

The PROSECUTOR

Smart Prosecution Initiative Grant in Action: Cook County implements an evidence-based approach to misdemeanor crimes

BY ANITA ALVAREZ

THE COOK COUNTY State's Attorney's Office has sought to develop and provide evidence-based programs as alternatives to traditional prosecution and sentencing for low-level offenders. These programs have linked defendants with needed services and generated savings for the county by reducing incarceration and decreasing future criminal activity. In 2011, it implemented the Felony Deferred Prosecution Program (FDPP), directed at non-violent felony offenders. The program has engaged well over 1,300 felony offenders since it began and has seen a consistently successful completion rate (with resultant case dismissal) in excess of 75 percent, with 98 percent of graduates having no felony arrest in the first year post-case dismissal. Closely following the success of that initiative, the Cook County office turned its attention to the unique needs of low-level misdemeanor offenders and the opportunity to provide them with needed services in lieu of prosecution.

INNOVATIVE APPROACH

The Misdemeanor Deferred Prosecution Program (MDPP) was launched in 2012 in response to challenges faced by non-violent misdemeanants who end up with convictions. The program enables the office to process non-violent misdemeanor cases more efficiently, eliminate the collateral consequences of a misdemeanor conviction for this population, provide offenders with needed services, and direct resources toward more serious crimes. Diverted offenders

are referred to services and receive a case dismissal upon successful completion of the program. MDPP includes two tracks: one for defendants with behavioral health needs and another for veterans. Defendants in the behavioral health track are required to attend appointments with a licensed community health provider. Veterans are referred to a Veterans Affairs medical facility for assessment and services and are also required to attend an appointment with the John Marshall Law School Veterans Legal Assistance Clinic. The MDPP has already admitted well over 1,400 participants and has had consistently successful completion rates in excess of 90 percent, with 94 percent having no arrest or violation during initial review.



SMART PROSECUTION EXPANSION

In September 2014, the Cook County State's Attorney's Office received a \$450,000 grant award through the Bureau of Justice Assistance Smart Prosecution Initiative. The grant funds the expansion of the office's existing MDPP to one more courthouse and also allows the office to pilot an enhanced version of the program in one district courthouse. The expansion of the existing MDPP funded by this grant is being paired with newly appropriated county funds

Anita Alvarez, Cook County State's Attorney, has more than tripled Cook County's alternative prosecution and sentencing courts since she took office in 2008, with more alternative courts slated for 2015. The Smart Prosecution Initiative grant will enable her to expand and evaluate Cook County's success with alternative prosecution and sentencing courts.

to enable the countywide expansion of this successful initiative in 2015. The Misdemeanor Deferred Prosecution Enhancement Program (MDPEP), funded by the grant, will be piloted at the District 6 (Markham) Courthouse.

The MDPEP responds to the need to implement evidence-based strategies that reflect the extensively researched risk-needs-responsivity (RNR) principles. Those principles hold that the level of risk for re-offense should determine the intensity of an intervention and that the criminogenic needs of each offender should be assessed and treated, ideally through proven cognitive-behavioral methods.

The MDPEP expands eligibility criteria for diversion to include all non-violent misdemeanor offenders and those who are not perceived as a threat to public safety, as opposed to including only those with past military experi-

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ence and/or mental health needs. It makes use of the Misdemeanor Evidence-Based Assessment (MEBA), a tool specifically designed and validated by the Center for Court Innovation (CCI) for a misdemeanor population. The tool identifies offender risk level before diversion and is also designed to screen for key criminogenic needs, including criminal thinking, anti-social associates, employment and education deficits, and substance abuse. In addition, all offenders are administered a further assessment including the Screening, Brief Intervention and Referral to Treatment (SBIRT) and Government Performance and Results Act (GPRA) instruments.

The MDPEP seeks to reduce subsequent criminal behavior, reduce costs to the system, minimize the collateral consequences resulting from convictions for these misdemeanor non-violent offenses, and share findings with the larger community. Screening for the program is conducted by a dedicated assistant state's attorney and assessments and

referrals are conducted by an alternative prosecution specialist employed by Treatment Alternatives for Safe Communities (TASC). As with all deferred prosecution programs, if the defendant successfully completes the required stipulations, the case will be dismissed and the defendant will be given information on how to expunge the arrest from his or her record. The program began operation in January 2015.

In addition to funding personnel positions for the program, the grant is also funding an extensive evaluation of this project, conducted by the Center for Court Innovation, which will ensure that project lessons and findings can inform the national prosecution field. The Cook County State's Attorney's Office's partners on the project include the Circuit Court of Cook County, TASC, Grand Prairie Services, South Suburban Council, Presence Behavioral Healthcare, the U.S. and local Veterans Administration, the John Marshall Law School Veterans Legal Assistance Clinic, and various community organizations.

SUPPORT FOR ALTERNATIVE PROSECUTION

Providing effective alternatives to traditional prosecution and incarceration of non-violent offenders has been a top priority for me as the Cook County State's Attorney and I am extremely proud of the work that my office has done and the success that we have achieved in developing, implementing and significantly expanding these programs.

When I first took office as State's Attorney in 2008, Cook County had eight alternative prosecution and sentencing courts. As a result of our efforts, the county now has 29 such courts and that number will expand even further during fiscal year 2015.

A large part of that increase is accounted for by our dramatic expansion of deferred prosecution programs, which have been a cornerstone of my approach to low-level crime. These programs connect offenders to services and result in case dismissals if the basic requirements of the program are met.

The Smart Prosecution Grant provided us with the necessary funding to expand our Misdemeanor Deferred Prosecution Program and to pilot an enhanced version of the program that utilizes a validated needs-risk assessment to determine eligibility and intervention. We are excited to evaluate this innovative initiative during this pilot period and strongly believe that it will be a beneficial addition to the field of alternative prosecution.