

## Office of the Kane County State's Attorney



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### **KANE COUNTY TO LAUNCH SECOND CHANCE PROGRAM FOR SOME LOW-LEVEL FELONY DRUG OFFENDERS**

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Some low-level felony drug offenders in Kane County will have the opportunity to avoid a permanent conviction on their record and in some cases prison if they agree to treatment under a new program of the Kane County State's Attorney's Office.

The office next week will launch the Second Chance Felony Drug Program for certain offenders who face a Class 4 felony charge of unlawful possession of a controlled substance – up to five grams – and/or a Class 4 felony charge of unlawful possession of cannabis – up to 100 grams.

The program, which involves drug testing and treatment, would reduce court volume and keep some low-level offenders out of the prison system. By receiving counseling and treatment instead of prison, offenders would have a better chance to become clean from drugs, reducing the likelihood that they re-offend or become perpetual offenders, repeatedly returning to court and prison at great expense to the public.

"Second Chance Felony Drug Program participants will be able to focus on treatment, accountability and recidivism prevention, as well as modify their behavior, while staying out of jail or prison," Kane County State's Attorney Joe McMahon said. "The program will allow our office to focus our limited resources where they can do the most good for offenders and for society. It also will allow the lawyers in our office to concentrate on more serious cases. Offenders who face these charges annually account for a large percentage of our case load."

"This program will not solve the drug problem in Kane County. But it will allow us to reach certain low-level drug users and get them the help they need to live drug-free and more productive lives. I have spoken with Kane County police chiefs and members of the judiciary about this program and they agree that it has many potential benefits. They are eager for it to get started," McMahon said.

"Our office's Second Chance program for misdemeanor drug offenses has been tremendously successful in helping to end drug use among its participants. We are confident that this program for low-level felony drug offenders will have similar results. And we believe that the benefits to our community will be immeasurable."

### **Why the Second Chance Felony Drug Program is needed**

During the last five years, defendants in nearly 2,100 of the more than 17,000 felony cases filed in Kane County – 12 percent – would have been potentially eligible for the program before their cases were further screened for eligibility.

Many of the people who face these charges are recreational or casual drug users who risk becoming more deeply involved in drugs and burdens to society. Helping them to address their drug use now reduces the possibility that they become heavy drug users who engage in more serious criminal activity to support their drug habit.

In addition, a recent [study of the cost of incarceration](#) by the [Vera Institute of Justice](#) stated that in 2010, the average annual cost per inmate in the Illinois Department of Corrections was more than \$38,000, and that IDOC's total cost to taxpayers in 2010 was \$1.75 billion. Further, according to Kane County jail officials, the average per-day cost for each inmate who is unable to post bond is \$64, which translates to about \$23,000 per inmate per year.

### **Eligibility requirements**

- No prior arrest or conviction for unlawful possession of a controlled substance or cannabis (with the exception of one prior successful completion of supervision for misdemeanor possession of cannabis, alcohol or drug paraphernalia)
- No prior participant in the statutory TASC (Treatment Alternative Specialty Court)
- Did not commit the offense while free on bond in another case
- Cannot be active gang member, registered sex offender, or on probation or parole

### **Program application process**

- Eligible defendants must apply for entry
- Offer to apply would be extended and application must be filed within 90 days of the first court date
- Application is screened by assistant state's attorney and interview is conducted by Second Chance case manager
- Applications must be approved by the arresting agency and by the State's Attorney
- If approved, applicant must enter into formal agreement with the office and make a videotaped statement as to the facts of the case

### **How the program works**

- Fully funded by participants – \$500 drug fine, \$335 in court costs, \$50 application fee, \$25 drug test administration fee and \$1,225 in program fees for total of \$2,135. This could be adjusted or waived for indigent defendants.
- Participation lasts 12 months
- Participants must complete six hours of a drug education program at own expense
- Participants must submit to random drug testing (no fewer than four tests in 12 months) at own expense
- Participants who abide by all program terms will have case dismissed and may petition court to have charge expunged if they meet eligibility requirements
- Participants who do not successfully complete program terms or commit new offense will be negatively terminated and case will be returned to court for criminal prosecution