

SMART PROSECUTION

Cook County State's Attorney's Office Smart Prosecution Initiative Misdemeanor Deferred Prosecution Enhancement Program (MDPEP)

Statement of the Problem

The Cook County State's Attorney's Office (SAO) is the second largest prosecutor's office in the country. In 2012, the Cook County SAO filed 165,049 misdemeanor cases and 31,188 felony cases - flooding the district courts, and placing a great strain and financial burden on the probation department, jails, and public agencies. (This included some traffic offenses which were now reclassified as criminal offenses.) Further, once convicted, individuals convicted of misdemeanor offenses experienced collateral consequences, impacting their ability to find employment, obtain school loans, secure housing and public benefits, and maintain healthy relationships. The community expressed its dissatisfaction with the high number of individuals facing prosecution. To tackle this problem, in 2012, the State's Attorney's Office launched the Misdemeanor Deferred Prosecution Program (MDPP) to process individuals charged with non-violent misdemeanor offenses more efficiently, eliminate collateral consequences, and direct resources toward more serious crime. MDPP has been available in two geographical areas of Chicago, for veterans and individuals with behavioral health needs, but none in suburban Cook County.

Following the implementation of MDPP, The State's Attorney's Office identified two additional courts ripe for a diversion-based initiative and that could benefit from an evidence-based approach to diversion. Branch 34, a city court, experienced a growing number of cases for 18-25 year old young adults charged with misdemeanor offenses. The 6th Municipal District Court in Markham, a suburban court, encountered a high volume of misdemeanor cases and had long asked for a diversion program directed at that population.

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Strategies and Tactics

In FY '14, the Cook County State's Attorney's Office enhanced the MDPP model with the addition of a risk-needs assessment and launched the Misdemeanor Deferred Prosecution Enhancement Program (MDPEP) under BJA's Smart Prosecution Grant Award. MDPEP relies upon an evidence-based screening assessment to evaluate individuals for program participation. Use of the risk assessment expands eligibility criteria for participation in MDPEP. All individuals charged with non-violent misdemeanor offenses that do not pose a perceived public safety threat are eligible to be screened for program participation. The risk assessment (Criminal Court Assessment Tool), designed by the Center for Court Innovation (CCI), identifies individual risk prior to diversion and screens for criminogenic needs, including criminal thinking, anti-social associates, employment and education deficits, and substance abuse. Further, the risk assessment score informs decision making for service-based interventions. Participants identified as low risk for recidivism are interviewed by a licensed clinician and given recommendations/referrals to appropriate community service providers for service interventions. Additionally, they are provided with case management services for the duration of their time in the Program. Individuals found to be in the medium-risk category receive the same interview and follow-up services, but are also required to perform at least 10 hours of community service and also receive those case management services. Those found to be high-risk receive the same interview and follow up service recommendations as the low risk individuals but are also required to participate in a 10-hour cognitive behavioral class to address criminogenic thinking and receive those case management services.

Partnerships and Collaborations

The State's Attorney's Office developed partnerships and collaborations to enhance evidence-based practices for MDPEP. Those partnerships and collaborations include: (1) Treatment Alternatives for Safe Communities (TASC), that provides the initial interview including the administration of the Criminal Court Assessment Tool, case management, and

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referral to client-based services; (2) CCI (the research partner), that designs, trains and provides technical assistance for implementation of the assessment; (3) Chicago's Defense Bar, that provides MDPEP programmatic information to potential program participants; (4) non-profit organizations that file expungements from an individual's criminal record upon successful completion of the MDPEP program; and (5) the Cook County Judiciary, which supports and reinforces the expectations of the Program and reinforces its outcomes.

Research Methodology

The Research Partner, CCI, will provide an impact evaluation of the MDPEP Program. First, CCI research staff will make direct observations and conduct interviews of court staff, staff trained to administer the risk assessment, justice stakeholders, Cook County State's Attorney's Smart Prosecution team members, and community-based agencies.

Second, CCI will conduct a quasi-experimental comparative effectiveness study of three groups: (1) individuals convicted of non-violent misdemeanor offenses receiving no specific court-based treatment prior to the implementation of MDPP and MDPEP; (2) individuals convicted of non-violent misdemeanor offenses participating in Behavioral Health/Veteran MDPP program; and (3) individuals convicted of non-violent misdemeanor offenses participating in the MDPEP program. The measurements and evaluation plan will create a valid assessment of the impact of MDPEP. CCI will document the evaluation of MDPEP in a final report.