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# Diversion Programs: Are We Reaching Desired Effects?

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# Diversion Programs: Are We Reaching Desired Effects?

by

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## Abstract

Programs that help strike a balance between punishing and rehabilitating offenders have gained in popularity as a way to reduce the number of non-violent inmates entering the country's correctional system and providing a more altruistic approach to preventing the individual from reoffending (recidivism). As the popularity of these programs has grown, they have become more specialized in targeting specific offender populations. Prosecutorial diversion programs target first-time offenders providing them the opportunity to avoid a permanent conviction on their record in exchange for their willingness to comply with interventions or services. The present study reviewed the recidivism rates of participants in the Kane County, Illinois diversion program (AKA Second Chance) and found that the program has been successful in reaching its desired effects.

## Chapter One

### **Introduction**

The idea of implementing “problem solving” courts and diversion programs evolved after years of the traditional punishment-only approach to crime yielded unsatisfying results. The get tough-on-crime approach resulted in America’s inmate population jumping from 500,000 in 1980 to more than 2 million in 2001, and prison spending increased from \$7 billion to \$45 billion (Berman and Feinblatt, 2005). The passing of the “three strikes” law in 26 states by 2004 created an enormous swell in the prison population. The criminal justice system became less of a personalized system for offenders and more of an assembly line. The courts were faced with an unprecedented number of cases on their dockets. Prosecutors, public defenders, and probation officers incurred increasing case-loads that resulted in cookie-cutter sentences and less time focused on how to prevent future recidivism.

As early as the 1980s, members of the judiciary noticed this disturbing trend and started to discuss the possibility of implementing a hands-on approach to deal more effectively with crime. Rather than doling out inflexible sentences and continuing the revolving-door approach, courts began to assess the underlying reasons that originally brought the offender into the system (Berman and Feinblatt, 2005). What the judiciary discovered was that often times an addiction or untreated mental health condition was at the root of the why the offender was in the system. It was theorized that if those underlying conditions could be treated, there would be a better chance the offender would not recidivate. These strategies gave birth to the concepts of problem solving courts and a closely related initiative, diversion programs.

### *Problem-Solving Courts*

Judge Judith Kaye, Chief Judge of the state of New York, was instrumental in implementing court reform utilizing “problem-solving” courts and was the co-founder of the Center for Court Innovation. Problem solving courts resemble traditional courts in terms of physical structure and appearance, but they differ in the terminology and goals. For example, the accused are often times referred to as “clients” rather than “defendants” and the training differs for the traditional courtroom workgroup (e.g., prosecutors, defense attorneys, probation officers, treatment staff, and judges). Most significantly, these key players have access to extensive knowledge about the client’s psycho-social history, which is used to determine the proper placement into a treatment-based program.

One of the first targeted problem-solving courts in the United States focused on a program for drug offenders. Persons convicted of drug offenses constituted the largest single offense group of prisoners in the United States (Beck, 2000). The court, developed in Miami, Florida, addressed the core problem of addiction (Finn & Newlyn, 1993). After drug court applicants were found to have an underlying substance abuse dependency and met certain eligibility criteria (i.e., nature of offense and lack of other drug-related criminal history), they were provided with treatment-based services while they served a term of probation. Treatment included the identification of emotional and physical triggers that may have led to repeat drug use as well as various relapse prevention techniques. Successful completion of the treatment program could help the offender avoid a prison sentence or, depending on the particular situation, avoid a conviction all together.

Problem-solving courts are also popular alternatives to deal with offenders suffering from mental illness. Although these types of courts are smaller in number, they share common



principles with other problem-solving courts such as judicial involvement, regular status dates to ensure compliance with treatment, and a focus on treatment rather than traditional sentencing alternatives. Eligibility into mental health court programs requires a comprehensive psychiatric examination and review of a client's mental health history. Participants must have an underlying mental health condition to qualify for the program. In general, the most common diagnoses accepted within these courts are schizophrenia, bipolar disorder, or major depressive disorder (Lurigio, 2000). Because of this, individual and/or group therapies as well as the prescribing of medications are two typical treatment options. As with drug courts, the successful completion of a mental health court treatment program can help the offender avoid a prison sentence or possibly avoid conviction.

According to the U.S. Center for Court Innovation (Wolf, 2007), there are six principles that ensure these types of problem-solving courts are effective:

- (1) Enhanced Information. Information gathered about offenders, victims, and the community context of crime can help improve the decision making of judges, attorneys, and other justice officials.
- (2) Education. Training for key court personnel ensures that all players in the system have a good working knowledge of how problem-solving courts address offenders' underlying needs.
- (3) Meetings. Stakeholders must be informed of the offender's progress through the system. These meetings should include the judge assigned to the case, a prosecutor, defense attorney, probation officer, and a member of the treatment agency.
- (4) Technology. A quality case management system ensures that all parties have access to the offender's progress during treatment. It can also hold them accountable in a timely fashion if they discover they have failed to comply with a treatment mandate.
- (5) Community Engagement. Actively engaging citizens helps improve public trust in the justice system.
- (6) Collaboration. By bringing together stakeholders in the justice system (e.g., judges, prosecutors, attorneys, probations officers, and court managers) and reaching out to potential stakeholders beyond the courthouse (e.g., social service providers, victims

groups, and schools), justice agencies can improve inter-agency communications, encourage greater trust between citizens and government, and foster new responses.

### *Court Diversion*

Diversionary-type programs are closely assimilated to problem-solving courts. Both programs look to address underlying issues that bring offenders into the court system and provide services or interventions in the hopes of keeping offenders from recidivating. The primary difference, however, is that the diversion eligibility requirements do not mandate that participants have underlying drug or mental health issues to participate. Acceptance into a diversion program is typically based on an offender having no previous criminal history. In addition, a diversion program can be administered by an entity other than the courts such as the prosecutor's office or an approved not-for-profit organization. Finally, since diversion clients are typically first-time offenders and not facing the potential of prison sentences, successful completion usually results in their case being dismissed and no conviction being entered on their record.

Diversion programs have operated successfully at the federal, state, and local levels for decades, providing close supervision and needed services to thousands of defendants each year. According to the Center for Health and Justice (Center for Health and Justice, 2013), although individual entities may structure their programs differently, several components serve as the hallmark of diversion programs:

- (1) Traditional justice processing is deferred pending completion of the program.
- (2) Specific guidelines are set for eligibility, either in law or practice.
- (3) Participation is determined through interagency decision-making.
- (4) Supervision and reporting are closely managed.
- (5) Criteria are defined for determining success or failure and implications of both.

In 1967, the Crime Commission initiated by President Lyndon Johnson strongly endorsed the development of diversion programs. By the 1970s, an estimated 1,200 diversion programs were established throughout the country to rehabilitate offenders and keep them from being labeled “criminals” (Walker, 2011). Diversion was formally implemented in the federal judicial system with the passage of the Pre-Trial Services Act of 1982 (Zlatic, Wilkerson, and McAllister, 2010).

By the early 1990s, criminal justice leaders began paying more attention to evidence-based practices. With felony cases dominating the workload of most judges, it became the single most time-consuming judicial activity. Over 2.725 million felony cases were filed in the state courts in 2004 and with studies that showed that incarceration actually increased offender recidivism, properly designed and operated diversion programs offered an innovative solution to overcrowding and possibly lower offender recidivism rates (Schauffler, LaFountain, Strickland, and Raftery, 2005).

Adult and juvenile diversion programs gained popularity as the primary way to address increasing jail and prison populations and resulting budget issues. However, very little research existed that evaluated the success of adult diversion programs. Major stakeholders in the criminal justice system have been willing to implement diversion programs with this limited amount of research because they tend to fall more in line with a recent push towards evidence-based practices (Warren, 2007).

#### *Kane County, Illinois Diversion Program*

When diversion programs first became popular in the 1970s, several counties in the state of Illinois adopted the concept and began implementing diversion programs modeled after successful programs in other states. One of the first Illinois counties to initiate a diversion

program was Kane County in northern Illinois. For more than three decades, Kane County has been a state leader in the pursuit of implementing both specialty court and diversion programs into its offerings to offenders. Informal diversion offerings began in Kane County in 1979. Starting in 1995, a more formal process for selecting diversion candidates was developed that included written eligibility guidelines, a well-defined program matched to the needs of the offender, and a community involvement initiative. Two years prior to legislation being passed in Illinois to require counties to implement Drug Rehabilitative Courts (DRC) and Treatment Alternative Courts (TAC) for those with mental health issues, Kane County already had established such initiatives, as seen in Table 1.

**Table 1. Kane County Specialty Courts/Diversion Programs**

<b>PROGRAM TYPE</b>	<i>Diversion</i>	<i>Drug Rehabilitative Court (DRC)</i>	<i>Treatment Alternative Court (TAC)</i>
<b>DATE IMPLEMENTED</b>	Informal 1979 Formal 1995	Formal 2000	Formal 2006
<b>DESIGN</b>	Provides first-time, non-violent offenders the opportunity to avoid a permanent conviction on their records while providing services/interventions targeted to their crimineogenic needs	Serves defendants who enter the criminal justice system with serious substance abuse/addiction issues	Serves defendants who enter the criminal justice system with serious mental illness, co-occurring disorders, or developmental disabilities
<b>LEGISLATIVE ACT</b>	No formalized legislation for Diversion Programs in the state of Illinois.	As stated by the Drug Court Treatment Act of 2002 (730 ILCS 166/20)	As stated in 2008 Mental Health Court Treatment Act (730 ILCS 168/20)

Although diversion is older than the county's DRC and TAC specialty courts, it is also the program with the least amount of empirical research to determine its effectiveness.

Kane County's diversion roots can be traced back to 1979, when then State's Attorney Gene Armontraut implemented the county's first program "Pre-Trial Diversion." Like most diversion programs that began before 1990, Kane County's was a prosecutorial-based program. The State's Attorney screened new felony files for eligibility and candidates were interviewed by a probation officer who made a recommendation to the State's Attorney for approval. If accepted, the probation officer monitored the participant for a period of 9-12 months. Program requirements consisted of community service hours, program fees, and employment. Upon completion of the program, the state agreed to dismiss the charges.

As the era of evidence-based sentencing approached, interventions and services were more aligned with the participants' needs rather than imposing punishment for a crime (Warren 2007). In 1995, the Kane County State's Attorney's Office decided to formalize the existing program and change the name from "Pre-Trial Diversion" to the "Second Chance Program." The revised program was structured to allow first-time offenders, who were willing to accept responsibility for their charges, an opportunity to apply. Prior to formalizing the program, applicants were accepted into the program without undergoing a formalized screening process that included accepting responsibility for their crimes.

Formal eligibility requirements for second chance offenders were implemented and continue today. When the application process was assumed by the State's Attorney's Office, the department's case managers assumed the responsibilities previously held by the probation officers in the Court Services Department. The case managers now conducted the intake interview with each applicant, consulted with the police and victim in the matter, and oversaw the supervision of participants while in the program. If accepted, the participant was expected to complete community service hours, make full restitution to the victim and pay court costs and

program fees ranging from \$0.00 up to \$1,500.00 based on their income and ability to pay. In addition to the basic requirements, the case managers attempted to identify areas or services needed by the applicant and make this part of the agreement as well. These additional services/interventions have included: assistance with obtaining employment, completing high school or obtaining a GED, writing a letter of apology to the victim, paying restitution, attending life-skills classes and obtaining individual, substance abuse, and/or mental health counseling.

A significant change adopted by the State's Attorney's Office when it assumed oversight of Kane County's diversion program was the inclusion of community panels. The community panel in Kane County is made up of volunteers from various backgrounds and professions and is diversified to align with the diversity of the applicants with whom it meets. There are currently 60 panel members serving on five panels. Each panel has a set day and time during the month to meet with applicants.

#### *Attempts at Restorative Justice*

Based somewhat on the national restorative justice model, these panels allow members of the community to have an active role in the criminal justice process. "Restorative justice" is an approach that focuses on the needs of the victims and offenders, as well as the involved community (Zehr, 1990). It attempts to balance the rights of the offenders against those of the victim, while developing sentencing options tailored to the offender's specific needs. In order for this model to be effective, offenders must accept responsibility for the actions that brought them into the judicial system. Then the participants in court system (prosecutors, defense attorneys, and judges) are encouraged to find a balance between therapeutic and retributive models of justice. The panel meets the applicant after he/she completes an intake interview with

a case manager and prior to the State's Attorney reviewing the file for acceptance. The applicant must make a verbal admission of guilt; take responsibility for the actions that resulted in the criminal charge against them; identify the harms done to the victim, community, and himself/herself as a result of the behavior; and be willing to comply with the requirements of the program.

#### *Kane County Deferred Prosecution Program*

In January 2014, a new state program replicated the title of the county's diversion program (Illinois' Second-Chance Probation; statute 730 ILCS 5/5-6-3.4), which prompted Kane County to change its diversion program name from Second Chance Program to the "Deferred Prosecution Program." An added benefit of the name change was that it allowed Kane County to align its program name to similar programs throughout the country, becoming more recognizable to others in the field. Since the implementation of the Second Chance Program in 1995, Kane County has continued to expand the diversion program to include offenses other than first-time, non-violent felonies. Kane County currently offers deferred prosecution programs for individuals charged with a first-time offense in the following areas: misdemeanor non-violent, misdemeanor drug/alcohol, prostitution/solicitation, domestic violence, and felony drug possession (see Table 2).

**Table 2. Kane County Deferred Prosecution Programs**

<b>PROGRAM</b>	<b>CASE TYPE</b>	<b>FIRST-TIME OFFENSE</b>	<b>DESIGN</b>	<b>IMPLEMENTED</b>	<b>OFFENSE EXAMPLES</b>
Deferred Prosecution (DP)	Felony & Misdemeanor	Non-violent	Offenders who have not been convicted of any previous criminal offenses	1995	Retail theft, burglary, criminal damage to property, forgery, etc.
Prostitution/Solicitation Deferred Prosecution (PSDP)	Misdemeanor	Prostitution or solicitation	Offenders charged with an act of prostitution or solicitation	2002	Prostitution, solicitation
Drug/Alcohol Deferred Prosecution (DADP)	Misdemeanor	Drug/alcohol possession and/or consumption	Offenders charged with low-level drug and/or alcohol offenses	2005	Possession of cannabis, drug paraphernalia, and/or alcohol
Domestic Violence Deferred Prosecution (DVDP)	Misdemeanor	Domestic battery	Offenders charged with domestic battery	2010	Domestic battery (physical contact, bodily harm)
Drug Deferred Prosecution (DDP)	Felony	Class 4 drug possession	Offenders charged with possession of up to 5 grams of a controlled substance and/or up to 100 grams of cannabis	2012	Possession of cocaine, heroin, cannabis, ecstasy, etc.

Table 2 identifies current Deferred Prosecution Programs offered in Kane County.

The primary goal of all these programs is reduce the likelihood of repeat offenses, which have a negative impact on the court system, as well as for the person arrested.

***Deferred Prosecution (DP)***

Offenses eligible for this program consist of retail theft, burglary, criminal damage to property, possession of stolen motor vehicle, forgery, and deceptive practice. Deferred Prosecution was the first diversion program initiated by Kane County in 1995 and was designed to handle first time, non-violent offenders. At the outset, the program was only



offered to felony applicants, however after seeing success with the initial participants, it expanded to include misdemeanors. This program currently enrolls 275-350 participants annually.

***Prostitution/Solicitation Deferred Prosecution (PSDP)***

The program targets those who commit the act of prostitution or those who solicit a prostitute. The program was implemented in 2002 using funds from a federal Weed and Seed grant. The goal of the program is to educate offenders about the physical risks and legal consequences of committing these acts and to remove these offenses from neighborhoods in which they occur. Participants in the program are required to undergo HIV/AIDS testing, complete educational programs, perform community service in the community, and pay program fees and costs. Due to the nature of these charges, it is one of the smaller, but still extremely necessary, diversion programs offered in Kane with roughly 15-30 participants annually.

***Drug/Alcohol Deferred Prosecution (DADP)***

The drug/alcohol program targets first-time offenders charged with misdemeanor underage possession or consumption of liquor, possession of cannabis, and possession of drug paraphernalia. The program began in 2005 and was designed to provide participants with more intensive interventions than traditional court supervision in the hopes of reducing repeat offending. Participants are required to attend educational programs on the effects of underage drinking and long-term effects of cannabis use. This program enrolls 225-300 participants annually.

***Domestic Violence Deferred Prosecution (DVDP)***

This program is offered to first-time domestic violence offenders. It began in late 2010 to provide those offenders willing to accept responsibility for their actions an opportunity to avoid a permanent conviction. It also ensures the offender enters into counseling within a reasonable period of time after the offense. In addition to attending domestic violence counseling and paying program costs, the participant may also be required to enroll in substance abuse or mental health counseling and agree to all terms of an order of protection for the victim. The program currently enrolls 250-300 participants annually.

***Drug Deferred Prosecution (DDP)***

Drug Deferred Prosecution is designed for offenders who are charged with first-time felony offenses of unlawful possession of a controlled substance up to 5 grams and unlawful possession of cannabis up to 100 grams. It is the latest program to be implemented by Kane County and was launched in 2012. The program is for offenders arrested for small amounts of drugs who agree to undergo a year-long regimen of education and drug testing aimed at stemming further casual use.

Kane County's diversion programs have a high rate of offenders who are accepted into, and complete the Deferred Prosecution program. However, to fully evaluate the program, an examination of the recidivism rates for program graduates is necessary. The data analysis will help determine if the diversion programs are reaching the intended goal of reducing recidivism by providing offenders/clients with services and interventions to help them avoid future criminal behavior. The goal of the study is to fill the gap on the lack of evaluative research that assesses recidivism rates for adult diversion offenders and offer a discussion for future evaluations.

## Chapter Two

### THEORETICAL FRAMEWORK

#### *Labeling Effects: Prior Research*

Historically, labeling theory explains the consequences of being a convicted criminal and being stigmatized by society. Cooley references the “looking glass self” to describe the way people imagine the view of themselves through the eyes of others in their social circles and form judgments of themselves based on these imaginary observations (Cooley, 1902).

Labeling theory would hypothesize that being formally adjudicated would increase the chances of recidivism. The research question is whether the labeling event of a criminal conviction or the withholding of conviction has any effect on subsequent recidivism. Currently there is a gap in the knowledge when it comes to the effectiveness of adult diversion programs thus creating an opportunity with this research to answer the key question of “Are We Reaching the Desired Effects?”

Most of the previous research done under the premise of labeling theory looked at the effects of sanctions on an individual, which is more focused on deterrence rather than labeling. Another complication with the research is there is extraordinary methodological variation with the specification of independent and dependent variables and the elaboration of contingent or subsample analysis (Chiricos, Barrick, and Bales 2007). In previous research, labeling events have been operationalized to include for police contact, arrest, conviction, or confinement in a penal institution. It is arguable that a felony conviction has a more lasting impact on an individual due to the rights or which it can deprive a person. For those reasons, the prior

research regarding labeling for this study is limited to studies where conviction was viewed as the key labeling event.

Taxman and Piquero (1998) studied the effects of rehabilitation compared to formal punishment of DUI offenders to see if they had any bearing on future recidivism. The study used data from the Motor Vehicle Administration (MVA) records for the state of Maryland and consisted of drunk-driving convictions from 1985 through 1993. Of the 3,671 cases available to review, each case was tracked to obtain a three-year follow up of drunk-driving convictions in an attempt to learn if offenders who received formal sentencing (conviction) rather than treatment would recidivate at higher levels.

Recidivism was conceptualized as (1) subsequent drunk driving convictions within the three-year time period and (2) the time until recidivism, measured in days (Taxman and Piquero, 1998). The analysis examined three dimensions: reconviction rates, types of offenders, and different sentencing patterns. The results indicated that in all specifications, offenders with a history of traffic convictions were more likely than those without to be reconvicted for another drunk-driving offense and that in cases where the offender avoided the conviction, the risk of recidivism was 22 percent less (Taxman and Piquero, 1998). The results of this study are consistent with what labeling theory hypothesizes about the negative effects associated with a criminal conviction and how they can contribute to future recidivism.

Over the past decade, strategies targeting domestic violence offenses have assessed how discretionary arrests compare to mandatory arrests and formal sanctions compare to treatment options for offenders. Previous research on domestic violence has been consistent with the finding that those offenders without prior convictions would be better served with probation

combined with treatment instead of jail sentences alone (Thistelthwaite, Wooldredge, and Gibbs, 1998).

Ventura and Davis (2005) analyzed domestic violence charges filed in a Midwestern municipal court between April 1, 2000 and March 31, 2001. They investigated two interrelated research questions:

How comparable are the characteristics, violent acts, and criminal histories of batterers whose cases result in dismissal as opposed to some form of conviction?

What are the effects of case convictions on domestic violence recidivism in the one-year follow up period?

Of the 1,982 cases tracked, 67.6 percent resulted in dismissal, 23.8 percent resulted in conviction, and 8.6 percent were still pending (Ventura and Davis, 2005). The researchers then randomly selected a group of offenders who had their cases dismissed and a group of offenders who were convicted and tracked each offender for one year following the disposition of their cases. Although a portion of the research seems to agree with labeling theory, the overall conclusions are in opposition. In agreement with labeling theory, researchers discovered that domestic violence offenders who had a long criminal history of domestic violence had a higher likelihood of recidivism for that same offense. However, it was also found that the offenders whose cases resulted in convictions were less likely to recidivate than those whose cases were dismissed. It is also unknown if those whose cases were dismissed received any type of diversionary program treatment services, which may have resulted in the individuals' not recidivating rather than the lack of being labeled (Ventura and Davis, 2005).

## Chapter Three

### LITERATURE REVIEW

#### *Drug Court Research*

There have been numerous studies or evaluations done on Drug Treatment Courts and most of the evaluations reported lower recidivism for participants (Fulkerson, 2012) as compared to those with traditional sanctions. In Fulkerson's evaluation of the Pulaski County Arkansas Drug Treatment Court, he examined the recidivism rates of individuals placed in the county's drug treatment court versus those subjects who were placed on traditional probation without any of the services of drug treatment. The Drug Treatment Group included 381 subjects and the program group consisted of 394 subjects. All were charged with felony drug offenses in Pulaski County Circuit Court. Criminal histories of the offenders in both groups were obtained from the Arkansas Crime Information Center and a four-year recidivism analysis of each group was performed. Recidivism was defined in this study as arrest for felony or serious misdemeanor.

Results indicated that subjects in the Drug Treatment Court group experienced a four-year recidivism rate of 53.3 percent compared to a 62.5 percent rate for the traditional probation group (Fulkerson, 2012). Program completion appeared to be the strongest predictor of improved recidivism rates. Those offenders who successfully completed the drug court program had future offense rates of only 35.9 percent. This is contrasted with re-arrest rate of 63.6 percent of those who withdrew or were terminated from the program. This would be consistent with the Samson and Laub (1993) claim that rehabilitative services consistently maintained over time decrease the likelihood of future recidivism.

In another study done on the Dane County, Wisconsin drug court, researchers were able to determine that offenders who received services through the drug rehabilitative court

demonstrated a longer time before a new crime was committed (Brown, 2011). In the study, 137 drug treatment court participants were matched on age, gender, ethnicity, and criminal history to 274 traditionally adjudicated individuals between 2004-2006. A review of arrest records indicated that the drug treatment group was less likely to commit a new crime than the traditionally sentenced group. Of those drug treatment court participants that did re-offend, testing indicated a significantly longer time to recidivism versus the traditionally sentenced group.

In one of the most recent articles assessing the effectiveness of drug courts on recidivism, researchers Mitchell, Wilson, Eggers, and MacKenzie (2012) conducted a meta-analytic review of traditional and non-traditional adult and juvenile drug courts, and DWI (driving while intoxicated) drug courts in an attempt to determine if drug courts were actually reducing recidivism. The study started with 370 potentially eligible studies of drug courts and was narrowed down to 154 by canceling out studies that utilized overlapping samples or the same sample in initial and follow-up evaluations. The evaluations were then placed into four categories: (1) weak quasi-experiments, (2) standard quasi-experiments, (3) rigorous quasi-experiments, and (4) randomized experiments.

After analysis, the authors concluded the following:

- (1) There was evidence that adult drug courts were effective in reducing recidivism.
- (2) The majority of the most vigorous evaluations found modest reductions in general recidivism.
- (3) The average recidivism rate for drug court participants was 38% versus a 50% recidivism rate for non-participants.
- (4) Juvenile drug courts had a small effect on recidivism.

Based on these findings, the authors concluded that drug court participants had lower recidivism than non-participants, but the size of this effect varied by type of drug courts (Mitchell, Wilson, Eggers, and MacKenzie, 2012).

### *Mental Health Court Research*

Although not as popular or as researched as drug courts, mental health courts seem to be having similar effects at producing fewer re-arrests among offenders who have successfully completed them. Mental health courts were created to reduce recidivism among mentally ill offenders and in doing so, reduce court case loads and local jail and prison overcrowding while ensuring public safety (Goldkamp & Irons-Guynn, 2000; Petrila, Poythress, McGaha, & Noothroyd, 2000). Traditional sentencing of these offenders often left them in a setting that severely lacked treatment for their mental illnesses.

More than 100 mental health courts were established between the late 1990s and mid-2000s to tackle the inadequacy of the criminal justice system to deal effectively with mentally ill defendants (Redlich, Steadman, Monahan, Petrila, and Griffin, 2005). Rather than utilize traditional court sentences, mental health courts look to address underlying mental health conditions that are contributing to offender's participation in crime and provide services or interventions to address their mental health needs. Mental health courts are modeled similar to drug courts by providing the following:

- (1) a separate docket for mentally ill defendants;
- (2) a dedicated judge, who presides at the initial hearing and subsequent monitoring sessions;
- (3) dedicated prosecutors and defense counsel;
- (4) a non-adversarial team approach that involves joint decision-making between criminal justice and mental health professionals;
- (5) voluntary participation by defendants agreeing to follow the treatment regimen;
- (6) monitoring by the court;



- (7) a promise of dismissed charges or avoidance of incarceration, depending on whether the court follows a pre or post adjudication model (Goldkamp and Irons-Guynn, 2000; Petrila et al., 2000; Watson, Hanrahan, Luchins, and Lurigio, 2001).

Researchers analyzing data collected from a mental health court in a small county in the southeastern United States found that the court attributed to reducing the number of new arrests and the severity of such re-arrests among mentally ill offenders (Moore and Hiday, 2006). The study consisted of an experimental group of 82 defendants who were deemed eligible and chose to participate in the mental health court from September 2001 through August 2002, and a comparison group of 183 similar offenders whose cases were resolved in the traditional criminal court the year before the mental health court was established. It was not feasible to pull the comparison group from the same time frame as the mental health group because offenders eligible for mental health court could not be denied the opportunity to participate. Recidivism was operationalized in two ways: 1) number of new arrests occurring during the 12 months following entry into either mental health court or traditional criminal court; and 2) a summation scale indicating recidivism severity. Results indicated that participants had a re-arrest rate about half that of similar defendants in traditional criminal court and that those participants who completed mental health court had an even lower re-arrest rate and the severity of re-arrest did not differ among the groups (Moore and Hiday, 2006).

In a similar study, researchers studying the effects of the San Francisco Behavioral Health Court showed that participation in the mental health court program was associated with longer time without any new criminal charges or new charges for violent crime (McNiel and Binder, 2007). The study compared the occurrence of new criminal charges for 170 people who entered the mental health court after arrest and 8,067 other adults with mental disorders who were booked into an urban county jail after arrest between January 14, 2003 and November 19,

2004. Results showed that the reductions in the likelihood of new charges were more substantial with follow-up of more than one year after enrollment in mental health court and the risk of mental health court graduates being charged with any new offenses was even less likely. By 18 months, the risk of mental health court graduates being charged with any new offense was about 34 out of 100 compared with about 56 out of 100 for a comparable person who received treatment as usual. Also the risk of mental health court graduates being charged with a new violent crime was about half that of the treatment as usual group (McNeil and Binder, 2007).

In 2011, a meta-analysis was done on 20 previous mental health court studies to determine if they were effective in reducing recidivism and improving clinical outcomes. The study analyzed experimental and quasi-experimental research designs and recidivism outcomes were coded according to the following ranking: booking rates, re-arrests, new convictions, and jail days. Clinical outcome was measured according to the following ranking: established measures, hospitalization days, and psychiatric visits. The study found that mental health courts had small to moderate positive effects on reducing recidivism for those participants with serious mental illness in the criminal justice system, but were more modest in terms of demonstrating any improvements along clinical outcome measures (Cross, 2011). This study lends support to the idea that mental health courts are a necessary service in order to reduce recidivism among offenders and protect the public.

### *Diversion Programs*

Early proponents of diversion, especially in juvenile courts, felt the impositions of being labeled deviant by a social audience, and the reactions of the individual to this label resulted in a deviant career (Raush 1983). Most of the early studies on the effect of labeling and subsequent

delinquent behavior did not find overwhelming support of the labeling theory and most were flawed with methodological weaknesses (Mahoney, 1974; Klein, 1977). To examine the effects of labeling, Raush (1983) reviewed the findings of the Connecticut Deinstitutionalization of Status Offenders (DSO) project, which was designed to compare alternative forms of treatment along two dimensions: (1) court versus community based treatment; and (2) maximum versus minimum degree of intervention. In the project there were four treatment groups:

- (1) Pre-program comparison group, who received normal court processing and disposition;
- (2) DSO clients in District 1 (Connecticut has three districts), implementing the community-based, minimum intervention model, who received crisis intervention counseling aimed at resolving only immediate distress and returning the child quickly to the resources of the family and community,
- (3) DSO clients in District 2 , implementing the court-based minimum intervention model, who received the same treatment as clients in District 1, but from probation officers rather than from community agencies, and
- (4) DSO clients in District 3, implementing the community-based, maximum intervention model, who were supposed to receive all the help that could possibly be provided to them.

In her findings, Raush (1983) noted there was no difference in recidivism rates between those status offenders handled by the court in the usual manner and those diverted to each of the DSO programs, thus drawing her to conclude that the study provided no support for either labeling theory or deterrence theory.

Other early research on diversion programs indicated that offenders who were diverted from the court system to complete diversion recidivated at a lower rate than those who were given traditional court sentences for the same offenses (Pryor, Kluess, and Smith, 1977). However, Baker-Huelsman and Sadd (1972) indicated there were no differences between treatment and control groups, and diversion may also be contributing to a “net-widening” effect

in the criminal justice system. Net widening is the process by which more people are brought under some form of social control through the criminal justice system (Walker, 2011).

This research came on the heels of the Manhattan Court Employment Project, one of the more significant efforts to divert offenders out of the criminal justice system (Walker, 2011 pg. 263). The basic assumption was that unemployment contributed to increased crime and that providing employment would reduce criminal behavior. Staff members of the Court Employment Project in New York City screened the dockets and identified those offenders who met the program's criteria. A treatment group of those that met the criteria included being a resident of New York City, between ages of 16 and 45, unemployed or earning less than \$125 a week, charged with a non-serious felony, had their case suspended for 90 days while they received counseling, assistance with public aid, and had a referral to a job with one of 400 companies who agreed to cooperate with the project (Walker, 2011 pg. 263). A control group was set up with those who met the criteria but were sentenced to traditional court sentences. If the defendant maintained employment for the 90-day period, the prosecutor dropped the charges. If the defendant failed to secure employment, the case was returned to court and prosecuted. Early evaluations of the program found the program to be largely successful, showing that only 15.8 percent of the participants who successfully completed the program committed another crime in the 12 months following their release (Walker, 2011 pg. 263). This rate was half of that for both participants who failed the program and the control group.

Subsequent evaluations of the project reached very different conclusions indicating the project did not reduce recidivism and was contributing to a "net-widening" effect (Baker-Huelsman and Sadd, 1972). The prosecutor's office in the Manhattan Court Project wanted a new less punitive program for those charged with first time non-serious offenses and what they

found were eligible offenders for the program may not have been charged with a crime in the pre-diversion era (Walker, 2011). By keeping them under the constraints of the court system, essentially they were increasing the costs and strains on the very system they were attempting to alleviate. Findings consistent with the Manhattan Court Project were discovered when researchers evaluated juveniles referred to one of 15 diversion projects in California. They found that juvenile diversion programs produced a 32 percent increase in the total number of juveniles under some form of control (Blomberg, 1980).

Research conducted in the late 1980s concluded that diversion programs had been modified from earlier versions as to avoid a “net-widening” effect (Fisher and Jeune, 1987). They were also found to be more cost-effective and the preferred course of sentencing especially in juvenile courts (Fisher and Jeune, 1987). Fischer and Jeune (1987) conducted a three-year experimental, pre-trial, police-referral, community-based youth diversion program that operated in a western Canadian city under the guidance of the Solicitor General’s Office. The sample consisted of 259 youths that were diverted through the program and an evaluation method involved the use of questionnaires, interviews, and participant observations. The eligibility criteria were as follows:

- (1) youths must be between the ages of 8 and 15 years;
- (2) there must be sufficient evidence to warrant processing them through juvenile court;
- (3) youths would normally have been charged and processed through court, had diversion not existed;
- (4) there must be informed consent of the youth’s parents/guardians;
- (5) youths must not be suffering from any serious emotional or psychiatric problems;
- (6) youths must not have committed serious offenses such as murder or assault;
- (7) youths must not be transient;
- (8) a diversion agreement for restitution/compensation must be completed.

When a youth is accused of committing an offense, the police were given three alternatives; (1) arrest the youth, in which case he/she would be referred to juvenile court; (2)

warn the youth and clear the matter without referral; (3) refer the youth as a candidate for diversion.

The primary data for the study was obtained through questionnaires and interviews. A total of 259 youths were referred to the program over the three-year period. Demographic data was obtained on all 259 youths and interview data was obtained on 104 youths. The results of the study found (1) no evidence of net-widening; (2) cost per youth compared favorably with other diversion programs and was much less than court; (3) of those who experienced diversion and court, the overwhelming preference was diversion. Of the diversion agreements, 92.5 percent were completed satisfactorily. In 7.5 percent of the cases, agreements were not completed because of a youth being charged with a new offense, the youth's family moving away, the youth running away, or the infeasibility of the initial agreement.

In Fischer and Juene's (1987) study, one of the entry criteria was that there could be no sufficient evidence to carry the case to court. If these criteria were met, then one would expect a reduction in the proportion of cases charged with the introduction of diversion. There should also be very little change in the proportion of youths warned and released during the period of diversion compared to previous years. Police data indicated that the percentage of youths warned and released during the three-year period was consistent with that of the time period of 10 years prior to the implementation of the diversion program, thus negating the "net-widening" issue.

The issue of cost-effectiveness is an important factor when evaluating diversion programs. In Fischer and Juene's (1987) study, the average cost per youth was \$345.10 for diversion compared to the cost for arrest of \$511.00, and significantly less than the \$1,302.00 it cost to refer a youth to juvenile court.

Finally, participant feedback should not be overlooked when assessing diversion programs versus traditional court. The diversion questionnaire asked those parents and youths who had previous experience with both court and diversion programs to provide feedback on their experiences. Without exception, the preference was diversion. Eighteen percent of the youths and 62 percent of the parents previously had been to court and of these, 94 percent of the youths and 100 percent of the parents preferred diversion over court. The most frequent reason parents gave for choosing diversion was it prevented their children from having a criminal record. If in fact, diversion programs helped participants avoid being labeled a “criminal” than one would expect to see lower recidivism rates of those who completed them. One of the major limitations of this study is that it failed to look at recidivism rates of not only those who successfully completed the program, but also of those who failed to complete it and those whose cases were referred directly to court. The difficulty with this task is obtaining randomly assigned groups that would allow for the classical experimental/control group test, as those in charge felt it would not be appropriate to refer someone otherwise eligible for diversion to court simply to establish a non-treatment group. The 10 percent of youths who failed the program also need to be studied to determine if there are any common denominators contributing to their failure rates.

There are a couple of recent studies that seem to indicate more positive results as it relates to diversionary-based programs and recidivism. In a recent study of Florida’s law that allows the courts to withhold adjudication in felony offenders sentenced to probation, researchers determined that being adjudicated guilty as a felon significantly and substantially increased the likelihood of recidivism in comparison with those who had adjudication withheld (Chiricos, Barrick, Bales, and Bontrager, 2007). The researchers in this study examined reconviction data from 95,919 men and women who were either adjudicated or had adjudication withheld and

found that those who were formally labeled were significantly more likely to recidivate in two years than those who were not. It also appeared from this study that the labeling effects were stronger for women, whites, and those who reached age 30 without a prior conviction.

Researchers also found that second-level indicators of county characteristics (e.g., crime rates or concentrated disadvantage) had no significant effect on the adjudication/recidivism relationship.

In another recent study, researchers evaluating the effectiveness of the Ottawa Community Youth Diversion Program (OCYDP) found that youth referred to diversion had significantly lower re-offense rates than those referred to probation even when controlling for risk level, age, gender, and nature of the original offense (Wilson & Hoge, 2013). This study appears to be one of the more recent studies evaluating the effectiveness of a youth diversion program. The authors of this research, based on conflicting prior studies of youth diversion programs, attempted to demonstrate that youths being sentenced to diversion programs over traditional court processing had a lower recidivism rate. The Ottawa Community Youth Diversion Program (OCYDP) is a diversion program designed for youth between the ages of 12 and 17 who accept responsibility for the crimes with which they have been charged to participate in a program where community agencies provide assistance based on their identified criminogenic risk/need areas. Youth who successfully completed the program, complied with each treatment referral and were not referred to court for formal sanctioning.

The sample group consisted of a random sample of preadjudicated youth referred to OCYDP between January 1, 2007 and December 31, 2009. One hundred and seventy diversion youth were matched with 208 youth sentenced to probation for a total sample size of 378. Recidivism was defined as any conviction occurring after completion of the OCYDP or probation. The results indicated that referring youth to OCYDP significantly reduced their rate



of reconviction compared to a group of youth sentenced to probation, even when considering risk level, age, nature of index offense, and the gender of the participants. (Wilson and Hoge 2013).

## Chapter 4

### **THE PRESENT STUDY**

#### *Methodology*

In the current study, recidivism rates of a random sample of adult offenders who successfully completed the Kane County State's Attorney's Office's Second Chance program were reviewed and compared with a group of offenders who failed to complete the program. Kane County is located in Illinois approximately 40 miles west of Chicago. It includes the major cities of Aurora and Elgin and combined with the smaller towns, the county has a population of approximately 515,269. The Kane County State's Attorney's Office is located in the county seat of St. Charles and has roughly 140 employees (60 prosecutors and 80 support staff/investigators). The Second Chance program (aka Deferred Prosecution Program as of January 2014) was implemented in Kane County in 1995. Since its inception, the overall program expanded and now houses five separate deferred prosecution programs. These include 1) non-violent, first-time felonies; 2) first-time misdemeanor drug and alcohol possession; 3) first-time domestic violence; 4) first-time prostitution/solicitation; and 5) first-time felony drug (see Table 2). The non-violent first-time felony program processed slightly more than 4,000 cases since its implementation in 1995. Each year since inception, 75-80 percent of offenders accepted into Second Chance graduate from the program. However, there has been no research reviewing the recidivism rates of those individuals, or the remaining 20-25 percent who were terminated from the program for non-compliance or new offenses. For this study, criminal histories of previous Second Chance participants were analyzed to determine recidivism rates at intervals of 12, 18, and 36 months after graduation/termination. To remove possible effects of other variables, the study samples were matched by age, sex, and race.

The desired effect of diversion is to lower recidivism rates and help participants avoid being labeled a convicted criminal. The purpose of this study was to prove the benefits of Second Chance by showing that those who successfully completed the program had a lower recidivism rate than those who failed.

*H1 If a participant successfully completes Second Chance then he/she is less likely to recidivate.*

Further analysis studied the criminal histories of participants who recidivated to determine if a participant's failure to complete Second Chance led to an increase in the seriousness of subsequent arrests.

*H2 If a participant fails to complete Second Chance then he/she is more likely to recidivate with a conviction of a more serious nature than his/her original Second Chance charge.*

### *Participants*

The subjects in the study were a random sample of successful and unsuccessful completions from the Kane County State's Attorney's Office Felony Second Chance program from 2005-2010. Participants who graduated from Second Chance completed all program requirements and had their cases dismissed by the prosecutor in court. Participants who were terminated did not complete the program requirements and/or committed subsequent crimes. Those cases were returned to court for further prosecution, which normally resulted in criminal convictions being entered on the participants' records. For purposes of this study, if a new offense was the basis for an offender's termination from the program, it was not considered within the negative terminated sample size. A subsequent crime following his/her termination from Second Chance that resulted in a conviction was classified as recidivism. The use of a control group from the traditional criminal court was not feasible because, for ethical reasons, no

eligible deferred prosecution participants were denied the opportunity to participate in the program.

### *Research Design*

The research design used quantitative data consisting of the criminal histories taken from a random sample of 317 participants who either graduated or were terminated from the Kane County State's Attorney's Office Second Chance program between 2005-2010. Research was completed to determine whether recidivism rates at 12, 18, and 36 months were lower, higher, or the same between the graduates and those terminated from the program. Data was also analyzed to determine if those who failed the program recidivated with more serious subsequent convictions.

### *Procedure*

The data was placed into Sequel (SQL) and reviewed for clerical accuracy. Fields in the database were edited to ensure that the demographics and dispositions of each participant were accurate. A random sample of the entire study population was provided to the Illinois State Police so criminal history checks could be conducted. The data was then examined to determine if a past participant of the program had been arrested on new charges 12, 18, or 36 months post-graduation/termination.

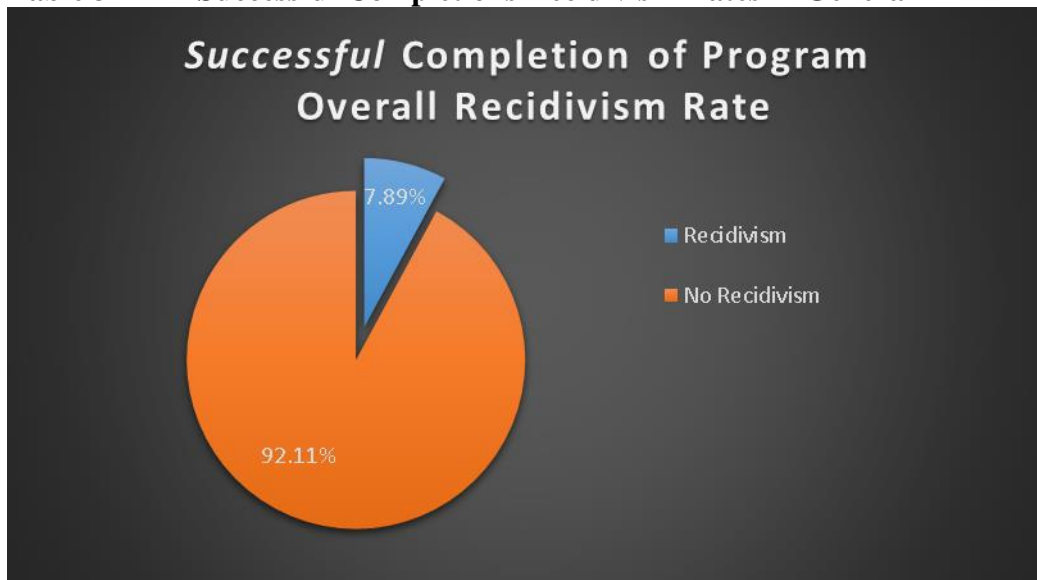
## Chapter 5

### RESULTS

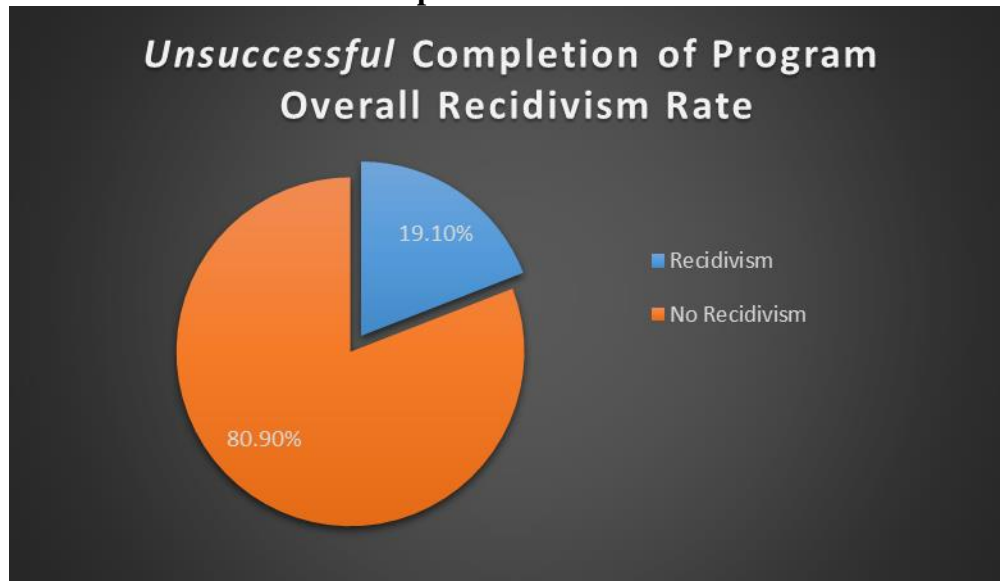
#### *Recidivism in General*

In the current study, recidivism rates of a random sample of adult offenders who successfully completed the Kane County State's Attorney's Second Chance program were reviewed and compared with a group of offenders who failed to complete the program. If the effect of diversion is to lower recidivism rates and help participants avoid being labeled a convicted criminal, then those who successfully completed the Second Chance program should have lower recidivism rates than those who failed. Based on the findings in this study, offenders who successfully completed Second Chance did in fact recidivate at a lower rate than those who failed the program. As shown in Table 3, eight percent of offenders who successfully completed Second Chance recidivated. As shown in Table 4, 19 percent of offenders who failed Second Chance recidivated.

**Table 3      Successful Completions Recidivism Rates in General**

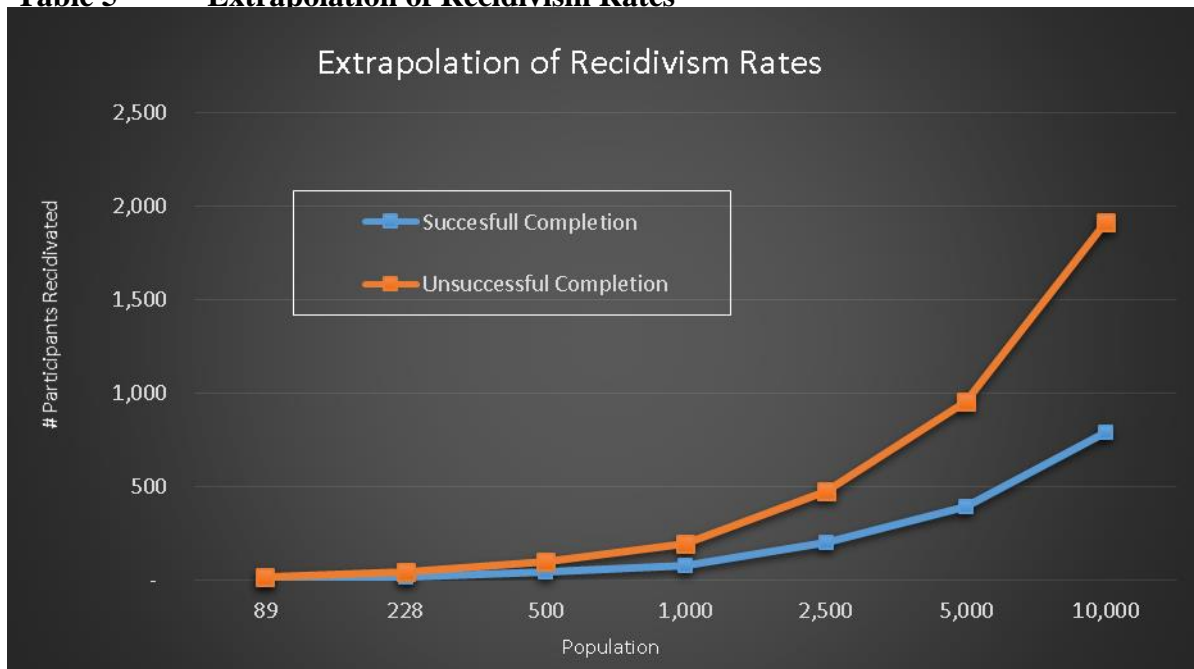


**Table 4     Unsuccessful Completions Recidivism Rates in General**



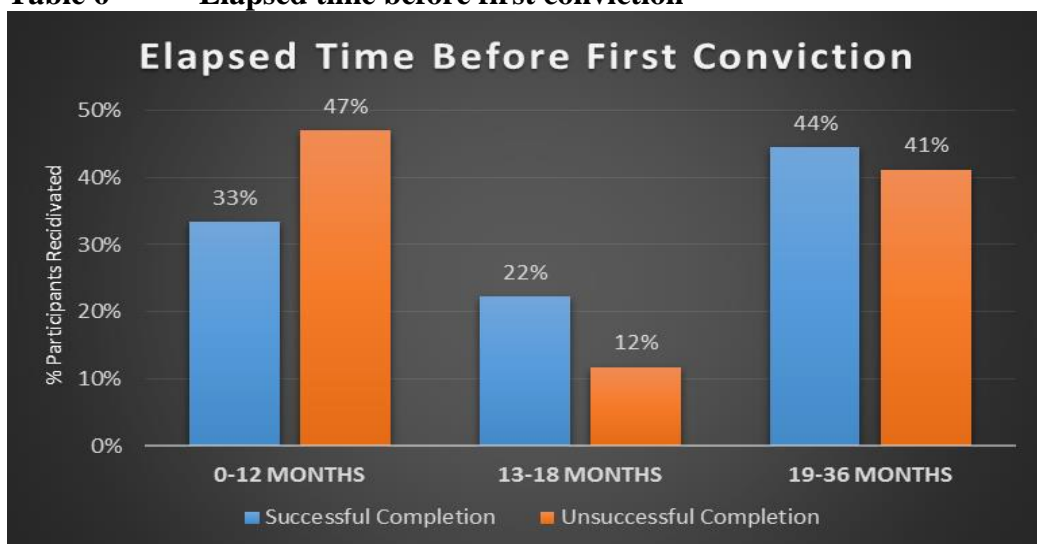
Results have shown a participant who successfully completes the Second Chance Program is two times less likely to recidivate than those who fail. Given the randomly selected sample size used in this study, the impact between the recidivism rates of the two groups may not appear significant. However, once the data is extrapolated to a larger population, the positive effects of the Second Chance Program are more impressive. Table 5 demonstrates how the differences in recidivism are more visible as the sample size increases. Given Kane County's Second Chance program has processed roughly 5,000 cases since its' inception, the difference in recidivism reinforces the positive effects the program is having on those who successfully complete it.

**Table 5**      **Extrapolation of Recidivism Rates**



It does not appear that the length of time following the successful or unsuccessful program completion was a factor in the recidivism rates. It is interesting to note that both groups saw a higher amount of recidivism in the first 12 months and between 19-36 months than during the 13-18 month period (see Table 6).

**Table 6**      **Elapsed time before first conviction**



A review of the seriousness of subsequent convictions of those who were unsuccessful in completing the program, failed to prove the second hypothesis. The second hypothesis theorized that if a participant failed to complete Second Chance then he/she would be more likely to recidivate with a conviction of a more serious nature than the original Second Chance charge. However, the data indicated that participants who failed to complete the diversion program were not convicted of more serious subsequent crimes. Of the 19 percent who failed the program and recidivated, the results showed only 12 percent recidivated with a conviction of greater significance than the original charge they faced (Table 7). When the research focused on the subsequent convictions of the successful completions, the data indicated a higher percentage of the offenders in that group recidivated with a more serious subsequent conviction (Table 8).

**Table 7    Unsuccessful Terminations subsequent convictions**





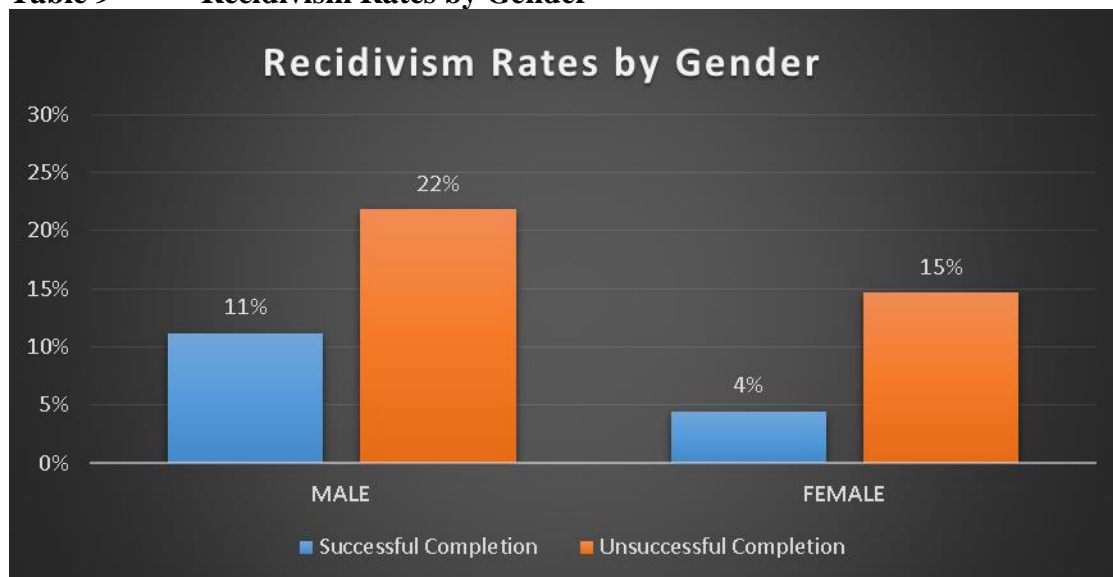
**Table 8 Successful Terminations subsequent convictions**



*Recidivism by Gender*

When comparing recidivism rates between genders (Table 9), males were two times more likely to recidivate if they did not successfully complete the program and females almost 4 times more likely to recidivate if they did not successfully complete the program. However, overall, females were less likely to recidivate than males.

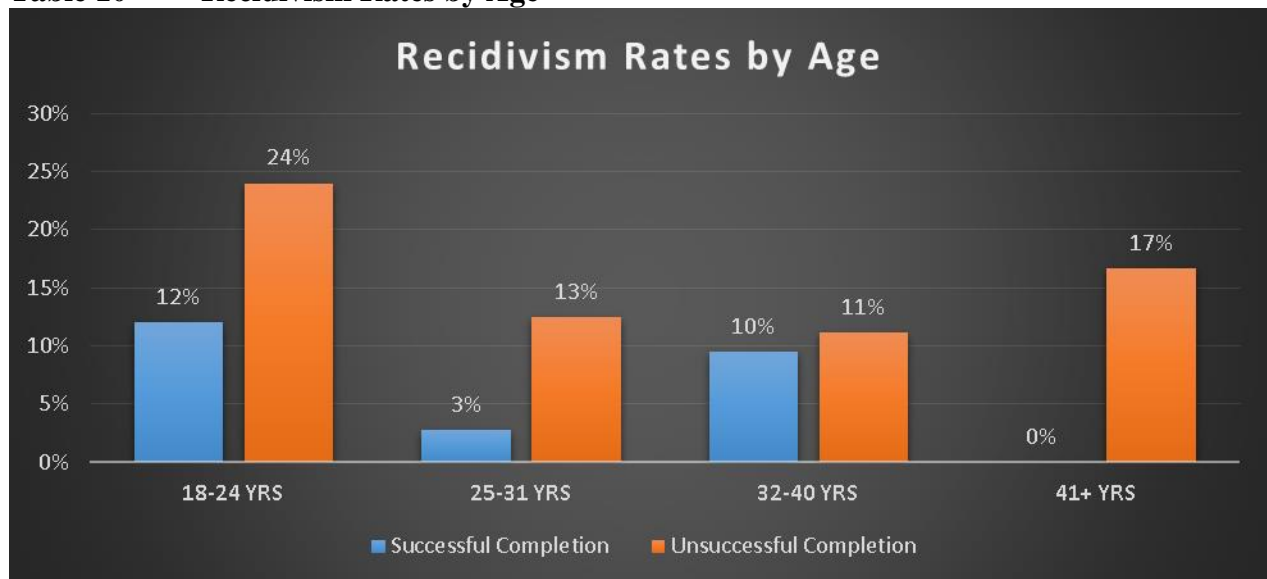
**Table 9 Recidivism Rates by Gender**



### *Recidivism by Age*

Table 10 indicates recidivism rates of offenders based on the age of entry into the Second Chance program. Participants who were between the ages of 18-24 years and did not successfully complete the program were two times more likely to recidivate than their successful counterparts. The likelihood increased to four times in the 25-31 age group. The likelihood of recidivating remained the same among 32-40 year olds and only increased in the 41+ age group due to small a sampling size.

**Table 10      Recidivism Rates by Age**

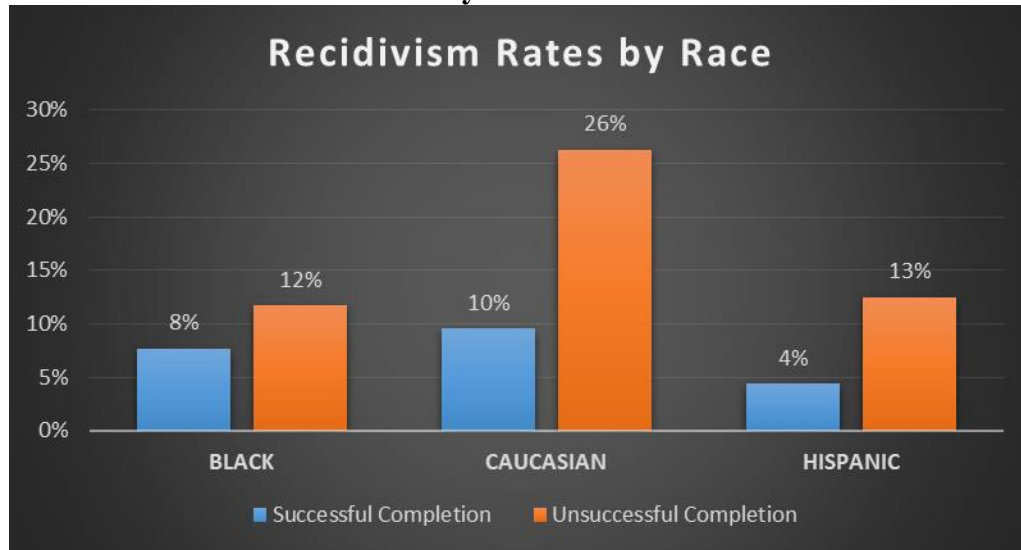


### *Recidivism by Race*

When filtering the data by race, Blacks who were unsuccessful recidivated at a rate of one-and-a-half times more than their successful counterparts (Table 11). Caucasians who were unsuccessful in completing the program were more than two-and-a-half times more likely to recidivate than those who finished. Hispanics who were unsuccessful in completing the program

were more than three times more likely to recidivate than those that successfully completed the program.

**Table 11**      **Recidivism Rates by Race**



## Chapter 6

### CONCLUSIONS

#### *Introduction*

This chapter summarizes the thesis findings and suggests further research and policy implications. The first section of the chapter reviews the objectives of the research and the methodology used to determine its outcomes through a summary of the empirical findings. The next section focuses on the policy implications of the research and proposes creation/expansion opportunities. Lastly, limitations are discussed in the final section and identifies areas in need of further consideration by future researchers.

#### *Summary of Empirical Findings*

Diversionary-type programs arose at a time when key players in the court system took notice that the “cookie cutter” approach to sentencing was not having the desired effect of reducing crime. As a result of seeing offenders circulate in and out of the court systems and correctional facilities, a justice in the New York judicial system started devising a way to help prevent criminals from re-offending. The thought was that not every criminal would re-offend if they were given the tools and training necessary to resist the criminal lifestyle. The idea was further defined to target specific triggers in the life of the criminal (lack of education leading to unemployment, substance abuse, mental health issues and negative peer group influences) that could lead to re-offending.

Diversion programs provide first-time, non-violent offenders with an opportunity to avoid being labeled a “convicted offender,” while providing them with the necessary tools to

address their life issues and help them make better choices. These resources aim to help offenders improve cognitive thinking and decision-making skills along with providing connections to social service agencies for education, counseling, job placement, and financial assistance.

Due to the initial success in the number of offenders who agreed to participate in and completed a diversionary-type program, similar programs were developed, expanding to various counties and states. However, there was a gap in the research that showed the effectiveness of these programs to support the expansion effort. Once the offender successfully completed the program, did it actually reduce the likelihood that he/she would commit another crime? And, of those who failed to complete the program, if they continued their criminal lifestyle, were their subsequent crimes of a more serious nature? These concerns regarding the recidivism rates related to participation in diversionary-type programming created an opportunity with this research to address those key questions.

This study set out to determine whether diversion programs reduced recidivism among participants who successfully completed the program. The study attempted to answer two main questions:

1. Did participants who successfully completed a diversion program recidivate less than those who failed to complete the program?
2. Did participants who failed to complete a diversion program recidivate with a conviction of a more serious nature?

The researcher in this study reviewed the criminal histories of a randomized sample of 1,071 offenders who participated in the Kane County State's Attorney's Office Second Chance Program from 2005-2010. Included in the study were 228 adult participants who successfully completed the Kane County State's Attorney's Office Second Chance Program, as well as 89 participants who failed the program.

### *Empirical Findings*

The results indicated that participants who successfully completed a diversion program were less likely to recidivate than those who failed to complete the program, proving the first hypothesis. Participants who successfully completed the program recidivated at a rate of 8 percent versus their unsuccessful counterparts who recidivated at rate of 19 percent. Given the limited sample size used in this study, the impact between the recidivism rates may not initially appear significant. However, if the data is extrapolated to a population size of 10,000 program participants, only 800 who successfully completed a diversionary program would likely recidivate versus 1,900 who failed the program and would likely recidivate.

In regard to the second hypothesis, the results did not prove that participants who failed to complete the program recidivated with more serious, subsequent convictions. Of the 19 percent who failed the program and recidivated, the results showed that 76 percent recidivated with a conviction of a non-violent offense.

### *Policy Implications*

As evidenced by this study, diversionary-type programs lower future recidivism rates of those participants who successfully complete them. Administrators in the justice system can now justify a diversion program as a viable alternative to traditional sentencing options.

Even before Kane County elected to review the effectiveness of its' diversion program, other counties in the state of Illinois used it as a model to develop similar programs. After witnessing the success of Kane County's program, McHenry, DuPage, Winnebago, and Lake Counties began designing and implementing diversion programs to serve their populations of first time, non-violent offenders. Now that empirical evidence exists regarding the success of

Kane County's program, these counties should be able to replicate the results of their own diversion programs, further improving the reliability of this alternative sentencing option. In addition, the results of this study can also serve as a benchmark for those counties yet to consider diversion programs as a viable option. Since the time of this study, Kane County has also implemented the use of a comprehensive risk assessment tool to help them better identify appropriate levels of supervision as well as offender's needs. Having a validated tool to help address offender's needs and align them with appropriate services should help increase the level of success among the participants and reduce future recidivism even lower than what was found in this study.

Legislators can also use this study as the basis for creating policies in support of diversion programs at the state level. As of January 1, 2013 the state of Illinois passed legislation calling for counties to implement an "offender initiative program." It called for counties to develop and offer programs for first-time offenders of certain crimes. It recommended using sentencing options similar to diversion such as community service, employment training, counseling, and education. It also called for offenders to pay certain fees to ensure programs like these receive the necessary funding. Since the results of this study have post-dated Illinois' legislation, the new evidence can be used to bolster support for state-wide diversion initiatives.

### *Limitations*

In this study, recidivism was operationalized as a subsequent conviction for an offense, as opposed to an arrest. A conviction was used as the threshold since the outcome of an arrest is a more definitive indicator than the arrest itself. An arrest may result in the case being dismissed by the court on a technicality or dismissed by the state due to a lack of resources to prosecute, or

an offender being found not guilty. A conviction, however, requires a guilty plea or a finding of guilt by the courts. If future researchers can determine how an arrest is disposed of, it may be worth using subsequent arrests as the threshold for further investigation and study.

In addition, due to manpower constraints, detailed qualitative interviews were unable to be performed with individual past participants in the Second Chance program. Data that could help further analyze and explain an individual's reason for recidivating or not recidivating could be discovered through surveying or a personal interview. It may also lead to further research examining various other theories such as Life Course/Age-Graded Theory and/or Neutralization Theory. Life Course/Age-Graded Theory assumes that it is entirely possible that many of the youthful offenders simply "age out" or have other life circumstances (marriage, military, education) that cause them not to re-enter the judicial system. Neutralization Theory assumes that the decision to commit a crime may be determined by if that individual can justify a reason for it to dissuade their guilt (can't afford food, victimless crime). If Neutralization Theory is found to have an effect on the decision of individuals to commit future crimes, the data may assist in the development of diversion programming to address and counteract the individuals' dispositions.

It would also be interesting to determine the impact the community panel has on an offender's likelihood to successfully complete a diversion program. If offenders are surveyed and they indicate the panel process as part of the motivation behind their successes, then further research should be devoted to exploring this aspect of diversion.

Finally, this study lacked the ability to have a comparison group of participants who did not receive a diversion disposition to serve as a control. Ideally, it would be beneficial to compare a felony offender who participated in the diversion program to a similar felony offender



who did not participate in Second Chance. However, since the majority of Kane County offenders who are offered diversion accept inclusion into the program, the researcher was unable to form such a control group for this study. Further research should consider examining a population group from a county of similar make up or design in which offenders received a sentence of probation following a conviction.

To further validate the findings in this study, replication of the results should be able to be achieved in other counties that offer diversionary-type programs. If the results are unable to be replicated, other outside factors such as differences in populations, program make-up, and design could account for the outcomes.

Future researchers undertaking a more detailed validation of the findings in this study should be aware that limitations exist in the ability to extrapolate information from a unified data source. Different agencies use various software programs to track and store data, which makes comparisons difficult. Most of these software programs are developed in-house, and therefore, there is little to no consistency in what data points are collected. Lessons learned from this study show the importance of the various agencies utilizing a universal database program that tracks consistent data. Difficulty may also be found in the cumbersome approval process that allows for the retrieval of the sensitive data required for analysis, due to the security permissions required to view such data. This may account for the current lack of research in the criminal justice field.

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