



# AN EVALUATION OF THE COOK COUNTY STATE'S ATTORNEY'S OFFICE DEFERRED PROSECUTION PROGRAM

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**An Evaluation of the Cook County State's Attorney's Office  
Deferred Prosecution Program**

***FINAL REPORT***

Prepared for

**The Illinois Criminal Justice Information Authority**

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## **Executive Summary**

The study looks at the development, implementation, and impact of the Cook County State Attorneys' Deferred Prosecution Program (DPP). Researchers used a mixed methodological approach involving qualitative and quantitative methods including a quasi-experimental design to measure outcomes. Following we summarize the program model, key findings and recommendations.

### **The DPP Model**

The model is predicated on an ongoing operational collaboration of the State's Attorney's Office with the Cook County First Municipal District Judicial Circuit Court, the Department of Probation Pre-Trial Services Division, and TASC, all of which have key operational roles in the DPP model. The Assistant State's Attorneys (ASA) at various Cook County Branch Courts identify potential candidates, first time non-violent felony offenders, before preliminary hearings are conducted. If victims agree and DPP candidates accept the 12-month program offer, the preliminary hearing is waived and the case is transferred to the DPP program. The low demand program requirements includes regular court appearances in a DPP branch court, assessment, monthly meeting with pre-trial services officer, meeting of certain conditions, dependent on their particular offense and their educational and employment status and not reoffending. Upon successful completion of the program, the felony charge is dismissed by the SAO, exercising its prosecutorial discretion and the participant can then have his or her record expunged.

### **Key Findings**

#### **Implementation process**

- DPP Incorporated and Supported within the Operations of State's Attorney's Office.
  - Strong sponsorship from the SAO leadership.

- Key role of Director of Treatment Services.
- Strong collaboration with Circuit Court of Cook County.
  - Strong support from the Chief Judge.
  - The participation of the judiciary and the Pre-Trial Services of the Probation Department have been critical.
  - There has been a smooth running, innovative, working collaboration between the branch court judge, State's Attorneys, Director of Treatment Services (when needed) and Pre-Trial Services officers at the DPP Court Call.
- The Public Defender's Office has a positive view of the program but the involvement of the Public Defender's Office has been more nuanced and mixed.
- The program used collaborators' existing staff and infrastructure resources.
- This was a low demand program with minimum programmatic requirements and support services.
- The defendants in the DPP process were strongly motivated by the opportunity to avoid a felony conviction.
  - The most difficult aspect of the program was the payment of restitution (for those for whom it was a requirement).
- The expungement process has been difficult to navigate for many participants and many are not completing the process.

**Program participation patterns**

- On average, 35 individuals are admitted to DPP each month, although there is a great deal of fluctuation in monthly admissions. Nearly half of all DPP participants (48.9 %) were referred from Chicago branch courtrooms.

- Most participants (85%) had not been arrested or convicted for any offense before.
- However, 13% had at least one prior arrest and two percent had at least one prior criminal conviction.
- By offense, nearly 30 % of DPP participants were charged with retail theft; overall, three property offenses (retail theft, burglary, theft) accounted for nearly 60 % of all DPP admissions
- The kinds of offenses for which DPP participants were charged varied greatly across referring courts. It is unclear why these variations exist.
- The majority of the participants (76%) had additional program requirements (in some cases more than one) beyond regular meetings with Pre-Trial Services and regular appearances before DPP court call:
  - 65 % of participants had an educational program requirement.
  - 48 % had an employment requirement.
  - 22 % were required to pay restitution; the average amount was \$1,505, with a range of \$30 to \$12,215.
  - 19 % were required to complete community service, the average amount of which was 85 hours, with a range of 12 to 150 hours.
- We found a program success rate of close to 69 percent. Of our sample, 68.6% had their cases dismissed (Nolle Pros), indicating a successful completion of the program; and roughly 31.4% of individuals completing the program were terminated from the program, indicating an unsuccessful completion of the program.

- The individuals with restitution requirements took the longest time to complete the program on average. Of those required to pay restitution, 35% were successfully discharged from the program, 19% were unsuccessfully terminated, and the remainder were still in the program at the end of the study period. We could not find a relationship between successful completion and the amount of restitution.
- There was some variation in success rates across offense types and by referral court.
  - Individuals charged with possession of a stolen vehicle had the highest failure rates, with roughly 57 % of cases resulting in a termination from DPP.
  - In contrast, cases involving individuals charged with forgery had the lowest failure rates of just 16 %.
  - Individuals referred from the Chicago branch courts and District 3 – Maywood-- had the highest failure rates, with roughly 32 % of cases resulting in a termination from DPP.
  - In contrast, cases referred from District 2 – Skokie— had the lowest failure rates of just 16 %.

### **Impact Evaluation**

- There was little difference in re-arrest rates for a sample of DPP participants<sup>1</sup> and a comparison group of defendants found guilty through traditional adjudication. Roughly

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<sup>1</sup> There were slight demographic differences between the DPP group and comparison groups. DPP participants were slightly more likely to be women (38.9 % vs. 32.5 %), white (46.9 % vs. 41.1 %), and younger (26.3 years old vs. 27.5 years old) than individuals in the comparison group. Defendants in the treatment and comparison groups were

31.4 % of DPP participants were re-arrested within 18 months of admission to DPP compared to roughly 33.5 % of defendants in the comparison group. This difference was not statistically significant.

- Several factors traditionally found to be associated with recidivism were associated with re-arrest among the DPP sample and comparison group – defendants who were male, younger, and had more prior misdemeanor and felony arrests were more likely to be re-arrested within 18 months<sup>2</sup>.
  - Specifically, being male increased the likelihood of re-arrest by 47 %.
  - Each additional year of age decreased the likelihood of re-arrest by 3 %.
  - Each additional prior misdemeanor arrest and each additional prior felony arrest increased the likelihood of re-arrest by 13 % and 18 % respectively.
  - Defendants charged with theft and forgery were less likely to be re-arrested, relative to defendants charged with retail theft.
- While we could find no significant differences in the re-arrest rates, there is an indication that some gender differences might be a factor influencing the impact of DPP on participants' subsequent behavior. We found that women in DPP were less likely to reoffend than women in the comparison group; specifically, roughly 22 % of women DPP participants were re-arrested within 18 months compared to 28 % of women defendants in the comparison groups (there was no difference between the men in the two groups).

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fairly similar in terms of prior criminal history and charges, with two notable exceptions – DPP participants were more likely to be charged with retail theft and less likely to be charged with theft than individuals in the comparison group.

<sup>2</sup> However, all this should be read with caution. These factors explain just 12 % of the variation in re-arrest rates. Due to data limitations, there is not enough information about the individuals in DPP or the comparison group to fully explain the dynamics at work.

- In particular, DPP had a significant effect on re-arrest rates for women charged with theft; in such cases, DPP reduced the likelihood of re-arrest by roughly 76 %.

## **Recommendations**

Our research findings yield several discussion points and recommendations focusing on the effectiveness of the DPP model, the impact of the program on participants and the limitation of our findings due to the need to improve the quality of quantitative programmatic data.

### Development and Operation of Program

- Leadership and buy-in from key stakeholders is important in the development of any program and should be a clear consideration in other jurisdictions that this program is replicated. In addition, the strong collaboration and buy-in was instrumental to the low cost of the program, with stakeholders identifying and allocating already existing staff and resources and integrating DPP into existing operational structures. Taking the time and work to develop an operational collaboration with all the major stakeholders is clearly also an important strategy in developing an effective program.
- The Director of Treatment Resources brought a number of strengths to the program: His background as a mental health professional brought a depth of knowledge and expertise to the program development and design. His staffing of the collaboration facilitated its development and gave it structure. Such a coordinative role should be considered by other jurisdictions as they develop and incorporate a deferred prosecution program into their routine operations.
- Our findings suggest the need to revisit a number of strategies in the implementation of the program, including: a more engaged role by the Public Defender's Office; increased communication of DPP to other stakeholders, improving and standardizing the screening

procedures for prospective participants, and increased assistance to participants on expungement.

### **Impact of Program on Participants.**

- Although DPP seems to have limited impact of re-arrest rates overall, the program may be revised to target certain types of defendants (e.g., older, women) or defendants charged with certain types of offenses (e.g., theft).
- Since we were unable to find a significant effect on re-arrest rates other than for certain types of defendants, the current “soft touch” model should be re-considered. The program could be augmented to include additional services for participants; expanded services targeted at education, employment, and mental and substance abuse needs. These are factors known to affect risk of future criminal involvement and as such could improve DPP’s impact of participant outcomes as well. Thus, expansion in both the capacity and scope of the program could improve the systemic and individual-level impact of the program for Cook County.
- However, another option is to acknowledge the possible limitations of the no re-arrest goal of the program. The current soft touch program model is a cost effective way of delivering one of the key outcomes to participants: a lack of criminal conviction; and to the justice system, fewer individuals going through a costly adjudication. The impact of this cannot be overstated – felony criminal convictions can significantly hinder an individual’s ability to find employment, stable housing, and advanced education. Thus, although DPP may not reduce the likelihood of re-arrest, DPP significantly reduces the future collateral consequences of a criminal conviction for all individuals who complete the program.

### **Weaknesses in Data Quality**

- Current data does not allow for analysis of risk factors and interventions, which could be helpful to predict program outcomes (See Appendix G for suggested data collection variables).
- The development of a uniform screening/ assessment tool by the key collaborators should be considered for both its programmatic operations and assessment utility.
  - It would best capture participant's needs.
  - In addition, such instruments might be a feasible way to also note which cases are screened for DPP and which are offered the program to assess several factors including prosecutorial discretion, the number of cases screened for the program, and to possibly compose a comparison group for future research.

In 2013, the Offender Initiative Program, a new Illinois state statute (SB3349) modeled on an innovative program of the Cook County State's Attorney's Office (SAO) felony Deferred Prosecution Program (DPP), went into effect in Illinois. DPP is a 12-month pre-indictment diversion program for adult felony offenders without a prior felony conviction or prior misdemeanor convictions who have been arrested for allegedly committing certain enumerated non-violent felony offenses in Cook County. During the 12 months of the program, participants would agree to comply with restitution, employment, education, and drug assessment conditions, and monitoring by Pre-Trial Services staff of the Probation Department. Successful completion of all conditions results in the dismissal of the felony charge and eligibility to have the arrest record expunged from the participant's criminal history record. This evaluation of DPP has been funded by the Illinois Criminal Justice Information Authority with the goal of aiding in the planning and development of future deferred prosecution programs in Illinois. The study looks at the process of developing and implementing DPP, and assesses the impact of the program on program participants.

The study first looks at the development and implementation of DPP. Secondly, it describes participation patterns in the program. Finally, it assesses the impact of the program on subsequent re-arrest rates. It concludes with a discussion of key strategies, successes, and challenges of the program.

### **Brief Review of Research on Deferred Prosecution Programs**

Deferred prosecution programs are a type of diversion program that divert eligible persons charged with certain criminal offenses from traditional court proceedings. Deferred prosecution programs usually monitor and track participants' progress toward specific goals, often with the aim of dismissing a pending charge upon successful completion (Burke, 2010).

Established and overseen by the chief prosecutor in a jurisdiction, deferred prosecution occurs pre-adjudication, allowing defendants to avoid being prosecuted for an offense by agreeing to participate in or abide by program requirements. Such programs are distinct from post-adjudication diversion programs, which require defendants to plead guilty to a charge before they are offered services and monitored in the community. As such, deferred prosecution programs have been shown to reduce the volume and cost of cases handled by the court system, since only cases deemed urgent for public safety, particularly those concerning violent crimes and repeat offenders are pursued (Senko, 2009; Greenblum, 2005). Since the 1960's, deferred prosecution programs have been a popular alternative to rehabilitate drug offenders and have been used widely in juvenile cases to avoid the stigma of a criminal prosecution and possible repercussions that accompany a conviction (Senko 2009). Few published studies have evaluated deferred prosecution programs themselves. But, several studies have examined how successful involvement in a deferred prosecution program influenced participants' future offending.

One study tracked the recidivism of former participants of a Post-Arrest Diversion Program (PAD) for first time non-violent misdemeanor juvenile offenders in Miami-Dade County (Dembo, Walters, Wareham, Burgos, Schmeidler, Hoge & Underwood, 2008). The successful completion of PAD included the participation of youth in a drug psycho-social educational program and possible community hours. The study found that successful completion of PAD significantly reduced graduates' likelihood of re-arrest over 12 months, controlling for socio-demographic variables, the charge type at first arrest, and assessed recidivism risk level. A study of the Correct Course Diversion Program in the Wayne County Juvenile Justice system of Michigan found similar results, with just 7.7 % of program participants adjudicated for a new offense over a one year follow-up period. The evaluation also found that the costs of the program

averaged just \$1,500 per person, which was much lower than the average costs of proceeding with prosecution and resulted in further savings through low recidivism rates (Hodges, Martin, Smith & Cooper, 2011).

Another study looked at the Vanderburgh County Pre-Trial Diversion Program (PTD) and examined factors related to program completion to assess how program completion was associated with reduced recidivism (Kixmiller, 1998). The PTD program required monthly meetings with directors, participation in community service, and restitution. Without a comparison group, the study followed 378 individuals who participated in PTD and found that 50 % of offenders aged 18 to 20 failed to complete the program, compared to 12.4 % of offenders age 41 and older. Moreover, women were more likely to complete the program (72 %) compared to men (57.2 %). Income seemed to impact program completion as 34 % of participants with incomes under \$20,000 did not complete the program compared to 1.9 % of offenders with incomes above \$20,000. Variables that predicted a reduction in recidivism were age and marital status. Over 30 % of individuals between the age of 18 and 20 years had repeat contact with the criminal justice system in comparison to nine percent of individuals aged 41 and older. Moreover, seventy percent of those who recidivated were single (Kixmiller, 1998).

A more recent study evaluated the Phoenix Prostitution Diversion Program (Roe-Sepowitz, Hickie, Loubert & Egan, 2011). This program required participants to plead guilty to their charge with the opportunity to have their charge later dismissed upon successful program completion. Although this program is different than traditional deferred prosecution programs because those who do not complete the program successfully are left with a conviction, it is included in this review because successful completion *does* revoke a participant's criminal charge. Program requirements included an intake meeting, a 36-hour class offered for the first

week of every month, and a series of 12-step prostitution anonymous meetings and life skill meetings. Of the 448 individuals in the study, there was a significant relationship between participants' completion of all program requirements and a reduction in recidivism rates. Of the sample, only 14.5 % were rearrested for prostitution within the first 12 months. Variables that increased the risk of re-arrest for prostitution included: prior arrests for prostitution, addiction to drugs and/or alcohol, and childhood physical abuse (Roe-Sepowitz, et. al, 2011).

The majority of the published literature on deferred prosecution supports the notion that these programs reduce the rates of recidivism among non-violent offenders and are cost effective. Little evidence has found that deferred prosecution programs increase rates of recidivism, but some research shows that some programs do not have a substantial effect on rates of recidivism among offenders. In a study of a deferred prosecution program for DWI offenders in Washington, researchers compared the recidivism rates of individuals accepted in the program to the recidivism rates of individuals not accepted in the program (Salzberg & Klingberg, 1983). The study found that there was little to no reduction of post-deferral alcohol- related traffic violations for those who participated in the deferred prosecution program. However, the types of drivers selected for the program were more likely to be older, male, and had more serious alcohol related violation records and less serious non-alcohol related violations records than those who were not selected for the program (Salzberg & Klingberg, 1983).

In light of the mixed literature as well as the need to provide support to other jurisdictions developing deferred prosecution programs, the current evaluation examines the development, operations and patterns, and outcomes of the Cook County State's Attorney's Office Deferred Prosecution Program (DPP).

## **Methodology**

This evaluation consists of a mixed methodological approach involving qualitative and quantitative methods. It looks at both the process and outcomes of DPP. Several sets of specific research questions are addressed. These questions are organized into three phases: formation of DPP, operation and service delivery, and outcomes of DPP.

Phase I: Development of Deferred Prosecution Program Formation studied:

- How DPP was set up and developed.
- How DPP Model was developed by the main stakeholders
- How DPP Model was implemented.
- The general awareness of DPP among the local community and within the criminal justice system.

Phase II: Operation and Service Delivery of Deferred Prosecution Program examined:

- How recruitment and selection processes functioned.
- The participant supervision components.
- The services that were delivered by DPP partners.
- How defendants moved through DPP system.
- How DPP learns from information collected.

Phase III: Outcomes and Impacts of Deferred Prosecution Program reviews how effective DPP was in:

- Diverting the target population.
- Offering appropriate services to program participants.

- Exploring the types of services participants were assessed to need at initial screening.
- How participants were referred to the services they were assessed to need.
- Retaining participants through successful completion of the program.
  - Documenting how many participants successfully completed the program.
  - Noting the most common types of program participant violations.
- Lastly, preventing future criminal involvement of those participating in the program.

A major strength of our design is that we utilize multiple data sources, which allow us to examine the development, operations, and service delivery of DPP. Likewise, we are able to examine the impact of DPP on both the criminal justice system and individual level.

### **Process Evaluation**

We studied several components of the Cook County State's Attorney's Deferred Prosecution Program (DPP). We spoke to the various agencies involved with DPP; we documented DPP goals, operations and service delivery, overall attitudes of staff and stakeholders related to DPP, how DPP fits within the landscape for alternative prosecution programs in Cook County, the development and implementation of DPP, along with key features, milestones and challenges in the development of DPP. To evaluate DPP, we considered the processes of charging, sentencing, and supervising defendants and assessed DPP's success in meeting its goals and addressing the needs of defendants. We also examined programmatic barriers and solutions as the implementation and utilization of DPP increased over time. We conducted interviews with a range of stakeholders from judges to attorneys to DPP participants, observed courtroom procedures and analyzed administrative documents and data.

**Interviews.** In total, 28 respondents helped inform this evaluation; 24 interviews were formal interviews (we had four brief background interviews). Interviewees were selected in two ways: those involved with DPP and, secondly, participants in the program. First we identified the individuals or organizations in the Cook County criminal justice system that had an interest or role in the development and/or implementation of DPP. These included: the Chief Deputy of the State's Attorney's Office; the Assistant Chief of Probation; the Presiding Judge Criminal Division 26th and California; the Presiding Judge for DPP court call; the Director of Treatment Services in the State's Attorney's Office; the two Assistant State's Attorneys staffing DPP court call at 26<sup>th</sup> and California; two DPP Pre-Trial Services Officers and their supervisor.

We interviewed 18 staff members involved in some capacity with DPP to help us understand DPP's case referrals, DPP's participant defense counsel, external programmatic resources, and community input. Interviewees included: eight Assistant State's Attorney's at surrounding Cook County Courthouses who refer cases to Branch 9; a TASC supervisor and case manager; four public defenders at suburban and city courthouses; two legal aid attorneys; and two Cook County Government criminal justice community leaders.

Secondly, we aimed to recruit ten current DPP participants and eight former DPP participants. Pre-trial services staff distributed recruitment flyers to current participants and graduating participants with researcher contact information to schedule an interview. In addition, we distributed flyers at the two weekly DPP court calls we observed. Despite our DPP participant recruitment efforts, we had a lower response than we had hoped for. Ultimately, we were successful in interviewing four current participants and three former participants.

***Interviewing defense attorneys.*** While we were able to interview six public defenders and legal aid attorneys and were unable to recruit any private defense attorneys. After a number

of calls to various local bar associations, the Illinois Association of Criminal Defense Attorneys (IACDA) was identified as a possible vehicle for accessing defense attorneys. In discussion with their Executive Director we ascertained the association had no institutional knowledge about DPP. The Executive Director forwarded an initial and follow-up query email to the IACDA board members as to their familiarity with DPP, but we received no response.

**Interview protocol.** Most of the interviews were conducted in person (three informal interviews and two of the formal interviews were by phone). A semi-structured, open-ended instrument was utilized for each interview (See Appendix A). All but four interviews were audio recorded, with participants' permission, and detailed notes were taken of all interviews. DPP participants received a \$25 gift card to a local retail store and a one day CTA pass. Staff and stakeholders did not receive compensation. Audio recordings and written notes were coded for theme development through NVIVO, a qualitative analysis program.

**DPP participant level data.** Participant level administrative data were analyzed to examine questions related to DPP program admissions, service delivery, and program completion. Administrative data were provided by the Cook County State's Attorney for the first two years of program implementation (February 28, 2011 – May 30, 2013). TASC provided data for DPP participants who utilized TASC services during the same time period, which was merged with the Cook County State's Attorney dataset, yielding a dataset of 1,295 cases. This analysis excludes cases in which critical identifying information was missing, such as current status in the program, yielding an analytic dataset of 954 individuals who participated in DPP from February 28, 2011 through May 30, 2013.

## **Impact Evaluation: Comparing DPP Clients to Non-DPP Clients**

**Data.** This study relies on administrative data maintained by DPP, case management data maintained by Pre-Trial Services, case management data maintained by TASC, case management data maintained by the Cook County Clerk of Court, and criminal history data from the Illinois State Police database, accessed through the Illinois Criminal Justice Information Authority (ICJIA). Data obtained from the SAO on DPP clients were in an identifiable format, containing individuals' names and dates of birth. A comparison group was constructed by ICJIA research staff from Cook County Circuit Court Clerk data, using the eligibility requirements for DPP participation and other salient characteristics of the DPP sample as the match criteria. Individuals in the Treatment Group and Comparison Group were then matched to Illinois Criminal History Record Information (CHRI) made available through ICJIA. The CHRI data was used to track recidivism variables (i.e., re-arrest) for all individuals in the Treatment Group and Comparison Group. Researchers provided ICJIA with the names and birth dates of all individuals in the Treatment Group and Comparison Group; ICJIA then conducted a criminal history search and returned recidivism data for all individuals. Once we merged criminal history data with the original data obtained from the SAO, all identifiers were deleted from the original dataset and from the requests made to ICJIA. Combined, these sources enabled the tracking of recidivism outcomes for individuals in both Treatment and Control Groups this study and provided all individual-level covariates noted below.

**Sample.** We compared all individuals who participated in DPP between February 28, 2011 and December 5, 2012 (695 in treatment group) to a Comparison Group consisting of a sample of "DPP eligible" individuals not referred to DPP but adjudicated in Cook County during the same time period (991 in comparison group). Construction of the comparison group by ICJIA

followed these criteria: 1) arrest charge comparability to the DPP sample, so that the most serious arrest charges matched the distribution of eligible charges in the DPP participant sample (felony charge of burglary, retail theft, PCS/cannabis, possession of a stolen vehicle, forgery, ID theft/unlawful use of a credit card/fictitious ID, criminal damage to government property, counterfeit trademarks/deceptive practices, unlawful use of a recording device, disorderly conduct, and false report to the police); 2) prior criminal history, which were selected to be no prior felony convictions and no prior arrests for a violent offense, and 3) case disposition, which were selected to be guilty verdict with a non-incarcerative sentence. Defendants in the treatment and comparison groups were also matched on a limited set of demographic and case characteristics, including age, sex, and date of case filing.

Recidivism outcomes for both treatment and comparison groups were tracked through June 6, 2014 (see Measures, below). We limit the sample to include only those individuals in each group with at least 18 months' time in the community after either admission to DPP or final case disposition; this procedure allows us to compute recidivism rates across subgroups accounting for differences in time-at-risk. Individuals in the study samples experienced different lengths of exposure to failure (arrest). For example, defendants admitted to DPP on March 1, 2011 had the opportunity to recidivate for approximately 40 months (i.e., through June 6, 2014). In contrast, defendants admitted to DPP on December 1, 2012 had the opportunity to recidivate from approximately 18 months. The calculation of recidivism rates needs to be sensitive to time-at-risk considerations. Specifically, we computed success and failure for individuals exposed to risk according to an 18-months threshold. This procedure further decreased the size of study samples because we only included individuals at risk for at least 18 months. Finally, we restricted the study sample to include only individuals 18 years of age or older. Our final dataset

for the impact evaluation includes 695 individuals admitted to DPP and 991 “DPP eligible” individuals not admitted to DPP but adjudicated guilty through the traditional adjudication process.

**Measures.** The main outcome measure is a categorical variable capturing whether an individual was re-arrested (=1) or was not re-arrested (=0) during the 18 months of follow-up after admission to DPP (treatment group) or final disposition date (comparison group). Re-arrest outcomes in both the treatment and comparison groups were tracked through June 6, 2014 using data from the Illinois State Police criminal history database. Individuals were counted as re-arrested if an arrest occurred or a warrant was issued within 18 months after admission to DPP (treatment group) or final disposition date (comparison group). Moreover, re-arrest was not tracked beyond 18 months; thus, any individual not arrested within 18 months of admission to DPP or final disposition was considered a success for the analyses even if a re-arrest occurred beyond the 18-month period. We also measured *time to failure*, which reflects the length of time, in days, until an individual was re-arrested *or* completed 18 months of time-at-risk without a re-arrest. Re-arrest is used as the outcome measure because it is the benchmark used by policy makers to assess most criminal justice interventions (Young, Fluellen & Belenko, 2004).

Our key independent variable—DPP admission—identifies whether defendants were admitted to DPP (=1) or were adjudicated guilty through the traditional adjudication process (=0). The latter category represents individuals in the comparison group.

We include a number of individual-level covariates in our analyses:

- *Criminal history* – We employ two indicators of criminal history tracking the number of misdemeanor arrests (continuous) and the number of felony arrests (continuous) occurring prior to an individual’s admission to DPP (treatment

group) or judgment date (comparison group) (not counting the arrest triggering DPP admission or judgment).

- *Current offense* – Information on the current offense was included as a categorical variable (1= retail theft, 2=burglary, 3=PCS/cannabis, 4=possession of a stolen vehicle, 5=forgery, 6=ID theft/unlawful use of a credit card/fictitious ID, 7=criminal damage to government property, 8=counterfeit trademarks/deceptive practices, 9=unlawful use of a recording device, 10=disorderly conduct, and 11=false report to the police), using retail theft as the reference category for analyses.
- *Race* – We include a measure of the defendant’s race, (0=White, 1=Black, 2= other).
- *Sex* – We include a measure of the defendant’s sex, (0=Female, 1=Male).
- *Age* – We include a measure of the defendant’s age in years at the time of admission to DPP (treatment group) or judgment date (comparison group).

**Analyses.** The impact of DPP on defendant outcomes was analyzed using two sets of analyses. First, we use binary logistic regression to estimate the effect of DPP relative to standard adjudication on re-arrest at 18-month follow-up. These models predict the likelihood of re-arrest controlling for defendant-level predictors such as demographic characteristics and criminal history. Second, we use Cox proportional regression models to estimate the effect of DPP relative to standard adjudication on time to re-arrest within 18 months follow-up. These models predict the time to re-arrest controlling for defendant-level predictors such as demographic characteristics and criminal history.

**Research Limitations.** We encountered several research limitations for both the process and impact portions of this evaluation. We had difficulty recruiting private defense attorneys and participants to inform the process portion of this evaluation. In addition, upon examination, we

decided not to attempt to recruit victims as study informants as contact information for victims were not easily accessible. Victim information is not maintained in a central location, but is in the case notes and records of each ASA. In addition, there were logistical and confidential barriers to the ASA contacting victims to participate in the study. As stated above, we had a limited response rate from DPP participants. We had frequent contact with Pre-Trial Services to ensure flyers were being distributed. In another attempt to increase sample size of current and former DPP participants, a native Spanish speaking research team member translated recruitment flyers and interview instruments into Spanish as we learned from Pre-Trial Services that a large number of DPP participants were Spanish speaking-only clients. We asked the Spanish-speaking Pre-Trial Service Officer to distribute translated flyers to Spanish speaking clients. We also started recruiting at the weekly court calls and added the option to schedule interviews after DPP court call in the courthouse. Finally, we added the option of a phone interview in case travel time deterred individuals from participating in the study. While these efforts led to a couple more interviews, the findings from the interviews can only be suggestive and in no way representative.

The evaluation also encountered several obstacles related to case management data, which limited our ability to examine program processes or impact. Although the data provided by the various agencies were helpful in examining admissions and exits to the program, assessing time in the program, and describing the types of offenses with which participants were charged, they, nonetheless, provided little information about program content, participation in services, or participant demographic characteristics (age, ethnicity, race, employment status, educational achievement, income, substance use history, etc.) generally necessary for conducting recidivism analyses. As such, our ability to describe program and service participation or to examine the effects of individual-level attributes such as substance abuse history, employment

status, supervision levels, etc. on case outcomes was limited by the data available. Moreover, data limitations also prevented an examination of other outcomes (e.g., substance use, pro-social activities, etc.) that may be affected by participation in DPP. As such, the findings from the impact evaluation are suggestive, but remain limited in their ability to fully explain the impact of DPP on participant outcomes.

### **Background of the State’s Attorney’s Office Deferred Prosecution Program (DPP) The Development of DPP**

The Cook County State’s Attorney’s Office began involvement with alternative prosecution programs in the 1970’s with its Drug School Program. By the time of the development of DPP, an array of alternative prosecution programs were in place in Cook County including drug courts and specialty courts, such as, but not limited to, veteran’s court and prostitution court. Anita Alvarez, the current Cook County State’s Attorney, who was first elected in 2008 after a 22-year career with the State’s Attorney’s office, had been involved in these programs as a senior attorney during her tenure with the office. During her election campaign, discussions with the community crystalized her advancement of a deferment program to address first time non-violent offenders.

In a press release (2011) State’s Attorney Alvarez identified the key goals of the program: reducing the number of cases clogging the criminal justice system and providing a second chance to offenders.

It is clear that there are far too many cases in the criminal justice system and I think that prosecutors can play an important role in implementing new alternative sentencing measures that not only bring just results, but also provide non-violent offenders with a second chance.

The Cook County State's Attorney's Deferred Prosecution Program (DPP) commenced on February 28, 2011 following nine months of discussion and planning. It joined a number of other diversion programs offered in Cook County. During this period, the SAO drafted a program outline and received the support and backing of the Chief of the Circuit Court of Cook County. A series of follow-up meetings with key stakeholders included the presiding judges of the Circuit Court, Department of Probation, and TASC (Treatment Alternatives for Safe Communities)<sup>3</sup> to refine DPP model. Discussions were also held with the Office of the Public Defender, but their involvement in the development and implementation of DPP seems to have been limited to their role as defense advocates since, in essence, this program was within the prosecutorial charge of the SAO.

### **The Program Model**

The model is predicated on an ongoing operational collaboration with the Cook County First Municipal District Judicial Circuit Court, the Department of Probation Pre-Trial Services Division, and TASC, all of which have key operational roles in DPP model (See Logic Model, Appendix B).

**Program eligibility.** To participate in DPP, there are certain criminal background restrictions. Defendants who were a previous participant of the DPP program are ineligible. Only individuals with no prior felony conviction are eligible to participate in the program. Similarly, any misdemeanor conviction deemed by the courts as a "violent offense" disqualifies an individual from participating in DPP. Violent offenses include "any offence where bodily harm was inflicted or where force was used against any person or threatened against any person"

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<sup>3</sup> TASC, is a non-profit social service agency that is contracted by the various components of the Illinois criminal justice system to among other things to works with men and women whose alcohol and drug problems have contributed to their involvement in nonviolent criminal behavior.

(DPP Agreement). Other offenses that preclude program eligibility include any charge for the delivery of, the intent to deliver, or the manufacture of a controlled substance, including Methamphetamine and Cannabis. The program screening procedure encompasses some flexibility depending on the criminal history of participants, length since last conviction, and severity of offense.

**The selection process.** The typical program participant selection process is as follows:

1. The Assistant State's Attorneys (ASA) at various Cook County Branch Courts identify potential candidates before preliminary hearings are conducted.
2. Victims, who have veto power in this process, are contacted first for their approval before DPP option is offered to a defendant.
3. If a victim agrees to defer prosecution, an ASA then offers the program to the candidate who is represented by a defense attorney (either private or public defender).
4. If DPP candidate accepts the program offer, he/she waives right to a preliminary hearing and signs a DPP Agreement accepting the conditions of the 12-month program. (See Appendix C)
5. The case is transferred to special DPP branch court (Branch 9) at the Cook County Court House at 26<sup>th</sup> and California.
6. At this point, an ASA assigned to Branch 9 reviews cases and those that do not qualify are sent back to original courthouses.

**Compliance requirements.** Participants are required to appear at the Circuit Court call dedicated to DPP (Branch 9) at regularly scheduled intervals for:

- Initial court date includes orientation, a copy of written program guidelines and conditions and a meeting with Pre-trial services officer.

- Subsequent court appearances occur every three months, unless participants are asked to report within a shorter time frame.

Participants are required to meet with a Pre-Trial Services Officer for:

- An Assessment, following their first court call at Branch 9.
- If applicable, to be referred to TASC for services.
- Monthly meetings, at which submission of documents substantiated compliance with various requirements are submitted.

Participants are required to meet certain conditions, depending on their particular offense and their educational and employment status. This can include:

- Full restitution to the victim or property owner, if applicable<sup>4</sup>.
- Enrollment and attendance in GED program, if applicable.
- Community service participation.

Participants agree to not violate any criminal law of the United State's, the State of Illinois, any other state or any municipality and to adhere to the following conditions:

- Participants cannot be in possession a firearm or deadly weapon;
- Participants cannot possess any controlled substance (including cannabis) that is not authorized by a doctor's prescription.

If a participant re-offends during their time in the program, he or she is likely to be expelled from the program, although discretion is exercised by the SAO. Each incident breaking this agreement is evaluated on a case-by-case basis according to severity; for example, minor traffic violations are typically not grounds for failure in the program.

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<sup>4</sup> The Pre-Trial Services act as intermediary between victims and offender in this process.

**Program completion.** Upon successful completion of the program, the defendant's felony charge is dismissed by the SAO, exercising its prosecutorial discretion.

- The SAO also agrees to not object to the defendant's request for expungement of his or her case (arrest and decision by the prosecutor not to prosecute).
- The participants are given an expungement packet with general information about how to begin the expungement process. No assistance with this process is offered.
- If the defendant does not complete the program, the felony charge proceeds to a felony courtroom for traditional prosecution.

**Program infrastructure.** The administrative, programmatic development and coordinative functions of DPP are staffed and overseen by a program director. The program *delivery* component is centered in DPP court call that occurs every Wednesday afternoon in Branch 9 at the 26<sup>th</sup> and California courthouse.

***Administration and coordination.*** The Director of Treatment Services has experience in the direct treatment of behavioral health problems as well as the administration of programs designed to intervene with people who have behavioral health problems. This provided useful understanding of the trajectory of behavioral health issues, interventions, and program administration necessary for such a role. The Director of Treatment Services coordinates all the alternative prosecution programs in the State's Attorney's Office. He reports to the Chief Deputy State's Attorney. He staffs the development and implementation of programs, provides training and consultations to the ASAs regarding their employment of DPP option. He also coordinates the collaborative DPP team. In addition, he maintains tracking data on the program and maintains all programmatic records.

**Program delivery.** Although participants are selected from county courts throughout Chicago and Cook County, participation in the program is centralized. There is only one DPP court call scheduled once each week (currently Wednesday afternoon) and it is heard in a branch court at 26<sup>th</sup> and California. On-going meetings with Pre-Trial Service of the Cook County Probation Department are conducted at a central Chicago office. The team from the judiciary, the SAO and Pre-trial Services were all intentionally selected and permanently assigned to DPP. One judge presides over DPP court, which is staffed by two ASAs assigned to DPP court call. Two Pre-Trial Services officers also attend each court call to conduct assessments with new DPP participants after court and to meet with DPP judge and ASA's before court. The judge, ASA's, and Pre-trial Services officers meet prior to each court call and review participants' progress and it is at that time that a response is developed to address the progress, or lack of progress, of the participants appearing at these court calls. Between court calls, participants have regularly assigned meetings with the Pre-Trial officers and are required to bring documentation of their compliance with their individual requirements.

## **Findings**

The findings are organized in three distinct sections: the program's development and implementation; the program's participation patterns; and the program's impact on subsequent behavior of the participants.

### **Findings: DPP Development and Implementation Process**

#### **DPP Incorporated and Supported within the Operations of State's Attorney's Office.**

**Buy-in.** From our discussions with staff within the SAO it clear that there is a strong buy-in by all levels within the State's Attorney's Office as to the value of the program. The leadership of the SAO displayed strong ownership and sponsorship of the program in our

discussions with them. The Chief Deputy State's Attorney had an instrumental role in the drafting of the legislation that resulted in the Illinois Offender Initiative Program. The Assistant State's Attorneys projected strong support of the program's key goals of reducing the number of cases going through the system and giving individuals a second chance. Assistant State's Attorneys interviewed from various Cook County courthouses described DPP as a "clear-cut," "compassionate" and "golden opportunity" for first-time felony offenders to avoid a criminal felony conviction. In describing their roles in DPP courtroom (Branch 9), the two ASAs described how their role is very different from their usual role in a traditional court setting. Their role, they said, is not to seek to convince a judge the defendant is guilty; rather their goal is to ensure compliance with the program and, "hopefully" to dismiss defendants' charges.

**Internal dissemination of program process and goals.** At first, the mission of DPP was communicated through in-person meetings, telephone conversations, and memorandum correspondence to all staff involved. Memos from the First Assistant State's Attorney, Chief Deputy, and Chief of Staff of the State's Attorney's Office delineated the specific goals of DPP as a diversion program, while differentiating this program from treatment courts. Memos also set in place a process for transferring cases that begin at another county branch courthouse to the George N. Leighton Criminal Court Building located at 26th and California to ensure cases consistently remained at one central location.

**Added to the routine assessments of cases by an ASA prior to preliminary hearing.** All ASAs interviewed had a clear understanding of DPP criteria. There is no uniform risk assessment *instrument* utilized, and the assessment is based on the understanding of the ASAs. ASAs report considering DPP as an option along with other possible deferment possibilities as they review cases they receive. There seems to be variation in the assessment process at various

branch courts dependent on size. For example, in the Suburban Courts all DPP decisions were often described as being made with in-depth consultation with supervising ASAs. In the smaller neighborhood branches in Chicago, the supervising ASA often conducted the screening. Some ASAs interviewed report contacting the Director of Treatment Services for consultation.

**Key role of Director of Treatment Services.** In interviews and observation, the key proactive role played by the Director of Treatment Services became very apparent. While outside of an operational chain of command within the State's Attorney's Office, but with the strong support of his immediate supervisor, the Chief Deputy State's Attorney (Director of Treatment Services?) is an authoritative voice maintaining the quality of programming; he is a source of problem-solving expertise for the ASAs as they implement the program. For example, he is proactive in identifying possible implementation issues such as decreases in recruitment in the branch courts and reports providing ad hoc training and technical assistance and advice in those instances. He has a key role in coordinating DPP collaborators and information systems maintained by DPP. His clinical expertise as a MSW brought with him perspective and knowledge of social work and the experiences of leading therapeutic programs.

**Feedback and consultation between levels within the SAO.** Assistant State's Attorneys at various courthouses expressed feeling comfortable in reaching out to colleagues at 26<sup>th</sup> and California to discuss program eligibility on a case-by-case basis. Prosecutors said they felt supported by staff at 26th and California and similarly felt encouraged to talk to the Director of Treatment Services when a question surfaced about the program, particularly about eligibility.

**Support from Stakeholders in the Cook County Justice System.**

*Circuit Court of Cook County.* From all reports, the Chief Judge of the Circuit Court supported the concept and development of the project. The participation of the judiciary and the

Pre-Trial Services of the Probation Department have been critical according to all stakeholders. Two of the collaborators in DPP team are DPP judge and the Pre-Trial Service officers from the Cook County Probationary Department (A TASC staff also has a role with DPP team. TASC has a contractual role to provide social services to the Circuit Court and the Probation Department.) Both entities incorporated DPP processes into their on-going operations. The leadership from both the Circuit Court and the Department of Probation exhibited strong support and involvement in DPP process.

*Public Defenders Office.* The involvement of the Public Defender's Office has been more nuanced. While the role of a public defender in representing the interests of the defendants without private representation in DPP process is essential, the fact that DPP procedure is, in fact, internal to the State's Attorney's Office creates professional ethical barriers to a mutual collaboration. There is little institutional memory within the Public Defender's Office as to the role of the office in the early development of the program and how such considerations might have limited their involvement. (There is new leadership in the office.) The administrators and supervisors for the Public Defender's Office, even when they had little knowledge of the day-to-day workings of the program, expressed support for its existence. Assistant public defenders involved in the implementation of the program (either at DPP court call or those currently involved during the pre-preliminary hearing recruitment phase) expressed a great deal of support for the concept of DPP and the option it affords defendants. However, several reported becoming disillusioned because the office of the Public Defender did not have significant amounts of active participation in implementation of DPP. Initially, the Public Defender's office did seem to incorporate DPP in operational decisions with two senior assistant public defenders being permanently assigned to DPP court call. These individuals and DPP team reported having a

good working relationship. However with changes in staffing and assigning attorneys to cases within the Public Defender's Office, a specialized relationship with DPP Court Call does not seem to be a priority. Assistant public defenders are now assigned on an ad hoc and rotating basis to the court call. This lack of a permanent, committed public defenders assigned to DPP is seen as problematic by DPP team. They report that in some instances the public defenders rotated in are unfamiliar with DPP processes, and at times this creates confusion affecting the flow of the court call. In addition, some informants, including ranging from public defenders and a legal aid attorney to a judge, suggested they would like the SAO and the Public Defender's Office to work to better utilize public defenders as a resource at all phases of DPP process.

*Other stakeholders.* We were not able to fully gauge the level of understanding and support from other stakeholders. We contacted the major associations of defense attorneys and they reported having no recollection of DPP or receiving any communication about the program. Assistant State's Attorneys and Assistant Public Defenders report that private attorneys knew about the program from the informal information network that exists at the courthouses. We interviewed two staff from Cook County government with some responsibility regarding the justice system. They reported that had no explicit role in the construction of the program, though they described themselves as having a basic working knowledge about the program. They felt the need for more transparent and assessable information/data. For example, they were unsure of the efficacy of the program and felt uncertain about how participation rates in the program compared to the number of individuals eligible for the program.

### **Defense Attorneys in DPP process**

In DPP process, defense attorneys are involved in two areas. First, they provide representation to a potential DPP participant prior to the preliminary hearing, primarily

communicating an offer of the program to the defendant and providing advice to the defendant as to whether to participate or not. Second, a defense attorney may be needed to assist participants on various matters (documents to travel, expelled from program, etc.) during the course of their participation in DPP.

**Representation in initial recruitment process.** It seems to vary from courthouse to courthouse whether a private attorney or a public defender represents a defendant during the recruitment process. The ASAs interviewed, especially from the suburban area, reported that they have experienced both private attorneys and Public Defenders representing defendants during this process. Of the seven defendants interviewed, six were represented by public defenders. Public defenders report that, given established court processes, they have little prior contact with defendants until just before the preliminary hearing and therefore, limited client information and little opportunity to “negotiate” with the Assistant State’s Attorneys. They and the ASAs report that this is not necessarily the case with private attorneys who may be contacted as soon as a client is arrested and often could take a more proactive role, attempting to have their client selected for DPP<sup>5</sup>.

### **Victim Input in DPP**

Admission to DPP is dependent upon victim approval. ASAs report that a key part of the process of offering an offender the opportunity to participate in DPP is contacting the victim for their approval. While no data is available, ASAs reported that most victims agree. In cases that the approval does not occur, it is usually because of unique particular circumstances. ASAs report that a selling point for many victims is the requirement that the offender pay full

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<sup>5</sup> Prosecutors (ASAs) reported that while recruitment efforts for participation in DPP began with the State’s Attorney’s Office, that as the existence of DPP grew in familiarity, defense counsels—both private and public-- began to ask the SAO if their client was eligible for DPP.

restitution for property damage or loss. They note that this restitution is not necessarily guaranteed if the offender goes to trial. Victims also have the right to attend DPP court calls. Upon victim inquiries, a Pre-Trial Services officer is able to advise victims of defendants' upcoming court dates. From all reports, this is an infrequent occurrence.

### **Strong Collaboration and Team Work**

DPP team members and key stakeholders reported that communication and collaboration among DPP team was a key component of successful operations of the program. These respondents described the care used in selecting the DPP team--from DPP judge to the Pre-Trial officers-- to ensure a complimentary set of expertise and experience that would facilitate successful operation of the program. This collaboration is, perhaps, most visible in the operation of DPP court call in Branch 9. All respondents describe the court call as an example of their working collaboration, especially their practice of meeting prior to court to discuss the progress of participants. The practice of meetings prior to court was said to be common in treatment court settings, where a teamwork approach is also evident. Also, in the researchers' meetings with the inter-agency DPP team at Branch 9, the strong working relationship and sense of teamwork was very evident.

**DPP court call.** While the operation of the court call is outwardly similar to any branch court, the decision-making in fact is non-traditional. There is no independent adjudication by the judge and the decision-making authority ultimately lies with the ASAs. Much of the content of the process has been scripted by DPP in their pre-call meeting in which they review the status of the cases scheduled for an appearance that day. During court, an ASA publicly reports to the judge on DPP participants' progress in the program. The court call is designed by the DPP team to have an instructive impact on participants. Individuals who are having difficulty with the

program might be required to appear more frequently at DPP call. Individuals at their first court call are called after individuals already in the program have been called to report, and after individuals who have completed their participation have had their cases formally dismissed and participate in a quasi-graduation ceremony. A public defender is present at each court call if representation is needed.

*A strategic role of presiding DPP judge.* The ASA's assigned to DPP court call suggested that having a permanent presiding judge with a strong sense of mission was both a unique and positive aspect of DPP. The judge reported being consistent with both reprimanding and encouraging participants, while exercising understanding regarding personal challenges of participants, "flexibility" in her words, especially when work and school schedules conflict with program requirements. She suggested adding a small "graduation ceremony" on DPP participants' last day of court to celebrate their success. In her interview, it was clear that the judge had a strong sense of identification with the mission of DPP, expressing support in giving participants second chances and diverting them from jail and a criminal record. Several respondents interviewed said DPP judge was strict but her personality was encouraging.

### **Data Infrastructure**

A data infrastructure was put together for DPP using the existing resources of DPP partners. Each organization modified their MIS systems as needed and created inter-agency tracking and communication systems. However, all the modifications were within the limitation of each respective organization's data gathering system. For example, due to current SAO limitations in record keeping, it is unclear how many people are offered the program and how many accept or refuse. It is also unclear how many defendants are eligible for the program but are not asked to participate.

## **Flexibility of Program Design**

Changes in DPP court call design are examples of the flexibility of the design of the program. For example, initially judges were assigned to DPP court call on a rotating basis. Several staff and stakeholders stated the shift from rotating judges to one consistent judge for DPP court call made the courtroom run more “smoothly” and created a sense of consistency.

The Treatment Director, in discussions with the researchers, continually emphasized the importance of flexibility and learning from the process. As an example, he described allowing extensions beyond a year for individuals who have been paying restitution regularly but have been able to meet the amount within a year’s time. Conversely, individuals who have successfully met their entire requirement have been “graduated” from the program at nine months.

## **Based on Existing Resources**

A key point made by key DPP administrators from all organizations was the relatively low cost of the program. Words and phrases such as “efficient,” “effective” and “limited available resources” were used in describing the program. No new staff members were hired, nor were any monies needed to create new offices or supplies. They emphasized that only minimal training was needed, of already employed Cook County staff. Beyond role-modifications, they asserted, the day-to-day procedures of DPP staff members were not foreign to pre-existing job descriptions. Given that direct treatment services are not being offered through DPP, there have been no costs related to offering drug treatment or mental health services.

There has been one area of possible strain to the existing resource allocation. Informants pointed to the high caseload for the two Pre-Trial Services officers. While the average caseload

within Pre-Trial Services is approximately 95, the two DPP Pre-Trial Services officers split at least 300 cases. In addition, contrary to other Pre-Trial Services officers, DPP dedicated officers serve both as case officers and court liaisons (this is traditionally handled by separate officers). While informants who were managers felt that the increased caseloads have been successfully addressed by efficiencies in time management, they continue to monitor the situation to consider when and if in the future another officer is to be assigned to DPP.

### **Minimum Programmatic Requirements and Support Services**

The Treatment Director and others interviewed emphasized that DPP requirements were designed to be very “doable,” with few outcomes other than participation and adherence to the rules required. It was felt meeting the minimum requirements along the process of participation itself – e.g., the longer duration of the program as compared to other deferred programs, the appearance and interactions with the judge and prosecutors in court, the monthly meetings with the Pre-Trial Services officers – would be a sufficient learning experience to positively impact the program participants’ future behaviors. Individuals who do not have a GED are required to attend GED class, but they do not have to obtain a GED in order to complete the program. Individuals who are identified as having a mental health issue or are identified as possibly having a substance abuse issue are required to attend one assessment with TASC, but they are not required to enter treatment (nor is there any programmatic money for treatment available.) Individuals who were unemployed were required to participate in community services but required to or assisted in obtaining a job or training.

Comments from a limited number of interviews with former and current participants seem to reflect an impact of the program on participants’ attitudes. One respondent asserted: *“The strength of this program is that it really motivates somebody to stay off the streets, stay out*

*of trouble and just be a better person.*” Two respondents said this program was “a second chance.” One respondent said the program requirements pushed him/her to be a productive member of society and to reflect on poor choices in the past. Several respondents said they were more selective about who they chose to spend time with since they wanted to avoid “getting in trouble” with the law while in the program.

In cases in which DPP participants express the need for assistance finding a GED program or support for a drug, alcohol or mental health condition, Pre-Trial Services refers clients to TASC case managers for further assistance. Although, Pre-Trial Services reported they are usually able to direct DPP participants to a GED program themselves when participants are unable to find an educational site on their own. We found that most clients received assistance from Pre-Trial Services and few (11%) were referred to TASC. An informant from TASC described that this is different from the experience with Drug Court, where there is an individualized meeting with TASC by each participant. Notably, the several DPP participants that we interviewed said they had never heard of TASC before and asserted that they could have benefited from TASC’s services. Two participants specifically asked if TASC could help them find work.

### **Experiences of Defendants in DPP process**

**Motivation for participating.** The most common factor for agreeing to participate in the program reported by the former and current participants interviewed was to avoid a felony conviction. In the following quote a participant expressed his rationale for participating in DPP:

They [prosecutor] told me that I could either walk away and have a felony on my record for the rest of my life or I could get into this program and you know try to get it expunged, so of course I say I wanna get it expunged, because I don’t want a felony on my record.

**Recruitment process.** Participants reported (and interviews with ASAs concurred) that

the time allotted for participants to agree to the program was minimal. ASA's attributed this short duration to established court procedures. Three current and former participants said they felt "rushed" into the program and did not have adequate detail about monthly meetings and locations when they signed the agreement. They were later advised of all the requirements at their first court date at 26<sup>th</sup> and California. One said: *"I think more information should be given from the beginning, not just hey here's a way out, all you have to do is go to court every three months, it wasn't really broken down."* One respondent reported being unaware of the amount of restitution that was required. The respondent stated that if that information had been forthcoming he/she might not have agreed to participate.

**Difficulties with paying restitution.** One participant also described that while in the program he was having a difficulty in acquiring employment because of an arrest record and a pending charge. This lack of employment was limiting his ability to pay restitution in order to graduate DPP.

### **Expungement Process**

From all respondents' perspectives, there are difficulties with the expungement process. While no clear figures are available, the understanding by all respondents was that the system is difficult and that many participants upon successful completion of the program do not complete the expungement process. During our observation of DPP court call the presiding judge emphasized the expungement option and a packet including instructions for the expungement process is given to every "graduate."

Although all participants we interviewed mentioned knowing they were eligible to have their arrest record expunged, they were unsure about the process. They described that they received a packet with information about expungement but were confused on where to start. The

difficulties ranged from the design and clarity of the packet to lack of respondent funds to pay for the process. Respondents saw this as a problem that needed to be solved. In reviewing the packet the researchers found the packet difficult to read – in part because of the quality of the printing – and the instructions were found to be confusing by the respondents. A review of the packet by researchers found many such difficulties with the packet and the process (See Appendix D).

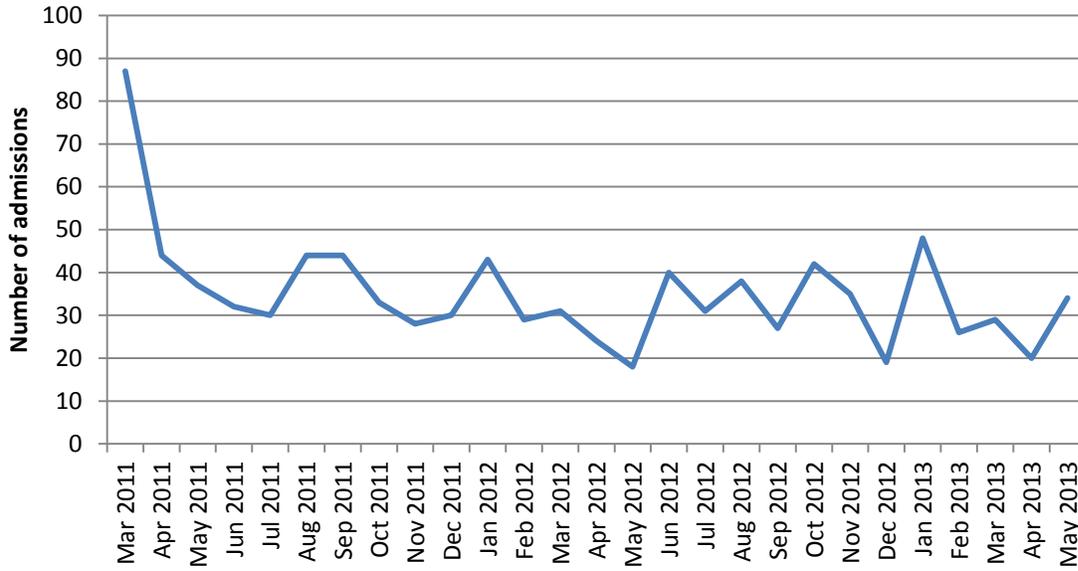
Different solutions were put forward, from an expungement court call created exclusively for DPP graduates to adopting the approach at the Drug School, where TASC staff requires all successful graduates of Drug Court to call TASC soon after exiting the program to have an orientation regarding the process of expungement. One solution put forward by respondents for DPP to create a referral list of possible legal assistance was felt to be problematic by the SAO. Professional ethical strictures about prosecutorial attorney's referring to specific defense attorneys or agencies were seen as limiting this option.

## **Findings: Program Participation Patterns**

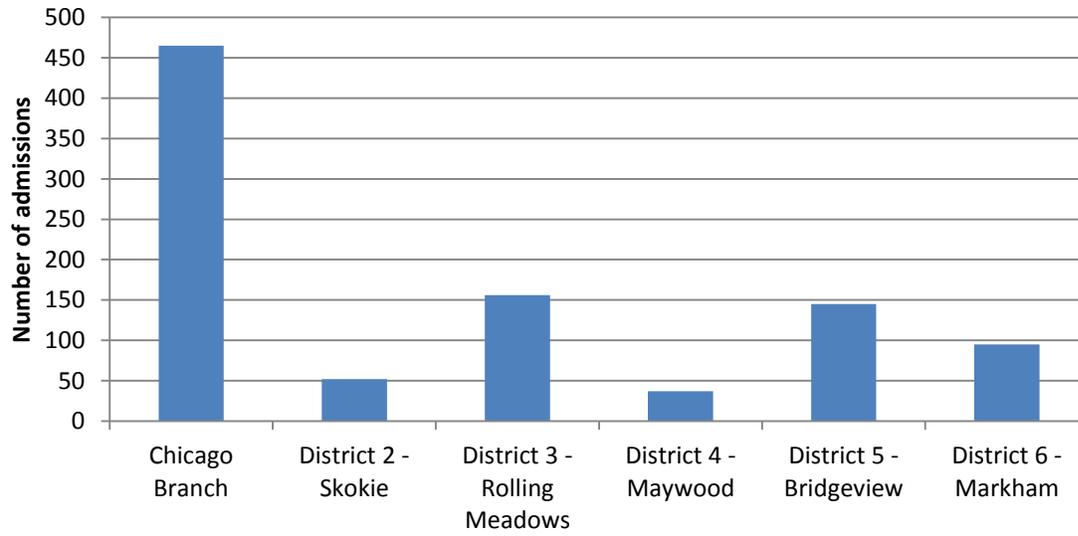
### **DPP Recruitment Rates**

On average, 35 individuals are admitted to DPP each month, although there is a great deal of fluctuation in monthly admissions (Figure 1). Nearly half of all DPP participants (48.9%) were referred from Chicago branch courtrooms (Figure 2). The variation in the referral rates may simply indicate underlying differences in crime and arrest rates and prosecution caseloads. DPP administrator also reported that some of the fluctuations *within* a particular branch are often an indication of the assignment of a new Assistant State's Attorney.

**Figure 1. Number of DPP Admissions, by Month**



**Figure 2. Number of DPP Admissions, by Referral Court**

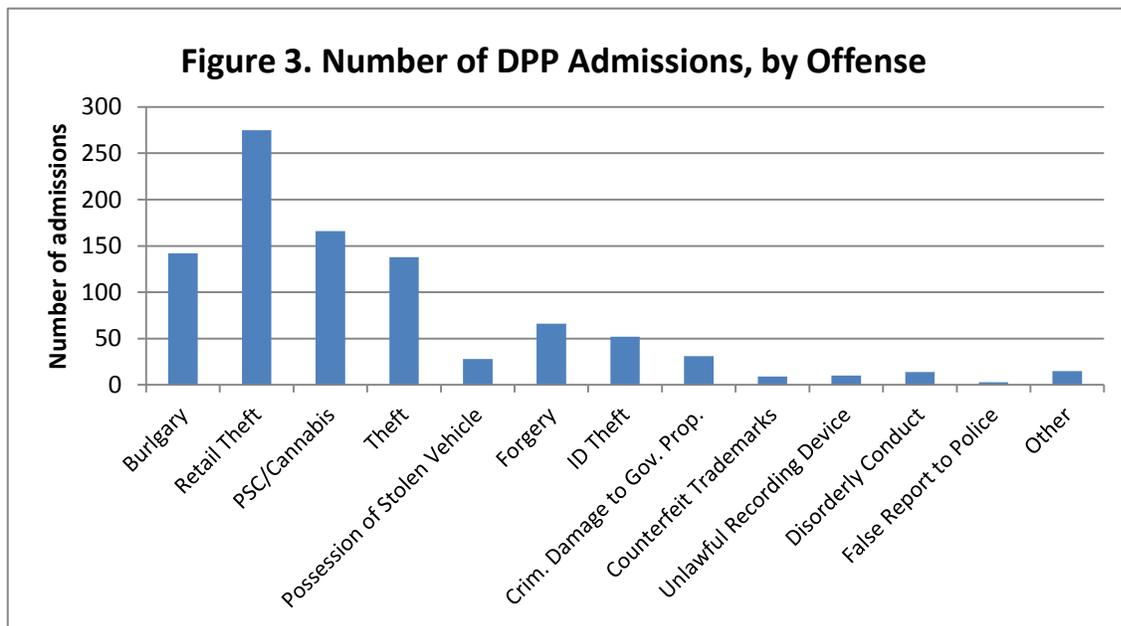


**Types of Offenses.**

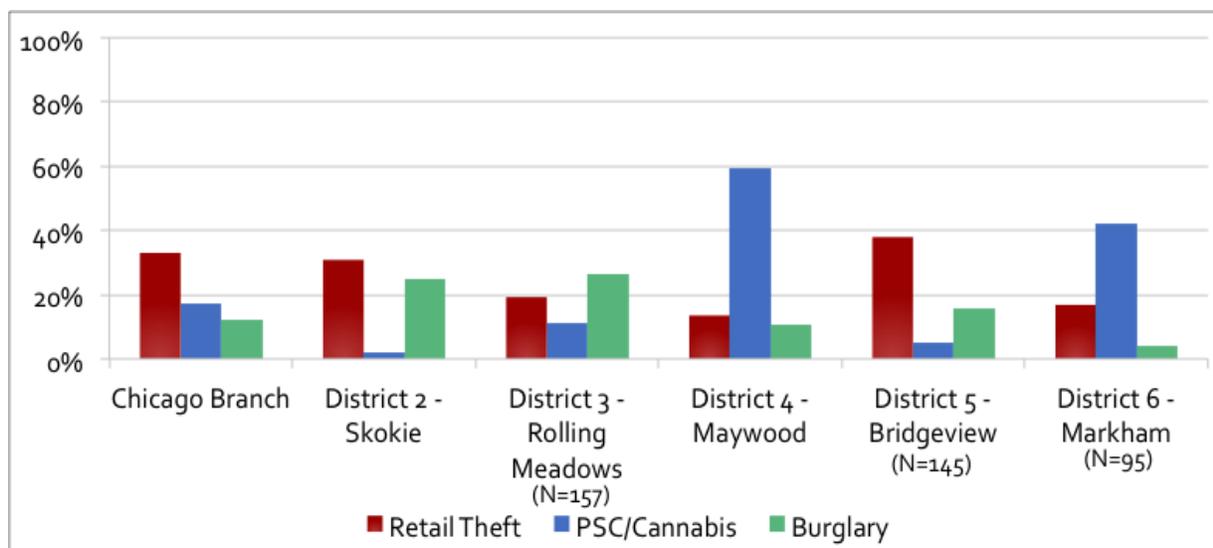
By offense, nearly 30% of DPP participants were charged with retail theft; overall, three property offenses (retail theft, burglary, theft) accounted for nearly 60% of all DPP admissions

(Figure 3). This does not necessarily mean that these figures reflect the distribution of types of first time offenses arrests in Cook County. For example, the low number of possession cases might reflect the existence of Drug court, another deferment option available.

There was a great deal of variation across referral courts in the most frequent offenses with which DPP participants were charged (Figure 4). The differences in the percentage of admissions by offense type were dramatic in some instances, particularly for possession of a controlled substance. It is unclear why these variations exist.



**Figure 4. Number of DPP Admissions, by Offense**



### **Previous Criminal History**

Most participants (85%) had not been arrested or convicted for any offense before. However, thirteen percent had at least one prior misdemeanor arrest and two percent had at least one prior criminal conviction for a non-violent misdemeanor (presumably).

### **Participants' Program Requirements Identified at Initial Screening**

The majority of the Participants (76%) were required to meet program requirements (in some cases more than one) beyond regular meetings with Pre-Trial Services and regular appearances before DPP court call (See Table 1).

- 65% of participants had an educational program requirement
- 48% had an employment requirement
- 22% were required to pay restitution; the average amount was \$1,505, with a range of \$30 to \$12,215.
- 19% were required to complete community service, the average amount of which was 85 hours, with a range of 12 to 150 hours.

**Table 1. Requirement Identified by Pre-Trial Services**

<b>Requirement</b>	<b>N</b>	<b>%</b>
Education Program	581	65%
Employment	424	48%
Drug Program	1	0%
Drug Tests	3	0%
Pay Restitution	196	22%
Community Service	168	19%
Missing	65	
Total	889	

### **Individuals with Substance Abuse Issues More Likely to be Referred to TASC**

Roughly 31% of individuals who went to TASC were charged with possession of a controlled substance or a cannabis offense compared to roughly 17% of general DPP participants; similarly, just 5% of individuals referred to TASC were charged with theft compared to over 14% of general DPP participants.

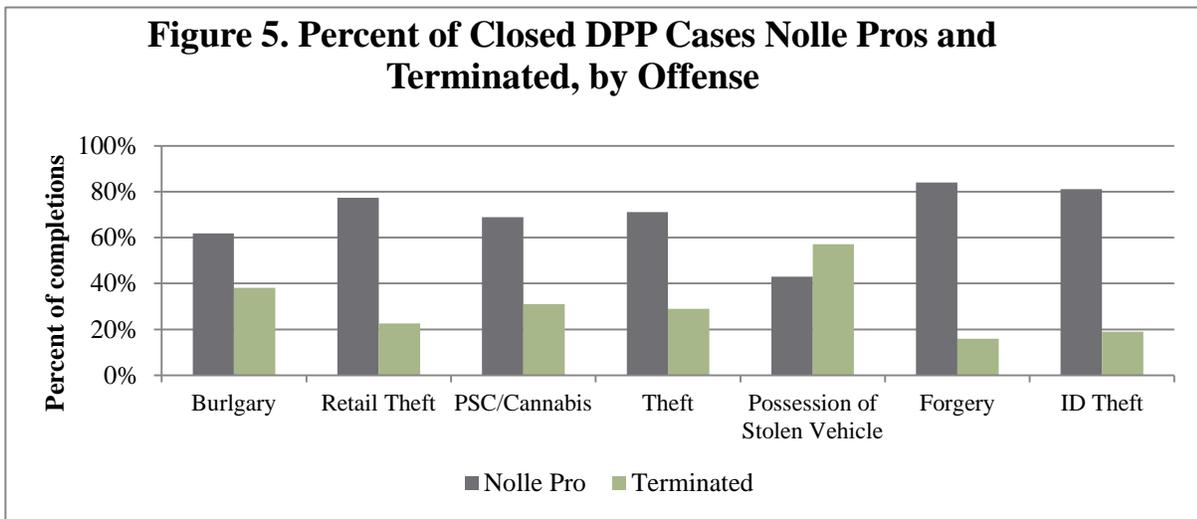
### **Restitution Requirements and Program Completion**

Assistant State’s Attorneys and Assistant Public Defenders both mentioned restitution payments as one barrier to DPP program completion, leading individuals to take a longer time to complete the program. Of those required to pay restitution, 35% were successfully discharged from the program, 19% were unsuccessfully terminated, and 46% were still in the program at the end of the study period. We could not find a relationship between successful completion and the amount of restitution.

**Overall DPP successful program completion patterns.** We found a program success rate of close to 69%. Of the 695 individuals exiting the program, 68.6% (n=477) had their cases dismissed (Nolle Pros), indicating a successful completion of the program; and 31.4% (n=218) of

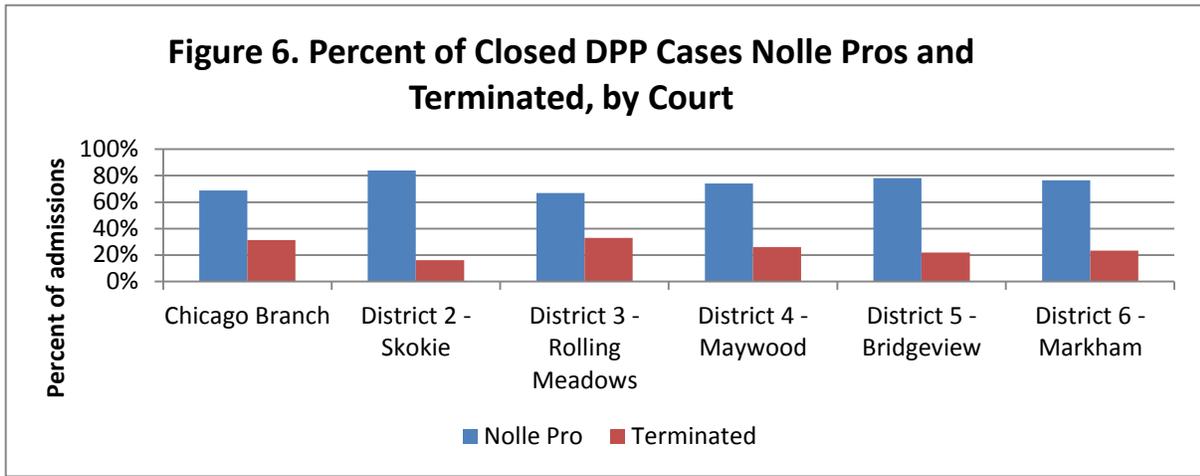
individuals were terminated from the program, indicating an unsuccessful completion of the program.<sup>6</sup>

There was some variation in success rates across offense types (Figure 5) and referral court (Figure 6). Individuals charged with possession of a stolen vehicle had the highest failure rates, with roughly 57% of cases resulting in a termination from DPP. In contrast, cases involving individuals charged with forgery had the lowest failure rates of just 16%. Individuals referred from the Chicago branch courts and District 3 – Maywood – had the highest failure rates, with roughly 32% of cases resulting in a termination from DPP. In contrast, cases referred from District 2 – Skokie – had the lowest failure rates of just 16%.



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<sup>6</sup> As noted above, 954 individuals were included in our total sample of DPP participants. Of these, 32.9% were still in the program at the time the study was concluded. The success rate calculated here includes only those individuals who had completed the program at the end of the study period.



**Findings: Impact Evaluation<sup>7</sup>**

The descriptive statistics presented above describe some general participant outcomes, including successful completion and early dismissal from DPP. Such analyses, while valuable for understanding program participants’ completion rates, termination rates, and service delivery rates, do not provide evidence that DPP participants perform differently than other individuals not in DPP. To fully understand the impact of DPP on participants, it is important to compare DPP participant outcomes to the outcomes of individuals prosecuted through traditional adjudication processes. The analyses examine outcomes for 695 DPP participants and 991 defendants in a comparison group of comparable defendants found guilty through traditional adjudication. Evaluation studies of criminal justice programs generally use re-arrest as the measure of program outcome because it is the benchmark used by most policy makers to assess the long-term impact of interventions (Young, Fluellen & Belenko, 2004).

Although re-arrest is an imperfect measure – as it does not capture all potential measures of deviance (e.g., substance abuse, un-reported criminal activity, technical violations of supervision, etc.) and, in turn, is highly dependent on law enforcement discretion – it likely

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<sup>7</sup> For a more detailed technical discussion and for outcome tables see Appendix E.

provides the best measure by which to compare DPP participants to individuals prosecuted through traditional adjudication processes.

### **Difference in Re-Arrest Rates**

There was little difference in re-arrest rates for a sample of DPP participants<sup>8</sup> and a comparison group of defendants found guilty through traditional adjudication. Roughly, 31.4% of DPP participants were re-arrested within 18 months of admission to DPP compared to roughly 33.5% of defendants in the comparison group. This difference was not statistically significant.

### **Factors Associated with Recidivism**

Several factors traditionally found to be associated with recidivism were associated with re-arrest among DPP sample and comparison group – defendants who were male, younger, and had more prior misdemeanor and felony arrests were more likely to be re-arrested within 18 months.

**Sex.** Specifically, being male increased the likelihood of re-arrest by 47%.

**Age.** Each additional year of age decreased the likelihood of re-arrest by 3%.

**Prior arrests.** Each additional prior misdemeanor arrest and each additional prior felony arrest increased the likelihood of re-arrest by 13% and 18% respectively.

**Type of charges.** Defendants charged with theft and forgery were less likely to be re-arrested, relative to defendants charged with retail theft.

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<sup>8</sup> There were slight demographic differences between DPP group and comparison groups. DPP participants were slightly more likely to be female (38.9% vs. 32.5%), white (46.9% vs. 41.1%), and younger (26.3 years old vs. 27.5 years old) than individuals in the comparison group. Defendants in the treatment and comparison groups were fairly similar in terms of prior criminal history and charges, with two notable exceptions – DPP participants were more likely to be charged with retail theft and less likely to be charged with theft than individuals in the comparison group.

However, all this should be read with caution. These factors explain just 12% of the variation in re-arrest rates. Due to data limitations, there is not enough information about the individuals in DPP or the comparison group to fully explain the dynamics at work.

**Differences between men and women.** While we could find no significant differences in the re-arrest rates, there is an indication that some gender differences might be a factor influencing the impact of DPP on participants' subsequent behavior. We found that women in DPP were less likely to reoffend than women in the comparison group; specifically, roughly 22% of female DPP participants were re-arrested within 18 months compared to 28% of female defendants in the comparison groups. On the other hand there was no difference between the men in the two groups. Roughly, 38% of male DPP participants and 38% of male defendants in the comparison group were re-arrested within 18 months. However there are some significant differences between women and men in terms of some demographic factors and type of offenses, as well as some differences between the criminal histories of individuals in the comparison group and DPP group. Women in both DPP and comparison groups were slightly more likely than men to be non-white, older, and charged with retail theft, theft, or forgery.

**One significant difference.** DPP had a significant effect on re-arrest rates for women charged with theft; in such cases, DPP reduced the likelihood of re-arrest by roughly 76%. Thus, although DPP seems to have limited impact of re-arrest rates overall, the program may be revised to target certain types of defendants (e.g., older, women) or defendants charged with certain types of offenses (e.g., theft).

## **Discussion**

Our research findings yield several discussion points and recommendations regarding the State's Attorney's Office Deferred Prosecution Program (DPP). This discussion focuses on the

effectiveness of DPP model, the impact of the program on participants and the limitation of our findings due to the need to improve the quality of quantitative programmatic data.

### **Operations of Program Model**

**Importance of leadership, buy-in, and collaboration.** Strong leadership, buy-in at all levels, and collaboration are all important aspects of DPP. The strong leadership and buy-in from the State's Attorney's office and the Chief Judge's offices lead to an efficient well managed program. The program is well integrated into the operations of the State's Attorney Office (SAO). The State's Attorney's Office Director of Treatment Services is a health care professional who manages diversion programs, including DPP. With the support of the top leadership of the SAO, DPP was well integrated into the operations of the SAO. The Assistant State's Attorneys (ASA's) we interviewed in the various courts across Cook County demonstrated a clear understanding and support of the goals of the program and described its routine intergradation into their review of cases. They demonstrated a respectful and collegial relationship with the Director of Treatment Services, and reported on-going interactions and communication around the operations of the program.

This buy-in and integration was also very evident with the departments under the Chief Judge. The Judge assigned to DPP Court Call strongly identified with the program and had a strong collaborative relationship within the Director of Treatment programs, the ASA's at the Court Call and the Pre-Trial Officers. The top leadership in the Circuit Court's Probation Department Pre-Trial Services, as well as the direct service staff had a clear understanding and were very supportive of the program.

The strong collaboration between the SAO and the Office of the Chief Judge, demonstrated both in the development of and routine operations around DPP court call at Branch

9, is a strong component to the efficiency of the program. The working collaboration facilitated flexibility in the development of DPP, on the ground operation of the program, and also in a seamless presentation of the program to the program participant.

It is evident this leadership and buy-in is important in the development of any program and should be a clear consideration in other jurisdictions that this program is replicated. Taking the time and work to develop an operational collaboration with all the major stakeholders is clearly also an important strategy in developing an effective program,

**A strong coordinator/director.** The Director of Treatment Services brought a number of strengths to the program. His background as a mental health professional brought a depth of knowledge and expertise to the program development and design. His staffing of the collaboration facilitated its development and gave it structure. Finally his on-going consultation with and training of ASA's provides a consistent quality and fidelity to the program implementation. Such a coordinative role is also important for other jurisdiction leadership to develop and support for an effective incorporation of the program into the routine operations of a jurisdiction.

**Low cost of program.** A key aspect of the program emphasized by key stakeholders was the relatively low cost of the program. Rather than developing new positions and or bringing in new services, stakeholders were able to develop and implement the program within current budget allocation. The strong collaboration and buy-in was instrumental in this aspect, with stakeholders identifying and allocating already existing staff and resources and integrating DPP into existing operational structures.

This aspect should be helpful in helping new jurisdiction imagine the development of such a new program in this era of budget constraints. However it should be noted that the previous existence of other alternative treatment infrastructures in Cook County, including the position of a Director of Treatment Services, are resources that could be utilized to keep program costs low.

**Operational challenges.** Our findings suggest the need to revisit a number of strategies in the implementation of the program, including: working with the Public Defender's Office; communication of DPP to other stakeholders, improving and standardizing the screening procedures for prospective participants, and increased assistance on expungement.

*Coordination with Public Defenders Office.* Public Defenders we interviewed expressed a strong support for the goals of DPP. Yet, it is clear there are challenges to the participation of the Public Defender's Office in the program. Some of these are clearly due to the nature of the program. It is within the jurisdiction and operation of the State's Attorney's Office. There are clear limits to the collaboration in DPP process due to the different obligations and responsibilities of a prosecutor and a defense attorney. At the same time, a closer discussion between the State's Attorney's Office and the Public Defender's Office about possible improvements to the program on both their parts.

Two areas for possible discussion include the assignment of Public Defenders to DPP court call and the communication at the initial screening level in the branch courts. Initially, the Public Defender assigned two defenders to DPP court call on a permanent basis. This allowed for continuity and availability in representation when needed and also a clearer understanding of DPP process. Currently, the assignment seems to be rotating and not consistent in staffing. Secondly, due to the time of review and initial assignment procedures during the initial screening

and offering of DPP in the various branch courts on the part of both ASA's and defenders, the depth of understanding by the participants in the process can be limited.

***Dissemination of information about DPP.***

*To defense attorneys.* It may be useful to disseminate information about DPP among all defense attorneys. It would be useful to explore the development of a standardized process of sharing program specifics with rotating Assistant Public Defenders and licensed criminal defense attorneys throughout Cook County. This might also include more written materials. The lack of knowledge about DPP among all defense counsel, both public and private, limits their ability to properly advocate for potential and active program participants.

In addition, any written material about the program and the procedures would be useful to inform other stakeholders in the criminal justice program about the program.

*To participants.* Interviews with current and former participants suggest the possible need for a more detailed overview of the program requirements before program participants agree to participate. This includes more detailed information in –or informational addendum to - DPP Contract about meeting locations beyond DPP Court Call, frequency/ time commitments and also individualized monthly and total restitution amount required to remain in good standing in the program. Participants should continue to be advised that if they are unsuccessful in the program, participant's case will be sent directly to trial, without the opportunity for a Preliminary Hearing. While this information is not lacking, thinking of ways to make it more explicit and clear to the individuals would be useful.

## **Geographic Considerations Regarding Reporting**

A key part of the program design is the participation in DPP Court Call and the regular in-person appointments with Pre-Trial Services Officers. Both of these are situated in the central city. In addition, the centralized locations allow for cost effective and time effective staffing. At the same time however, many of the program participants do not reside or work in the central city. Some participants are residents of outlying areas of Cook County as interviewed participants described travel and reporting challenges.

Currently, exceptions are made for out-of-state DPP participants to send verification of employment and or school. It might be considered how aspects of these exceptions could be expanded to others. This modification could have two fold outcomes. It could decrease meeting caseloads of Pre-Trial Service Officers and will remedy some of the travel and time constraints of participants, particularly those who reside outside of the City of Chicago.

## **Standardizing the Screening Review Procedures**

From our analysis of the findings, we do know that participation varies by court location and by type of offense. And from reports of the Director of Treatment Services, participation can also vary from one time period to another, some of which he attributes to new ASA staffing assignments. Currently the impact of the program on take up rates due to changes in ASA assignment and differing location is addressed on an ad hoc nature by the Director of Treatment Services. He does a careful tracking of DPP case referrals by each Cook County courthouse to identify any differences and changes and discusses those with the branch court ASA's. Often, he provides some addition on the site training and as mentioned above is available for consultation. There are other possible strategies that might augment this approach. First, an introduction to DPP and other alternative programs eligibility procedures might a routine part of

orientation provided to all new ASA's. Moreover, the use of a uniform screening tool as a guide for program eligibility could evenly assist in the screening process. This guide could incorporate the use of prosecutorial discretion among State Attorneys and would provide a systematic way to review cases for entry into DPP, streamlining the case referral process.

### **Expungement Process**

Respondents discussed expungement as an important part of fulfilling the vision of DPP as second chance for program participants. However, both DPP staff and participants recognized the challenges participants faced to expunge their arrest records. All the participants interviewed have yet to complete their expungement packets due to court filing costs and many had difficulties reading their expungement packet. Expungement packets should be revised to provide updated information in a simplified manner and possibly referring clients to TASC for assistance on expungement.

Perhaps the packets could also include a list of terms and definitions pertaining to expungement to better understand the process. Respondents' suggestions included designating an expungement court call specifically for DPP and coordinating expungement assistance for graduates of DPP would be a benefit to the graduates.

Some legal assistance programs do exist to assist individuals with expungement. In addition, private defense attorneys can assist in the process, but for a cost. It is not currently in the scope of the Public Defender's Office to assist with this activity. At the same time, the SAO, as the prosecutor, sees itself as ethically limited in referring participants for legal assistance in this process. Perhaps other referrals or access to legal assistance can be explored. Some respondents suggested the Circuit Court could facilitate this access. Others suggested funds could be allocated to T.A.S.C in order to recommend and refer participants. In the Appendix, we

are attaching a sample “sealing/expungement” packet as sealing might be a less time consuming option for graduates (See Appendix F).

### **Impact of Program on Participants**

First, we were unable to find a significant effect of DPP on re-arrest rates. Results indicate that DPP participants were no more or less likely to recidivate than individuals adjudicated through traditional means of dismissal or a finding of guilty. Rather, re-arrest appears to be driven by many factors traditionally associated with recidivism – sex, age, and prior criminal history.

As will be discussed below, the lack of quality data impeded our ability to conduct a robust analysis of the impact on re-arrest rates and we will offer some suggestions as to possible ways to address this data issue. However, let us proceed for the moment with what we have. If in fact the re-arrest rates are driven by the issues of sex, age and personal history, the findings point to a re-consideration of the current “soft touch” of the current model and to augment the content of the program to include additional services for participants; expanded services targeted at education, employment, and mental and substance abuse needs. These are factors known to affect risk of future criminal involvement and as such could improve DPP’s impact on participant outcomes as well. Thus, expansion in both the capacity and scope of the program could improve the systemic and individual-level impact of the program for Cook County.

However, the current soft touch program model is a cost effective way of delivering one of the key outcomes to participants: a lack of criminal conviction; and to the justice system, less individuals going through a costly adjudication. An average of 35 individuals per month are admitted to DPP each month since the inception of the program. Examining a sample of those (695) in the impact evaluation, 68.6% (477) successfully completed the program and, in turn,

avoided a criminal conviction. Thus, although the re-arrest rates for DPP participants and comparable defendants adjudicated through traditional prosecution were the same, these successful DPP participants avoided the stigma of a felony conviction. The impact of this cannot be overstated – felony criminal convictions can significantly impact an individual’s ability to find employment, stable housing, and advanced education. Thus, although DPP may not reduce the likelihood of re-arrest, DPP significantly reduces the future collateral consequences of a criminal conviction for all individuals who complete the program.

### **Limitation of Administrative Data Collection**

The current data collected by the State’s Attorney’s Office, Pre-Trial Services and TASC is limited and misses several factors needed in an effective measure of success in the program. Current data does not allow for analysis of risk factors and interventions, which could be helpful to predict program outcomes. Data on eligible participants who were not offered the program, those who chose to deny participating in the program, or those who were not offered the program because of a victim’s non-compliance with terms would be helpful to assess prosecutorial discretion, to track the demand or need for the program, and to create possible comparison groups to compare non-participants outcomes with those of DPP participants. Consistency in the collecting and storing of data variables on program participants and screened cases are vital for understanding DPP’s impact on recidivism and or to assess which risk factors or interventions are more predictive with program outcomes. Moreover, inconsistencies in data collected from participant’s needs assessments from Pre-Trial Services and TASC indicate the need for collaboration among staff to develop an assessment tool or process that best captures participant’s needs.

To improve both the functioning and evaluation of deferred prosecution programs, case management systems should be designed to identify several factors. To fully understand demand/need for the program and trends in programs admissions, program administrators should collect information that can determine: the number of defendants eligible for deferred prosecution; the number of defendants offered deferred prosecution; the reasons for why defendants were not offered the program; the number of defendants refusing deferred prosecution; and the reasons for defendants' refusal of deferred prosecution. This would require that data collection begin at the branch courts, capturing information on all eligible defendants when the initial decision to offer or not offer deferred prosecution occurs. Program administrators should also seek to collect more detailed information that can assess the need/use of services for deferred prosecution participants, including: defendants' needs for employment, education, and treatment programs; the number of referrals to TASC; the outcomes of TASC needs assessments; the number and type of TASC referrals to services; and the number of completions of programs following TASC referrals. Finally, to gain a better understanding of the factors associated with program outcomes and future re-offending, program administrators should seek to collect more detailed information about defendants, particularly factors associated with risks/needs: defendant marital, employment, and education status; defendant housing status; and defendant prior criminal history. These are general categories of information that could assist in program design and evaluation. Appendix G contains a detailed list of data elements that a basic case management system should contain to enable this.

### **Conclusion**

This final report presented findings from the Evaluation of the Cook County State's Attorney's Office Felony Deferred Prosecution Program (DPP), a pre-indictment diversion

program for adult felony offenders. The aim of this evaluation was to fill a gap in research on diversion programs and to provide an overview of program specifics for possible replication. Throughout this evaluation, we learned that the State's Attorney's Office, Pre-Trial Services, the Judiciary, TASC, and, to a lesser extent, the Public Defender's Office each have a part in implementing DPP, a program that fits within already established infrastructures. However, power and discretion regarding admission and termination of participants rests solely within the State's Attorney's Office. Programmatically, program ownership leads mainly to program strengths; but also presents some drawbacks. Centralized leadership allows for decision making clarity and accountability. However, other interested parties maintain a limited role in designing, implementing and tracking program outcomes. We found little indication that those beyond program administrators, participants, and collaborators were knowledgeable about program details.

The State Attorney's Office and the Presiding Judge cited the various benefits and successes since the program's debut, while responses from other stakeholders ranged from positive-to-mixed. DPP participants mentioned verification processes as a burden to their daily lives; but, overall they expressed that the benefits of the program outweighed the travel costs and time spent to remain in good standing in the program. Criminal justice community leaders in Cook County had limited awareness of the program and did not receive any formal introduction to DPP's implementation and or viable program outcomes. These community leaders longed for program specifications along with an external evaluation of the program's effectiveness.

DPP staff and stakeholders we interviewed stated DPP was a well-designed program with supportive leadership that instilled a culture of collaboration. Program administrators appreciated their non-traditional role in implementing DPP and the general consensus among stakeholders

we interviewed suggested DPP provides first time, non-violent felony offenders with a second chance for future success. The majority of our interviewees stated DPP had many benefits to the community and several hoped for the possibility of expansion both within Cook County and the State of Illinois.

Based on the generally positive feedback from stakeholders, opportunities for the expansion of DPP are clearly available. These may include expanding DPP model to branch courts and expanding the capacity of DPP to include additional participants. However, given the lack of impact of DPP on re-arrest rates, there also exists an opportunity to improve the content of the program to include additional services for participants. Thus, increasing both the capacity and scope of the program could improve the systemic and individual-level impact of the program for Cook County.

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## Appendix A. Data Instruments

### KEY STAFF AND STAKEHOLDER INTERVIEW INTERVIEW INSTRUMENT

#### Opening Question

To start off can you state your position at your agency and your primary roles and responsibilities as they relate to the Deferred Prosecution Program?

#### Development and formation of the Deferred Prosecution Program

To begin, we are interested in how the Deferred Prosecution Program was set-up and developed.

- Who were the main stakeholders and motivators of DPP?
- How did the main stakeholders and motivators collaborate on the development of DPP?
- How was the need for DPP identified by key stakeholders?
- How were program resources identified and obtained?
- What is the jurisdiction of DPP?
- What is the landscape of alternative prosecution/sentencing programs currently operating in Cook County?
  - How does DPP compare to these other existing alternative prosecution/sentencing programs operating in Cook County? (e.g. eligibility criteria, population, primary focus of program)
- What were the key stages and milestones in the development of DPP?

Next, we have further questions which pertain to original design of DPP which was conceptualized and developed by the main stakeholders?

- What was the mission of DPP?
- What was the primary focus of DPP? (e.g. target population, goals, etc.)
- What were the protocols, formalized cooperative agreements or administrative orders that governed the implementation of DPP?
  - Who began this process?
- How did DPP partners, stakeholders, and staff interact?
  - What were their respective roles?
- What was the structure and operations of the program?

We are also interested in the implementation of the Deferred Prosecution Program model in Cook County.

- First, what were some implementation barriers encountered with the development of DPP?
  - How were these implementation barriers resolved?
  - What were the most effective strategies to overcome implementation barriers?
- What modifications and changes were made to the original DPP design?
- Were program operations implemented in a fashion consistent with the planned design?
- How was the program's mission communicated to DPP staff and partners?
  - What were the successes and challenges of communicating DPP's goals and mission to staff and partners?

- How did DPP's mission or primary foci change upon implementation of the program?
- What level of staffing and other resources are required for the implementation of DPP?
- What type of training practices were provided to staff?
- How were the roles of program staff, stakeholders, and partners modified during implementation?
- How did the level of administrative commitment and involvement affect implementation?
- Looking back at barriers, what are key lessons you would want to implement in a like program?

### **Operation and Service Delivery of Deferred Prosecution Program**

The next set of questions pertains to the operations and service delivery of the Deferred Prosecution Program. We'll start off with some questions related to participant recruitment and selection.

- How are DPP participants selected?
  - What are the eligibility criteria for inclusion in DPP?
    - How was this criteria developed?
  - How is the eligibility screening applied?
  - How is the eligibility screening monitored for equitable and consistent application aiming to identify and divert the target population?
  - What is the role of the Assistant State's Attorney in the eligibility screening and referral process?
  - In addition to the Assistant State's Attorney, what other individuals are involved in making the various decisions regarding participation in DPP?
  - What is the role of defense counsel in the recruitment and selection into DPP?
  - How does program information flow between DPP collaborators?
  - How are the victims engaged and consulted at each DPP stage?
  - How are the property-owners engaged and consulted at each DPP stage?

We next have questions related to the supervision of participants in DPP.

- First, how are defendants participating in DPP supervised?
- What are the conditions of defendants' participation in DPP?
- How are risk or needs assessment instruments utilized to determine individualized levels of supervision or service requirements for defendants?
- How is accountability of defendants enforced?
  - How is program compliance monitored?
  - What are the levels of sanctions in response to non-compliance?

Next, we have questions which pertain to service delivery in the Deferred Prosecution Program.

- How are defendants selected for DPP as opposed to the CCSAO's other alternative sentencing/prosecution programs?
- What is the role of the defendant in accepting or declining participation in DPP?
- What are the different patterns of movement throughout the system?
  - How do different patterns vary by types of program participants?
- How do participants experience the services of DPP?

- How does defendant input inform the development of individualized plans?

This last set of questions pertains to quality improvement mechanisms and monitoring of the Deferred Prosecution Program.

- How is feedback from staff, stakeholders, and participants utilized to identify how the program works?
- What are the information systems maintained by the program?
  - How are these systems used and what types of data are collected?
  - How are data shared and communicated to team members?
  - What are the privacy or confidentiality protections that are in place?
- How well are the overall operations carried out consistently?
- How well are protocols and procedures adhered to over time?
- What are the process and program improvement mechanisms of DPP?
  - How are these process and program improvement mechanisms monitored?
  - How is information obtained from these mechanisms utilized for program improvement?

## CASE MANAGEMENT INTERVIEW INTERVIEW INSTRUMENT

### Opening Question

To start off can you state your position at your agency and your primary roles and responsibilities as they relate to the Deferred Prosecution Program?

### Service Delivery

Next we would like to discuss service delivery in DPP.

- To begin, please describe your primary interactions with DPP participants.
  - What are the primary services you provide for participants?
  - What types of screening procedures, assessments and service plans do you utilize?
    - Do you share/or receive this information with any other partners involved with DPP?
    - What is the process of sharing/receiving assessment and service plans from project partners?
      - How timely is this information-sharing process?
  - How does participants' input inform the development of individualized plans?
  - Do you refer participants to services at other agencies?
    - What type of agencies do you refer participants?
    - How does this referral process occur?
    - What type of follow-up activities do you perform after the referral?
  - Over the course of the approximate one year that participants are involved with DPP, how many times do you meet with participants?
  - We'd like to understand the different patterns in which participants move through the system. Please describe the different patterns in terms of those with different service needs, those charged with particular types of offenses or different level of involvement with victims (e.g. restitution), those with different levels of compliance with DPP requirements, etc. (*only ask to Pre-Trial Services staff*)

Given that staff members from various agencies are involved with DPP, we are interested in your interactions with individuals outside of [interviewee's agency].

- You mentioned when we started that your primary tasks as they relate to DPP are [*restate what was mentioned at start of interview and ask for clarification as necessary*]. Are there any additional tasks you perform related to DPP?
- In order to complete these tasks, can you describe to me, from what other agencies or staff from your own agency do you receive information about DPP participants?
- What processes does your agency utilize to receive/share information with other agencies?
- How timely or efficient are these information-sharing processes?
- What aspects of these information-sharing processes work well?
- What aspects of the information-sharing processes could be improved or present challenges?

- What suggestions can you provide about improving these information-sharing processes?

### **Supervision**

We'd next like to understand how supervision of participants of the Deferred Prosecution Program occurs. (*Only ask supervision questions to Pre-Trial Services representatives*)

- Through your work with DPP participants, are you involved with monitoring participants to ensure they comply with program requirements?
  - If yes, how do you monitor program compliance?
  - What types of infractions occur?
  - What types of sanctions are applied in response to non-compliance?
  - What is the process of documenting non-compliance?

### **Meeting Needs of DPP Participants**

Next, in thinking about the service needs that participants of DDP experience, how well does DPP fill a gap in services?

- Primary service needs which DPP participants' experience?
- Participant needs which DPP effectively meet?
- Any challenges with meeting particular needs?
- What suggestions for improvement pertaining to meeting participant service needs?

### **Other**

- What is the best/worst part of your job as it pertains to DPP?
- What else would you like to share about your involvement with DPP?
- Is there someone you recommend we interview regarding DPP?

## **CURRENT DPP PARTICIPANT INTERVIEWS INTERVIEW INSTRUMENT**

### **1. Role of defendant in accepting or declining participation in DPP**

We are interested in your involvement in deciding to participate in the Deferred Prosecution Program.

- First, how were you made aware of the program? Who talked to you about the program?
- What were you told about the program?
  - What were you told about program requirements?
    - Attending court dates
    - Involvement with Pre-Trial Services? Involvement with TASC
    - Employment? Community service? GED? Drug/alcohol treatment?
    - No violent arrests during program
  - What were you told about length of time of program?
- We'd like to understand how various criminal justice representatives affect decisions to participate. How did the prosecutor affect your decision to participate? How did your attorney affect your decision? Any other factors/representative affect your decision?
- Did you have concerns about participating?
- Anything else you would like to mention about the process of deciding to participate?

### **2. Different patterns of movement throughout the system**

Next, we want to learn from you about your experiences and interactions with the various representatives from the criminal justice system, programs and agencies involved with the Deferred Prosecution Program.

- Walk us through your experience with various representatives and agencies you were involved with.
  - Attend court dates – How often/How many times? What occurred at these court dates?
  - Involvement with Pre-Trial Services – Who did you meet with? What occurred at these meetings? How often did you meet?
  - Involvement with TASC – Who did you meet with? What services did they provide?
  - Employment – Were you required by the program to obtain a job? If yes, who did you work with from DPP about finding a job? Were you able to find a job while in the program? If no, were you already employed?
  - Community service – Were you required by the program to complete community service hours? If yes, required number of hours? Who did you work with from DPP about community service? What type of community service did you perform?
  - GED – Were you required to obtain a GED?

If yes, did you participate in a GED preparatory course? Who did you work with from DPP about your GED course/preparations?

If no, did you already have a high school diploma?

- Drug/alcohol treatment – Were you required to participate in drug or alcohol treatment?

If yes, who did you work with from DPP about this treatment? Did you complete the treatment before finishing DPP?

- Restitution – Were you required to pay restitution before completing DPP?
- Any other services involved with through DPP?
- How long were you in DPP? 12 months? 9 months?
- How were you involved?

Next, we would like to talk to you about your involvement with developing your individual “service plan” for you involvement with DPP.

- Did you discuss with the Pre-Trial Services Officer your service needs and experiences related to employment, education, and substance use?
- Were you able to access the services you needed through DPP?

### 3. Experiences with the services of DPP

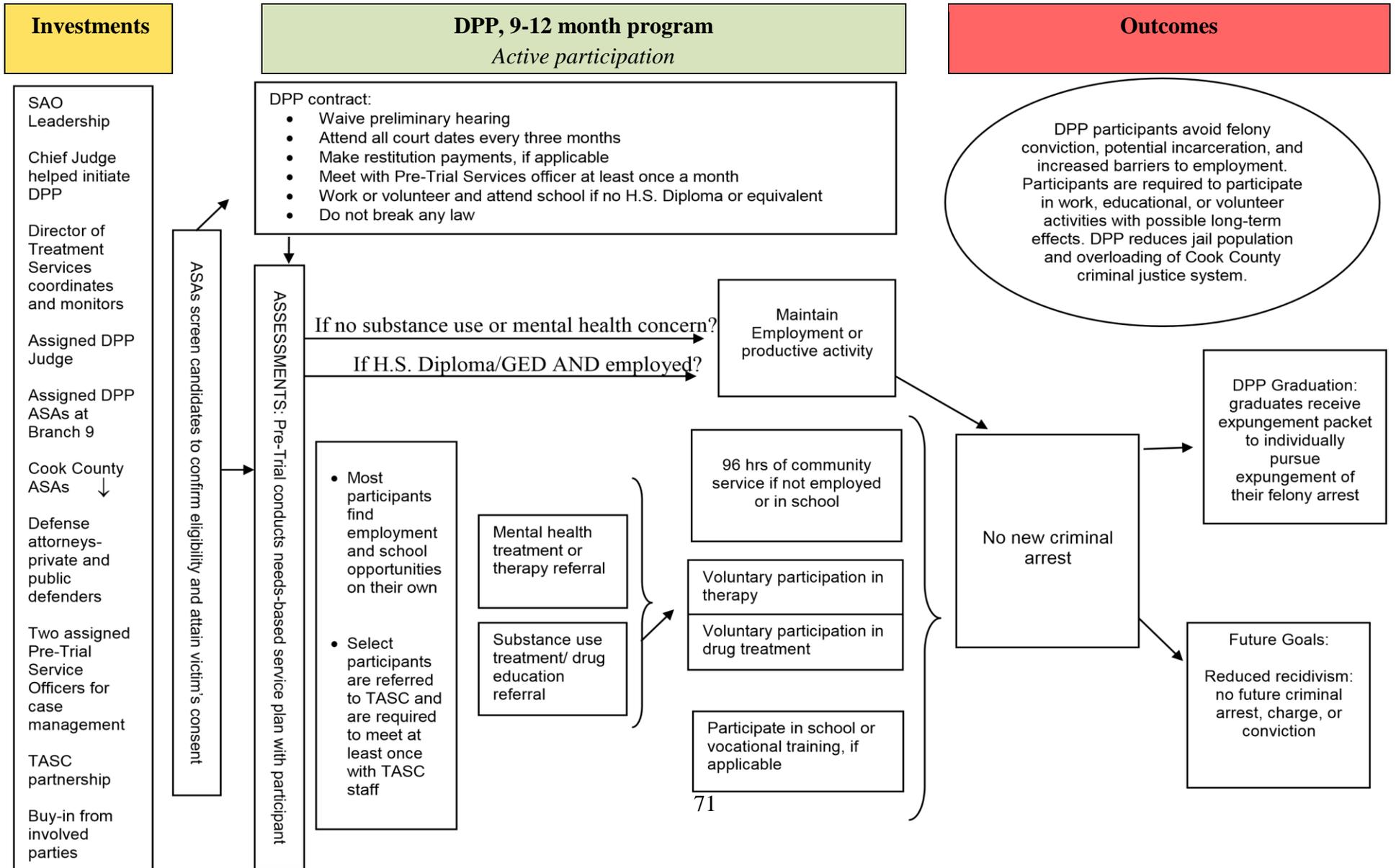
We’d like to get a sense of your overall experiences of the program.

- What are the strengths of the program? (*probe from list below*)
- What are some of the challenges you experienced with the program? (*probe from list below*)
- What are some ideas that you have to improve the program? (*probe from list below*)
  - *Probes: Experiences with...*
    - *Court dates/interactions with judge, state’s attorney’s office, etc.*
    - *Pre-Trial Services*
    - *TASC*
    - *Employment requirement*
    - *Community service requirement*
    - *GED requirement*
    - *Drug/alcohol treatment requirement– Were you required to participate in drug or alcohol treatment?*
    - *Any other services involved with through DPP?*
    - *Length of DPP program?*

What else would you like to share about your experiences in DPP?

## Appendix B. DPP Logic Model

### Cook County State's Attorney's Office Deferred Prosecution Program



## Appendix C. DPP Agreement and Victim Consent



### OFFICE OF THE STATE'S ATTORNEY COOK COUNTY, ILLINOIS

ANITA ALVAREZ  
STATE'S ATTORNEY

CRIMINAL PROSECUTIONS BUREAU  
2650 S. CALIFORNIA AVE  
CHICAGO, IL 60608

### Cook County State's Attorneys Office Deferred Prosecution Program

The State's Attorneys Office Deferred Prosecution Program is a diversion program for adult felony offenders without a prior felony conviction that have been arrested for committing a specified non-violent felony offense. The State's Attorneys Office has set the guidelines for this diversion program, and the Assistant State's Attorneys assigned to the Felony Preliminary Hearing courtrooms will determine whether a defendant will be offered the opportunity to participate in this program. This Deferred Prosecution Program will divert selected non-violent felony defendants without a prior felony conviction into an intensive twelve (12) month pre-indictment program and offer services to the defendants with the goal of these defendants avoiding future criminal behavior. When a defendant successfully completes this intensive year-long program, the State's Attorneys Office will exercise its prosecutorial discretion and dismiss the felony charge. Should a defendant fail, the felony case will proceed to a felony courtroom, where prosecution of the defendant will continue.

#### Included Offenses

1. Only probationable offenses of Theft, Retail Theft, Forgery, Possession of a Stolen Motor Vehicle, Burglary, Possession of Burglary Tools, Possession of Cannabis, Possession of a Controlled Substance, and Possession of Methamphetamine.
2. A defendant is not eligible for this Program if he or she has been arrested for Delivery of a Controlled Substance, Delivery of Methamphetamine, or Delivery of Cannabis, or if the defendant's case includes evidence of an intent to deliver or manufacture. A defendant is

also not eligible for this Program if the offense for which he or she has been arrested is a violent offense. For purposes of this Program, a “violent offense” is any offense where bodily harm was inflicted or where force was used against any person or threatened against any person; any offense involving sexual conduct, sexual penetration, or sexual exploitation; any offense of domestic violence, domestic battery, violation of an order of protection, stalking, hate crime, driving under the influence of drugs or alcohol, and any offense involving the possession of a firearm or dangerous weapon.

**Defendant Eligibility**

1. No age limitation on adult defendants.
2. No prior felony conviction.
3. No prior misdemeanor conviction for a “violent offense” as previously defined.
4. A defendant can participate in this Program only one time.
5. A defendant’s previous participation in the Cook County State’s Attorneys Office Drug School Program does not render defendant ineligible for participation in this Program.

THE DETERMINATION OF WHETHER TO OFFER PARTICIPATION IN THIS PROGRAM TO AN INDIVIDUAL DEFENDANT IS WITHIN THE SOLE DISCRETION OF THE STATE’S ATTORNEYS OFFICE.

STATE OF ILLINOIS        )  
                                  ) SS.  
COUNTY OF COOK         )

IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT - CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS        )  
                                                  )        \_\_\_\_\_  
                                                  )        Case Number (MC Number)  
                                                  )        \_\_\_\_\_  
                                                  )        Charge  
\_\_\_\_\_  
Defendant                                    )

**COOK COUNTY STATE'S ATTORNEYS OFFICE**  
**DEFERRED PROSECUTION PROGRAM**

The State's Attorneys Office Deferred Prosecution Program is a diversion program for adult felony offenders without a prior felony conviction that have been arrested for committing a specified non-violent felony offense. The State's Attorneys Office has set the guidelines for this diversion program, and the Assistant State's Attorneys assigned to the Felony Preliminary Hearing courtrooms will determine whether a defendant will be offered the opportunity to participate in this program. This Deferred Prosecution Program will divert selected non-violent felony defendants without a prior felony conviction into an intensive twelve (12) month pre-indictment program and offer services to the defendants with the goal of these defendants avoiding future criminal behavior. When a defendant successfully completes this intensive year-long program, the State's Attorneys Office will exercise its prosecutorial discretion and dismiss the felony charge. Should a defendant fail, the felony case will proceed to a felony courtroom, where prosecution of the defendant will continue.

*Participation in the Deferred Prosecution Program is a privilege.* The determination by the State's Attorneys Office to allow a defendant's participation is an opportunity granted to the defendant to straighten out his or her life and to avoid the permanent detrimental consequences of a felony conviction. Whether a defendant is successful in completing this program depends solely upon the initiative and self-discipline of the defendant.

## AGREEMENT

### Participation Requirements

1. Defendant in this case understands the statutory provision for a Preliminary Hearing. 725 ILCS 5/109-3. The People do not demand a preliminary hearing in this case, and both the People and defendant waive a Preliminary Hearing. 725 ILCS 5/109-3(b).
2. Defendant understands the statutory right to a speedy trial in this case. 725 ILCS 5/103-5. Defendant waives the right to a speedy trial in this case.
3. *Defendant agrees to follow all of the requirements and conditions of this Program.*
4. Defendant has not previously been a participant in the State's Attorneys Office Deferred Prosecution Program.
5. Defendant understands this Deferred Prosecution Program is for one year (twelve months).
6. Defendant does not have any other felony case pending in any court.
7. Defendant has no prior felony conviction from any jurisdiction.
8. Defendant has no prior misdemeanor conviction from any jurisdiction for a "violent offense" as previously defined.
9. Defendant understands that misrepresentation of his or her criminal history will constitute failure of the entire Program.
10. A failure of *any one* of the requirements or conditions of this Program will constitute a failure of the entire Program and will cause an Information to be filed by the State's Attorneys Office and will cause this case to be placed on the Arraignment call of the Presiding Judge for assignment of this case to a felony courtroom.

### Conditions

1. Defendant will not violate *any* criminal law of the United States, the State of Illinois, any other State, or any municipality.
2. Defendant shall not possess a firearm, firearm ammunition, knife, bludgeon, or any other deadly weapon.
3. Defendant shall not possess cannabis, methamphetamine, any controlled substance, or any other drug not authorized by a doctor's prescription.

4. Defendant must make full restitution to the victim or property owner.
5. Defendant must obtain employment. If defendant is not able to find employment, defendant must perform no less than ninety-six (96) hours of community service.
6. If defendant has not completed high school, defendant must attend high school classes with the goal of obtaining a high school diploma, or study and take, as many times as necessary to pass, the test of General Educational Development (G.E.D.) or work toward completing a vocational training program.
7. If needed, defendant must undergo treatment for drug abuse, drug addiction, or alcohol abuse.
8. Defendant must attend all scheduled court dates and appointments with Pre-Trial Services. Defendant must follow all recommendations made by Pre-Trial Services and T.A.S.C.
9. Defendant and the State's Attorneys Office agree that satisfactory completion of *all of the conditions* of this twelve (12) month Deferred Prosecution Program will result in the Assistant State's Attorney dismissing the present felony charge and the State's Attorneys Office not objecting to defendant's request for expungement of this case.
10. Defendant states that he or she has reviewed the eligibility requirements and the conditions of this Deferred Prosecution Program with his or her attorney and understands all of them. The defendant's next court date is \_\_\_\_\_ in Branch 9, Courtroom 100, at 1:30 p.m. at 2650 South California Avenue, Chicago, Illinois

\_\_\_\_\_  
Assistant State's Attorney

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
ARDC Number



OFFICE OF THE STATE'S ATTORNEY  
COOK COUNTY, ILLINOIS

ANITA ALVAREZ  
STATE'S ATTORNEY

CRIMINAL PROSECUTIONS BUREAU  
2650 S. CALIFORNIA AVE  
CHICAGO, IL 60608

**Cook County State's Attorneys Office Deferred Prosecution Program**  
**Property Owner's Consent to Defer Prosecution**

People v. \_\_\_\_\_  
(Defendant)

Offense: \_\_\_\_\_

R.D. Number: \_\_\_\_\_

On \_\_\_\_\_, \_\_\_\_\_ was  
(Date) (Victim/Property Owner)

and all of the conditions of the Deferred Prosecution Program, including the making of full  
restitution by the defendant, were explained. He/she:

agreed

did not agree

that prosecution of the present case would be deferred.

\_\_\_\_\_  
Assistant State's Attorney

### **Appendix D. Expungement Packet Review**

Upon review, the “Expungement Packet” provided to DPP graduates is an exact replica of an electronically available PDF file found on the website of the Cook County Clerk of the Circuit Court, and is entitled “Criminal and Traffic Expungement and Sealing Procedural Guide.” The printed quality as shown below, is less than ideal for describing an often confusing multi-step process. The document, printed on April 2013 is difficult to read, slanted to the right, with several pages cut off at the bottom. Legal explanations were difficult for researchers to fully comprehend, noting the complexity of the process and the advanced language used to describe an essential final step following the dismissal of criminal charges upon the completion of the program. Several pages describe waiting periods for defendants who were supervised in the community or who had been convicted of a criminal charge—neither of these scenarios apply for DPP graduates and could cause confusion. Lastly, although several forms are provided at the end of the packet, it is unclear *which* forms the graduate is supposed to fill out, and exactly *how* they are supposed to complete these legal petitions.

Some recommendations for improving the expungement packet include: reducing the amount pages; creating an easy step-by-step guide on how to fill out legal forms; organizing various applicable fees for this process; and improving the overall aesthetics of the packet. Photocopy quality should be improved to provide DPP graduates with a legible information guide. A table of contents with corresponding page numbers would also facilitate the navigation throughout this 44 page document. It should be noted an almost identical, but revised version of the Expungement/ Sealing Packet was uploaded by the Office of the Clerk of the Circuit Court on January 16, 2014 to provide updated information, with updates on certain eligible offenses for Sealing.



OFFICE OF THE STATE'S ATTORNEY  
COOK COUNTY, ILLINOIS

ANITA ALVAREZ  
STATE'S ATTORNEY

2650 SOUTH CALIFORNIA AVE.  
CHICAGO, ILLINOIS 60608

January 9, 2014

Dear Deferred Prosecution Program Participant:

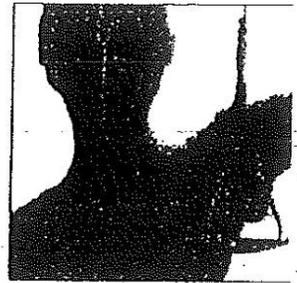
Congratulations on successfully completing the Cook County State's Attorneys Office Deferred Prosecution Program. I hope you appreciate being given the opportunity to participate in this Program that has provided you necessary services and has allowed you to avoid the permanent and detrimental consequences of a felony conviction. You should now take advantage of the process of having your criminal history expunged. 20 ILCS 2630/5.2.

As you continue in the future, it is my desire that you refrain from all criminal conduct and focus instead on being a successful, law-abiding, and productive person in our community. Good luck.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark H. ...", followed by "MS." and a period.

Deferred Prosecution Program Coordinator  
Cook County State's Attorney's Office

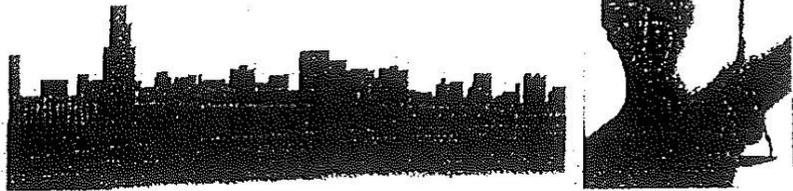


# CRIMINAL & TRAFFIC EXPUNGEMENT & SEALING PROCEDURAL GUIDE

This packet also contains information on Executive Pardons; Criminal Identity Theft; and on Certificates of Innocence, Good Conduct, and Relief from Disabilities

- SECTION ONE – GETTING STARTED .....
- SECTION TWO – DOES MY RECORD QUALIFY FOR EXPUNGEMENT OR SEALING? .....
- PART ONE – DOES MY ENTIRE RECORD QUALIFY FOR EXPUNGEMENT? .....
- PART TWO – DO ANY OF THE CASES ON MY RECORD QUALIFY FOR SEALING? .....
- SECTION THREE – DEFINITIONS .....
- SECTION FOUR – FREQUENTLY ASKED QUESTIONS .....
- 1. How much does it cost to file my petition?
- 2. What if I can't afford the filing fee?
- 3. Do I have to attach a copy of my rap sheet and certified copies of my dispositions to my petition?
- 4. Do I have to attach the results of a drug test to my petition?
- 5. Where do I file my petition?
- 6. What information do I need to bring with me to the courthouse to file my petition?
- 7. How many copies should I have of the notice of filing and expungement petition?
- 8. Can I expunge or seal an Order of Protection?
- 9. Am I eligible for expungement or sealing if there was an order entered for supervision or conviction on reckless driving?
- 10. Can the Clerk's Office help me fill out my petition?
- 11. What is a conviction?
- 12. What is NOT a conviction?
- 13. Someone else was arrested using my identity. How can I clear my record?
- 14. What if I was charged as a juvenile?
- 15. If I wait long enough, isn't my record automatically expunged?
- 16. If I was found not guilty, do I still need to file a petition?
- 17. I was pressured into pleading guilty even though I was innocent. Does that qualify me for expungement?
- 18. My case could be expunged but the time period has not passed yet. If it is also eligible for sealing, can I now and expunge it later?
- 19. I live out of town. Can I do this by mail?
- 20. How do the police agency that arrested me, the prosecutor who prosecuted me, and any other require parties find out that I filed my petition?
- 21. What happens if an objection to my petition is filed with the court?
- 22. Do I have to appear in court?
- 23. How long does it take?
- 24. What is the difference between expungement and sealing?
- 25. How do I find out if the judge has granted or denied my petition?
- 26. If the court orders my record expunged or sealed, do I have to take any action?
- 27. Once my petition is granted, should I get a certified copy of the court's order?
- 28. Once my record is expunged or sealed, do I have to tell employers about it?
- 29. Once my petition is granted, do I have to disclose my expunged or sealed record when I get an occupational license or certificate?
- 30. What if my petition is denied?
- 31. What is a pardon?
- 32. What is a Certificate of Innocence?

CRIMINAL & TRAFFIC  
EXPUNGEMENT & SEALING  
PROCEDURAL GUIDE



34. What is a Certificate of Good Conduct?
35. What is a Certificate of Relief from Disabilities?
36. What is the Offender Initiative Program?

SECTION FIVE – COURT FORMS

This section contains the adult expungement and sealing forms. All court forms are also available online at [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org) or at the Clerk's Office.

## SECTION ONE – Getting Started

### How Do I Start this Process?

**Rap Sheet:** If you are filing in Chicago (District 1) you will need a copy of your "rap sheet." If you are filing in one of our 5 suburban locations, it is still helpful to obtain a copy of your arrest information to ensure you are listing all cases on your petition.

Contact the Chicago Police Department to request your "Criminal History Record Information" (CHRI), commonly known as a "rap sheet." The Chicago Police Department Access and Review Division is located at 3510 S. Michigan Avenue, Chicago, IL 60653, 8:30 a.m. – 3:30 p.m., (312) 745-5508. Fingerprints are taken from 8:00 a.m. to 12:00 p.m. Monday through Friday. You can pick up your rap sheet Monday through Friday from 8:30 a.m. to 3:00 p.m. The fee is \$16.00.

You may also obtain a rap sheet from the Illinois State Police (ISP), but it will only contain information on convictions: ISP Division of Administration, Bureau of Identification, 260 N. Chicago St., Joliet, IL, 60432 (815) 740-5160 ext. 2743, [www.isp.state.il.us](http://www.isp.state.il.us). The fee for non-fingerprint conviction information is \$16.00 and the fee for fingerprint conviction information is \$20.00.

Use of an Internet background checking company to obtain your criminal record is not recommended for the purpose of expungement or sealing. The records you receive may be expensive, incomplete, or inaccurate. It is recommended that you instead go directly to the source of the records: the police agencies and the Clerk's Office.

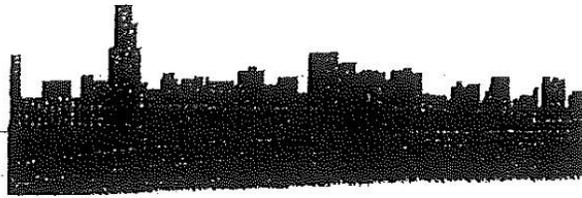
**Certified Copies of Dispositions:** If you are filing in Chicago (District 1), or Markham (District 6), you will need to purchase certified copies of your criminal dispositions from the Clerk's Office to attach to your petition. The fee is \$9.00 per case.

### Do I need a lawyer?

The law was designed to let people clear their criminal records without having to hire an attorney. But, if you want to talk to a lawyer, you can go to the Criminal Department in Room 1006 of the Daley Center, 50 W. Washington St., Chicago, IL beginning at 9:00 a.m. Monday through Friday (walk-ins only – the first 25 people are served), and Cabrini Green Legal Aid Clinic will you fill out your petition for a small fee or for free.



CRIMINAL & TRAFFIC  
EXPUNGEMENT & SEALING  
PROCEDURAL GUIDE



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SECTION TWO-Does My Record Qualify for Expungement or Sealing?

PART ONE-Does my Entire Record Qualify for Expungement?

PART TWO-Do Any of The Cases on My Record Qualify for Sealing?

*Expungement (PART ONE of this Section) is an "all or nothing" remedy. Your entire criminal record must qualify for expungement. If one case on your record does not qualify for expungement, then no cases on your record can be expunged.*

*BUT, sealing (PART TWO of this Section) can be done on a case by case basis. So, you can ask for certain cases on your record to be sealed even if there are other case(s) on your record that do not qualify for expungement or sealing.*

EXPUNGEMENT

PART ONE

Does My Entire Record Qualify for Expungement?

1. Check the disposition (the result of the case) on every case in the chart that you completed (see previous page). Does anything say:
  - a. Probation (other than first-offender drug probation, known as 710, 1410, Section 10, Section 410, or 40-10 probation)?
  - b. Conditional discharge?
  - c. Fine (without the word "supervision")?
  - d. Time considered served?
  - e. Jail or DOC time?
  - f. Finding of guilty by a Judge or jury (without the word "supervision")?

IF YES, then you have a conviction and none of your records can be expunged. But, some or all of your records might qualify to be sealed. Skip the remainder of this section and go to Part Two - Do Cases on My Record Qualify for Sealing?

IF NO, then continue to the next question to see if your entire record qualifies for expungement.



NO FINDING OF GUILT & NO WAITING PERIOD

### **Appendix E. Detailed Findings: Impact Evaluation**

These analyses examine the association between DPP participation and re-arrest, controlling for other defendant-level and case-level attributes. The analyses examine outcomes for 695 DPP participants and 991 defendants in a comparison group of comparable defendants found guilty through traditional adjudication. Descriptive statistics for the study sample are presented in Table 1. The main outcome variable – re-arrest within 18 months – shows little variation across the treatment and comparison groups. Roughly 31.4 % of DPP participants were re-arrested within 18 months of admission to DPP compared to roughly 33.5 % of defendants in the comparison group. Table 1 also shows slight demographic differences between the treatment and comparison groups. DPP participants were slightly more likely to be female (38.9 % vs. 32.5 %), white (46.9 % vs. 41.1 %), and younger (26.3 years old vs. 27.5 years old) than individuals in the comparison group. Defendants in the treatment and comparison groups were fairly similar in terms of prior criminal history and charges, with two notable exceptions – DPP participants were more likely to be charged with retail theft and less likely to be charged with theft than individuals in the comparison group. Despite these differences, the treatment and comparison groups generally are very similar across these limited covariates.

**Table 1. Descriptive Statistics for Sample of DPP Participants and Comparison Group**

	DPP	Comparison	
		Dismissed	Guilty
<b>Total Cases</b>	695	142	991
<b>Re-arrest rate within 18 months (%)</b>	31.4	25.4	34.6
<b>Sex</b>			
Female (%)	38.7	26.1	33.4
Male (%)	60.9	73.2	66.5
Missing (%)	0.4	0.7	0.1
<b>Race</b>			
White (%)	46.9	38.0	41.6
Black (%)	34.0	39.4	40.4
Other (%)	2.3	0.7	1.5
Missing (%)	16.8	21.8	16.5
<b>Age (mean years)*</b>	26.3	27.5	
<b>Criminal History</b>			
Prior misdemeanor arrests (mean)	1.94	2.31	
Prior felony arrests (mean)	1.22	1.46	
<b>Charges</b>			
Burglary (%)	13.7	13.4	13.2
Retail theft (%)	26.3	16.2	19.7
PSC/Cannabis (%)	20.7	35.2	18.3
Theft (%)	14.7	18.3	24.9
Possession of a stolen motor vehicle (%)	2.4	0.7	3.3
Forgery (%)	8.1	4.2	6.8
ID theft/unlawful use of a credit card/Fictitious ID (%)	5.0	3.5	6.2
Criminal damage to government property (%)	3.5	3.5	4.4
Counterfeit trademarks/deceptive practices (%)	1.2	--	--
Unlawful use of a recording device (%)	1.4	0.7	0.5
Disorderly conduct (%)	1.7	--	--
False report to police (%)	--	4.2	2.7
Other (%)	1.3	--	--

\* Measured at date of admission to DPP or judgment date

Initial analyses showed significant differences between women and men in terms of recidivism rates, age, and offense. Thus, we split the treatment and comparison groups into separate groups by sex. Descriptive statistics for the study samples disaggregated by sex are presented in Table 2. As Table 2 shows, the main outcome variable – re-arrest within 18 months – shows significant variation between women and men, yet little variation across the treatment and comparison groups for men. Roughly, 22% of female DPP participants were re-arrested within 18 months of admission to DPP compared to roughly 28% of female defendants in the comparison group; in contrast, roughly 38% of male DPP participants and 38% of male defendants in the comparison group were re-arrested within 18 months. Table 2 also shows slight demographic differences between women and men and between the treatment and comparison groups. Women in both DPP and comparison groups were slightly more likely than men to be non-white, older, and charged with retail theft, theft, or forgery. In addition, both male and female individuals in the comparison group tended to have more serious criminal histories than DPP participants. Despite these differences, the treatment and comparison groups generally are very similar across these limited covariates.

**Table 2. Descriptive Statistics: Sample of DPP Participants and Comparison Group, by Sex**

	Women		Men	
	DPP	Comparison	DPP	Comparison
<b>Total cases</b>	269	331	423	659
<b>Re-arrest rate within 18 months (%)</b>	21.9	27.8	37.6	38.1
<b>Race</b>				
White (%)	36.8	34.7	53.7	45.1
Black (%)	42.8	45.9	28.4	37.6
Other (%)	2.6	0.6	1.9	2.0
Missing (%)	17.8	18.7	16.1	15.3
<b>Age (mean years)*</b>	28.5	29.2	27.3	26.8
<b>Criminal History</b>				
Prior misdemeanor arrests (mean)	1.16	1.66	2.07	2.65
Prior felony arrests (mean)	0.93	1.32	1.31	1.56
<b>Charges</b>				
Burglary (%)	0.7	3.0	22.0	18.4
Retail theft (%)	48.3	33.5	12.3	12.7
PSC/Cannabis (%)	10.4	11.5	27.4	21.5
Theft (%)	16.7	26.0	13.2	24.4
Possession of a stolen motor vehicle (%)	1.1	0.3	3.3	4.9
Forgery (%)	11.9	12.4	5.7	3.9
ID theft/unlawful use of a credit card/Fictitious ID (%)	5.6	7.3	4.5	5.6
Criminal damage to government property (%)	1.5	3.3	4.7	5.0
Counterfeit trademarks/deceptive practices (%)	0.7	--	1.4	--
Unlawful use of a recording device (%)	0.4	--	2.1	0.8
Disorderly conduct (%)	1.9	--	1.7	--
False report to police (%)	--	2.7	--	2.7
Other (%)	0.7	--	1.7	--

\* Measured at date of admission to DPP or judgment date

Because of the high rate of missing values for defendant race, race is not included in the analyses below. Similarly, because of the low number of individuals charged with possession of a stolen vehicle, criminal damage to government property, counterfeit trademarks/deceptive practices, unlawful use of a recording device, disorderly conduct, or false reports to police, individuals charged with these offenses were excluded from the final analyses.

**Outcomes.** A series of binary logistic regression models were first implemented to examine the association between DPP admission and re-arrest net of other defendant-level attributes (Table 3). Model 1 assesses the influence of DPP on re-arrest rates relative to all individuals in the comparison group. Odds ratios for DPP variable represent the independent influence of DPP on re-arrest relative to traditional adjudication, controlling for other defendant and case factors. Estimates in Model 1 show that controlling for a number of defendant-level covariates, DPP has no statistically significant effect on re-arrest relative to traditional adjudication. Thus, after controlling for other demographic and legal variables, DPP participants are no more or less likely to be re-arrested than defendants handled through traditional adjudication. As Model 1 indicates, several factors traditionally found to be associated with recidivism were associated with re-arrest among the study sample – defendants who were male, younger, and had more prior misdemeanor and felony arrests were more likely to be re-arrested within 18 months. Specifically, being male increased the likelihood of re-arrest by 47 %. Each additional year of age decreased the likelihood of re-arrest by 3 %. Finally, each additional prior misdemeanor arrest and each additional prior felony arrest increased the likelihood of re-arrest by 13 % and 18 % respectively. Finally, defendants charged with theft and forgery were less likely to be re-arrested, relative to defendants charged with retail theft. Yet, the model is relatively weak in explaining re-arrest – these factors explain just 12 % of variance in outcomes; thus, roughly 86 % of the variance is explained by other factors not included in the model.

Since we found significant differences in outcomes based on the sex of the defendant, we re-analyzed the models separately for women and men. Model 2 assesses the influence of DPP on re-arrest rates only for women; Model 3 assesses the influence of DPP on re-arrest rates only for men. Again, odds ratios for DPP variable represent the independent influence of DPP on

recidivism relative to traditional adjudication, controlling for other defendant and case factors. Estimates in Models 2 and 3 show that, controlling for a number of defendant-level covariates, DPP has no effect on re-arrest for women or men relative to traditional adjudication. Thus, after controlling for other demographic and legal variables, female and male DPP participants are no more or less likely to be re-arrested than defendants handled through traditional adjudication. As Model 2 indicates, female defendants who had more prior misdemeanor and felony arrests were more likely to be re-arrested within 18 months; in turn, female defendants charged with forgery were less likely to be re-arrested within 18 months, relative to female defendants charged with retail theft. Consistent with Model 1, Model 3 indicates that male defendants who were younger and had more prior misdemeanor and felony arrests were more likely to be re-arrested within 18 months.

Initial analyses revealed differences in re-arrest rates across offense categories (Table 4). For example, as Table 4 indicates, re-arrest rates for theft and forgery were much lower than re-arrest rates for other offenses, particularly for female defendants. Thus, we further disaggregated the data by offense type and examined the effect of DPP on re-arrest for each of the six specific offenses listed above (retail theft, burglary, PSC/cannabis, theft, forgery, and ID theft/unlawful use of a credit card/fictitious ID). Table 5 presents the results of the analyses, reporting only the coefficient and significance level of DPP. As Table 5 indicates, DPP had a significant effect on re-arrest rates only for women charged with theft; in such cases, DPP reduced the likelihood of re-arrest by roughly 76 %. For all other offenses, DPP had no effect on re-arrest. Thus, after controlling for other demographic and legal variables, DPP participants are no more or less likely to be re-arrested than defendants handled through traditional adjudication. Although not reported here, the models also indicated that several factors traditionally found to be associated with

recidivism continued to be associated with re-arrest – defendants who were younger and had more prior misdemeanor and felony arrests were more likely to be re-arrested within 18 months.

**Table 3. Binary Logistic Regression Models of the Effect of DPP on Re-Arrest**

Independent Variables	Model 1 All defendants		Model 2 Women		Model 3 Men	
	B (S.E.)	Odds	B (S.E.)	Odds	B (S.E.)	Odds
Group						
DPP	-0.030 (.120)	0.971	-0.098 (.216)	.907	0.035 (.148)	1.035
Sex (male)	0.387 (.137)**	1.472	--	--	--	--
Age (years)	-0.030 (.007)***	0.971	-0.012 (.010)	0.988	-0.041 (.009)	0.960***
Prior misdemeanor arrests (number)	0.122 (.022)***	1.130	0.195 (.050)***	1.216	0.103 (.024)	1.109***
Prior felony arrests (number)	0.167 (.053)**	1.182	0.365 (.143)**	1.441	0.143 (.055)	1.154**
Offense						
Retail theft (reference)	--	--	--	--	--	--
Burglary	-0.101 (.198)	0.904	0.238 (.643)	1.268	-0.159 (.234)	0.853
PSC Cannabis	-0.082 (.177)	0.922	-0.246 (.336)	0.782	-0.056 (.227)	0.946
Theft	-0.412 (.176)*	0.662	-0.461 (.283)	0.630	-0.359 (.236)	0.698
Forgery	-0.590 (.253)*	0.554	-0.896 (.378)*	0.408	-0.288 (.361)	0.750
ID theft/unlawful use of CC/Fictitious ID	-0.154 (.258)	0.857	0.180 (.386)	1.197	-0.346 (.352)	0.708
-2 log likelihood	1756.585		582.613		1159.108	
Nagerlkereke pseudo r	.129		.127		.114	
Chi-square	145.889***		50.548***		81.430***	

\*p<.05, \*\*p<.01, \*\*\*p<.001.

**Table 4. Re-Arrest Rate within 18 Months**

Offense	Women		Men	
	DPP	Comparison	DPP	Comparison
Retail theft	28.5%	30.6%	34.6%	44.0%
Burglary*	--	30.0%	37.6%	44.6%
PSC/Cannabis	25.0%	36.8%	44.8%	42.3%
Theft	8.9%	22.1%	37.5%	29.8%
Forgery	15.6%	12.2%	29.2%	38.5%
ID theft/unlawful use of a CC/Fictitious ID	20.0%	37.5%	21.1%	32.4%

\*Only two female defendants in DPP group were charged with burglary; thus, the number of re-arrests is not reported here.

**Table 5. Binary Logistic Regression Models of the Effect of DPP on Re-Arrest, Disaggregated by Offense (DPP Coefficients only)**

Offense	Women		Men	
	B (S.E.)	Odds	B (S.E.)	Odds
Retail theft	0.409 (.323)	1.506	0.296 (.424)	1.344
Burglary	--	--	-0.060 (.306)	.941
PSC/Cannabis	-0.643 (.624)	0.526	0.230 (.266)	1.259
Theft	-1.388 (.647)*	0.249	0.339 (.352)	1.403
Forgery	0.708 (.751)	2.030	-0.575 (.862)	0.563
ID theft/unlawful use of a CC/Fictitious ID	-1.096 (.806)	0.174	-0.477 (.701)	0.621

\*p<.05, \*\*p<.01, \*\*\*p<.001

Logistic regression analyses simply allow for an analysis of failure (in this case, re-arrest); but they do not account for time to failure. Although there may be no differences in re-arrest rates for individuals in the treatment and comparison groups, there may be differences in time to failure. Cox regression analyses examines the impact of independent variables on time to failure and produces a survival curve, which allows a graphical analysis of failure times across groups. A series of Cox regression models were implemented to examine the association between DPP admission and time to re-arrest net of other defendant-level attributes (Table 6). Model 4 assesses the influence of DPP on time to re-arrest relative to all individuals in the comparison group. Odds ratios for DPP variable represent the independent influence of DPP on time to re-arrest relative to traditional adjudication. Estimates in Model 4 show that, controlling

for a number of defendant-level covariates, DPP has no effect on time to re-arrest relative to traditional adjudication. As Model 4 indicates, several factors traditionally found to be associated with recidivism were associated with time to re-arrest among the study sample – defendants who were male, younger, and had more prior misdemeanor and felony arrests were more likely to be re-arrested within 18 months. Again, being charged with theft and forgery increased the time to re-arrested, relative to defendants charged with retail theft.

As in the logistic models above, we re-analyzed the models separately for women and men. Model 5 assesses the influence of DPP on time to re-arrest only for women; Model 6 assesses the influence of DPP on time to re-arrest only for men. Again, odds ratios for DPP variable represent the independent influence of DPP on time to re-arrest relative to traditional adjudication, controlling for other defendant and case factors. Estimates in Models 5 and 6 show that, controlling for a number of defendant-level covariates, DPP has no effect on time to re-arrest for women or men relative to traditional adjudication. As Model 5 indicates, female defendants who had more prior misdemeanor and felony arrests more likely to be re-arrested within 18 months; in turn, female defendants charged with forgery were less likely to be re-arrested within 18 months, relative to female defendants charged with retail theft. Model 6 indicates that male defendants who were younger and had more prior misdemeanor and felony arrests were more likely to be re-arrested within 18 months.

**Table 6. Cox Regression Models of the Effect of DPP on Re-Arrest**

Independent Variables	Model 4 All defendants		Model 5 Women		Model 6 Men	
	B (S.E.)	Odds	B (S.E.)	Odds		
Group						
DPP	-0.049 (.093)	0.953	-0.065 (.180)	0.937	-0.003 (.110)	0.997
Sex (male)	0.352 (.112)**	1.422	--	--	--	--
Age (years)	-0.026 (.006)***	0.974	-0.009 (.009)	0.991	-0.036 (.007)***	0.965
Prior misdemeanor arrests (number)	0.068 (.012)***	1.070	0.095 (.017)***	1.100	0.055 (.014)***	1.056
Prior felony arrests (number)	.063 (.028)*	1.065	0.251 (.095)**	1.285	0.067 (.031)**	1.069
Offense						
Burglary	-0.118 (.150)	0.888	0.220 (.511)	1.246	-0.153 (.174)	0.858
PSC Cannabis	-0.099 (.136)	0.906	-0.141 (.259)	0.869	-0.065 (.169)	0.937
Theft	-0.350 (.141)*	0.705	-0.472 (.246)	0.624	-0.276 (.181)	0.759
Forgery	-0.541 (.213)*	0.582	-0.811 (.340)*	0.444	-0.322 (.279)	0.725
ID theft/unlawful use of CC/Fictitious ID	-0.160 (.211)	0.852	0.091 (.315)	1.095	-0.300 (.285)	0.741
-2 log likelihood	-7105.247		-1747.077		-4735.604	
Chi-square	152.310***		74.644***		74.532***	

## **Appendix F. Expungement Packet Suggestions**

### **Filling Out Your Expungement Packet: A Step-by-Step Guide**

Compiled By Researchers at Loyola University of Chicago

Center for Urban Research & Learning

Congratulations! You have graduated from Cook County's Deferred Prosecution Program. Upon graduation, you are immediately eligible to begin the expungement process to clear your criminal record of your arrest. Expungement is the legal process of removing your arrest record and name from police records and the Circuit Clerk's office. Expungement prevents future employers from seeing your arrests and creating issues associated with a record. The process to apply for expungement can be a difficult and confusing without a guide, but with these instructions we hope to make the process as simple as possible. We start by describing the differences between three types of statutory remedies.

#### **Types of Statutory Remedies:**

- Expungement – makes it so only a few governmental agencies can view a person's arrest record.
- Sealing – makes it so only governmental agencies can see a person's arrest & conviction record.
- Executive Clemency – or Governor granted pardons, allow for the expunging of any offense, even if the offense would not otherwise be eligible for expungement or sealing.

#### **Why seal or expunge your record?**

- Sealing or expunging your record removes it from public view - only unsealed or unexpunged records show up when non-governmental employers check a person's criminal background.
- Allows you to legally answer "No" when asked if you have "ever been convicted of a criminal offense"
- Employers cannot ask about or hire/fire based on sealed or expunged records.
- Employers cannot make employment decisions based on an expunged/sealed record.
- Expungement is the legal process of removing your arrest record from public view and most government agencies.

### **Why else should I seal or expunge my record?**

- Removing your arrest record means future employers cannot see your past arrests and use that against you. Past arrests can also prevent you from obtaining a loan in the future for a home, car, new business, etc. The burden of past arrests can be a stress on you, so it is best to complete the expungement process as early as possible.

The expungement process does take time to complete and the processing time after submitting your application will take between 1-6 months to go through the system. You will need a few documents and information regarding your case. Below will be a step-by-step guide to what you need and where to go to complete your expungement process.

Why do I need to get my record (rap sheet)?

- Be sure your record is accurate.
- Issues like clerical errors, identity theft can make records inaccurate) – if your record is inaccurate, take proof of what the actual record should say to the “Access & Review” department of the Local Police Department and Clerk of the Court where case held to have it fixed.

**There is no waiting period, meaning you can try to expunge your record immediately, if the dispositions for your cases are:**

- Dismissed (SOL, NOLLE, Non-Suit), (ALL DPP GRADUATES!)
- Case resulted in acquittal (FNG).
- You were released without being charged (RWOC).
- Charges reversed/vacated.

**When filing for Expungement, Frequently Asked Questions:**

<p><b>What You Need To Bring</b></p>	<p>1) A copy of your rap sheet from the Chicago Police Department (for cases in Cook County available at 35th and Michigan). To secure the rap sheet, individuals must first be fingerprinted and pay a \$16 fee. Fingerprints are taken Monday through Friday, 8 am to 12:30 pm. Rap sheets can be picked up Monday through Friday, 2 pm to 3:30 pm.</p> <p>2) Copies of certified dispositions if your cases are from outside of Cook County (does not apply to DPP participants).</p>
<p><b>Information You Need To Know</b></p>	<ol style="list-style-type: none"> <li>1. The case number (found on court documents)</li> <li>2. The date of your arrest</li> <li>3. The law enforcement agency that arrested you</li> <li>4. The charges that were brought against you, if any</li> <li>5. The "disposition", final outcome of each case. The types of "dispositions" include terms such as "nolle prosequi", "supervision," and "probation."</li> <li>6. The date each case was completed. For example, if you were sentenced to probation, you must know the date your probation ended.</li> <li>7. The “chief legal officer of the unit of local government that affected the arrest.”</li> <li>8. The State’s Attorney or prosecutor that prosecuted your case.</li> </ol>
<p><b>Costs</b></p>	<p>Ask a clerk in RM 1006 of the Richard J. Daley Center for a fee waiver form qualify if you are low income. Otherwise, Petitions cost \$120 to file with the clerk (Daley Center, Rm 1006, Counter 4) plus \$9 for each case you want to seal or expunge.</p>
<p><b>Where to go to pick up/submit your application?</b></p>	<p>Richard J. Daley Center Rm 1006 (50 W. Washington) anytime from 8:30am – 4:30pm (or from the website for the clerk of the court where the court case was).</p>
<p><b>Where Can I go for help?</b></p>	<ul style="list-style-type: none"> <li>• Volunteer Attorneys at the Daley center 9am-12pm, only the first 25 will receive assistance. <u>Only the first 25 people to sign-in at the help desk receive help</u>, it is best to come between 8 and 8:30am.</li> <li>•</li> <li>• Cabrini Green Legal Aid 8:30am-3:30pm 740 N Milwaukee Ave, Chicago, IL 60642. (312) 738-2452</li> </ul>
<p><b>Important Information</b></p>	<ul style="list-style-type: none"> <li>• Once you graduate DPP, you must begin the expungement process as soon as possible. Your arrest is not removed after graduation.</li> <li>• The processing time after submitting the paper work may take up to 30 to 180 days depending on the case</li> </ul>

## **How to fill out the forms to seal or expungement eligible cases on your record:**

1. Fill in your name on each form where it says, “Defendant/Petitioner.”
2. Enter your personal information on the bottom of each form where it says Name/ Address/ City, State, Zip/ Telephone/Date of Birth/Gender/Race.
3. Sign and date each form where it says, “Signature of Petitioner.”
4. Write the number for each eligible case on your record on each form that says, “Case No(s).” or “Case Number(s)” (slides 9-11).
5. Check box 1 on the form titled “petition to seal” or “petition to expunge” criminal records and whatever other boxes relate to your record (you cannot have pending charges against you).
6. Where the forms say charge (the charge your rap sheet says you were charged with in court), arresting agency (which police department arrested you), or date of arrest (day you were arrested), use the information from your rap sheet to fill out that information.

## **What happens after you file?**

- The police department that arrested you, the State’s attorney office that brought the charges against you, and the IL State Police are all notified that you are trying to seal or expunge your cases. The Clerk’s Office is responsible for serving copies of the Petition to these agencies but you must provide the correct addresses for these to the Clerk’s Office. The Clerk’s Office provides a “Notice of Filing” form for you to fill out.
- All parties notified have 60 days to object to your sealing petition.
- Objections always result in a court date where you go before the judge.
- If your petition is objected to, bring witnesses and letters of support to the court date (hearing) to help show the judge why you need and deserve to have your record sealed or expunged.
- The judge decides whether to grant or deny petitions to seal or expunge.

### Sources:

1. Reformatted from Belcore, Todd & Chris Wilmes. 2013. Shriver National Center on Poverty Law [http://www.illinoislegalaaid.org/index.cfm?fuseaction=home.dsp\\_content&contentID=8633](http://www.illinoislegalaaid.org/index.cfm?fuseaction=home.dsp_content&contentID=8633)
2. <https://www.illinois.gov/osad/Expungement/Documents/Criminal%20Exp%20Guide/DoIQualifytoExpungeorSeal.pdf>
3. <http://www.odos.uiuc.edu/sls/forms/downloads/InformationOnExpungementAndSealingRecords.pdf>
4. [http://12.218.239.52/newsite/GI\\_NEWS/newscontent/Events/2011/Expungement\\_Packet\\_2011.pdf](http://12.218.239.52/newsite/GI_NEWS/newscontent/Events/2011/Expungement_Packet_2011.pdf)
5. [http://www.public-record.com/content/general/il\\_expunge\\_guide.pdf](http://www.public-record.com/content/general/il_expunge_guide.pdf)

## **Appendix G. Data Elements for Deferred Prosecution Case Management System**

For a deferred prosecution program to accurately track the need for the program, the implementation and functioning of the program, and the ultimate impact of the program, several data elements should be collected for all individuals eligible for the program. This would require agencies to collect this information for those defendants eligible for the program but not offered the program, defendants offered the program but not entering the program, and defendants entering the program. The following list contains basic information that should be collected by any deferred prosecution program to track progress and outcomes.

### **1. Defendant information**

- a. Defendant first name
- b. Defendant last name
- c. Defendant middle name
- d. Defendant date of birth
- e. Defendant race
- f. Defendant ethnicity
- g. Defendant sex
- h. Defendant city of residence
- i. Defendant state of residence
- j. Defendant zip code of residence
- k. Defendant indigent status
- l. Defendant prior criminal history
- m. Defendant state identification number
- n. Defendant employment status
- o. Defendant educational status
- p. Defendant drug use history

### **2. Charge information**

- a. Arrest charges
- b. Initial filing charges
- c. Initial filing charges statute number
- d. Initial filing charge description
- e. Initial filing charge severity
- f. Initial filing date

### **3. Case information**

- a. Case number
- b. Initial filing date
- c. Initial prosecutor first name
- d. Initial prosecutor last name
- e. Initial branch court
- f. Initial branch courtroom
- g. Defense attorney type (appointed/retained)
- h. Defense attorney first name
- i. Defense attorney last name
- j. Attorney assignment date
- k. Arraignment date
- l. Preliminary hearing date
- m. Deferred prosecution offered
- n. Reason for lack of deferred prosecution offer
- o. Defendant acceptance/refusal of deferred prosecution program
- p. Reason for defendant refusal of deferred prosecution program

### **4. Deferred Prosecution (collected only for individuals in deferred prosecution)**

- a. Employment need assessment
- b. Employment program referral
- c. Employment program referral date
- d. Employment program termination date
- e. Employment program termination reasons
- f. Education need assessment
- g. Education referral
- h. Education program referral date
- i. Education program termination date
- j. Education program termination reason
- k. Substance abuse need assessment
- l. Substance abuse program referral
- m. Substance abuse program referral date
- n. Substance abuse program termination date
- o. Substance abuse program termination reason
- p. Program conditions
- q. Program violations
- r. Program violation dates
- s. Program violation response
- t. Program termination date
- u. Program termination reason

**5. Sentence information**

- a. Charge disposition
- b. Charge disposition date
- c. Sentence (fine/probation/jail/prison)
- d. Sentence length (in days)
- e. Fine amount
- f. Sentence date



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