



# Safe Neighborhoods Reform Act

## First Time Weapon Offender Program

### 730 ILCS 5/5-6-3.6

### 2022 Update

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#### Program Summary

Included in the Safe Neighborhoods Reform Act was the establishment of a new diversion program for young first time offenders charged with certain unlawful use of weapons (UUW) offenses. The First Time Weapon Offender Program (FTWOP) allows courts to sentence qualifying 18-20-year-olds, with the consent of the defendant and the State, to the FTWOP. Successful completion of the program results in dismissal of charges, avoiding a felony conviction on the person's record. Additionally, a defendant cannot previously have been convicted of, or been adjudicated a delinquent minor for, a violent offense as defined in Section (h); previously successfully completed the FTWOP; or have an existing order of protection issued against them. The Program is facilitated by the Administrative Office of Illinois Courts' (AOIC) Probation Services Division.

#### Key Findings

- Since 2018, there have been 2,308 cases across the state that are potentially eligible for the First Time Weapons Offender Program (FTWOP), with 87.7% of those in Cook County.
- 49 FTWO programs are reported in CHRI and are geographically spread throughout the state.
- Cook County Adult Probation Department records show that through September 2022, they had received 1,322 FTWOP cases.
- Transfer of case information from Cook County to the CHRI database inaccurately records FTWOP cases as convictions.
- Stakeholders are working to correct the cases already reported and change the system to eliminate reporting FTWOP cases as convictions in the future.

Safe Neighborhoods Reform Act:  
First Time Weapon Offender Program  
2022 Update

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730 ILCS 5/5-6-3.6  
Public Act 100-0003

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**Suggested Citation:** Drumm, A., & Powers M. (2023). *Safe Neighborhoods Reform Act: First Time Weapon Offender Program, 730 ILCS 5/5-6-3.6, Public Act 100-0003*. Illinois Sentencing Policy Advisory Council. <https://spac.illinois.gov/publications/research-reports>

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## Introduction

Included in the Safe Neighborhoods Reform Act was the establishment of a new diversion program for young first time offenders charged with certain unlawful use of weapons (UUW) offenses.<sup>1</sup> The First Time Weapon Offender Program (FTWOP)<sup>2</sup> allows courts to sentence qualifying 18-20-year-olds, with the consent of the defendant and the State, to the FTWOP. Successful completion of the program results in dismissal of charges, avoiding a felony conviction on the person's record. In addition to eligible charges and age range, a defendant cannot previously have been convicted of, sentenced to probation or conditional discharge for, or been adjudicated a delinquent minor for a violent offense as defined in Section (h), previously successfully completed the FTWOP, or have an existing order of protection issued against them. The Program is facilitated by the Administrative Office of Illinois Courts' (AOIC) [Probation Services Division](#).

There is no requirement for data collection regarding the FTWOP, which limits our ability to analyze its implementation. There are a small number of individuals identified in the Criminal History Record Information (CHRI) database as having been sentenced to the FTWOP, but only generic, basic information on dispositions and sentences is provided. Despite our data limitations, this report still provides an overview of trends regarding the target population, i.e. individuals who could be eligible for the FTWOP. This report also covers the frequent use of the FTWOP in Cook County and the systematic reporting error that records all of those cases as convictions in CHRI.

## Definitions

This report uses the term guilty dispositions, or simply dispositions, where our reports usually refer to convictions. This word choice is intentional and meaningful, as the FTWOP itself is not a conviction. An individual is found guilty by a judge, but that judgement is not entered. This is colloquially referred to as a withheld judgement. If successfully completed, the judge "shall discharge the person and dismiss the proceedings against the person." If the individual fails to complete the FTWOP, the judge "may enter a judgment on its original finding of guilt" at which point it would be a conviction.

Target population refers to those found guilty of a qualifying UUW who meet the basic eligibility requirements for the FTWOP as defined in the statute. There are two data limitations that we have identifying the target population: (1) SPAC does not have access to any information regarding protection orders and (2) the data for juvenile cases is not complete, especially for more recent years. As a consequence, some individuals included as part of the target population in this report were not in fact eligible for the FTWOP, either because of juvenile convictions or protection orders. Consequently, the target population numbers in this report are an overestimate.

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<sup>1</sup> 720 ILCS 5/24.1 or 730 ILCS 5/24-1.6 if punishable as a Class 4 felony or Class A misdemeanor.

<sup>2</sup> 730 ILCS 5/5-6-3.6, see Appendix A.

## Key Findings

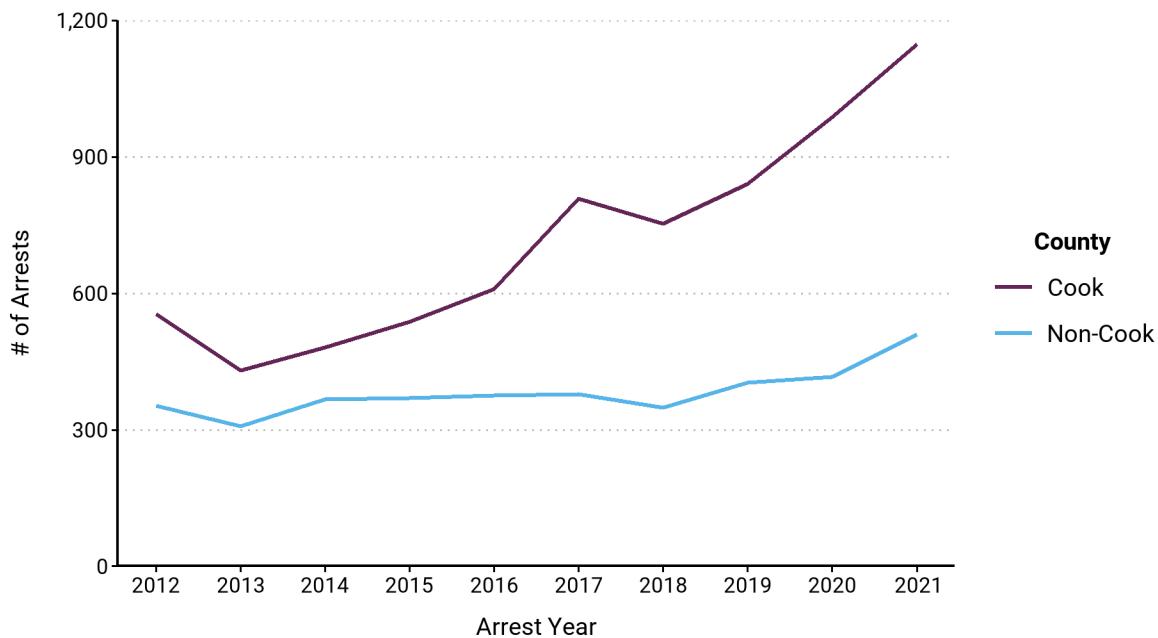
- Since 2018, there have been 2,308 potentially eligible FTWOP cases across the state, with 87.7% of those in Cook County.
- 49 FTWOP are reported in CHRI and are geographically spread throughout the state.
- Cook County Adult Probation Department records show that through September 2022, they had received 1,322 FTWOP cases.
- Transfer of case information from Cook County to the CHRI database inaccurately records FTWOP cases as convictions.
- Stakeholders are working to correct the cases already reported and change the system to eliminate reporting FTWOP cases as convictions in the future.

## Arrest and Sentencing Trends

### Arrests

Figure 1 shows the number of arrests of 18-20-year-olds charged with qualifying UUWs. Since 2012, the overall number of arrests of 18-20-year-olds for eligible UUW charges has increased precipitously. These arrests have more than doubled since 2012 in Cook County; elsewhere in the state the increase has been over 40%. Notably, there was no deviation from this increase during the coronavirus pandemic.

**Figure 1: Number of Qualifying UUW Arrests for 18-20-year-olds**



## Sentencing of Target Population

As defined above, the target population is based on age, qualifying UUW charge, and filtered to include those without any prior violent crime offense in the data. Figure 2 shows the total number of guilty dispositions for the target population.<sup>3</sup> The clearest trend is the significant decrease in dispositions in 2020, attributable to the coronavirus mitigation measures put in place by courts during the pandemic. Also notable is the overall increase, which aligns with that in the UUW arrests of 18-20-year-olds.

**Figure 2: Number of Guilty Dispositions of Target Population Jan. 2012 - Aug. 2022**

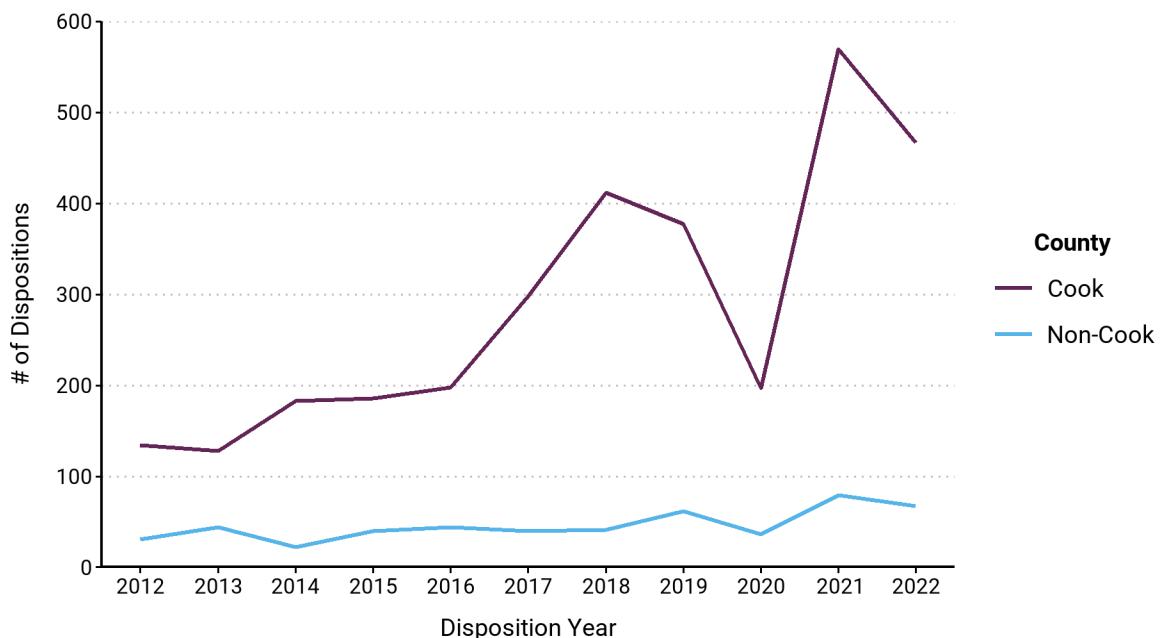
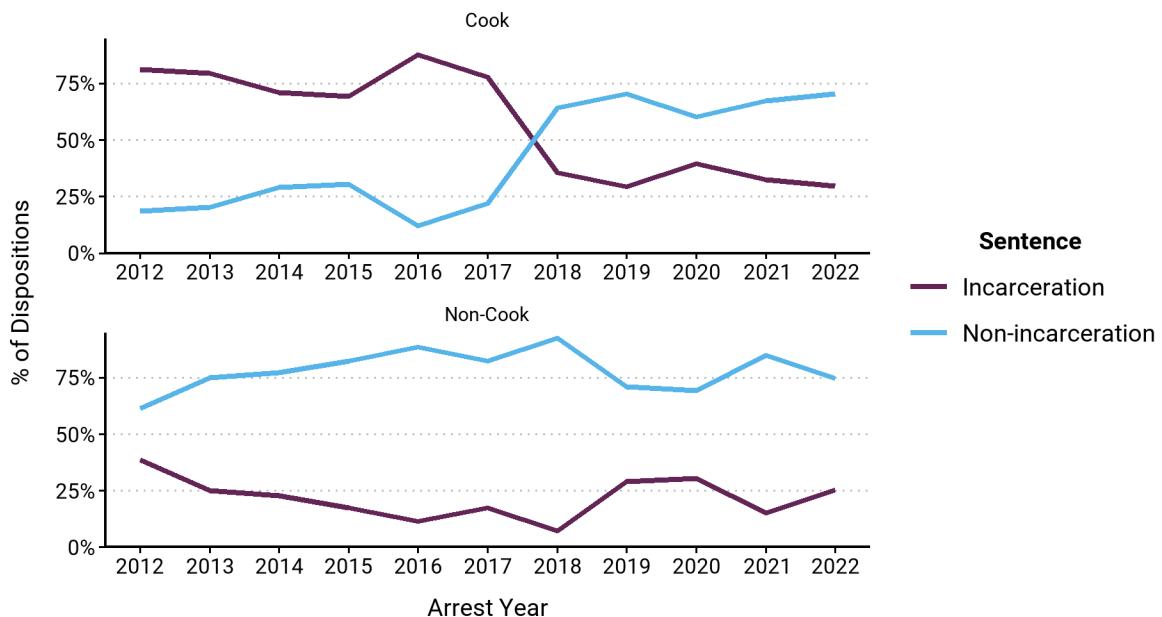


Figure 3 shows the percentage breakdown of sentences imposed for guilty dispositions in the target population. Incarceration sentences are almost exclusively prison; non-incarceration sentences include probation, conditional discharge, and supervision. Until 2018, around 75% of 18-20-year-olds found guilty of qualifying UUWs in Cook County were sentenced to prison. This began to change starting in 2017, and by 2019 non-incarceration sentences overtook incarceration as the most frequent sentence. Outside of Cook County non-incarceration sentences have consistently been the most common. The breakdown of sentences currently both inside and outside of Cook County are more similar than before 2018.

<sup>3</sup> The primary source of this data is CHRI, but it is supplemented with data directly from the Cook County Circuit Court Clerk, as there are a significant number of cases in the clerk data that are not in CHRI.

Figure 3: Sentences for UUW Charges for Target Population Jan. 2012 - Aug. 2022



### Target Population Since 2018

The FTWOP statute went into effect on January 1, 2018. Through August 30, 2022, there have been 2,308 individuals potentially eligible for the FTWOP that have been found guilty of a qualifying UUW offense. Of those, 87.7% were in Cook County. 51 counties had no potentially qualifying FTWOP cases during that time. Figure 4 shows the number of potential FTWOP cases by county. Though no county comes close to Cook in number, there is geographic diversity in the target population.

Figure 4: Number of Guilty Dispositions of Target Population by County

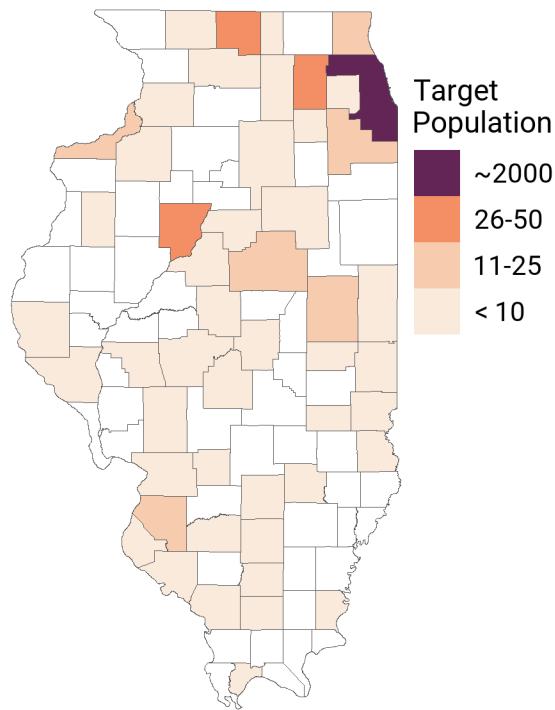


Table 1 shows selected demographics for the target population. The target population is almost entirely male, with barely 5% of the target population being female. About three-fourths of the target population is black, 17% Hispanic, and 8% white. Arrest ages of the target population are split relatively evenly among the eligible ages.

Table 1: Selected Demographics of Target Population

Characteristic	Count	Percent
<b>Sex<sup>1</sup></b>		
Male	2,180	95.3%
Female	107	4.7%
<b>Race</b>		
Black	1,737	75.3%
White	183	7.9%
Hispanic	371	16.1%
Other	17	0.7%
<b>Arrest Age</b>		
18	816	35.4%

Characteristic	Count	Percent
19	803	34.8%
20	689	29.9%

<sup>1</sup>NAs are omitted.

The breakdown of the target population's charges by statute and class is shown in Table 2. Eligible unlawful use of a weapon charges can be either a class A misdemeanor or class 4 felony, while eligible aggravated unlawful use of a weapon charges can only be class 4 felonies. Over 90% of the target population were found guilty of class 4, aggravated UUW charges.

**Table 2: Charges of Target Population**

Characteristic	Count <sup>1</sup>	Percent
<b>Statute</b>		
Aggravated unlawful use of a weapon	2,205	91.5%
Unlawful use of a weapon	204	8.5%
<b>Class</b>		
4 Felony	2,207	91.6%
A Misdemeanor	202	8.4%

<sup>1</sup>Total may be higher than target population due to multiple charges.

## First Time Weapon Offender Program in CHRI

### How FTWOP is Identified

There are two primary data points contained in the criminal history record information (CHRI) database concerning court cases: dispositions and sentences. A disposition is a final or interim outcome in a case. If a sentence is imposed, the aspects of that sentence (e.g. prison, jail, probation, fines) are provided and identified as relating to a specific disposition. Dispositions other than a conviction can still result in a sentence. This occurs most notably in the case of withheld judgments, such as supervision. AOIC established a category for withholding judgement under the FTWOP as part of standard disposition reporting.

There is no sentencing category specifically for the FTWOP. Sentencing for the FTWOP is most commonly entered as probation. Though the statute does not use the word probation, the FTWOP is run by Probation Services with terms mirroring those commonly required with other types of probation. This means that identifying whether the FTWOP is used in a given case relies on the recorded disposition.

The statute creating the FTWOP specifies that the judge shall sentence the defendant without entering judgment. The legal process requires a plea of guilt, but there is no conviction on the finding unless judgment is entered. If the person successfully completes the program charges are dismissed. If the person fails to successfully complete, judgment on the plea of guilt is entered and the person has a conviction.

### FTWOP Cases in CHRI Data

There are a total of 49 cases identified as FTWOP in our data.<sup>4</sup> Given the extremely small number of FTWOP cases—representing only 2.1% of potentially eligible cases since 2018—no conclusions can be drawn about the overall usage and impact of the program nor statistically significant comparisons to the entire target population.

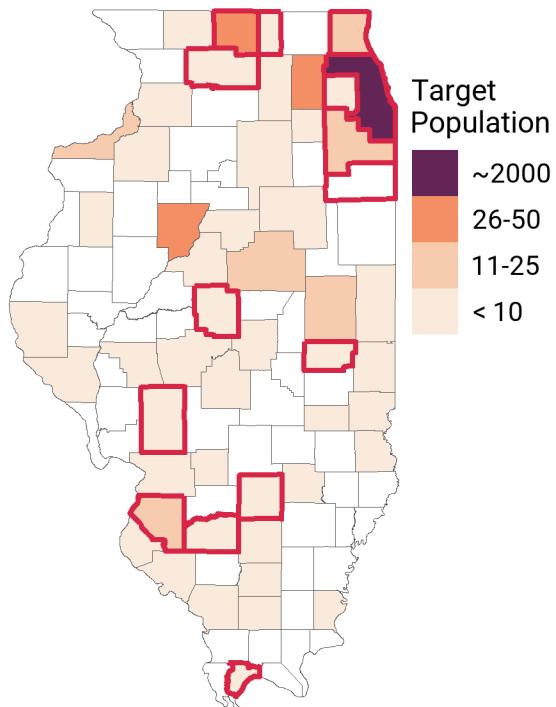
Also due to the limited data, we are unable to provide the actual numbers regarding the demographics of those identified as FTWOP. We can note that, like the overall target population, the FTWOP individuals are majority black and male. However there are a number of cases where the individual was older than 20 at the time of arrest. Some or all of this could be due to data errors in CHRI, but it is worth considering that in some cases the statute has intentionally been used in cases above the 20 year-old limit.

Since sentencing to the FTWOP requires the consent of the state’s attorney, usage of the program will undoubtedly vary across counties. Figure 5 shows the same map as Figure 4 and outlines counties with any recorded FTWOP case in CHRI. Due to the small number of cases—10 counties have only one recorded FTWOP case—we are unable to identify the specific number in each county. The two exceptions to this are DuPage which has 12 and Cook which has 13.

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<sup>4</sup> The actual number of cases coded FTWOP is slightly higher, but we determined five cases were miscoded due to the types of charges, time of arrest/disposition, or public record review.

**Figure 5: Counties With FTWOP Cases**



## DuPage Dispositions

In the course of our analysis, we searched for all dispositions associated with cases that were identified as FTWOP. We noticed however that for DuPage, the county with the second highest number of FTWOP cases, there were conviction dispositions entered concurrent with the FTWOP dispositions. As previously described, the FTWOP is categorized as a withheld judgment and therefore is not a conviction, so this dual entry was contradictory. We contacted officials in DuPage County to inquire about this. They determined it was an error in how their system was reporting and stated they were working on fixing it prospectively and correcting those cases already in CHRI. As of publication, no FTWOP cases in CHRI from DuPage have a conviction.

## Cook County

While a significant number of 18-20-year-olds charged with qualifying UUW statutes have received a non-incarceration sentence in Cook County, through August 2022 only 13-less than 1%-were identified as having judgment withheld under the FTWOP statute. Those numbers were surprising in light of public statements by the Cook County State's Attorney's Office (CCSAO) noting their use of the FTWOP. A CCSAO webinar covering felony gun data in 2021 attributed an increase in probation sentences starting in 2018 as partly due to the First Time Weapon Offender Program. Notably, the presenter mentioned that those who successfully completed the program would not have a

conviction on their record.<sup>5</sup> Additionally, a report that interviewed defense attorneys in 2019 stated that over half of those interviewed specifically brought up the FTWOP as a program that had allowed their clients to avoid prison sentences for UUWs, noting that “practitioners have reported that this is a fairly popular sentencing reduction, which many [state’s attorneys] are willing to give if the defense lawyer requests it and the client does not have a juvenile delinquency record.”<sup>6</sup> The CCSAO has also brought up their use of the FTWOP in direct conversations with SPAC.

This led SPAC to carry out a manual file review of a sample of potentially qualifying cases with a conviction sentence in CHRI. The description of that review and results can be found in Appendix B. We found that most of the cases reviewed were sentenced to the FTWOP, with some judges even explicitly writing “judgment not entered.”

## Probation FTWOP Numbers

We learned that the Cook County Adult Probation Office, the agency administering the FTWOP, identifies FTWOP sentences in their case management system. They graciously provided us with the number of FTWOP intake cases per year. These numbers are shown in Table 3, alongside the target population from our analysis and the percentage of the target population who received the FTWOP.

**Table 3: Cook County Probation FTWOP Cases by Intake Year v. CHRI Target Population**

Year	Prob. FTWOP	Target Pop.	Percent
2018	261	412	63.3%
2019	287	377	76.1%
2020	121	197	61.4%
2021	344	570	60.4%
2022	309	467	66.2%

It is clear that Cook County is widely using the FTWOP as a sentencing option for those who qualify, in line with the CCSAO’s public statements. Considering the target population used in this analysis is certainly an overcount, the actual frequency of use of FTWOP in Cook County for those eligible is even higher than the percentages given in Table 3.

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<sup>5</sup> Cook County State’s Attorney Office. (2021, June 9). *Reporter 101: Felony gun data 6.9.21* [Webinar]. <https://youtu.be/wtHNEmCkoQI?t=1271>

<sup>6</sup> The People’s Lobby, Reclaim Chicago, Chicago Council of Lawyers, & Chicago Appleseed Fund for Justice. (2019). *Creating a culture of fairness and accountability: Defense attorneys report on Kim Foxx’s progress towards transforming the priorities of her office.* [http://www.chicagoappleseed.org/wp-content/uploads/2019/10/2019-10-Report-Kim-Foxx\\_ForPrint\\_FINAL.pdf](http://www.chicagoappleseed.org/wp-content/uploads/2019/10/2019-10-Report-Kim-Foxx_ForPrint_FINAL.pdf), pg. 6.

## Why This is Happening

Having confirmed that there is indeed an issue with incorrect reporting of FTWOP from Cook County, SPAC met with representatives of the Clerk's Office and the AOIC to determine how data flowed from the Clerk's system into the AOIC's Automated Disposition Reporting (ADR) system, then into CHRI, to try and determine where in that process the issue occurred.

The fundamental problem has to do with how data is translated between Cook County's internal case management system and the database SPAC uses. It is rooted in the use of and relationship between two different sets of codes:

- CHRI codes:
  - These are created by AOIC for use in the ADR system, where circuit clerks report dispositions into ADR. The AOIC processes and transmits ADR data to the Illinois State Police (ISP) Bureau of Identification.
  - ISP maintains CHRI, which is the primary data source used by SPAC to analyze court information.
  - There are disposition codes, which are required with every ADR record and sentencing codes, which are provided if the disposition has an associated sentence.
  - AOIC provides a data dictionary which includes definitions for these codes.
- Cook County internal case management codes:
  - These are used by court clerks to record the actions, dispositions, and sentences in their case management system, Odyssey.
  - Cook County's codes are internal and used exclusively in Cook County.
  - Cook's internal codes cover a broader range of subjects, but do include categories for dispositions and sentences.

Broadly speaking, convictions have been reported to CHRI because Cook's disposition codes are being translated to CHRI conviction codes. Furthermore, *no* internal Cook codes translate to the CHRI disposition code for the FTWOP. The handful of cases from Cook County that have the CHRI code for FTWOP were not originally submitted that way.

Specifically, Cook County enters "finding of guilty" as a disposition which is translated to a conviction code in CHRI. However, as previously discussed, a finding of guilt is *not* a conviction if that judgement is not entered. In cases where judges specifically indicated for FTWOP cases that the judgment was not entered, that ruling did not appear in Cook's dispositions for the case. One case had it as a note in the case summary, but since it was not part of a disposition, and the disposition of finding of guilt was included, a conviction was still reported. Functionally, the structure of the Cook County Court's case management system effectively precludes non-conviction sentences.

Due to our inability to identify all FTWOP cases in Cook County, and the lack of consistency in reporting of FTWOP and probation outcomes, we are unable to provide any statistical information regarding the rate of successful completion. However, the Cook County Adult Probation Office was

able to confirm that as of January 2022, for non-active cases, satisfactory termination was the most common outcome for FTWOP.

### **Actions to Address the Issue**

SPAC met with representatives of the Circuit Clerk's Office, Public Defender's Office, Chief Judge's Office, AOIC, and the Illinois State Police's Bureau of Identification Services to discuss how to solve this reporting issue going forward and how to correct those FTWOP cases that currently have erroneous convictions in CHRI.

There was consensus that FTWOP should not have a conviction in CHRI, and that action should be taken to fix the issue. ISP confirmed that once individuals who had the incorrect disposition in CHRI were identified, they would be able to programmatically update the database. For correctly reporting FTWOP dispositions moving forward, a solution is still being developed.

From a data analysis perspective, these two steps will allow for a full analysis of the use of the FTWOP in sentencing in Cook County. However, there will still be limitations on our ability to report on the outcomes of these sentences, since the reporting of whether an individual completes the program successfully is not required. We can attempt to infer the outcomes based on other information in CHRI, but it is in no way a replacement for specific, mandated data collection.

### **Conclusion**

This report is unlike any SPAC has previously published, but SPAC has never before encountered an equivalent large-scale systematic data issue such as this. Our primary interest in this remains, in line with our statute, reviewing "sentencing policies and practices and [examining] how these policies and practices impact the criminal justice system as a whole in the State of Illinois."<sup>7</sup> Our ability to carry out that purpose is entirely dependent upon the quality of the data sources we have access to.

The First Time Weapon Offender Program has been extended a year beyond its initial authorization and will now be repealed on January 1, 2024. Since there was no mandatory data collection for the program, we are only able to use the limited information in CHRI to report on it. The most certain conclusion we can state is that the program *is* being used, primarily in Cook County, but also across the entire state. We intend to provide an update on the FTWOP, particularly in Cook County once we are able to identify FTWOP cases.

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<sup>7</sup> 730 ILCS 5/5-8-8(b)

## Appendix A

### First Time Weapon Offender Program Statute

(730 ILCS 5/5-6-3.6)

(Section scheduled to be repealed on January 1, 2024)

Sec. 5-6-3.6. First Time Weapon Offender Program.

(a) The General Assembly has sought to promote public safety, reduce recidivism, and conserve valuable resources of the criminal justice system through the creation of diversion programs for non-violent offenders. This amendatory Act of the 100th General Assembly establishes a pilot program for first-time, non-violent offenders charged with certain weapons offenses. The General Assembly recognizes some persons, particularly young adults in areas of high crime or poverty, may have experienced trauma that contributes to poor decision making skills, and the creation of a diversionary program poses a greater benefit to the community and the person than incarceration. Under this program, a court, with the consent of the defendant and the State's Attorney, may sentence a defendant charged with an unlawful use of weapons offense under Section 24-1 of the Criminal Code of 2012 or aggravated unlawful use of a weapon offense under Section 24-1.6 of the Criminal Code of 2012, if punishable as a Class 4 felony or lower, to a First Time Weapon Offender Program.

(b) A defendant is not eligible for this Program if:

(1) the offense was committed during the commission of a violent offense as defined in subsection (h) of this Section;

(2) he or she has previously been convicted or placed on probation or conditional discharge for any violent offense under the laws of this State, the laws of any other state, or the laws of the United States;

(3) he or she had a prior successful completion of the First Time Weapon Offender Program under this Section;

(4) he or she has previously been adjudicated a delinquent minor for the commission of a violent offense;

(5) he or she is 21 years of age or older; or

(6) he or she has an existing order of protection issued against him or her.

(c) (b-5) In considering whether a defendant shall be sentenced to the First Time Weapon Offender Program, the court shall consider the following:

(1) the age, immaturity, or limited mental capacity of the defendant;

(2) the nature and circumstances of the offense;

- (3) whether participation in the Program is in the interest of the defendant's rehabilitation, including any employment or involvement in community, educational, training, or vocational programs;
- (4) whether the defendant suffers from trauma, as supported by documentation or evaluation by a licensed professional; and
- (5) the potential risk to public safety.

(d) For an offense committed on or after January 1, 2018 (the effective date of Public Act 100-3) and before January 1, 2024, whenever an eligible person pleads guilty to an unlawful use of weapons offense under Section 24-1 of the Criminal Code of 2012 or aggravated unlawful use of a weapon offense under Section 24-1.6 of the Criminal Code of 2012, which is punishable as a Class 4 felony or lower, the court, with the consent of the defendant and the State's Attorney, may, without entering a judgment, sentence the defendant to complete the First Time Weapon Offender Program. When a defendant is placed in the Program, the court shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of the Program. Upon violation of a term or condition of the Program, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided by law. Upon fulfillment of the terms and conditions of the Program, the court shall discharge the person and dismiss the proceedings against the person.

(e) The Program shall be at least 18 months and not to exceed 24 months, as determined by the court at the recommendation of the Program administrator and the State's Attorney. The Program administrator may be appointed by the Chief Judge of each Judicial Circuit.

(f) The conditions of the Program shall be that the defendant:

- (1) not violate any criminal statute of this State or any other jurisdiction;
- (2) refrain from possessing a firearm or other dangerous weapon;
- (3) obtain or attempt to obtain employment;
- (4) attend educational courses designed to prepare the defendant for obtaining a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational training program;
- (5) refrain from having in his or her body the presence of any illicit drug prohibited by the Methamphetamine Control and Community Protection Act, the Cannabis Control Act, or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;
- (6) perform a minimum of 50 hours of community service;
- (7) attend and participate in any Program activities deemed required by the Program administrator, including but not limited to: counseling sessions, in-person and over the phone check-ins, and educational classes; and

(8) pay all fines, assessments, fees, and costs.

(g) The Program may, in addition to other conditions, require that the defendant:

(1) wear an ankle bracelet with GPS tracking;

(2) undergo medical or psychiatric treatment, or treatment or rehabilitation approved by the Department of Human Services; and

(3) attend or reside in a facility established for the instruction or residence of defendants on probation.

(h) There may be only one discharge and dismissal under this Section. If a person is convicted of any offense which occurred within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as evidence in aggravation.

(i) For purposes of this Section, "violent offense" means any offense in which bodily harm was inflicted or force was used against any person or threatened against any person; any offense involving the possession of a firearm or dangerous weapon; any offense involving sexual conduct, sexual penetration, or sexual exploitation; violation of an order of protection, stalking, hate crime, domestic battery, or any offense of domestic violence.

(j) This Section is repealed on January 1, 2024.

(Source: P.A. 102-245, eff. 8-3-21.)

## Appendix B

### SPAC Manual File Review

Our review was not designed to be a representative sample and results should not be construed to mirror those of the entire cohort. Additionally, when the sample was chosen, only cases with an arrest prior to June 30, 2021 were included. A brief survey of cases filed since that time has shown no fundamental differences that would affect the review findings.

### Research

Cases were identified either being the FTWOP through a process:

- If we had the sentencing order:
  - Categorized as FTWOP if the FTWOP was on the sentencing order
  - Categorized as non-FTWOP probation if the sentencing order did not reference the FTWOP
- If we did not have the sentencing order:
  - Categorized as FTWOP if FTWOP was included in the online case summary
  - Categorized as unable to determine if no reference was made to the FTWOP on the case summary<sup>8</sup>

Table 4: FTWOP Review Case Types

Category	Count
FTWOP Currently on Probation	5
FTWOP Other	2
FTWOP Probation Terminated Satisfactorily	16
FTWOP Violation of Probation	11
FTWOP Warrant Issued	3
Non-FTWOP Probation	11
Unable to Determine	2

The sample included 33 different sentencing judges. The age at arrest and year of disposition are shown in Figure 5. The cases are split relatively equally across the eligible ages. Dispositions years, albeit with lower relative representation of 2018 and 2022, do include all years the FTWOP has been in effect. The low number of dispositions in 2022 can be attributed to the

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<sup>8</sup> Some cases we reviewed had FTWOP on the sentencing order but not in the case summary, meaning that absence in the case summary was not sufficient in ruling out FTWOP.

Table 5: Arrest Age and Year of Disposition

Characteristic	Count	Percent
<b>Arrest Age</b>		
18	23	35.9%
19	19	29.7%
20	22	34.4%
<b>Disposition Year</b>		
2018	5	7.8%
2019	34	53.1%
2020	6	9.4%
2021	17	26.6%
2022	2	3.1%

Judge's notes on the criminal disposition sheets, considered the official orders of the judge, from sentencing hearings make clear the intention was not to have the guilty judgment entered. One judge wrote on multiple courtsheets "judgement not entered" (emphasis in original). Another judge added "reserve judgement." Notes on criminal dispositions sheets from hearings where probation was revoked or terminated unsatisfactory make clear the judges saw FTWOP cases as originally not having a conviction entered, such as "judgement entered on FG [finding of guilt]." Additionally, two sentencing orders, drafted by the state's attorneys, also make clear the sentence of FTWOP was not intended to be a conviction ("if judgement is entered", "if conviction entered").