

# Eligibility Requirements

**A DEFENDANT IS NOT ELIGIBLE FOR THE ALTERNATIVE PROSECUTION PROGRAM IF ANY OF THE FOLLOWING CONDITIONS APPLY:**

- He or she has a prior conviction
- He or she has a prior 410 or 510 probation
- He or she is on supervision, probation or conditional discharge for a juvenile offense
- He or she is on adult supervision or supervised supervision
- He or she is an active gang member
- He or she is charged with a violent, domestic, or sex offense, or a crime against a child or an elderly victim
- He or she is charged with a non-probational offense
- He or she is charged with any form of arson other than 720 ILCS 5/20-1(a)(1)
- He or she is charged with delivery of a controlled substance, or intent to deliver a controlled substance
- He or she is charged with Identity Theft
- He or she is charged with Stalking or a Hate Crime
- He or she is charged with a Traffic or DUI Offense
- He or she is charged with using a weapon
- He or she committed an offense while on Bond
- He or she has previously participated in a Lake County Specialty Court Program or a First Offender Program from another jurisdiction
- He or she currently under an Order or Protection
- He or she is not a resident of Lake County

**LAKE COUNTY STATE'S  
ATTORNEY'S OFFICE  
MICHAEL G. NERHEIM  
STATE'S ATTORNEY**



**ACCEPTANCE INTO THE ALTERNATIVE  
PROSECUTION PROGRAM IS WITHIN THE  
SOLE DISCRETION OF THE LAKE COUNTY  
STATE'S ATTORNEY'S OFFICE.**

# Alternative Prosecution Program

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## **What is the Alternative Prosecution Program?**

The Lake County State's Attorney's Office has designed its Alternative Prosecution Program for first time, non-violent offenders who, in exchange for accepting responsibility for their criminal conduct, have the opportunity to keep a conviction from being permanently entered on their record, and to avoid the devastating impact a conviction may present over a life time.

All applicants must complete an intake interview. Next, the applicant must meet with, and be approved by, a panel of citizens from the community before the State's Attorney will consider admitting them into the Program. If accepted into the Program, the defendant shall agree to satisfy various Program requirements which may include, but not limited to, obtaining a high school diploma or G.E.D., obtaining counseling and/or substance abuse treatment, completing public or community service hours, paying full restitution to the victim, writing a letter of apology, finding or maintaining employment, and paying fees to both the Alternative Prosecution Program and to a designated Lake County anti-crime program.

Upon successful completion of the Alternative Prosecution Program, the State's Attorney will vacate the defendant's guilty plea and dismiss the charges. If a defendant fails to successfully complete the Program in a timely manner, the defendant will be terminated from the Program and the case will be returned to court for sentencing on the original charges.

## **Alternative Prosecution Program Process**

### **Referral**

A referral may be made by a Judge, State's Attorney, Private Attorney, Public Defender, or Police Officer. The State's Attorney will accept referrals into the Program at any time prior to the defendant's arraignment, however the request for a Program application will usually be made at the defendant's first court appearance. Applicants may be required to participate in a risk assessment.

### **Fees and Intake**

An applicant must pay a \$70.00 non-refundable application and drug testing fee to the Circuit Court Clerk prior to scheduling an initial interview with the State's Attorney. The applicant must bring a copy of the receipt evidencing payment of the fee from the Clerk's office to the interview with the State's Attorney. The State's Attorney will conduct an intake interview, and explain the Program requirements to the prospective applicant.

### **Presentation to the Citizen Panel**

If the State's Attorney Administrator does not reject the applicant, and if the applicant meets all the necessary requirements for acceptance into the Program, the Administrator will schedule a date for the applicant to appear before the Alternative Prosecution Citizen Panel. The applicant will be required to explain his offense and accept responsibility for his actions. After deliberations, the panel will make a recommendation to the State's Attorney regarding the applicant's acceptance into the Program, and suggest requirements and expectations for the applicant's successful completion of the Program.

### **Presentation to the State's Attorney**

Following the Panel's recommendation, the applicant's file will be presented to the State's Attorney. The State's Attorney will have the discretion to approve or reject the Panel's recommendation after receiving input from the victim and the police. If the State's Attorney accepts the application, the defendant will sign a Program Agreement on the next court date, and plead guilty to the charges pending against him/her in open court. The court will not sentence the defendant, but will continue the case while the defendant completes the Program requirements.

If accepted, the Program fees are not to exceed \$1500, plus a \$125 drug test monitoring fee, and a \$200 restitution fee to the appropriate, not-for-profit Lake County anti-crime program. Restitution payment will also be required if applicable.

During the approximately year long Program, the defendant will be expected to meet with the State's Attorney three times or as directed, appear in court for one review hearing, and complete an exit interview with the Citizen Panel. Lastly, the defendant will appear in court at the successful completion or negative termination of the case.

If the State's Attorney rejects the defendant's application, the Administrator will notify the defendant's attorney and the State will resume the prosecution of the case. There will be no opportunity to appeal a rejection.

### **Program Completion**

Upon successful completion of all Program requirements, the State's Attorney will vacate the defendant's guilty plea and dismiss the charges of the criminal case.

If however, the defendant fails to comply with the conditions of the Program Agreement, or if he/she commits a new criminal offense, the defendant will be terminated from the Program, and the case will be returned to court for sentencing on the guilty plea entered on the original charges.