Program, and Second Chance Probation.

Adult Redeploy Illinois — 730 ILCS 190/20

Adult Redeploy Illinois allocates State funds to local jurisdictions that establish a process to assess individuals and provide a continuum of locally based sanctions and treatment alternatives for those who would be incarcerated in a State facility if those local services and sanctions were not available. Each participating county or circuit creates a local plan describing how it will protect public safety and reduce the county or circuit's utilization of incarceration in State facilities or local county jails by the creation or expansion of individualized services or programs. Based on the local plan, the county or circuit enters into an agreement with the Adult Redeploy Oversight Board to reduce the number of commitments to State correctional facilities from that county or circuit, excluding those with violent offenses, by 25 percent. In return, the county or circuit receives funds to redeploy toward local programming for individuals who would otherwise be incarcerated, such as management and supervision, electronic monitoring, and drug testing.

Accelerated Resolution Court — 730 ILCS 169

The Accelerated Resolution Court is a pilot project established in Cook County designed to accelerate case processing for individuals who cannot post bond, but who have been charged with certain specific low-level property crimes. It seeks to resolve cases within 30 days, otherwise the defendant is released from custody on his or her own recognizance or via electronic monitoring. The judge reserves the right to apply conditions to such a release, including avoiding certain areas or activities, or participating in mental health or substance use treatment.