



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

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# Deferred Prosecution Program (DPP) Evaluation

- Purpose of the Evaluation (Began January 2013)
  - Best practices for replication
  - SB3349, Offender Initiative Program
  - DPP in Cook County as innovator
  - Contribute to literature



Methodology

## Evaluation Approach

- Loyola Interdisciplinary research team: Center for Urban Research and Learning, Criminal Justice Dept., Social Work Dept.
- Participatory evaluation



Methodology

## Key Research Areas

- Based on Detailed RFP, with specific research questions:
  - Development of DPP
  - Operation and Service Delivery of DPP
  - Outcomes and Impacts of DPP

# Methodology

## Data Collection Procedures

- Mixed methodology
  - Qualitative data
    - Participant observation
    - Interviews (both individual and group)
    - Program documents
  - Quantitative data
    - Participant data from SAO, Pre-trial Services and TASC
    - Criminal History Record Information (CHRI)
    - Court data Cook County Clerk's Office

## Methodology

# Select Data Sources

- Program staff, stakeholders and participants
- Administrative data (SAO, DPP staff)
- Case management data (Pre-Trial and TASC, Cook County Clerk of Court)
- Criminal history data ( Illinois State Police Database, accessed via ICJIA).
- CHRI data (used to track recidivism of DPP sample and comparison)
- CC Clerk's office court data

## Findings

# Development/Implementation of DPP

- DPP Incorporated and Supported within the Operations of States Attorney's Office
  - Buy-in
  - Internal dissemination of program process and goals
  - Added to the routine assessments of cases by an ASA prior to preliminary hearing
- Strong Collaboration and Team Work
  - between SAO, Judge, Pre-trial Services
- Flexibility of Program Design

## Findings

# Development/Implementation of DPP

- Modest program requirements - Goal of successful completion
- Strong coordination
  - Strong support of leadership
  - Key role of director
  - Coordination of State Attorneys, Judge, and Pre-Trial Services
- Fits into existing infrastructure
- Non-traditional role of stakeholders
  - States Attorneys and Judge
  - Limited Role of Public Defenders
    - At Preliminary Hearing
    - Program participation



## Findings

# Attitude Toward Program—Overall Uniform Positive

- **Prosecutors**—appreciate non-traditional role, flexibility, “golden opportunity,” but DPP involves small percentage of cases that enter system
- **Public Defenders**— “great program,” would like more input, high restitution, rotation of PD’s, judge as monitor, victims dictate entrance, expungement difficulties for graduates
- **Judges**— “second chance,” good diversion
- **County officials**— felt no input, lack of information about model, felt served small percentage of cases, questioned waiving preliminary hearing, suggest Felony Review Division role in reviewing cases
- **Program participants**- welcomed opportunity, but raised some logistical issues— travel expenses, time consuming, restitution, expungement process, unclear guidelines

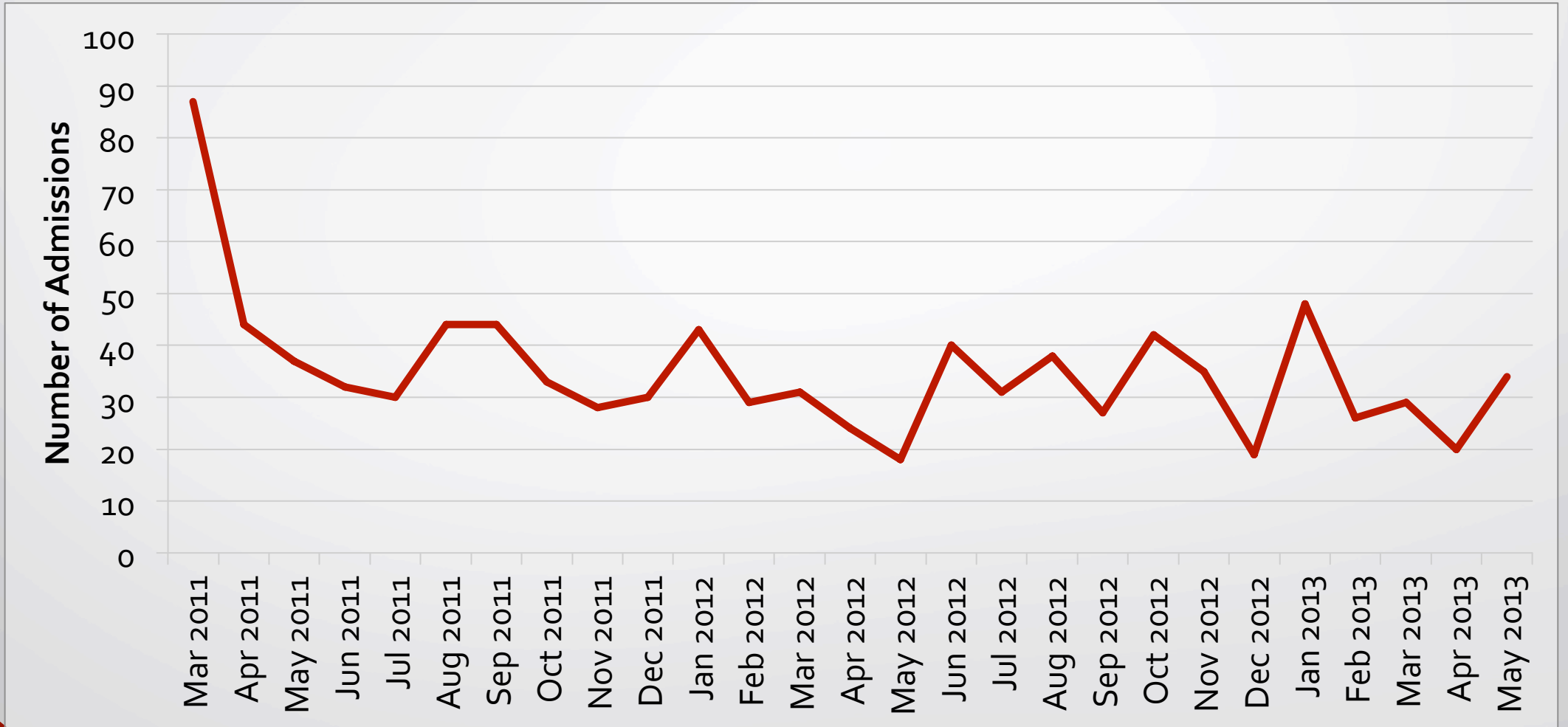
## Findings

# Program Participation Patterns

- Data from DPP Staff:
  - Number of Referrals – 1,295
  - Number Enrolled – 1,232 (as of 3/21/14)

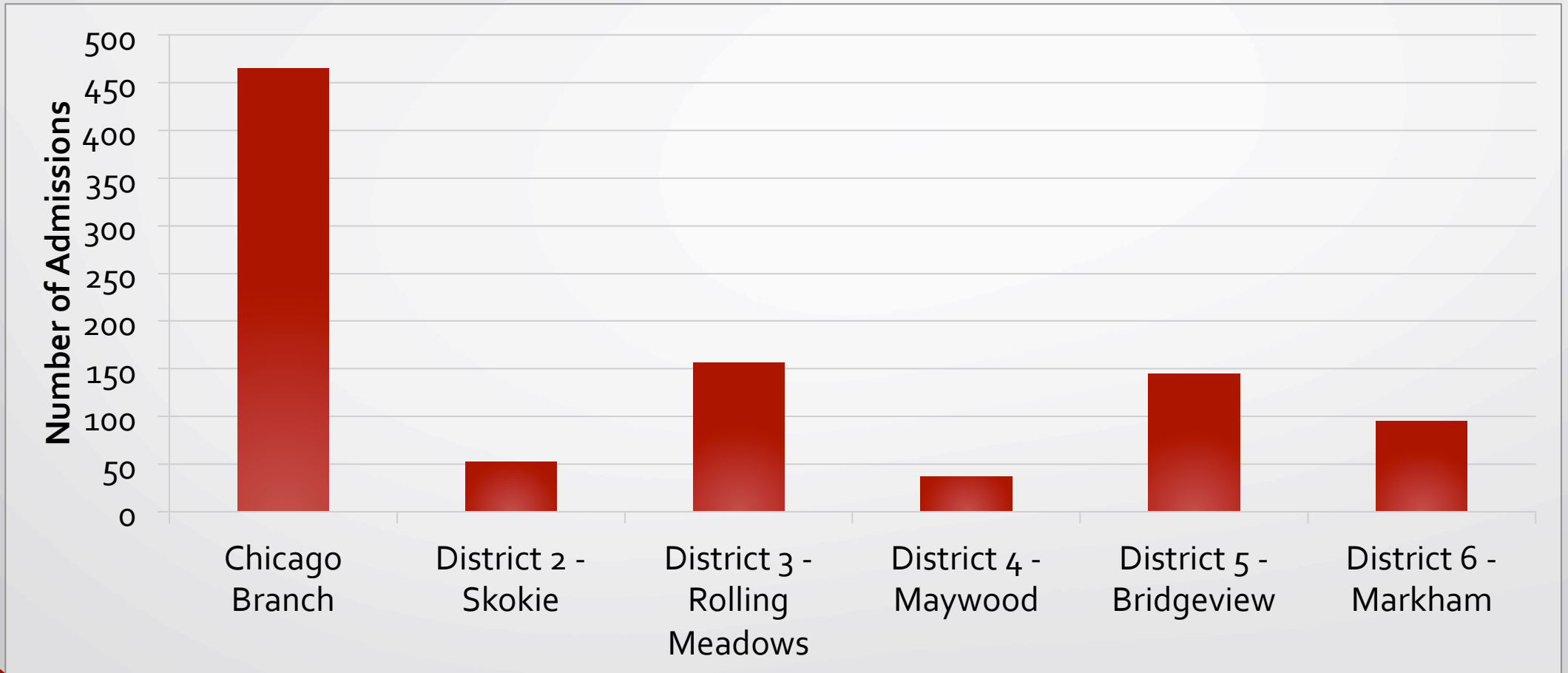
# Findings

## Number of DPP Admissions, by Month



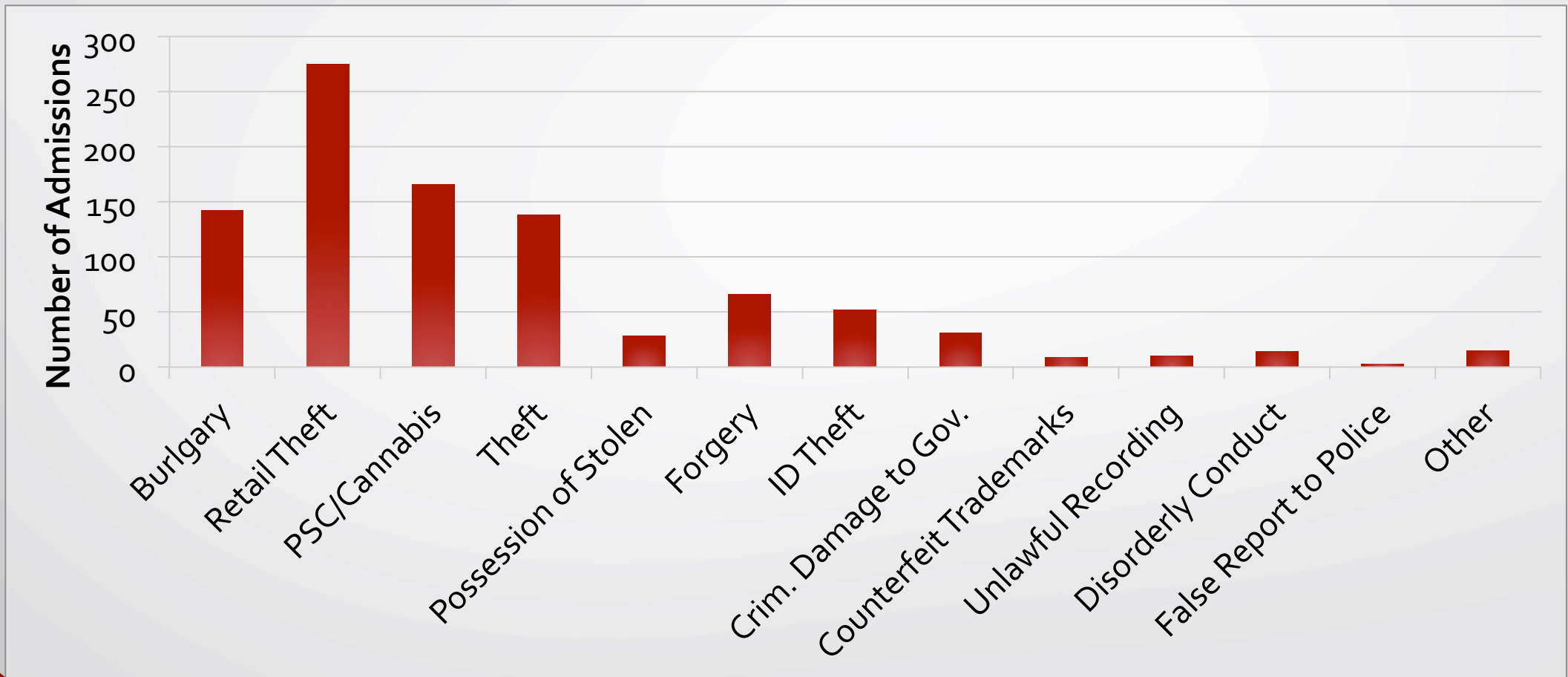
# Findings

## Number of DPP Admissions, by Referral Court



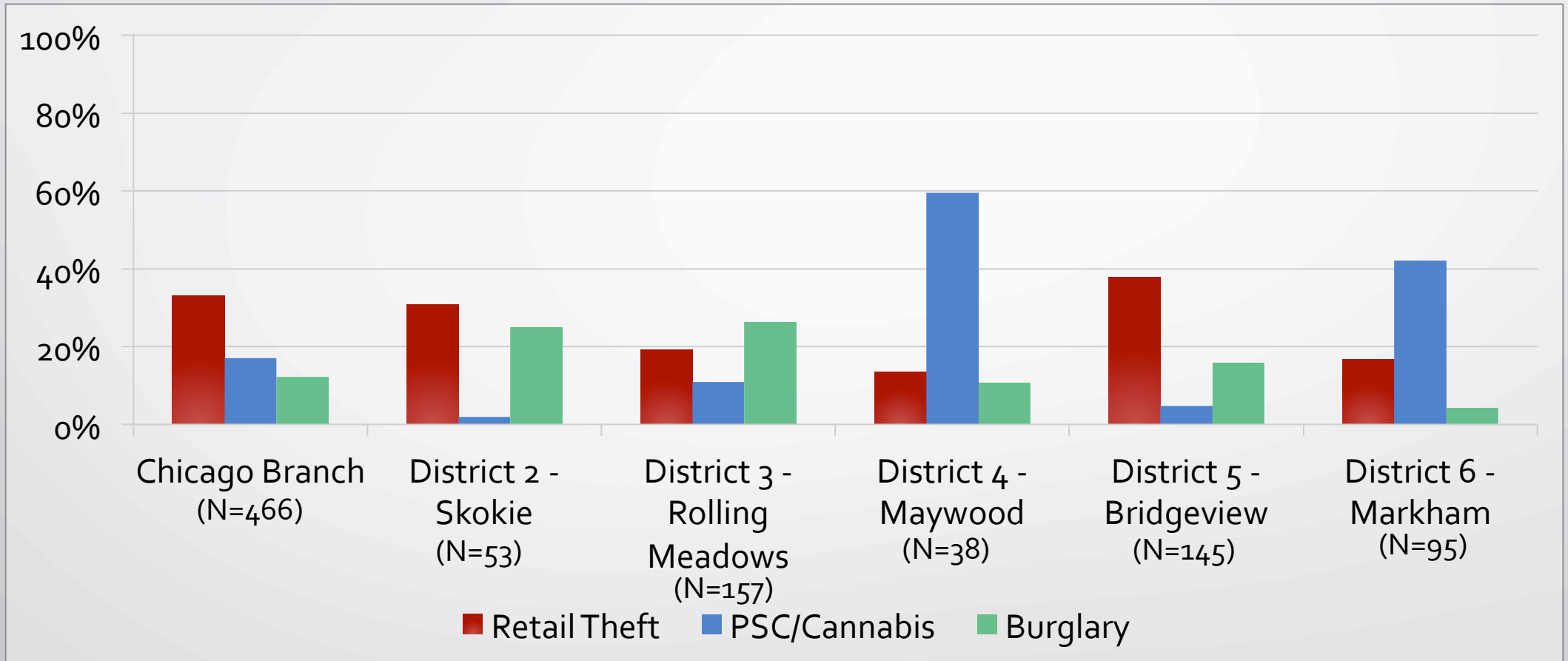
# Findings

## Number of DPP Admissions, by Offense



# Findings

## Number of DPP Admissions, by Offense (n=954)



## Findings

# Service Needs, as Assessed by Pre-Trial Services

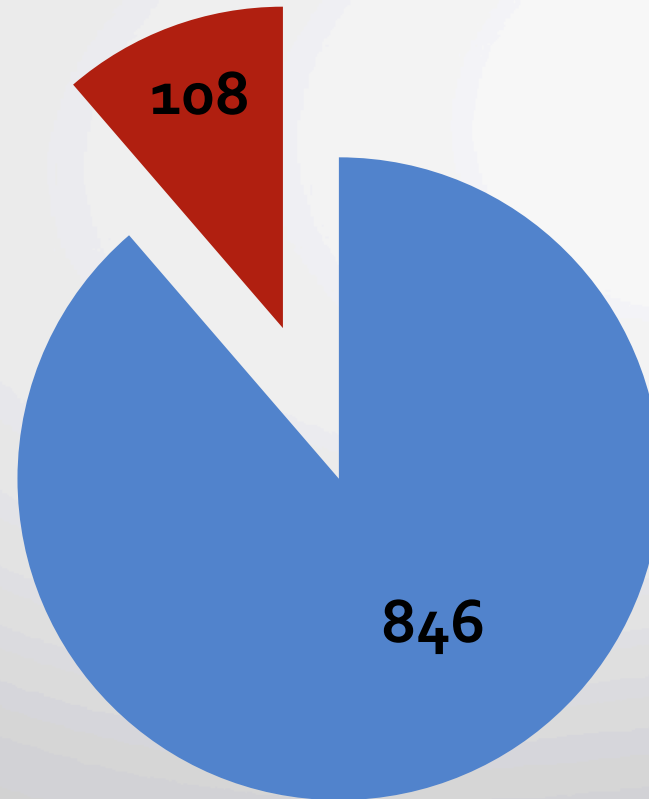
Requirement	N	%
Educational Program	581	65%
Employment	424	48%
Drug program	1	0%
Drug tests	3	0%
Pay restitution	196	22%
Community service	168	19%
Missing	65	
Total	889	

209 (23.5%) participants did not have a required service need

## Findings

# Number of participants served by TASC

according to data maintained by TASC



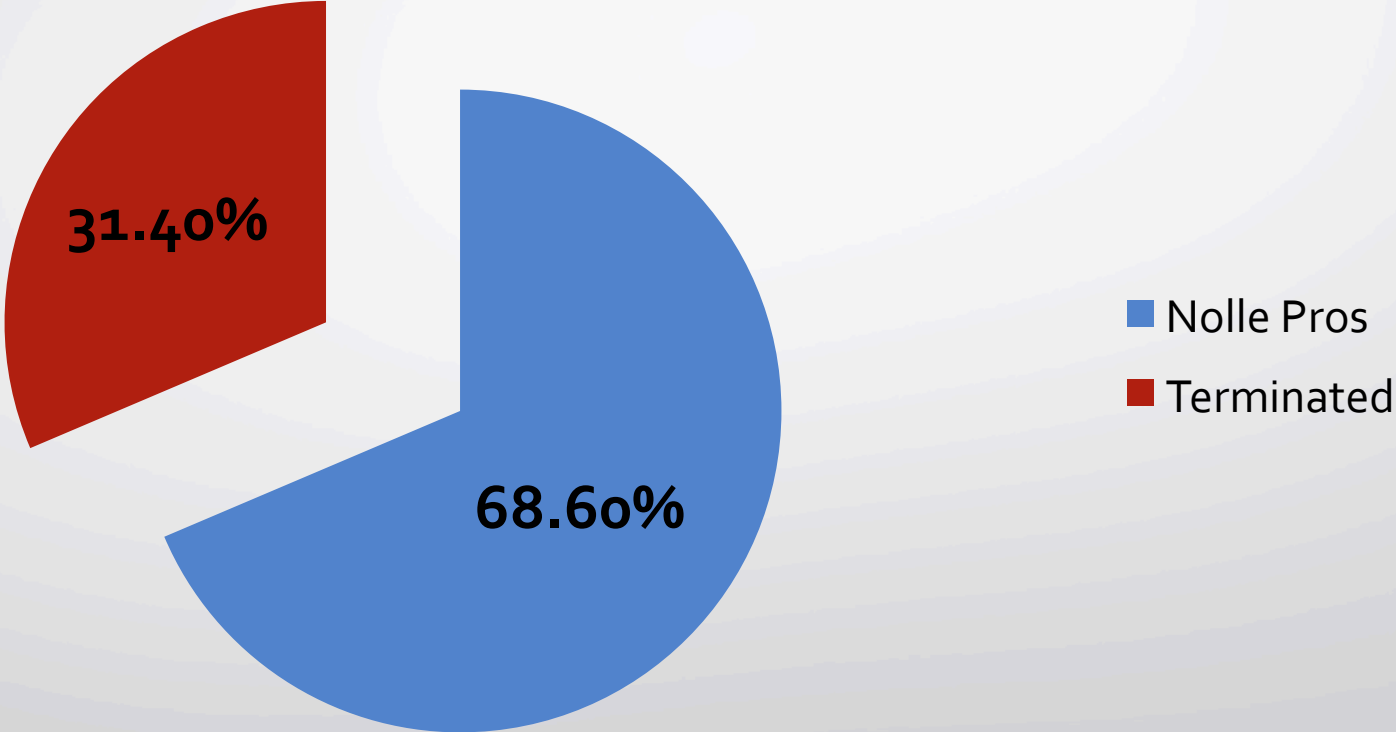
■ Not served by TASC (88.7%)

■ Served by TASC (11.3%)



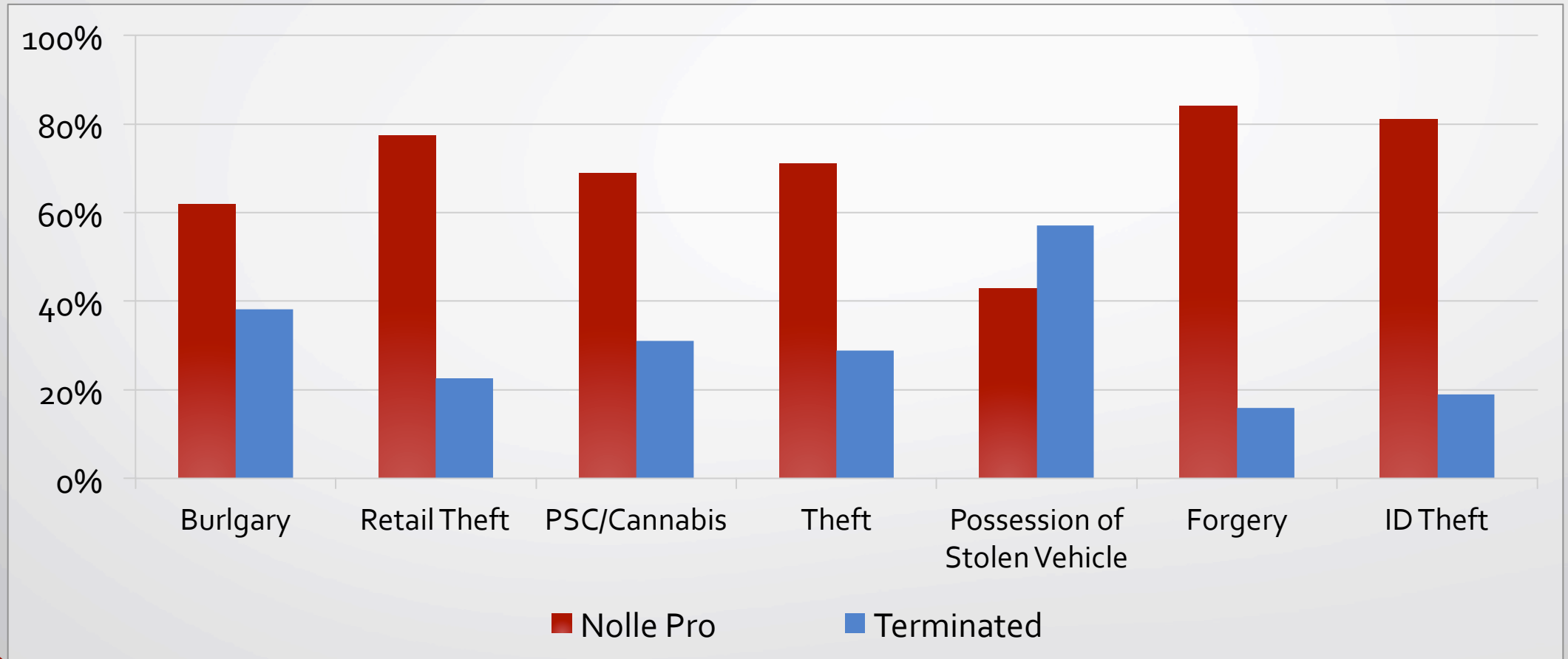
Findings

# Percent of Closed DPP Cases Nolle Pros and Terminated



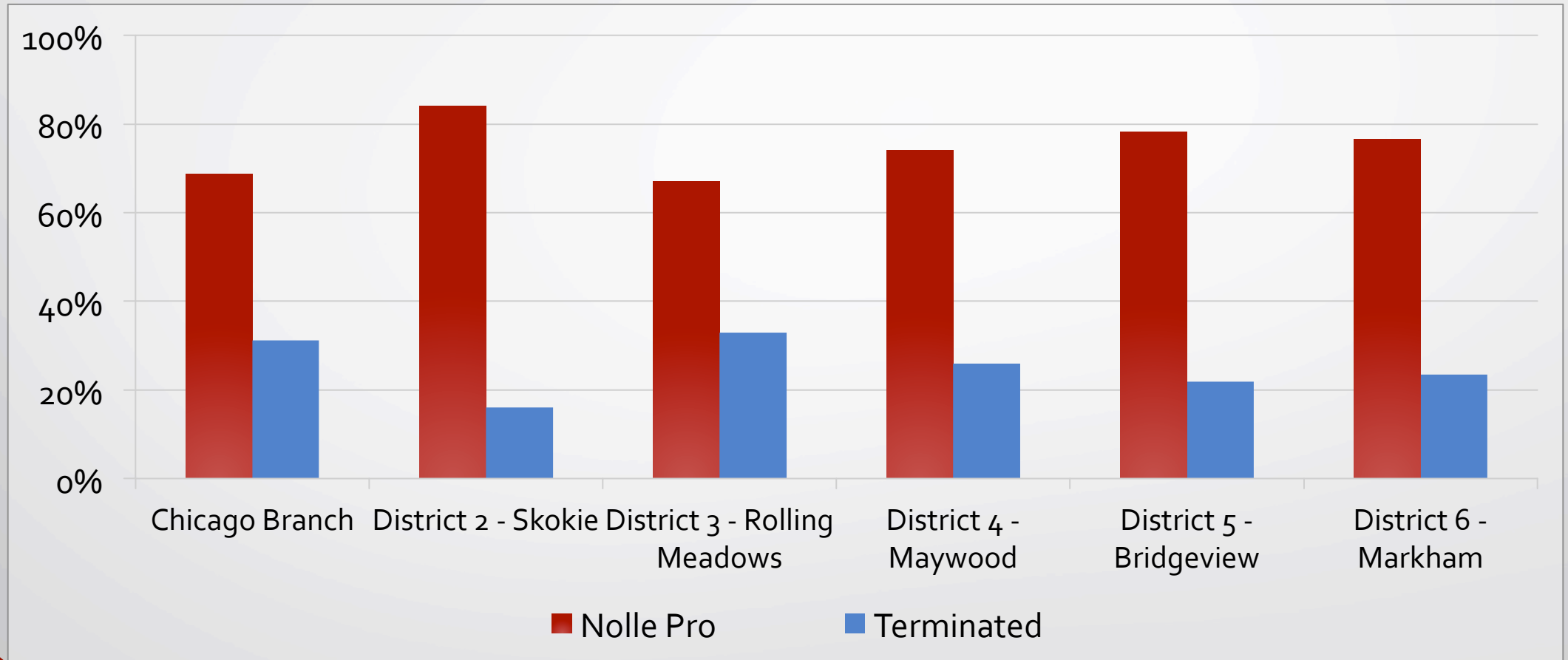
# Findings

## Percent of Closed DPP Cases Nolle Pros and Terminated, by Offense



# Findings

## Percent of Closed DPP Cases Nolle Pros and Terminated, by Referral Court



# Methodology

## Impact Analysis

- Sample
  - Treatment group = all DPP participants completing DPP between Feb 2011-Dec 2012 (n=695)
  - Comparison group = “DPP eligible” individuals not referred to DPP but adjudicated guilty in Cook County during same time period (n=991)
- Outcome measures
  - Re-arrest – defined as any arrest or warrant for arrest within 18 months of entry to DPP (treatment) or final disposition (comparison)
  - Time to re-arrest
  - Re-arrest was tracked for both treatment and comparison groups through June 2014

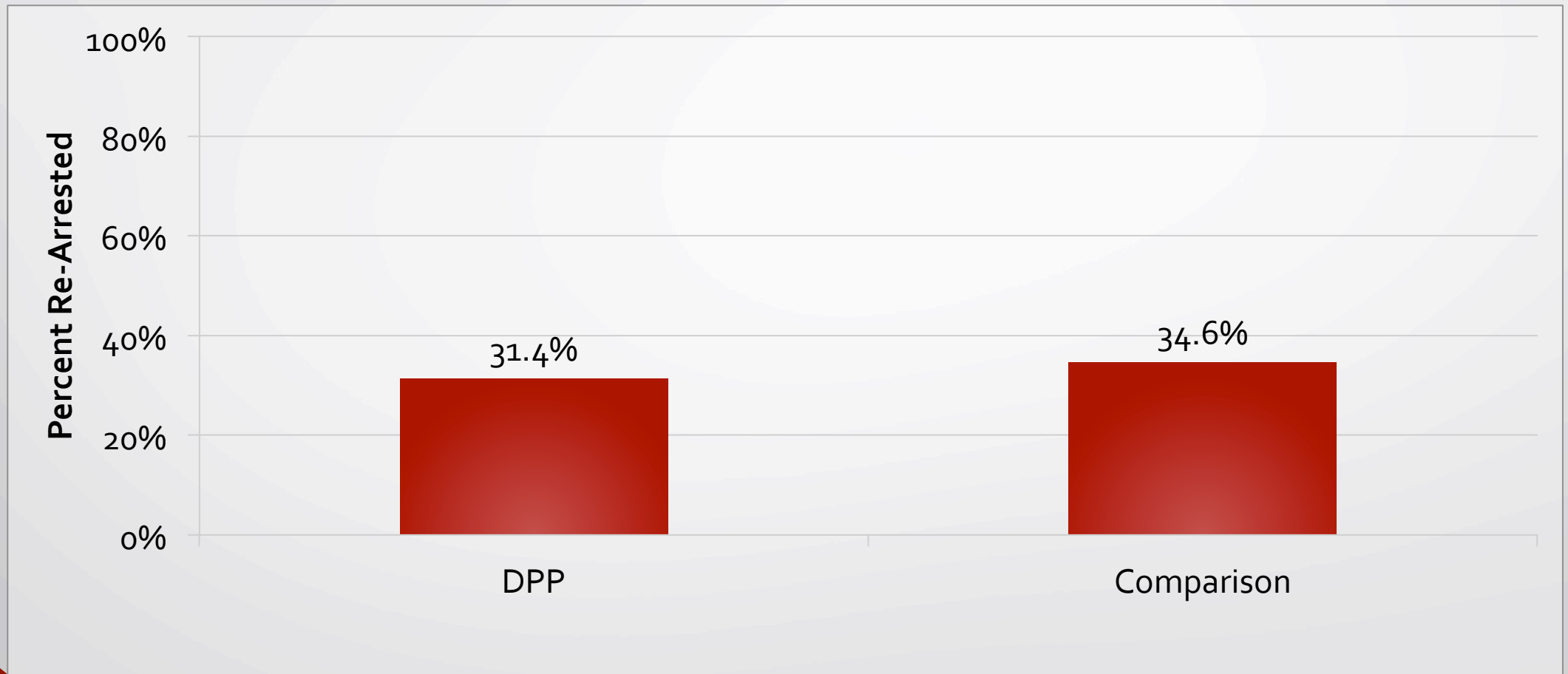
# Methodology

## Impact Analysis

- Independent variable
  - Admission to DPP
- Individual co-variates
  - Current offense, criminal history, race, sex, age
- Analyses
  - Binary logistic regression to examine effect of DPP on re-arrest relative to standard adjudication
  - Cox proportional regression models to examine the effect of DPP on time to re-arrest relative to standard adjudication

## Findings

# Re-Arrest Rates, Treatment and Comparison Groups



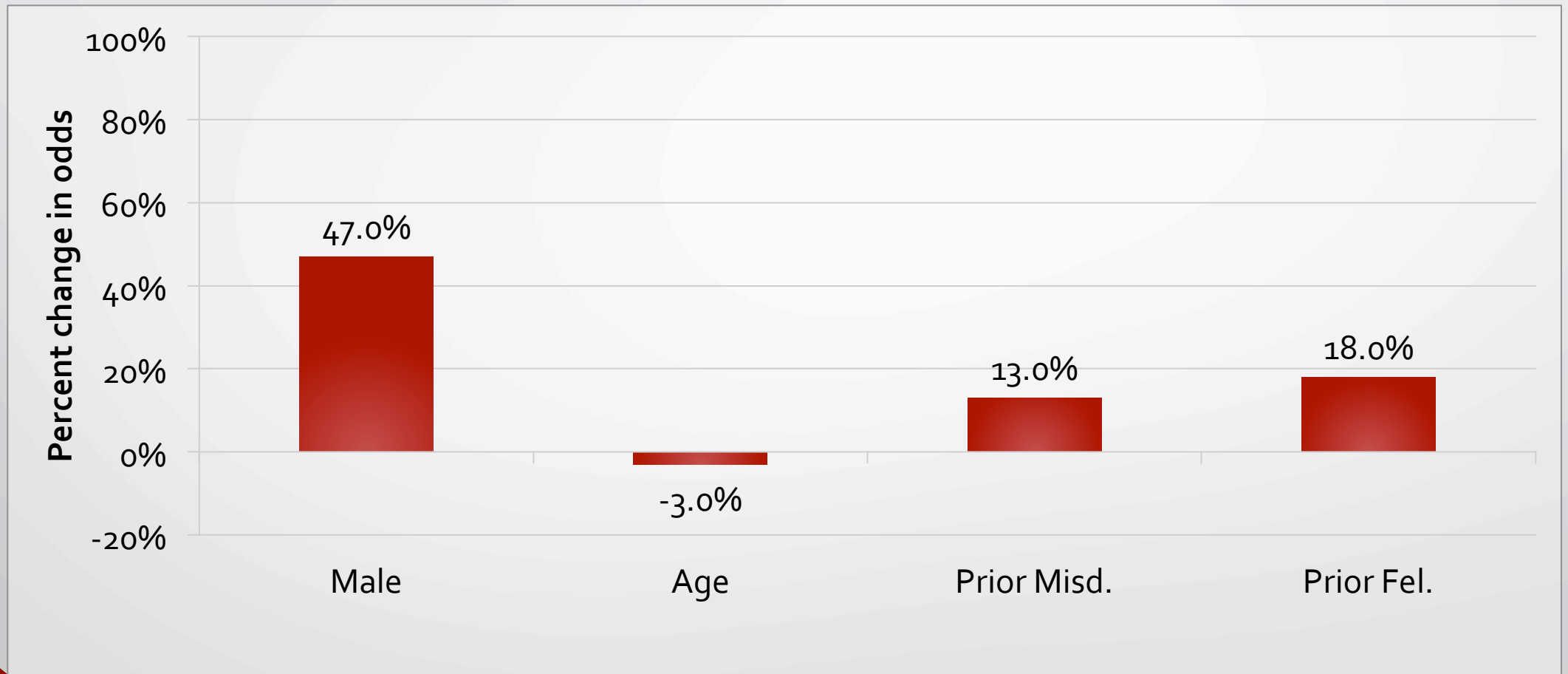
## Findings

# Impact Analysis

- No significant effect of DPP on re-arrest
  - DPP participants were no more or less likely to recidivate than individuals adjudicated through traditional means
- Factors associated with re-arrest
  - Sex (male)
  - Age (younger)
  - Prior arrest
  - Type of charge
- One significant difference: Older women charged with theft less likely to be re-arrested

# Findings

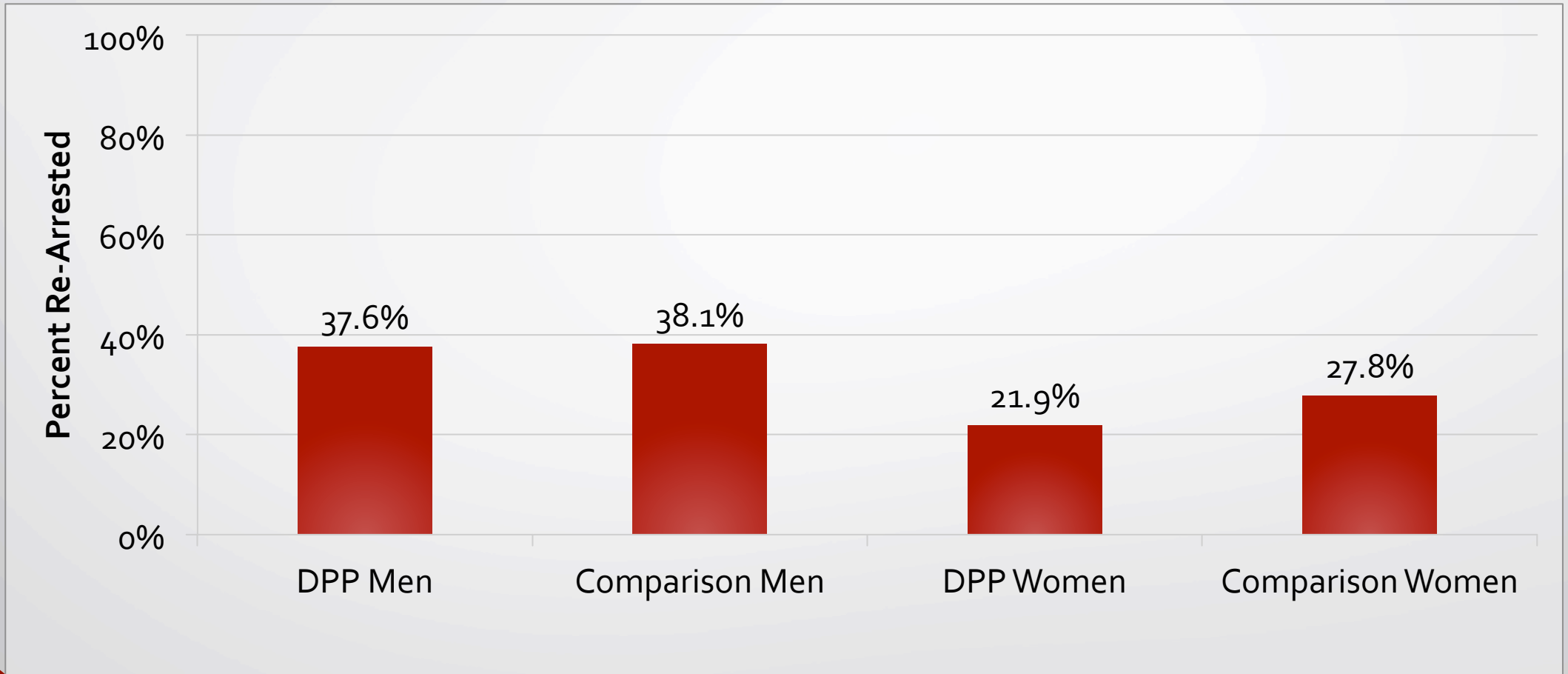
## Effects of Predictors on Likelihood of Re-Arrest





# Findings

## Re-Arrest Rates, Treatment and Comparison Groups



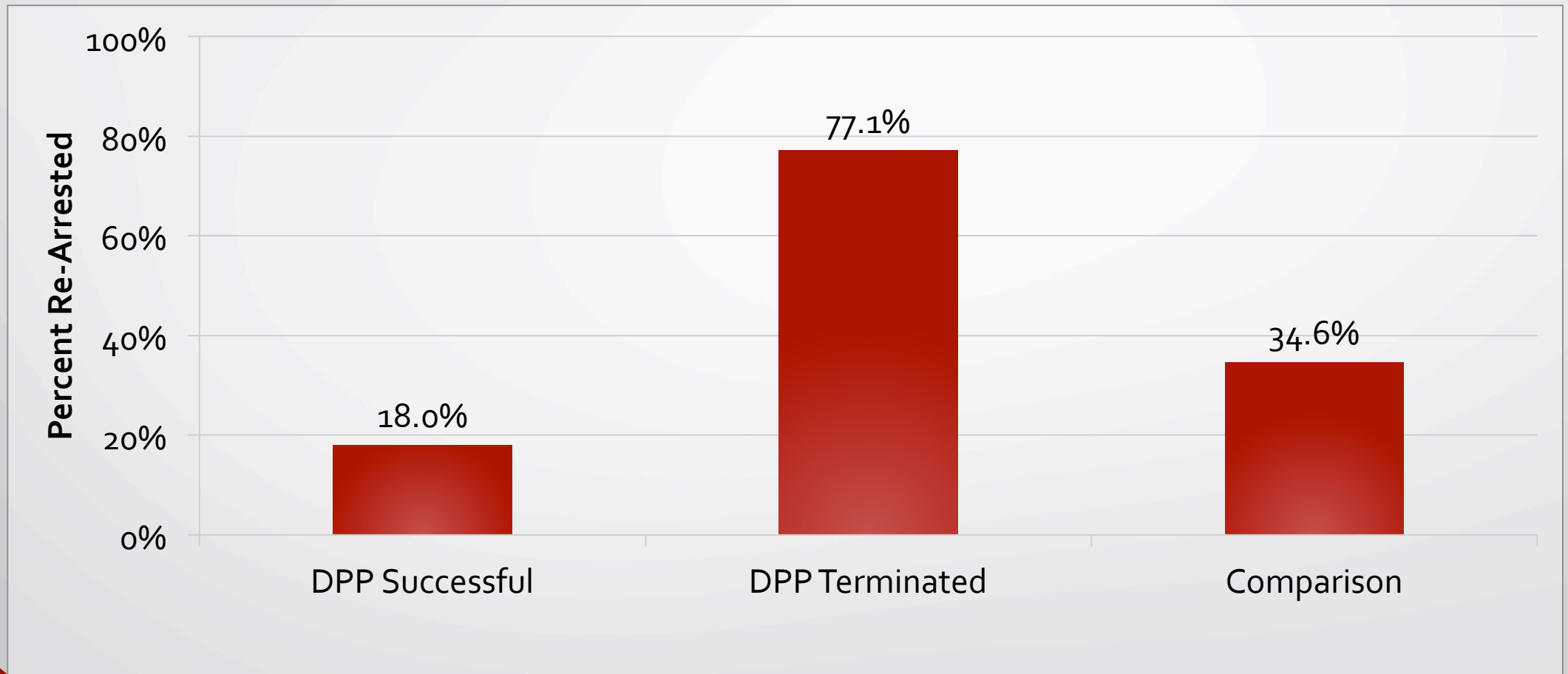
Findings

## Impact Analysis

- No significant effect of DPP on time to re-arrest
  - DPP participants did not take longer to recidivate than individuals adjudicated through traditional means
- Factors associated with time to re-arrest
  - Sex (male)
  - Age (younger)
  - Prior arrest
  - Type of charge

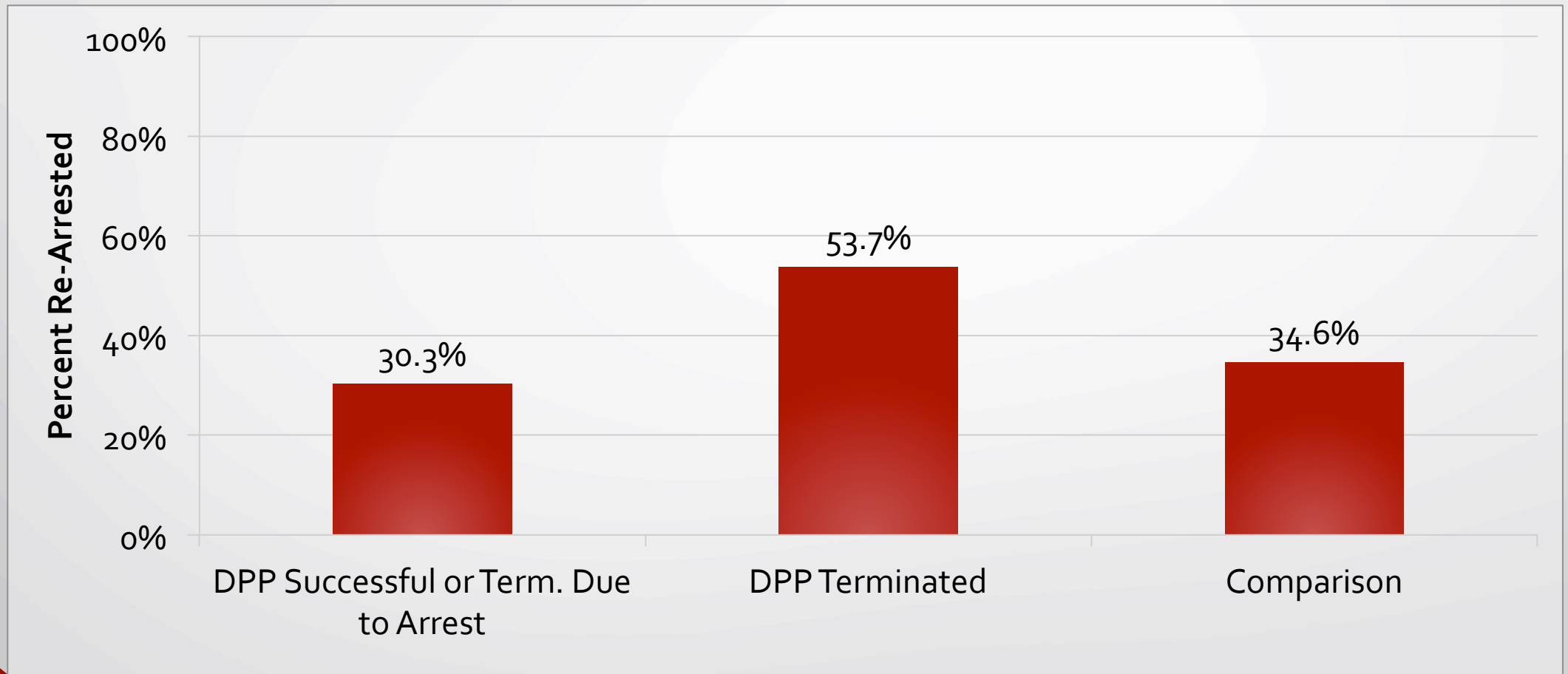
## Findings

# Re-Arrest Rates, Treatment and Comparison Groups



## Findings

# Re-Arrest Rates, Treatment and Comparison Groups



Discussion

## DPP Programmatic Challenges I

- Uneven implementation of DPP
  - “Unclear” entry criteria
    - No use of uniform screening tool
    - Uneven use of discretion among State’s Attorneys
- Limited training of new State Attorneys
- Pre-Trial Services staffing burden (e.g. large caseloads)
- Underutilization of Public Defender

Discussion

## DPP Programmatic Challenges II

- Participant Engagement
  - Narrow window for decision
  - Limited information about program requirements
  - Geographic constraints
  - Expungement Process
- Limited communication
  - With criminal justice stakeholders/actors

## Discussion

# DPP Successes

- Leadership, buy-in and collaboration
- Role of coordinator/ director
- Implementation flexibility and responses (DPP pre-meeting, phone check ins with out of state respondents, re-training if SA's)
- Low cost of program, with caveats

## Discussion

# DPP Successes

- Roughly 1,700 individuals have passed through DPP since implementation (Feb 2011-Feb 2015)
  - Given estimated graduation rates, roughly 1,300 of those individuals will successfully complete the program
  - In turn, 1,300 individuals avoid a felony conviction and the associated collateral consequences
  - In turn, the system avoids the formal adjudication process for these 1,300 individuals



# Research Limitations

## Process

- Difficulty recruiting private defense attorneys for interviews
- Difficulty recruiting DPP participants despite collaboration with Pre-Trial
  - Added option for phone interview, recruited at weekly court calls, on site interview as option
  - Translated recruitment mechanisms for Spanish speaking clients
- No attempt to recruit victims – info not maintained in central location (only in ASA case notes)

# Research Limitations

## Case management and Impact

- Data provided little info about program content, participation in services, or participant demographics (age, ethnicity, race, employment, education, income, substance use history etc.) for thorough recidivism analysis
- Data prevented examination of other outcomes ( substance use, pro-social activities etc.)
- Findings are suggestive and remain limited in ability to explain impact of DPP on participant outcomes

# Limitations

## Data Challenges

- Current data collection is limited on a number of factors
- No data documenting State's Attorneys use of discretion with participant selection
- Don't know the program participant "universe"
  - No data documenting who does not get into the program
    - No data to directly explore whether non-participants are more likely to "fail" compared to DPP participants
  - We don't know which risk factors (or interventions) are more predictive with program outcomes
- Inconsistency between Pre-Trial Services and TASC assessments
- Limited demographic data to indicate which program participants are likely to succeed

# Select Programmatic Recommendations

- Standardize screening procedures
- Incorporate DPP a part of new SA initial training
- Keep monitoring branch referrals
- Include additional services for participants
- Reconsider adding expungement process as part of program
- Possibly re-evaluate meeting requirements for compliant participants
- Spread awareness about program to Criminal Justice Stakeholders



Thank you!!