

Cook County Diversion Court

Proposal and Implementation Plan

October 2010

This proposal and implementation plan creates a new Diversion Division in the Circuit Court of Cook County Criminal Division. The fundamental goal of creating the Diversion Division is to facilitate the identification of defendants and arrestees who need drug, mental health and other non-traditional services in order to divert them into appropriate treatment programs. This program will save taxpayers money, reduce the Cook County Jail population and end the cycle of arrest and detention for thousands of Cook County residents.

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Introduction

In December 2007, the Chicago Appleseed Fund for Justice published "A Report on Chicago's Felony Courts." This comprehensive report shed light on fundamental problems plaguing the criminal justice system in Cook County and offered meaningful and realistic solutions for change. The report included fifty recommendations, including suggestions for reallocation of resources, caseload and workload restructuring, facility improvements and better use of diversion programs.

Since the release of the report, the Chicago Appleseed Fund for Justice and the Chicago Council of Lawyers have been working inside and outside the court system to advocate the adoption of the reform recommendations, achieving two major successes to date. In December 2008, based on our recommendations and advocacy, closed-circuit television bond hearings in Cook County were terminated and replaced by in-person hearings and a pretrial services program. A related recommendation concerning training for bond court judges regarding the proper role of bond court was also implemented in June of 2009.

These achievements helped to serve the report's fundamental goal of transforming the Criminal Division so that the criminal justice system can identify defendants and arrestees who need drug, mental health and other non-traditional services and then divert them into appropriate treatment programs. We continue to work with the Chief Judge of the Circuit Court of Cook County and the Presiding Judge of the Criminal Division to expand the administrative jurisdiction of the Criminal Division to include existing First Municipal Division Branch Courtrooms and create a separate diversion section within the Criminal Division that will lead to a more efficient and effective program through which non-violent defendants will receive the services they need.

One goal of this approach is to better utilize our courts to coordinate existing services, to add more treatment services to the remedies available to Cook County judges, and to monitor and evaluate the effectiveness of both the programs and the new approach linking defendants with these programs.

The Criminal Division already hosts a variety of successful diversion alternatives, including:

- RAP Drug Court
- Drug Court call
- Mental Health Court call
- Veterans Administration programs

Proposal Objectives

We propose taking these steps:

Unify and coordinate diversion efforts for all defendants by:

1. Creating a diversion section within the Criminal Division, overseen by the newly created specialty courts coordinator;
2. Coordinating efforts with key players in the system such as the Cook County State's Attorney Office, the Cook County Public Defender's Office, the Cook County Adult Probation Department, the Cook County Sheriff's Office and the Chicago Police Department to implement a process through which diversion can occur as early as the bond court proceeding; and
3. Working with the Circuit Court and other key stakeholders to improve the pretrial services program so it may better assist the early identification and diversion of non-violent offenders out of the traditional, costly criminal justice model.

Need Statement

The criminal justice system needs to transform the prosecution of individuals who need drug and mental health treatment into a meaningful restorative process rather than a continuous cycle of incarceration, release, and rearrest that has only a marginal effect while costing taxpayers an exorbitant amount of money. This transformation involves a coordinated effort among judges, lawyers, probation officers, law enforcement and treatment providers.

This effort will achieve the following goals:

- Reduce the Cook County Jail population;
- Reduce the Illinois Department of Corrections population;
- Reduce contacts with the criminal justice system;
- Increase the long-term effectiveness of sentencing for minor and non-violent offenses
- Reduce costs associated with initial contact with the criminal justice system;
- Reduce costs associated with re-arrest; and
- Facilitate access to existing social services, including therapeutic services, education and employment.

Goals Statement

Short Term Goals:

- To work with the Criminal Division to implement a diversion division within that Division that will better coordinate judges, probation officers, pretrial service officers, lawyers, law enforcement and treatment providers so that the system can divert non-violent offenders into treatment alternatives and away from costly incarceration.
- To provide an inter-agency, collaborative, non-adversarial strategy for non-violent offenders in the criminal justice system who would benefit from targeted attempts at rehabilitation.
- To make explicit the goals of rehabilitation, accountability, a reduction in the jail population, reduced recidivism and a better utilization of existing resources through the active leadership of the Circuit Court.
- To better utilize pretrial services and probation officers in an effort to have the Circuit Court be more effective, efficient, and fair when dealing with criminal court cases involving non-violent offenders.

Strategies/Activities

Strategy:

Make the goal of rehabilitation and reduction in recidivism explicit. By doing this, priorities will shift making the judge more attentive to the extent to which his/her court is having a rehabilitative impact. This shift in attention will make the judge take a more proactive role in holding other agencies accountable for the role that they play in the process of rehabilitation.

Activities:

- Recruit judges that recognize the importance of diversion and alternatives to incarceration and possess a commitment to the mission of implementing a diversion section.
- Work with the court to identify and assign multiple qualified probation officers solely to these diversion division courtrooms.

- Work with the court to facilitate and monitor monthly group status meetings between the diversion division judges and the diversion court teams (consisting of attorneys, pretrial services officers, probation officers, and treatment providers).
- Facilitate regularly scheduled meetings with stakeholders to identify and resolve problems with implementing this approach. Stakeholders include the Circuit Court and leadership representatives from, the Cook County Public Defender's Office, the State's Attorney Office, the Sheriff's Office, the Probation and Social Services Departments and other court system participants.
- Seek grant funding for a public/private partnership that would develop and maintain a real-time database of available treatment programs, offenders assigned to those programs and the results of the program.

Mission of the Diversion Court

The mission of the Cook County Diversion Court is to provide an inter-agency, collaborative, non-adversarial strategy for non-violent offenders in the criminal justice system who would benefit from targeted attempts at rehabilitation. In the Diversion Court, the judge will have the explicit goals of rehabilitation and accountability, and will manage the court consistent with that philosophy.

The implementation of a diversion court, through its focus on rehabilitation, will result in reduced recidivism. At a minimum, it will lead to better utilization of existing resources through the judge's active leadership in managing the courtroom.

Goals:

- Protect the public
- Reduce participant contacts with the criminal justice system
- Reduce both the economic and social costs associated with re-arrest
- Reduce the cost of warehousing diversion eligible offenders
- Reduce the costs and resources necessary to administer the traditional adversarial trial process
- Facilitate access to existing social services (e.g. education, employment)

Like other rehabilitative courts, such as mental health, drug, and veterans courts, this court will explicitly focus on rehabilitating the offender by taking a collaborative approach to case management and maintaining oversight of available programs. Probation officers will be held to high standards of accountability and officers will be required to provide constant updates on the

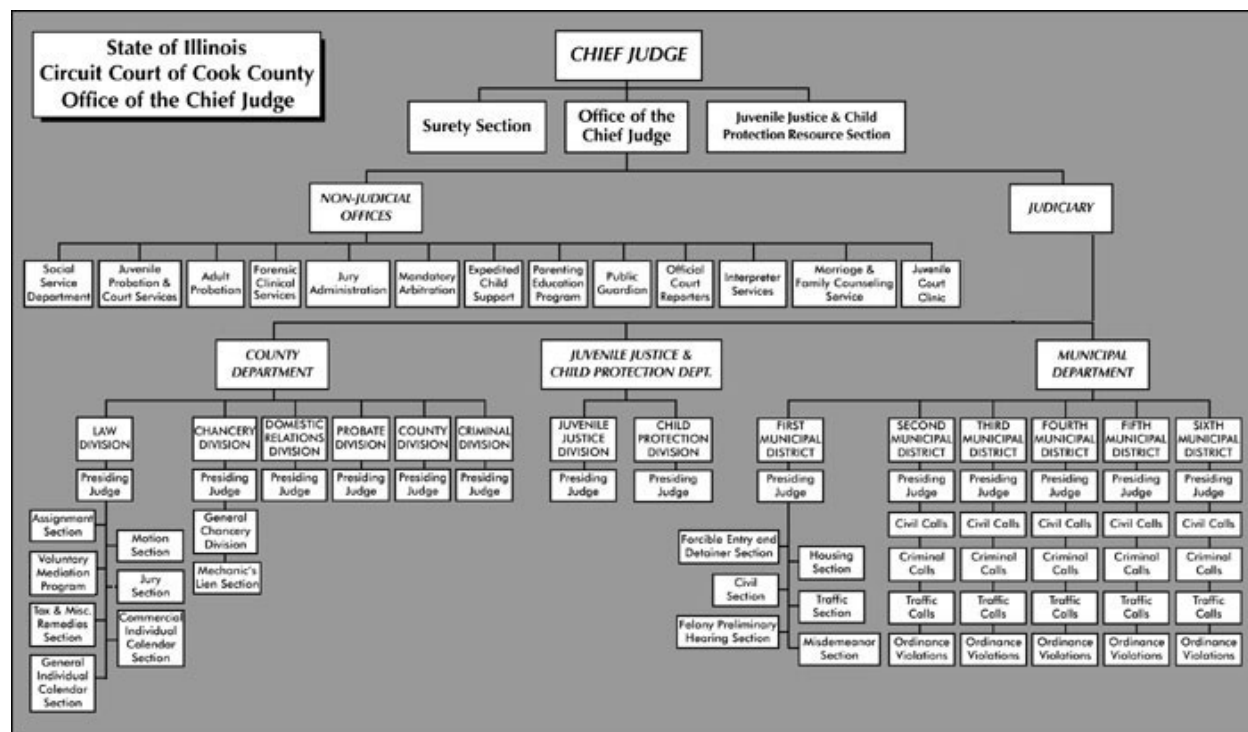
status of the participant. Outside agencies will be similarly required to provide constant updates. Regular status and planning meetings should be held to address issues/problems and initiatives. Although the focus is on rehabilitation, sentencing alternatives depend on the particulars of the case and defendant compliance with the required treatment program.

This paper will outline the implementation plan for this diversion division. Specifically, the paper will address the current felony adjudication process in Cook County, the proposed diversion court process, the financial and social benefits of a diversion court model and the organizational steps needed to implement the plan within a reasonable amount of time.

Current Felony Adjudication Process in Cook County

Overview

Circuit Court of Cook County¹



Source: <http://www.cookcountycourt.org/about/index.html>

The Circuit Court of Cook County includes over 400 judges organized into three major divisions: the County Department, the Municipal Department and the Juvenile Justice and Child Protection Department. The Criminal Division of the County Department is tasked with processing felonies occurring in Chicago, which constitutes about 75% of the number of cases filed in Cook County.

Judges from the First Municipal District conduct bond and misdemeanor hearings for all Criminal Division cases. The remainder of the felony caseload is handled by the five remaining Municipal Department courts (Second Municipal District, Third Municipal District, Fourth Municipal District, Fifth Municipal District and Sixth Municipal District) located in the suburban areas of Cook County.

There are currently 50 judges in the County Department, Criminal Division. 43 of these judges are based at Cook County Criminal Court located at 2600 S. California Avenue, adjacent to the Cook County Jail. The remaining 8 Criminal Division judges are located in the Skokie and Bridgeview courthouses. The Criminal Division handles about 32,000 felony cases a year making it one of the busiest courts in the country.

The Office of the Chief Judge also operates the Cook County Adult Probation Department, which administers a variety of programs, including Pretrial Services. The purpose of the Pretrial Services program is to gather pretrial information upon which informed release decisions can be made at the bond court hearing and to monitor the more than 8,000 defendants that are released on bond.² However, a study completed in 2005 found that “[o]ther than use of rap sheets, currently, there is no jurisdiction-wide gathering and verification of defendant information pretrial (e.g. residence, family and community ties, prior compliance with court appearance requirements, etc.) upon which informed release decisions can be made.”³ The Department has a caseload of more than 23,000 cases stemming from felony offenses per year. This heavy caseload and budgetary constraints may be impacting the ability of Pretrial Services to perform a more complete pretrial risk assessment and information verification of defendants prior to the bond hearing.

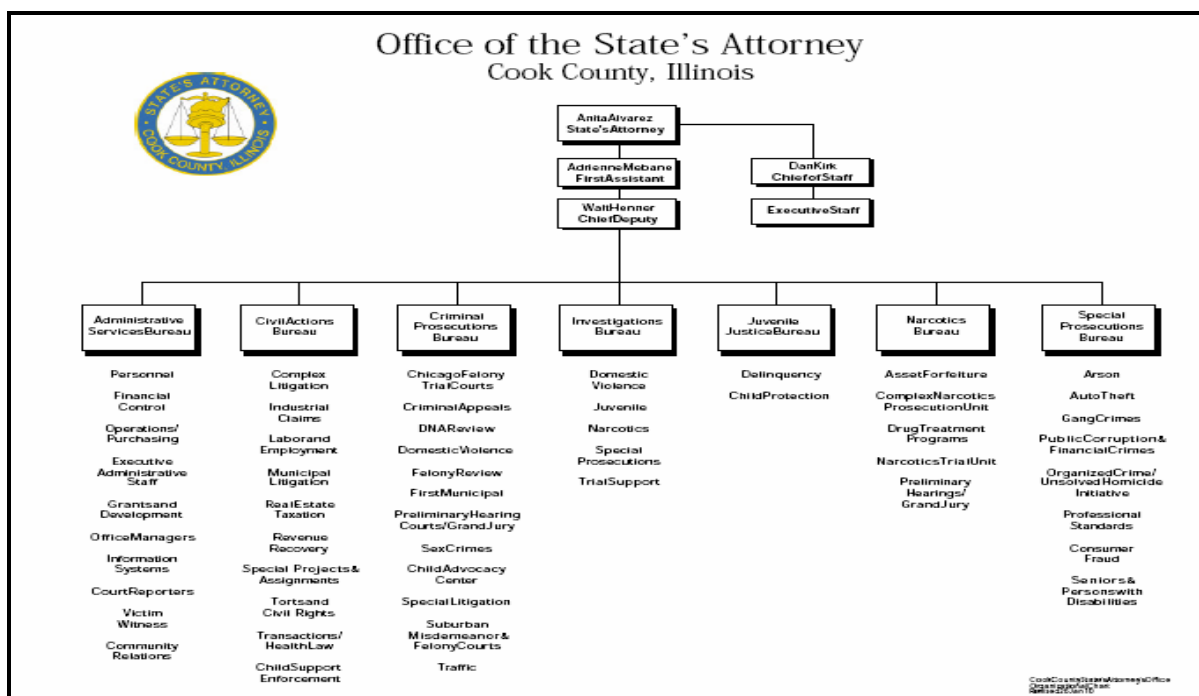
According to the American Correctional Association, the Cook County Adult Probation Department is the largest in the country, operating out of 18 offices and with more than 670 employees.

Cook County Office of the State’s Attorney

The State’s Attorney Office serves as Cook County’s legal representative in criminal and civil matters. There are over 900 prosecutors in the State’s Attorney Office. The office is divided into eight bureaus: Criminal Prosecutions, Juvenile Justice, Narcotics, Special Prosecutions, Public Interest, Civil Actions, Investigations and Administrative Services. The Criminal Prosecutions Bureau is divided into three divisions: Felony Trial (FTD), Sex Crimes, and Municipal.

At the Central Criminal Courts Building, 126 Assistant State’s Attorneys work in the Felony Trial Division, which focuses solely on felonies committed in Chicago. Additionally, 38 prosecutors in the Special Prosecution Bureau and 22 prosecutors in the Narcotics Bureau work

on felony cases at 26th Street and California.⁴ A small number of prosecutors in the Sex Crimes Division, Special Litigation Unit, and Felony Domestic Violence Unit work on felony cases in the Chicago felony courtrooms. The Cook County State's Attorney is elected by residents of Cook County, and the county's Board of Commissioners control the office's budget.⁵ Like the Cook County Public Defender's Office, the Cook County Assistant State's Attorneys face a heavy caseload. In 2007, the number of filings per prosecutor in Cook County was 533, among the highest in the country.⁶



Cook County Public Defender's Office⁷

Most felony cases are handled by the 92 attorneys assigned to the Public Defender's Felony Trial Division. Felony Trial Division defenders have cases ranging in severity from drug possession to first degree murder. In addition to lawyers in the Felony Trial Division, 34 Homicide Task Force public defenders represent indigent defendants accused of first degree murder, and 26 Multiple Defendant Division attorneys represent defendants throughout the county in cases where there is more than one accused. Together they represent indigent defendants in over 22,000 felony cases at Cook County Criminal Court each year, representing the majority of individuals accused of a felony crime in Chicago.⁸

Once a judge has determined that he or she is unable to pay for a private attorney, the Public Defender's Office is charged with representing an indigent defendant. Representation by the office begins during the bond hearing process. Most cases are handled through a "horizontal assignment" system, in which Assistant Public Defenders are assigned to particular courtrooms

and handle the cases that flow through these courtrooms only for that particular part of the process. Consequently, a defendant will first meet an Assistant Public Defender during the bond hearing, will have a different public defender during his preliminary hearing, and will have yet another public defender after his case is assigned to a trial courtroom.

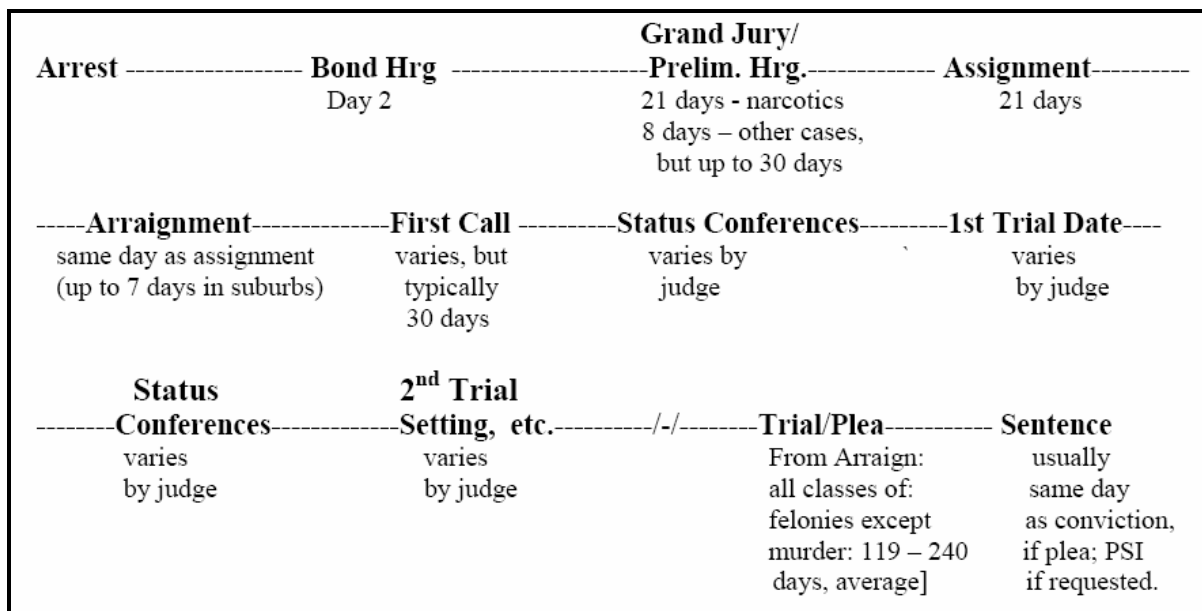
Cook County Public Defenders have a heavy caseload. In 2005, Felony Trial Division attorneys each had an average of 67 pending cases each.⁹ According to the Cook County Public Defender's Office, each public defender in the division resolved on average 229 cases in 2005, well above the nationally-recommended caseload of no more than 150 felony cases per year.¹⁰

Felony Case Processing

Average Time to Process

The average non-murder felony case in Cook County takes from 160 to 290 days.¹¹ During that time, the average defendant charged with a non-murder felony spends between 70 and 150 days in Cook County Jail.¹²

Figure 1: Cook County Felony Case Flow, with average number of days between events



Source: Trotter Report

Figure 2: Age of Closed Felony Criminal Cases From Arraignment to Disposition, by Class (2004)

<i>Felony Class</i>	M Murder Cases	X Sent. Range: 6 - 30 years	1 Sent. Range: 4 -15 years	2 Sent. Range: 3 – 7 years	3 Sent. Range: 2 – 5 years	4 Sent. Range: 1 – 3 years
No. of Cases	425	4,309	4,679	5,797	2,962	9,374
Average¹² (in days)	508	240	166	176	168	119
Median (in days)	500	163	91	106	93	22

Source: Trotter Report

Figure 3: Time in Cook County Jail Custody for Inmates Charged with Felony Offenses Relating to Illegal Possession/Manufacture/Sale of Controlled Substances

Charge	Number of Defendants	Average Time in Custody	Total Days In Custody
Illegal possession of a controlled substance	23,974	59	1,416,570
Manufacture or delivery	5,717	101	577,417
Illegal possession of cannabis	3,452	41	141,532
Possess amt. con sub except (A) (D)	2,842	71	201,782
Manufacture/delivery cannabis	1,043	53	55,279
Manufacture/deliver other amount	698	105	73,290
Manufacture/deliver/sell subst	423	110	46,530
other drug charges	1,578	87	137,554
TOTAL	39,727	67	2,651,954 (51.2%)

Source: Trotter Report

The following describes the outline of felony case processing in Cook County, including the interaction between the Cook County Circuit Court, the Office of the State’s Attorney and the Public Defender’s Office, from arrest to trial to probation.

Arrest – Non Drug Related Felonies

After the Chicago Police Department (“CPD”) arrests a person that they believe should be charged with a felony, the arresting officer calls the Cook County State’s Attorney Felony

Review Board to determine whether there is sufficient evidence for a felony charge to be brought against the person arrested. The Felony Review office is open 24 hours a day, 7 days a week. The State's Attorney on duty at the Felony Review office reviews the defendant's criminal history and the evidence in the case. Occasionally, the State's Attorney will travel to the stationhouse to interview the defendant.

After conducting this review, the State's Attorney will determine whether felony charges are merited. If the State's Attorney determines that there is insufficient evidence for a felony charge, the felony charges are dropped. If the felony charge is dropped by the State's Attorney, CPD can still charge a person with a misdemeanor. In some circumstances CPD might also be able to pursue a felony charge through a mechanism called a "first deputy's override". If the State's Attorney believes that the evidence merits a felony charge, those charges are filed by the arresting officer. The charges are outlined in a complaint that is sent to the branch courts for a probable cause hearing. If probable cause for the charge is found at that hearing, the State's Attorney files an information that further details the charges.

Arrest – Drug Related Felonies

Despite the above, the State's Attorney Felony Review Board does not review felony drug charges until the preliminary hearing stage (discussed below).¹³ This means that felony drug cases enter into the system without an initial review that could have otherwise resulted in a dismissal prior to the defendant being processed into Cook County Jail or appearing before a judge. CPD enters the felony drug charges on the complaint. Once the defendant's fingerprints are processed and the bond hearing is scheduled, the CPD transports the defendant from the stationhouse to Cook County Jail bullpen under Room 101 for a pre-trial assessment and to await his or her bond hearing.

Pre-Trial Assessment

After an arrest, and while the defendant is being held pending Bond Court, the Cook County Adult Probation – Pretrial Services Department collects information on the defendant so that the judge has adequate data regarding the defendant to make informed release decisions at the bond hearing. Information collected on the defendant includes residence, family and community ties, prior compliance with court appearances, and criminal history (rap sheet). Pretrial Services collects this information on a Pretrial Services Bond Assessment Form.¹⁴ However, it is not clear that this information is being collected and/or verified for every defendant due to the sheer number of felony cases being processed in Cook County and the quick turnaround time from arrest to bond hearing (2-3 days). At a minimum, the defendant's criminal history is being presented at the bond hearing by the prosecutor or public defender.¹⁵

Bond Hearing

Within 72 hours of a felony arrest, the defendant is taken in front of a judge for a bond hearing. Bond hearings are held 365 days a year at Central Bond Court in the Cook County Criminal Courts building at 2600 S. California Avenue. Judges from the First Municipal District Court conduct the bond hearings for all Criminal Division defendants. If the defendant does not have private defense counsel, the defendant is assigned a Public Defender for the bond hearing. There is a short conversation prior to the hearing regarding the defendant's personal information (age, education, family and community connections, work history and resources for posting bond). This information is presented both by the PD and the ASA, who gathered the information from the Pretrial Services assessment, at the bond hearing.

Next, the bond judge makes a determination on whether the defendant should be released and, if released, what type of bond or release conditions should be placed on the defendant. A judge can give a defendant either an I-bond (personal recognizance) or a D-bond (requires money to be posted with the court). Special non-monetary release restrictions can include electronic monitoring, not contacting an alleged victim, staying away from a specific location, not leaving the state of Illinois or day reporting to the Cook County Jail. Bond court hearings move very quickly, with the majority lasting between one and five minutes.¹⁶

Preliminary Hearing

Within 30 days of a bond hearing (or 60 days if the defendant is out on bond), the First Municipal District Felony Preliminary Hearing Section judge will conduct a preliminary hearing on most drug related Criminal Division felony cases. At the preliminary hearing the judge hears evidence about whether a crime was committed and, if there was a crime, whether there is reason to believe that the defendant committed that crime. If the judge finds probable cause the case is moved for assignment to Criminal Court. If the judge makes a finding of no probable cause the case is dropped. There is little public defender defense counsel activity on drug cases that occurs prior to the preliminary hearing, although private defense counsel and public defenders working on more serious cases (murder, etc) often perform preliminary work during this period.¹⁷

For drug cases, the preliminary hearing is also where the ASA conducts/reports on its prosecutorial screening (e.g. felony review) of felony drug cases. A 2005 report found that 37% of all cases are screened out by the State's Attorney Office by the completion of the preliminary hearing stage.¹⁸ However, a good number of felony drug cases are also dismissed following the probable cause hearing. This means that a significant number of defendants must remain in jail while ultimately waiting for their charges to be dropped.¹⁹ Warehousing these defendants places a significant strain on the resources of the jail, the courts, and the taxpayers. What's more, when

the case is finally dismissed, the defendants who might benefit from the intervention of the court are released from custody with a high chance of reoffending.

Grand Jury/Indictment

The ASA can also charge a person with a felony by presenting evidence to a Grand Jury. A Grand Jury is made up of 18 people from the community who hear evidence regarding the alleged crime and defendant. Defense attorneys, including public defenders, are not permitted to attend the Grand Jury proceedings. If, after hearing the evidence, the Grand Jury believes that there is probable cause that the defendant committed a crime the State's Attorney files an indictment. If the defendant is not already in custody at this point, a warrant is issued for the defendant's arrest.

Additionally, State's Attorneys can bring indictments through the Grand Jury process after the charges are dismissed by the judge at the preliminary hearing. In practice, however, this rarely occurs. Once the Grand Jury or judge has made a finding of probable cause that the defendant committed a crime through an indictment or preliminary hearing, respectively, the case moves on to assignment.

Assignment

Once either a Grand Jury or the preliminary hearing judge determines that the case has probable cause, the Office of the Chief Judge assigns cases to the judges on the criminal court at a rate of about three to five a day per judge.²⁰ Once a case has been assigned arraignment typically occurs the same day or the next business day. Although cases are assigned with the goal of balancing the workload of judges, there are several judges that focus primarily on drug related offenses.

In addition to the regular assignment process, Cook County Circuit Court offers two specialized court calls – the Cook County Drug Treatment Court and the Cook County Mental Health Court – that permit the assigning judge to divert certain defendants that meet eligibility criteria.

The Cook County Drug Court RAP Program (Rehabilitation Alternatives to Probation) is offered to defendants who are on probation for a prior non-violent crime, arrested for a drug crime while on probation and agree to participate in the drug court treatment program. The program involves intensive court supervision and treatment services for 15 to 18 months.

The Cook County Mental Health Court is a two year voluntary probation program offered to defendants charged with non-violent felonies that have a diagnosed mental disability. Participants are eligible for the program if they have committed a non-violent felony, are able to

understand the expectations and terms of the program and voluntarily agree to enter the program. Treatment services are provided by TASC (Treatment Alternatives for Safe Communities) and other community based programs. Participants in both the Drug Court and Mental Health Court are required to make frequent appearances before a judge, submit to drug testing and attend frequent treatment sessions.

Arraignment

After assignment to a Criminal Court, the defendant is formally read the charges against him in open court. It is at this point that the defendant formally enters a guilty or not guilty plea.

First Call

Around 30 days after arraignment, the judge will hold the first court call. Typically, either the ASA or defense counsel will request a continuance, which is almost always granted by the judge. The Cook County Clerk's Office reported in 2005 that over 16,000 continuances are granted monthly.²¹ The most common reasons for continuance were "discovery not complete", "in the interest of justice" and "witness not available."²² Following a continuance the next status conference is typically scheduled for 30 days later.

Status Conferences/Motions

Status conferences occur approximately every 30 days following the first court call. One of the more common occurrences during this phase of the process is a plea agreement where the defendant agrees to plead guilty in exchange for a given punishment. This can take place in a conference pursuant to Illinois Supreme Court Rule 402. This conference either includes the judge, the ASA and defense counsel, or includes just the ASA and defense counsel. All plea agreements must be approved by the defendant and the judge. Around 85% of all criminal cases in Cook County are settled by plea.²³ If a plea agreement is not reached during this phase, the judge will, after all discovery has been complete, set a date for the trial.

Trial

If no plea agreement is reached, the defendant maintains his or her plea of not guilty and proceeds to trial. Both the state and the defense present evidence to either a jury or a judge (if it is a bench trial) regarding the alleged crime. At the end of trial, the jury or the judge enters a finding of guilty or not guilty and the defendant is either released or the case moves on to sentencing. Most judges handle around 50 bench trials and 4 to 9 jury trials per year.²⁴

Pre-Sentencing Investigation

Following disposition of the case, a judge can request a pre-sentence investigation (PSI) on the defendant. However, very few judges request a PSI and sentencing typically occurs immediately following the disposition of the case.

Sentencing

Although sentencing is at the discretion of the judge who presided over the trial, Illinois law provides recommended ranges for the five categories of felonies. In 2004, a report found drug cases accounted for over 50% of the number of custody days in Cook County Jail.²⁵ Most sentences are delivered on the same day that the case is disposed of at trial. If a felony defendant is sentenced to incarceration, the inmate is transferred from the Cook County Jail to an Illinois state penitentiary.

Probation

Following completion of the incarceration portion of the sentence, the defendant is placed on mandatory supervised release (i.e. probation). In addition to time and reporting requirements, probation can include special court ordered provisions such as drug screening, restitution, and participation in treatment programs. The Adult Probation Department of the Circuit Court of Cook County employs around 700 probation officers to oversee over 8,000 probationers convicted of a felony. Following completion of the probationary period, the defendant is discharged.

Proposed Diversion Court Model

The Criminal Justice Project of the Chicago Appleseed Fund for Justice proposes the creation of 5 pilot diversion courtrooms based upon the best practices and successes of current Cook County diversion programs and the best practices of diversion programs from across the country. Cook County's current diversion efforts include the State's Attorney Drug School program, specialty treatment courts such as a drug court and a mental health court within the Criminal Division of the Circuit Court, and finally a pretrial day reporting center and women's justice initiative administered by the Sheriff. Each of these individual stakeholder efforts has shown promising results, but the existing programs are limited in scope and thus only reach a fraction of potential defendants. By offering a more broad-based program of pretrial release conditioned on the completion of an individualized treatment program the courts can not only provide increased rehabilitative benefits to offenders but can also free resources that are already spread too thin in the court system. A key element of a successful diversion program is the early diversion of the

accused from the adversarial court process. The earliest stage to divert these offenders would be at the bond court hearing that typically takes place within 48 hours of arrest. During that period between arrest and the bond hearing candidates should be identified for diversion from the standard criminal trial pipeline into one of the 5 diversion courtrooms.

Pretrial Assessment (Stage I)

The Pretrial Services Division of the Adult Probation Department is currently performing pre-bond interviews of arrestees in Cook County. The primary goal of the pre-bond interview is the identification those arrestees that do not pose a significant flight risk, danger to the community, or risk of reoffending. The pre-bond interviewer uses a Bond Recommendation form to assess this level of risk.²⁶ During a short interview information is gathered about the arrestee's criminal record, drug and alcohol use, employment history, educational level, family situation and mental health history. The form is numerically scored for factors such as stability of residence, employment status, prior arrests and convictions, previous performance while released on bond and the current charge.

The pretrial assessment has also been used with some success to identify those eligible for existing specialty treatment courts. Self reported information such as drug abuse, drug dependency, military experience and employment status gives the court and initial indication of whether an arrestee would be a candidate for a treatment service. Candidates for both the Drug Court program and the veteran's court program are identified during these interviews. This gives the court the ability to channel these offenders into the specialty program at the earliest possible stage. This early removal from the traditional trial pipeline both increases the likelihood of effective treatment and decreases the amount of already limited resources that must be dedicated to these cases.

Following the example from these specialty programs, the court can use the current pre-bond interview process to as an initial (or Stage I) assessment of eligibility for a comprehensive diversion program. Because of the benefits a diversion program offers to both the rehabilitation of the offender and the efficiency of the court system eligibility should be as broad based as possible.²⁷ The pool of eligible participants should initially include any non-violent felons who would otherwise be eligible for either bond or electronic monitoring, who have not previously participated in the diversion program, and whose self reporting indicates an underlying substance abuse or mental health issue. The only additional criteria that would need to be identified during the pre-bond interview would be prior participation in the diversion program. This information can be self reported during the interview and is a verifiable part of the arrestee's criminal history. Information regarding disposition of prior arrests is already included as part of the criminal history record (rap sheet) that is generated for each bond hearing.²⁸

If the Pretrial Assessment indicated that the arrestee meets preliminary eligibility requirements, the interviewer would indicate a diversion recommendation on the form. Copies of the pretrial assessment should be available for the bond court judge, state's attorney, and defense attorney.

Bond Court

Upon appearing in bond court eligible arrestees would be offered an opportunity to have their case reviewed for direction into the diversion court. There would be no waiver of bond at this stage. Rather, if the defendant accepts offer for diversion review, the bond hearing would be continued for a period of 72 to 120 hours and reassigned to the diversion court. The judge would explain the diversion process, and the required commitment and incentives to the defendant. Defendants who choose to opt-in to the diversion program would then be remanded to a segregated section of Cook County Jail while undergoing a secondary assessment for diversion eligibility.

The bond court currently handles between 75 and 130 cases a day²⁹. Because the diversion effort is focused towards those that can benefit from treatment services the defendants choice whether to opt-in and accept the immediate costs to the program is critical. A defendant who decides to opt in to the diversion program is making a choice to delay their own bond hearing and remain in custody for up to an extra week while seeking eligibility. This decision is one strong indication of desire to seek treatment. While the eventual dismissal of the felony charge is the obvious incentive for a defendant to opt in to the program, successful treatment and reduced recidivism is the ultimate goal. Therefore an initial desire for treatment on the part of the defendant is one of the key eligibility criteria for the program. Liberally estimating that a quarter of felony arrestees would meet the initial eligibility requirements and then choose to opt in yields 18 to 33 defendants per day that could be diverted for second stage assessment.

Secondary assessment/ verification (Stage II)

The primary function of the second stage of eligibility assessment is to verify any self reported eligibility criteria. Due to the short time frame between arrest and bond hearing much of the pre-bond interview information goes unverified. Information such as the defendant's prior arrests, convictions and participation in the diversion program can easily be verified through the criminal history record (rap sheet). The non-violent nature of the arrest is available in the charging document. But the self reported information such as employment, residence, community connections, drug and alcohol abuse, and history of mental illness is extremely difficult to verify during the time prior to the standard bond hearing. As important as this information is for determining flight risk and danger to the community at the standard bond hearing it is even more critical for determining the likely success of a defendant in a treatment based diversion program.

The 72 to 120 hour continuance of the bond hearing provides a timeframe for that self-reported information to be investigated.

If the objective criteria of the stage II assessment indicates that a defendant would not likely benefit from diversion the interviewing officer would notify the judge during the diversion court appearance. At this point the diversion court judge would simply conduct a normal bond hearing and issue an order for a standard preliminary hearing.

In addition to allowing for a period to review suitability for the diversion program the stage II evaluation period provides the Assistant State's Attorney and defense counsel a period for pretrial assessment of the case as well. For the Assistant State's Attorney this is essential because the final goal of the program is the dismissal of the charge. While judges may dismiss a case for due process concerns or under statutory authorized conditions³⁰, generally the decision to dismiss a charge *nolle prosequi* resides in the prosecutorial discretion of the State's Attorney. The stage II assessment period should be used by the Assistant State's Attorney to ensure that treatment based diversion in individual cases would not offend the interest of justice. In circumstances that would amount to a cause for rejection, the Assistant State's Attorney can inform the judge, when the defendant reaches the diversion court, that dismissal of the charge would not be approved. At that point, case would follow the same process for rejected applicants.

Similarly, because the defendant is asked to waive certain rights to participate in the program, it is important that defense counsel have an opportunity to make a preliminary assessment and aid the defendant in making an informed choice. This can also be an important step in determining a defendant's actual desire for treatment. In cases likely to be dismissed or to have little jail time imposed, a defendant's choice to seek diversion is a strong indication of a true desire for treatment. Should the defendant, after being fully advised and counseled by his or her attorney, choose not to continue seeking placement in the diversion program, the case would simply follow the process for rejected applicants.

Physically, the offenders awaiting a diversion determination would be housed in a segregated diversion assessment section of the Cook County Jail. The Sheriff has indicated that there is currently available space at the jail facility to accommodate an assessment section. Additionally, Chicago Appleseed recommends the assignment of 9 pre-trial services officers and 1 division chief to conduct the assessments and verify self reported eligibility criteria. This verification should be noted on the pre-trial assessment form, which should follow the defendant from bond court and ultimately be presented to the Diversion Section judge.

Diversion Courtrooms

The dual role of the diversion courtroom is first to hear the cases that are selected for trial diversion and second to oversee the monitoring of the defendant while in the diversion program. The first role is addressed between 72 and 120 hours after the initial bond continuance when the defendant appears for the first diversion hearing. During the hearing the court will review the pre-bond interview form and the verification and recommendations from the stage II interview. Additionally, the court will hear the position of both the State's Attorney and defense counsel. If either the State's Attorney or the defendant (through counsel) reject placement in the diversion program the court will determine bond and refer the case for initial appearance and assignment.

After confirming eligibility and acceptance, the court will present the defendant with a written agreement outlining both the obligations of the program and the accompanying range of sanctions for failure to adhere to the program requirements. Upon entering the agreement, the judge would enter an adjudication of guilt to the charges and issue an order for treatment.

The obligations will have to be outlined to show the full range of possible treatment options that would be based upon the results of a later treatment assessment. Studies show that for higher risk defendants a greater level of treatment programming is effective in reducing recidivism.³¹ However, the opposite is shown for lower risk offenders. For lower risk offenders increased levels of arbitrarily required treatment can result in a greater chance of failure in the program- a condition referred to as over programming.³² This level of assessment is too broad to be completed during the initial determination that is made for program eligibility and will have to be done in part during the diversion hearing and in part during subsequent evaluation by the treatment provider.

Because the incentives for the defendant are both treatment and the avoidance of a felony conviction and record, it is important that the written agreement clearly state the maximum possible commitment that could be required from the defendant. Ambiguity about the length and difficulty of the program can only serve to discourage otherwise promising candidates for diversion. For the same reason sanctions for violating the terms of the diversion program should be set out in a standardized and graduated schedule.³³ Some tension is recognized between preserving the discretion of the court and providing an incentive for defendants to opt in to the program. While it is beneficial to preserve the greatest amount of flexibility for judges and probation officers to find a defendant in violation of the terms of release, if the sanctions are either too severe or, even worse, too ambiguous the incentive to opt in to the program is eliminated. Even those defendants with an earnest desire to enter the program, at that point, would have to do so over the objection of any conscientious defense attorney. It is therefore imperative that the agreement contain a range of maximum and minimum punishments that the defendant might expect for failure to adhere to program requirements.

The agreement should also cover the standard requirements that would be included in all diversion plans, incentives for adherence to the program guidelines, and a checklist of possible individualized treatment requirements.

Standard requirements that have been identified in existing successful pretrial diversion programs include restitution and or community service, abstinence from illegal drugs, and periodic drug screening. Individualized requirements could include substance abuse treatment, mental health counseling, and participation in educational or job placement programs. Additionally the frequency of reporting and drug screening should be individualized, both to avoid over-programming and to provide the incentive of reduced frequency of reporting and screening when offenders successfully follow program requirements. As noted above the full extent of an individual's treatment needs cannot be completed in such a limited timeframe, however it would be the role of the diversion court to make an initial determination of the types of services that would be best suited to each individual case.

A key element to the success of the Diversion Courts will be the increased role of the probation officers assigned to each case. Probation officers have the most direct contact with the defendants and are in the best position to maintain the intensive monitoring required for this type of program. Because the probation officers play such a critical role in the diversion process each diversion courtroom should be staffed by a dedicated team of 11 probation officers. Each diversion case will be assigned to an individual probation officer from that court who will act as the liaison between the court and the treatment provider. Additionally, the probation officer acts as the steward of available treatment resource information, keeping the judge apprised of the options that are available for each individual case. In this role the shared experience of probation officers assigned as a unit to the same objectives is essential. Currently, familiarity with available services is varied from one individual probation officer to the next. While one officer may work with, and have knowledge of a handful of treatment providers and options another may work with an entirely different set and have no knowledge whatsoever of the options being utilized among peer officers. What's more, there currently is no resource for officers to adequately share their collective knowledge about successful programs. The result is a piecemeal knowledge base that is only spread by word of mouth. In an agency as large as Cook County Adult Probation there is no way that word of mouth could adequately disperse enough relevant information to efficiently provide truly effective treatment based sentence alternatives to more than a nominal population.

The first step is to identify a discrete set of officers for the Diversion Court. These officers would have more direct daily contact with treatment services and because they would act as a select unit would be more efficient at sharing their knowledge of specific treatment programs.

The next step would be the creation of a private/ public partnership between the probation department, the Diversion Division, and a university or public interest group that could develop and maintain a real time database of treatment services. As Diversion Probation officers assign individual defendants to a specific provider, the assignment would be noted in the database. When new cases arise the Probation Officer should be able to check the database and see what programs have immediate availability. Further if a graduate of a program reoffends, that information should also be noted so that over time objective data of program recidivism can be analyzed.

Initially, as lead placement agencies the court should focus on the services and experience available through the Sheriff's Day Reporting Center (for men) and the Women's Justice Initiative (for women). For cases where individual needs cannot be met by these programs, the court should consider community service alternatives as advised by the Diversion Probation Officer that is assigned to that case.

Interviews with representatives from the Day Reporting and Women's Justice Programs indicated that at inception the populations using the programs were mostly pretrial offenders being diverted from custody while awaiting trial. It was difficult to make progress with these offenders because, while still awaiting trial, the outcome of their effort and even their length of time in the program was too unsure. That demographic has since been overcome by offenders ordered into the program as a condition of a probation sentence. Because these offenders have a more determinate period of commitment the program administrators have reported a better ability to make an impact. This would also be the case with diversion court cases. While the proposed diversion court offenders technically would be on conditional pretrial release, because there is no approaching trial, participation and even completion of the program can be ordered as a condition of release.

Order

Given the large number of judges in the Cook County system one problem that arises for treatment providers is the inconsistency of the judicial orders. One judge may order a defendant to 30 days in a particular program, while another may order the defendant to participate on an open ended basis with the same program. To a large degree this issue will be alleviated by having the same limited number of judges working on the same types of cases. As an additional measure, though, it is important that the communication between the court and the treatment providers be as clear as possible. While not crucial at the outset of the program the Specialty Courts Coordinator and the Diversion Judges should work towards a goal of standardizing a form order for use within the division. The order should include standard requirements for the diversion program, a check box list of common additional requirements and the attached signed diversion agreement.

Probation Call

Another role of the Diversion Court judges is the oversight of the monitoring and reporting process. In addition to conducting hearings for new diversion participants, the Diversion Courts should serve as an integral part of the monitoring process by conducting regular probation calls. Based on the experience of the Drug Court model we anticipate that each case would be reviewed on an average every 30 days. This number would be more frequent for those cases that require more intensive monitoring and could be reduced over time as participants reached goals of their individual treatment plans. Based on these estimates each courtroom would review approximately 19 cases a day with the probation officers assigned to each case. Based on the judges' discretion defendants could be required to attend on occasions when remediation or positive reinforcement are warranted.

Program Termination

At the completion of the ordered treatment program the defendant would move to vacate the original adjudication of guilt and dismiss the charge. It is important that the process for terminating the cases be clearly defined at the start of the program, as these motions are meant to be presumptively unopposed. The subject giving rise to the greatest number of court cases addressing diversion programs around the country is whether the prosecutor or the court has the final authority to terminate the program. Clearly defining the process for terminating diversion cases and memorializing the process in a memorandum of understanding is an important step to avoiding future conflicts.

Availability of Treatment Services

One of the hurdles that judges have faced when attempting to use treatment services as alternatives or supplements to traditional sentencing is a perception that there aren't enough providers. This perception was summarized anecdotally in Chicago Appleseed's Report on Chicago's Felony Courts. One judge was quoted as saying "We don't have the resources . . . I sent three people for inpatient TASC and all three didn't get it." Other judges expressed dissatisfaction with the feedback received from treatment service providers.

Currently, the primary source of information about available services is the knowledge of and familiarity with the programs among judges, attorneys, and probation officers. The level of knowledge and familiarity varies from one individual to the next and there is no tool that currently acts as a repository for this collective knowledge.

As part of the broader diversion proposal Chicago Appleseed seeks to assist in the development of a strategy for sharing this collective knowledge. As a starting point the Criminal Justice project looks to existing list of service providers that could be used by the courts.

For Substance Abuse treatment, all providers are required to be licensed through the Illinois Department of Health. The Division of Alcohol and Substance Abuse makes the list of all treatment providers available at:

- http://www.dhs.state.il.us/OneNetLibrary/27896/documents/By_Division/OASA/LicenseDirectorybyCounty.pdf

For social services other than substance abuse treatment, the Cook County Sheriff's Office has created a Social Service Connector website:

- http://www.cookcountysheriff.org/SocialService/socialService_main.html

Each of these lists provides the contact information for hundreds of community and government service providers in the Chicago area. The DASA list provides listings for over 300 alcohol and substance abuse licensees. The Social Service Connector was developed primarily as a resource for those facing the possibility of homelessness. The website has dozens of pages, separated by subject area, that provide contact information for social services such as education, job placement, transportation and emergency shelter and clothing services.

While these directories provide hundreds of key contacts for finding treatment providers, they have several inherent weaknesses for the purposes of a comprehensive diversion program. The directories:

- Only provide contact information
- Are not updated in real-time, while community treatment providers can experience considerable turnover in a relatively short period.
- Provide no distinction between effective/ and ineffective services
- Provide no indication of actual availability of service (capacity, waitlists etc.)

In late July, Chicago Appleseed conducted an informal survey of the substance abuse providers from the DASA list to assess the feasibility of collecting and managing the additional information. An email request was sent to approximately 250 of the listed treatment programs.³⁴ The email explained the background of Chicago Appleseed's review of the Felony Court System, the desire to increase treatment as an alternative and diversion from traditional sentencing, and the need for a better overview of available services in the Chicago area.

The survey requested that each provider provide the following basic information:

- Primary service- (inpatient, intensive outpatient, DUI, etc.)
- Other services offered

- Population served- (adult/ juvenile, specific ethnicity, men/ women, specific neighborhood, religious affiliation etc.)
- Program Capacity- (total number of clients that the program is equipped to serve)
- Wait time for enrollment- (Is there a wait list? How long does an average client wait to enter the program)
- Needs assessment- (Is there an assessment conducted to determine what level of care each client requires? How is that assessment conducted?)
- Additional enrollment criteria-
- Fee for services-
- Indigent waiver/ sliding scale-
- How is indigency determined-
- Do you have experience dealing with court ordered clients?
- Do you have any current contractual agreements w/ the courts, or any city, county or state agency?

The survey was met with a low response rate, which served primarily to illustrate that not only is the information that would be most useful not available and accessible from a single source, it is also very difficult to gather initially. This difficulty can be overcome if the information is required pursuant to court oversight of provider participation in the court referral process. In other words, to be eligible for client referrals the providers should be required to first provide this information to the courts. Further, as stated above, individual probation officers, attorneys, and judges may already know this information about the providers that they use regularly but do not have a shared repository for the information.

Chicago Appleseed proposes two steps for collecting and consolidating this information. First, as part of the broader diversion proposal, Chicago Appleseed promotes the creation of a Diversion Court Division. The Diversion Courts in this division would be run by judges who would be dealing with these issues and these providers daily. Similarly a select group of probation officers would be assigned to the division. These officers would have more direct daily contact with treatment services and because they would act as a select unit would be more efficient at sharing their knowledge of specific treatment programs.

The next step would be the creation of a private/ public partnership between the probation department, the Diversion Division, and a university or public interest group that could develop and maintain a real time database of treatment services. As Diversion Probation officers assign individual defendants to a specific provider, the assignment would be noted in the database. When new cases arise the Probation Officer should be able to check the database and see what programs have immediate availability. Further if a graduate of a program reoffends, that information should also be noted so that over time objective data of program recidivism can be analyzed. Thus the database functions as both the resource list and as the feedback mechanism for the effectiveness of the providers. Ultimately this database could be available to the entire probation department and court system, for those cases where referrals are necessary in non-diversion cases.

Social Benefits of Moving to a Diversion Court Model

The social benefit of similar diversion programs in other communities has been widely documented. Based on these studies, Cook County would likely see:

- Reduced recidivism among program participants
- Reduced ancillary crimes bred from the underlying treated conditions
- Increased ability for offenders to become productive members of the community and workforce
- Reduced harm to the families of offenders otherwise caught in the revolving cycle of jail without treatment
- Reduced victimization costs coinciding with reduced criminal activity

Financial Benefits of Moving to a Diversion Court Model

A sustainable diversion court model that transforms the prosecution of individuals who need addiction treatment services, education or mental health treatment into a meaningful restorative process will not only yield social benefits, but meaningful financial benefits as well. Principally, a diversion court will:

- Reduce the Cook County Jail and the Illinois Department of Corrections population
- Reduce the long-term effects of minor, non-violent offenses
- Reduce costs associated with re-arrest
- Reduce the costs associated with the initial contact with the criminal justice system

In 2009, Cook County spent over \$1.1 billion on public safety programs, representing 31.2% of the county's expenditures.³⁵ By reducing the time that non-violent defendants spend in custody and reducing the incidence of recidivism through treatment programs, Cook County can meaningfully reduce its expenditures in this area. For example, the Cook County State's Attorney Drug School, a courthouse deferral program for first time drug offenders, reportedly resulted in an annual cost reduction of \$2 million per year.³⁶

The financial benefits of the proposed diversion court will be realized primarily in the following three categories:

- Lower Cost of Processing Felony Cases
- Reduced Offender Recidivism
- Other Benefits (Reduced Victimization Costs, Higher Tax Base)

Nearly all of the previous studies that have analyzed the impact of alternative court rooms (drug courts, mental health courts, veteran's courts) support the conclusions that diversion courts save money and reduce recidivism.³⁷ In fact, a GAO study completed in 2005 found that seven drug courts evaluated saved taxpayers between \$1,000 and \$15,000 per participant.³⁸

Cost of Processing Felony Cases

Current Cost of Processing a Non-Murder Felony Case in Cook County

The baseline cost of processing a diversion eligible felony in Cook County under the current system is estimated at \$6,550 per offender.³⁹ At an estimated 8,000 diversion eligible felonies per year, the total cost of processing these cases is over \$50 million per year. This amount includes the cost and involvement of the Cook County State's Attorney, Cook County Sheriff, Cook County Clerk, public defender, probation, judiciary and the Chicago Police Department. The total costs represents a summation of the unit costs associated with the different elements of the felony adjudication process, including court appearances, probation, jail time, booking and arrest.

Cost to Cook County to Process Eligible Diversion Court Felonies				
Court Participant Transactions	Number	Estimated Cost Per Unit		Total
Arrest	1	\$	202.96	\$ 202.96
Booking	1	\$	299.15	\$ 299.15
Court Time (Minutes)	25	\$	29.04	\$ 726.00
Probation Days (Pre-Trial)	75	\$	2.73	\$ 204.75
Cook County Jail Time (Days)	67	\$	63.01	\$ 4,221.92
Probation Days (Post-Trial)	328	\$	2.73	\$ 895.44
Cost per Case			\$	6,550.22
Total Annual Felony Cases				32,000
Estimated Diversion Eligible Felony Cases				25%
Total Estimated Number of Annual Diversion Eligible Cases				8,000
Total Estimated Annual Cost to Cook County			\$	52,401,742

The estimated cost to process a diversion eligible case is similar to the cost to process drug court eligible cases in other jurisdictions. For example, one study found that an Oregon found that the total cost per non-DC participant was \$6,560.⁴⁰ A St. Louis court found the cost to be \$6,300 per drug court eligible participant.⁴¹

Cost of Processing a Non-Murder Felony Case in Cook County under the Proposed Diversion Court Model

The estimated cost to process a diversion eligible case in a diversion court is \$4,700 per case, \$1,850 lower than processing the defendant through the current felony adjudication process in Cook County.⁴² This cost savings comes primarily through a reduction in the number of days

that the defendant spends in jail, partially offset by an increase in the number of court appearances and the cost of treatment services. Assuming that 50% of the eligible diversion court defendants accept diversion and pass initial screening, Cook County stands to save nearly \$7.5 million in felony processing costs per year. This number does not include the cost savings associated with improved outcome results like higher employment rates and reduced recidivism.

Cost to Cook County to Process Eligible Felonies in a Diversion Court				
Court Participant Transactions	Number	Estimated Cost Per Unit		Total
Arrest	1	\$	202.96	\$ 202.96
Booking	1	\$	299.15	\$ 299.15
Pre-Trial Assessment (Days)	4	\$	128.00	\$ 512.00
Drug Court Hearings	15	\$	51.22	\$ 768.30
DC Treatment (Days)	253	\$	6.84	\$ 1,730.52
Cook County Jail Time Post Termination and Sanctions (Days)	9	\$	63.01	\$ 567.12
Probation Post Termination (Days)	227	\$	2.73	\$ 619.71
Cost per Case			\$	4,699.76
Savings versus Baseline Processing per Defendant			\$	1,850.45
Total Annual Felony Cases				32,000
Estimated Diversion Eligible Felony Cases				25%
Total Estimated Number of Annual Diversion Eligible Cases				8,000
Estimated Eligibility and Election to Diversion Court				50%
Total Estimated Number of Annual Diversion Cases				4,000
Total Estimated Annual Cost Savings to Cook County			\$	7,401,818

Reduced Recidivism

There are additional outcome related cost savings (i.e. avoided costs) to the proposed diversion court model. The most significant component of this savings is the reduction in recidivism. Graduates of other specialty courts, like drug courts, are less likely to be rearrested than a similarly situated defendant that does not participate in the diversion program. Research has shown that a reduction in the rate of recidivism for drug court participants between 8% and 44%.⁴³ The most extensive study on recidivism for drug court participants (both graduates and non-graduates) found that the average amount saved per defendant over a 5-year period as a result of reduced recidivism was \$8,136.⁴⁴

Using a similar model adjusted for the estimated cost of inputs for Cook County, it is estimated that taxpayers would save an additional \$4,750 per diversion participant over a 5-year period as the direct result of avoiding processing costs associated with recidivism. Once the program has been running for 5 years with an estimated 4,000 participants a year, Cook County taxpayers would realize a cost savings of \$20 million per year.

Estimated 5 Year Cost Savings due to Reduced Recidivism of Diversion Court Participants						
Number of Transactions Following Eligible Arrest	DC Participants	Non-DC Participants	Difference	Est. Cost Per Unit		Cost Savings
Arrests	4.2	5.9	1.7	\$	202.96	\$ 345.03
Bookings	2	2.9	0.9	\$	299.15	\$ 269.24
Court Time (Minutes)	19.6	27.6	8	\$	29.04	\$ 232.32
Jail Time (Days)	126	180	54	\$	63.01	\$ 3,402.74
Treatment (Days)	72	92	20	\$	6.84	\$ 136.80
Probation (Days)	529	661	132	\$	2.73	\$ 360.36
Total Estimated Cost Savings per DC Participant					\$	4,746.49

Other Financial Benefits

In addition to the cost savings resulting from lower initial processing costs for diversion court participants and avoided future processing costs associated with recidivism, Cook County can expect to realize several additional financial benefits relating to implementing the proposed diversion court model, including reduced victimization costs and a higher tax base. While it is difficult to accurately estimate the costs associated with lower victimization rates and higher employment, it will be a meaningful benefit of implementing the diversion court program.

One study found that lower victimization costs associated with property and person charges added over \$5,000 per drug court participant to the total cost avoided over the 5-year study period. Even assuming that Cook County realizes only a quarter of this amount, taxpayers would save an additional \$5 million per year in costs associated with property and person crimes.

Another benefit of the proposed diversion court model is increasing the employment prospects of graduates. First, by requiring diversion court participants to receive education and job training classes, the proposed model will make graduates much more employable. Second, by reducing the number of felony convictions on the graduates' record, employers will be more willing to hire diversion court graduates. While it is difficult to quantify the exact dollar benefit likely to result, an increased employment rate among those released from jail or prison no doubt has a positive effect on both the county's tax base and the county's social service programs.

Implementation Plan and Timeline

Implementing our proposed diversion court in Cook County will require several structural changes to the organizational makeup of the current criminal justice system. The majority of these changes represent only a reallocation of resources, not a full scale expansion. We believe that the following organizational changes are necessary to successfully implement a Diversion Division in Cook County.

- Designate 5 existing Criminal Division Courtrooms as Diversion Courtrooms
- Designate 1 clerk as the Diversion Division chief clerk

- Reallocate 55 existing Adult Probation Officers as Diversion Court Probation Officers
- Name 1 Director of Adult Diversion Court Probation Officers
- Create a Pre-Trial Services Diversion Assessment Division that includes 9 officers and 1 Division Chief dedicated to determining defendant diversion eligibility

Diversion Court Judges (Chief Judge of Cook County)

The most important component of the organizational restructuring is naming 5 dedicated and willing Criminal Division judges to the new Diversion Court Division. Logistically, this change should not be difficult. Although the mission of the courtroom would become explicitly focused on rehabilitation and treatment services, the judge's courtroom location would not change and all of the judge's current staff would remain in place.

Although the exact makeup of a Diversion Division judge's caseload would deviate from the current process, the overall amount of work would be comparable to the current standard. By our estimates, Diversion Court judges would spend approximately 1.5 to 2 hours a day on new cases and 3.5 to 4 hours on status hearings for diversion program participants. Each judge would be responsible for managing approximately 555 active diversion cases.

Diversion Court Judge Workload	
Estimated Number of Cases Per Year	4,000
Proposed Number of Judges	5
New Cases Per Year Per Judge	800
New Cases Per Work Day	3.3
Number of Days Between Status Hearings	30
Length of Average Case (Days)	253
Number of Status Hearings Per Case	8
Average Number of Active Cases	555
Number of Status Hearings Per Day	19
Total Hearings Per Day	23
Average Number of Minutes Per Hearing	15
Number of Hours in Court	5.70

Cook County has recently created the position of Specialty Courts Coordinator. This judge should be instrumental in the oversight of the Diversion Court section, with the continuing development of relationships with treatment service providers, with ensuring that the workload of the 5 courtrooms is equitably allocated, and with monitoring and evaluating the progress of the program as a whole. The Coordinator would also serve as a key liaison with the other stakeholders in the Diversion Division (Sheriff, State's Attorney, Public Defender/private defense counsel, and Adult Probation).

Adult Probation Diversion Officers (Chief Judge of Cook County - Adult Probation)

In addition to appointing Diversion Division judges, the Chief Judge of Cook County must also reallocate 55 adult probation officers (11 per courtroom) into a new Adult Probation Diversion Division. These officers will be responsible for monitoring compliance with any judicially imposed treatment plans or restrictions (drug screening, curfews, etc) and for reporting progress and violation to the Diversion judge during status hearings. Ideally, these officers will be specifically selected for their ability to monitor the most complex and demanding treatment plans.

These 55 officers will operate with a full, but manageable, caseload. We estimate that each of the officers will have 50 active treatment cases and 45 cases in post treatment plan monitoring. The average officer will spend approximately 3 hours per day preparing for and attending between 1 to 2 status hearings for active treatment participants and between 3.5 to 4 hours monitoring those that have graduated from treatment into standard monitoring.

Probation Officer Workload	
Estimated Number of Cases Per Year	4,000
Proposed Number of Diversion Probation Officers	55
New Cases Per Year Per Diversion PO	73
New Cases Per Work Day	0.3
Number of Days Between Status Hearings	30
Length of Average Case (Days)	253
Number of Status Hearings Per Case	8
Average Number of Active Treatment Cases	50
Number of Status Hearings Per Day	1.8
Total Hearings Per Day	2.1
Number Minutes Preparing and Attending Per Hearing	90
Number of Hours Work Per Day on Treatment Cases	3.1
Average Length of Probation Following Treatment (Days)	227
Number of Active Probation Cases	45
Amount of Time Spent Per Day on Active Probation Cases (Min)	5
Number of Hours Work Per Day on Probation Cases	3.8
Total Active Cases Per Officer (Treatment + Probation)	96
Total Hours Worked Per Day	6.88

The Chief Judge should also appoint a new Director of Adult Probation Diversion. This division director would report into the head of Adult Probation and would be responsible for coordinating and monitoring the 55 diversion officers in their day to day duties. The director would also work closely with the Sheriff, the State's Attorney and the Public Defender/private defense counsel to monitor treatment services and graduate outcomes.

Pre-Trial Assessment Division

In order to evaluate a defendant's suitability for diversion court, Pre-Trial Services should utilize 9 employees and 1 department chief to operate a Pre-Trial Assessment Division. This division would evaluate defendants prior to entry into the diversion division for eligibility (background check, preliminary treatment assessment, etc). Each of the 9 officers would manage between 3 and 6 active assessment cases each.

The Sheriff will need to allocate some space in the Cook County Jail for the assessment to occur. Based on our estimates of diversion case flow, we believe that approximately 50 beds are needed in the "assessment center."

Pre-Trial Services Assessment

Estimated Number of Cases Per Year	4,000
Proposed Number of Assessors	9
New Cases Per Year Per Assessor	444
New Cases Per Work Day	1.9
Length of Assessment (Days)	3.0
Number of Minutes Per Assessment	120
Number of Hours Per Assessment	2
Estimated Hours Worked Per Day	3.7
Total Defendants in Assessment	33

The chief of the Pre-Trial Assessment Division would oversee and operate this division and act as a liaison to the other stakeholders in the Diversion Division, particularly with Adult Probation and treatment providers.

Public Defenders/State's Attorney

Although no structural changes are needed in the organization of the PD or State's Attorney office, there must be a series of trainings to educate these attorneys on both the availability and benefits of and eligibility for diversion.

Cost of Implementation

The Proposal for a Diversion Court Division has been developed with a specific focus on achievability with minimal commitment of new resources. Each stakeholder input is developed explicitly to be a reallocation of existing resources rather than a requirement for new personnel or funding. This is consistent with the goal of increasing the efficiency of the Felony Court process and reducing the strain that is placed upon the existing system by the traditional trail

model. The sole area that would require more than marginal or nominal funding is the development and maintenance of a real-time database of service providers, assignments and outcomes. Chicago Appleseed Fund for Justice is committed to assisting in the pursuit of grant funding for this aspect of the proposal.

Timeline

Following the presentation of the proposal in September 2010, stakeholders meeting the Court, State's Attorney, Public Defender, and Sherriff should commit to memorializing the proposal in a Memorandum of Understanding by November 1, 2010. Selection of judges, corrections and probation personnel should be completed by year's end with a goal of opening the Diversion Courts in January of 2011.

Program Outcome Evaluation

Two of the clearest measures of diversion program success are program completion and the level of recidivism of program participants. Unfortunately the data on recidivism can be difficult to cross reference across individual defendants over longer periods of time. The data also suffers from considerable disparity across sources. One program or agency may characterize no recidivism as no re-arrest within 6 months. Another may use a two year mark. Some may account for relapse; some may not.

The call for the development of a real-time database of service providers would serve not only as a useful reference for the courts and probationers but it also serves as a central measuring tool. By entering in the assignments of diversion participants to a particular program the data is collected not only for Diversion Division success overall, but also for the success rates of individual service providers. Over time the chaff can be separated and the court can be more selective in the providers it chooses. This provides both the program outcome measurement and the method by which it improves.

Conclusion

The Cook County criminal court system at 26th Street and California is the largest single site criminal court facility in the country. Given the extreme volume of cases that must be addressed by the court it is even more critical for this court system to make the most efficient use of resources possible. The community has already seen the positive outcomes of diversion programs with drug, mental health and veterans' courts. This proposal outlines the steps necessary for using current court resources to expand those positive outcomes and reach a truly

significant portion of the Chicago population. For every diversion success story there is at least one fewer case tying up the scarce resources of the court system. The benefits of the program are clear and the steps to implement it are at our hands. The Criminal Court stakeholders can implement this program and begin making real changes in countless lives. Now that we have a workable plan it is time to move forward with implementation. A Diversion Court section at 26th and California should be up and running by January of 2011.

¹ Circuit Court of Cook County Overview (<http://www.cookcountycourt.org/about/index.html>); Review of the Cook County Felony Case Process and Its Impact on Jail Population (“Trotter Report”)

² www.cookcountycourt.org/services/programs/adult-probation/profile.html

³ CCTAP, Page 6

⁴ A Report on Chicago’s Felony Courts, Chicago Appleseed Fund for Justice Criminal Justice Project, Page 9

⁵ A Report on Chicago’s Felony Courts, Chicago Appleseed Fund for Justice Criminal Justice Project, Page 9

⁶ A Report on Chicago’s Felony Courts, Chicago Appleseed Fund for Justice Criminal Justice Project, Page 69 note 107 (The Cook County State’s Attorney, Richard Devine, in correspondence to Chicago Appleseed, dated October 11, 2007, notes: “...caseloads of prosecutors in Cook County are among the highest in the country. Cook County prosecutors are handling 600.17 cases each compared to Los Angeles, California, where the average number of cases handled by a single prosecutor is 184.11. The number of filings per prosecutor in Cook County is 533. The closest jurisdiction is Miami with 322 filings per prosecutor.”)

⁷ A Report on Chicago’s Felony Courts, Chicago Appleseed Fund for Justice Criminal Justice Project, Page 34-42

⁸ A Report on Chicago’s Felony Courts, Chicago Appleseed Fund for Justice Criminal Justice Project, Page 9

⁹ A Report on Chicago’s Felony Courts, Chicago Appleseed Fund for Justice Criminal Justice Project, Page 41

¹⁰ National Advisory Commission on Criminal Justice Standards and Goals, Report of the Task Force in the Court: Standard 13.12 (cited from p E52 of the Compendium of Standards for Indigent Defense Systems, Dec. 2000).

¹¹ CCTAP, Page 5

¹² CCTAP, Page 33-34

¹³ CCTAP, Page 6

¹⁴ See Appendix - A

¹⁵ CCTAP, Page 6

¹⁶ A Report on Chicago’s Felony Courts, Chicago Appleseed Fund for Justice Criminal Justice Project, Page 15

¹⁷ CCTAP, Page 8

¹⁸ CCTAP, Page 6

¹⁹ CCTAP, Page 22-23

²⁰ CCTAP, Page 10

²¹ CCTAP, Page 5

²² CCTAP, Page 6

²³ CCTAP, Page 41

²⁴ CCTAP, Page 15

²⁵ CCTAP, Page 35

²⁶ See Appendix - A

²⁷ See Promising Practices in Pretrial Diversion, NAPSA (2008); Pretrial Diversion in the 21st Century, NAPSA (2009); Jail Population Management: County Officials Guide to Pretrial Services, Naco (2009)

²⁸ See Appendix - B

²⁹ Estimates from meeting with Probation and Pre-trial Services

³⁰ 725 Ill. Comp. Stat. § 5/114-1

³¹ Promising Practices, Page 26

³² *Id.*

³³ Promising Practices, Page 26

³⁴ A listing of these service providers/programs can be found in Appendix D.

³⁵ http://www.cookcountygov.com/taxonomy/Budget/Budget2010/cc_FY2010_ExecutiveBudget_FULLL.pdf, page 6

³⁶ State’s Attorney Drug School Release

³⁷See Promising Practices in Pretrial Diversion, NAPSA (2008); Pretrial Diversion in the 21st Century, NAPSA (2009); Jail Population Management: County Officials Guide to Pretrial Services, Naco (2009)

³⁸ The Sentencing Project: Drug Courts: A Review of the Evidence, Page 10

³⁹ Internal estimates, see processing cost model

⁴⁰ The Impact of a Mature Drug Court Over 10 Years of Operation: Recidivism and Costs, Page 43

⁴¹ The Sentencing Project: Drug Courts: A Review of the Evidence, Page 10

⁴² This cost is also similar to the processing costs found in other drug court studies.

⁴³ The Sentencing Project: Drug Courts: A Review of the Evidence, Page 5

⁴⁴ Multanomah, Page 49

APPENDIX - A

Pre-Trial Assessment Form

CIRCUIT COURT OF COOK COUNTY ADULT PROBATION DEPARTMENT PRETRIAL SERVICES BOND ASSESSMENT FORM

New

Judge: _____ Date: _____

Defendant: _____

Case #: _____ Date of Birth: _____

RISK ASSESSMENT

Time at Residence

Less than one year 2
One year or more 0

Verified Yes No

Employment/Education

Unemployed/not in school 2
Employed/in school/primary caregiver 0

Verified Yes No

Pending Case (excluding current case)

Felony 2
Misdemeanor 1
None 0

Case #: _____

Court Date: _____

of Arrests Within Last 5 Years

Three or more 2
Two or less 0

Previous Failures to Appear

Five or more 5
Two to four 3
One 1
None 0

Felony Convictions

Two or more 3
One 1
None 0

Currently on Probation or Parole

Yes 2
No 0

Two or More Violent Convictions

Yes 2
No 0

Drug Convictions/History of Drug Abuse

Yes 2
No 0

TOTAL SCORE

0 - 2 Low Risk: Minimum intervention
3 - 4 Low-Medium Risk: Limited supervision and use of appropriate conditions
5 - 7 Medium Risk: Supervision and use of appropriate conditions
8 - 9 High-Medium Risk: Increased supervision and use of appropriate conditions
10 + High Risk: Highly restrictive conditions if released


ADDITIONAL INFORMATION

- (Check Box if Verified)
- ☐ Date of most recent arrest previous to current charge: _____
 - ☐ Lives with: _____
 - ☐ Yes No Currently employed Start date: _____ Hours of work: _____
 - ☐ Yes No Full-time caregiver or student (mo./yr.)
 - ☐ Yes No Gang member
 - ☐ Yes No Mental health history/symptoms indicate possible need for evaluation/treatment
 - ☐ Yes No Current alcohol/substance abuse indicate possible need for evaluation/treatment

Comments: _____


Pretrial Officer _____

APPENDIX - B **Sample Criminal History/ Rap Sheet**



CHICAGO POLICE DEPARTMENT
 3510 South Michigan Avenue/Chicago, Illinois 60653
 Identification Section

Page 2 of 3



CRIMINAL HISTORY REPORT

Number: 1306846 **Name:**

ARREST

Arrest Name:	Arrest Date: 22-APR-2000	Residence:
Date of Birth: 25-JUL-1982	Dist. of Detention: DISTRICT 003 LOCKUP	CHICAGO, IL 60649
CB No: 014463387	<u>Arrest Charges</u>	
Officer: HUNTER	[1] L 8-4-030	DRINKING ALCOHOL ON THE PUBLIC WAY
Star No: 18555		

Seq.	Statute	Charge	Court Charges/Dispositions	Case #
	8-4-030	DRINKING ALCOHOL ON THE PUBLIC WAY		00237011
Disposition: NON-SUIT				26-MAY-2000
Sentence:				

ARREST


Arrest Name:	Arrest Date: 14-MAR-2000	Residence: 6715 S MERRILL AV
Date of Birth: 25-JUL-1982	Dist. of Detention: DISTRICT 003 LOCKUP	CHICAGO, IL 60649
CB No: 014431613	<u>Arrest Charges</u>	
Officer: COLEMAN	[1] 4 F 720 ILCS 5.0/24-3.1	UNLAWFUL POSS OF FIREARM/AMMO-HNDGUN
Star No: 19652		

Seq.	Statute	Charge	Court Charges/Dispositions	Case #
	720-550-4B			1 2000118883
Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE				19-MAY-2000

ARREST

Arrest Name:	Arrest Date: 09-SEP-1999	Residence: 6716 S MERRILL AV #1W
Date of Birth: 25-JUL-1982	Dist. of Detention: DISTRICT 003 LOCKUP	CHICAGO, IL 60649
CB No: 014287396	<u>Arrest Charges</u>	
Officer: DORSEY	[1] 4 F 720 ILCS 5.0/24-3.1	UNLAWFUL POSS OF FIREARM/AMMO-HNDGUN
Star No: 19506		

Seq.	Statute	Charge	Court Charges/Dispositions	Case #
001	720-5/24-1(A)(10)	CARRY/POSSES FIREARM IN PUBLIC		1 1999CR21946
Disposition: SENTENCED/COUNTY DEPARTMENT OF CORRECTIONS				12-MAY-2000
Sentence: JAIL 000 YEARS 00 MONTHS 045 DAYS				12-MAY-2000
Disposition: SENTENCED/PROBATION				02-MAR-2000
Sentence: PROBATION 000 YEARS 12 MONTHS 000 DAYS				02-MAR-2000
	720-5/24-1(A)(10)1	CARRY/POSSESS FIREARM IN PUBLIC		99CR-21946
Disposition: FINDING - PROBABLE CAUSE TO DETAIN				07-OCT-1999
Sentence: PROBATION 12 MONTHS				02-MAR-2000



CONFIDENTIAL - Further dissemination or unlawful use of information contained in this record is forbidden. When this record has served the purpose for which it was issued, it must be destroyed.

13-FEB-2004 14:10

Requested by: PC0R080

S.E. NO.	DATE OF ARREST	ARRESTING OFFICER & DIST.	CHARGE	DISPOSITION
520 415	-22 Aug 78	Off. Kolasinski 23d (19th)	Poss Marijuana & Poss of Cont Subst	
	24 Aug 78	Poss of Marijuana (562-704), Poss. of Cont. Subst. (562-1402)	SOL Judge Carey.	
8868685	-30 Jun 91, Off. Judge	Dist. 001 (CDS), WRT		
	30 Jun 91	TOT OAK PARK, GRAY Jm		
9971738	-21 Mar 95, Off. Campbell, 015th Dist (025th dist)	Poss Cocaine		
	24 May 95, Poss Amt. Con Sub (95CR-12342)	PG, 24 Mos Prob, Judge Spurlack		
10017742	-08 Aug 95, Off. Lymeris, Dist. 015, (025), Disorderly Cond			
dc	20 Sep 95	Disordly Cond (38-26-1a) HS/SOL Judge, Jones Doc# 95327569 asl ej		
10035940	-01 Sep 95, Off. Walter, Dist. 015, (025), Poss Under 15 Grams Cocaine			
dc	28 Sep 95	PCS (561-1402c) Noile Jdgc Stewart Doc#95148472		
	22 Dec 95, G.J. Ind 95CR-34059, Poss Amt Con Sub Except			
	6 May 96, Poss Amt. Con Sub (95CR-34059) PG, 18 Mos. Prob,			
	15 Hrs. Comm. Serv, \$50 Lab Fee, Judge Sacks			

* CR 15 February

* Graveyard indictment



ACCESS AND REVIEW

IDENTIFICATION SECTION
POLICE DEPARTMENT
3510 S. MICHIGAN AVE.
CHICAGO, ILLINOIS 60658

DATE: 11/1/00 SIGNATURE: *[Signature]*

I R#

APPENDIX – C
Sample Diversion Court Participation Contract

STATE OF FLORIDA

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT,
IN AND FOR ST. JOHNS COUNTY

VS

CASE NUMBER(S):

CHARGE(S): _____

St. Johns County Adult Treatment Program Participation Application and Disclosure

I have a substance abuse problem and hereby request to be considered for the St. Johns County Adult Treatment Program. I understand that the opportunity to participate in this Program is a privilege, not a right. Understanding that accountability is an important aspect of the Program, I acknowledge that if I am accepted, the following will apply to me as long as I am a participant in the Program:

1. **I will enter the Program as a condition of probation:** I understand that I will enter the Program at sentencing as a condition of probation, and that I must comply with the requirements of the Program in addition to all other conditions of probation that are imposed by the sentencing judge. Failure to comply may result in violation of my probation and the issuance of an arrest warrant. I understand that I have up to Fourteen (14) days to opt out of the Program with the understanding that this action may result in a sentence of prison.
2. **I will fully cooperate in the completion of all background checks** that will be conducted to determine if my participation in the Program is appropriate.
3. **I represent that I have never been found guilty nor had adjudication withheld for any violent felony offense anywhere.**
4. **I will appear at all Hearings as instructed by any member of the St. Johns County Adult Treatment Division Team.** The Treatment Division Team is comprised of representatives from the State Attorney's Office, the Public Defender's Office, the Clerk of the Court, substance abuse treatment providers, the Florida Department of Corrections Probation and Parole Services, the Seventh Judicial Circuit's Court Administration, St. Johns County Sheriff's Office, St. Augustine Police Department and the Treatment Division Judge.
5. **I understand that I will be required to provide urine samples at any time while I am in this program.** Failure to provide a valid sample may result in sanctions to include a loss of clean urine days.

6. **A substance abuse screening and assessment will be required** to determine whether my participation in the St. Johns County Adult Treatment Program is appropriate. I will cooperate with the substance abuse counselor at all times.
7. **I will report to the substance abuse treatment provider as instructed** which will be as soon as possible after placement into the program. Treatment will continue for a minimum of one year. It may be extended as deemed necessary by the Judge.
8. **I agree to sign an individualized substance abuse treatment plan with my treatment counselor and to participate in the accomplishment of goals and objectives as designated.** Failure to make progress may result in increased treatment. If my treatment plan ultimately requires me to enter residential treatment, I understand that I may be required to pay some or all of the expenses related to residential treatment.
9. **I consent to allow information concerning me to be given to all Treatment Division Team members as needed to carry out official tasks of the Program.** This includes, but is not limited to: urinalyses results, treatment group attendance, required office visit compliance and overall program progress. This information may be shared at a Treatment Division Hearing in open court.
10. **I agree to fully participate in the substance abuse treatment that will be delivered in the following four Treatment Program Phases. Advancement to a higher phase will be conditional upon recommendation of the Treatment Team and final approval of the Treatment Division Judge.**

Phase 1: (Minimum Duration - two month)

- Court Appearances: Once (1) a week in front of the Treatment Division Judge
- Group Therapy Sessions: Three (3) sessions per week
- Individual Therapy session: Two (2) sessions during phase
- Drug Tests: Minimum of three (3) random urinalyses tests each week
- Alcoholics Anonymous / Narcotics Anonymous: Attend one meeting each day, five (5) days per week
- Supervisory Contact: Once (1) a week with Program Coordinator
- Probation Office Visits: Once (1) a week as instructed by a Probation Officer
- Group therapy sessions needed to advance to next phase: Twelve (12)
- “Clean Urine Days” needed to advance to next phase: Sixty (60) consecutive days in Phase 1
- Be current on treatment fee of \$10 per week
- Acquire a “sponsor” and a “home group” in a twelve step program

Phase 2: (Minimum Duration - four (4) months)

- Court Appearances: Once (1) every two weeks in front of the Treatment Division Judge
- Group Therapy Sessions: Three (3) sessions per week
- Drug Tests: Minimum of two (2) random urinalysis test each week

- Individual Therapy session once a month and Family session as directed
- Alcoholics Anonymous / Narcotics Anonymous: Attend one meeting each day, five (5) days per week
- Supervisory Contact: Once (1) every two weeks with Program Coordinator
- Probation Office Visits: Once every two (2) weeks as instructed by a Probation Officer
- “Clean Urine Days” needed to advance to next phase: Ninety (90) consecutive days in Phase 2
- Begin Step four (4) of twelve step program
- Maintain regular contact with twelve step program sponsor
- Be current on treatment fee of \$10 per week
- Actively seeking/obtaining employment and/or entering an educational program

Phase 3: (Minimum Duration - four (4) months)

- Court Appearances: Once (1) every month in front of the Treatment Division Judge
- Group Therapy Sessions: One (1) session per week
- Individual Therapy sessions as directed
- Participate in at least one family counseling session as needed
- One life skill class per week
- Drug Tests: One (1) random urinalysis test each week
- Alcoholics Anonymous / Narcotics Anonymous: Attend one meeting each day, three (3) days per week
- Supervisory Contact: Once (1) every month with Program Coordinator
- Probation Office Visits: Once (1) a month as instructed by a Probation Officer
- “Clean Urine Days” needed to advance to next phase: One hundred twenty (120) consecutive days in Phase 3
- Complete Step four (4) of twelve step program
- Actively seeking/obtaining employment and/or entering an educational program
- Maintain regular contact with twelve step program sponsor
- Be current on treatment fee of \$10 per week

Phase 4 (After Care) (Minimum Duration – Two (2) months)

- Court Appearances: Once (1) every month in front of the Treatment Division Judge
- Individual Therapy Sessions: two (2) during phase
- Group Therapy Sessions: at least two (2) that concentrate on relapse support
- Participate in family counseling sessions as directed
- Participate in at least two peer led treatment activities
- Drug Tests: As instructed through the random drug testing system and by Treatment Team members
- Alcoholics Anonymous / Narcotics Anonymous: Attend three (3) meetings per week
- Supervisory Contact: Once (1) a month with Program Coordinator
- Probation Office Visits: Once (1) a month as instructed by a Probation Officer
- “Clean Urine Days” needed to graduate: Accumulate one hundred eighty (180) “consecutive clean days” which may include clean days accumulated during Phase Three, provided no relapse occurs in Phase Four

- Participants are encouraged to pay court ordered fees and be current on treatment fee of \$10 per week
11. **I will not use alcohol, illegal drugs or medications prescribed to others.**
 12. **I will not enter an establishment whose primary purpose is to sell alcoholic beverages.**
 13. **I must disclose all over the counter medications that I take to the Treatment Division Team prior to taking the medications. I will not use any type of alcohol-based over-the-counter medication or other alcohol-based products such as mouthwash, hair care products, etc.**
 14. **I will not use prescription drugs without a valid prescription and disclosure to the Treatment Division Team prior to taking the medications** except in case of an emergency where disclosure may take place the next work day after using the prescription. I understand that use of a controlled prescription drug may delay my advancement in or completion of the Program, whether or not that drug was validly prescribed. Finally, I must disclose to any doctor who intends to prescribe medication to me, that I am a participant in the St. Johns County Adult Treatment Program where abstinence from substance abuse is my goal.
 15. **I understand that Supervision Officers employed by both the Florida Department of Corrections Probation and Parole Services and Court Administration will conduct supervisory contacts concerning me.** These contacts may occur at my home, my work, the treatment center, the courthouse, or anywhere deemed necessary, consistent with the confidentiality of my treatment. I will report when and where as directed by these officers.
 16. **I understand that I can expect to receive incentives when I progress in the program and sanctions when I do not.** Various forms of positive reinforcement such as “A” Team recognition, compliments from the Judge and certificates of recognition will be used by the Team to encourage me to progress in the program. Failure to attend required counseling sessions, AA / NA meetings, supervision office visits, and urinalyses tests, failure to remain drug and alcohol free, or failure to demonstrate progress in treatment will result in a review of my case by the Treatment Division Judge. Additional group therapy or additional attendance at AA / NA meetings may be required by the Court. Sanctions might include the loss of clean days, additionally required community service hours, written assignments, tighter supervision, incarceration or termination from the program.
 17. **I agree to promptly and truthfully answer all questions asked by any member of the Treatment Division Team.**
 18. **I agree to obey all directions given to me by any Treatment Division Team member.**
 19. **I agree to reside locally and to not change my address without the approval of the Treatment Division Team.**

20. **I agree not to change my educational/employment status without the approval of the Treatment Division Team.**
21. **I will not violate the law or associate with any person engaged in criminal activity.**
22. **I will not leave St. Johns County without the approval of my Probation Officer.**
23. **I will complete all tasks as directed by the Treatment Division Judge.** Examples of such tasks may include, but are not limited to: paying restitution, remaining employed, staying in school, life skills education, literacy training, vocational rehabilitation, community resource referrals, and community service work.

I understand and accept the contents of this form which I have read or have had read to me.

Defendant's Signature / Date

Sentencing Judge / Date

Defense Attorney / Date

Probation Officer / Date

Drug Court Program Coordinator / Date

Treatment Counselor / Date

APPENDIX D

Cook County Treatment Service Providers

A SAFE HAVEN, L.L.C.	COMMUNITY COUNSELING CENTER OF CHICAGO	DUI COUNSELING CENTER OF CHICAGO - EXECUTIVE
ABJ COMMUNITY SERVICES, INC.	COMMUNITY COUNSELING CENTERS OF CHICAGO	AIRPORT/BAYRACH COUN. SVS
ADA S. MCKINLEY	CORNELL INTERVENTIONS SOUTHWOOD	DUI PROFESSIONAL PROVIDERS, INC.
ADDICTION COUNSELING EDUCATIONAL SERVICES (ACES)	CORNELL INTERVENTIONS SOUTHWOOD - ADULT	DUI REHABILITATION CENTER, INC.
CATHOLIC CHARITIES	CORNELL INTERVENTIONS SOUTHWOOD - RESIDENTIAL	DUI-METROPOLITAN SERVICES
ADDICTION COUNSELING SERVICES	CORNELL INTERVENTIONS SOUTHWOOD SHORT TERM	ELITE HOUSE OF SOBER LIVING, INC.
AGAPE HEADQUARTERS	CORNELL INTERVENTIONS SOUTHWOOD-OUTPATIENT	ELITE HOUSE OF SOBER LIVING, INC. / ELITE TREATMENT CENTER
ALEXIAN BROTHERS BEHAVIORAL HEALTH HOSPITAL	CORNELL INTERVENTIONS, INC. SOUTHWOOD ADULT	ENHANCED CLINICAL SOLUTIONS, INC.
ALEXIAN BROTHERS BONAVENTURE HOUSE	CORNELL INTERVENTIONS, INC. SOUTHWOOD INTERVENTIONS	ENHANCED CLINICAL SOLUTIONS, INC. / EISENHOWER TOWER
ALTERNATIVES, INC.	CORNERSTONE RECOVERING COMMUNITY	ERIC GORDON AND ASSOCIATES
AMERICAN INDIAN HEALTH SERVICE OF CHICAGO, INC.	CORPORATE HEALTH RESOURCE CENTER	FAMILIES AND ADOLESCENTS IN RECOVERY, INC.
ANIXTER CENTER	COUNSELING CENTER OF ILLINOIS	FAMILY GUIDANCE CENTER
ARLINGTON CENTER FOR RECOVERY, LLC	COUNSELING CENTER OF LAKE VIEW	FAMILY GUIDANCE CENTERS AT CHICAGO CHRISTIAN INDUSTRIAL LEAGUE COMPLEX
ASIAN HUMAN SERVICES, INC.	CROSSMONT & ASSOCIATES	FAMILY GUIDANCE CENTERS, INC.
ASSOCIATES IN PROFESSIONAL COUNSELING AND COACHING	DEER REHABILITATION SERVICES, INC.	GATEWAY FOUNDATION / COOK COUNTY JUVENILE TEMPORARY DETENTION CENTER
ASSOCIATION HOUSE OF CHICAGO	DUI - COURT SERVICES BY COMGRAPH, INC.	GATEWAY FOUNDATION WESTSIDE TREATMENT CENTER
AUNT MARTHA'S YOUTH SERVICE CENTER, INC.	DUI ALTERNATIVES TREATMENT CENTER, INC.	GATEWAY FOUNDATION, INC. - KEDZIE
AVANCE, INC.	DUI COUNSELING CENTER - OLD ORCHARD	GATEWAY FOUNDATION, INC. / CHICAGO OUTPATIENT NORTHWEST
BEHAVIORAL SERVICES CENTER	BAYRACH COUNSELING SERVICES	GRAND PRAIRIE SERVICES
BRIGHTER, BEHAVIOR, CHOICES INC., NFP	DUI COUNSELING CENTER AT CUMBERLAND BUSINESS CENTER	GREAT HEIGHTS FAMILY MEDICINE, LTD
CAMPAIGN FOR A DRUG FREE WESTSIDE, INC.	DUI COUNSELING CENTER AT LAWRENCE & WESTERN/BAYRACH COUNSELING SERVICES	GUILDHAUS
CARITAS - CENTRAL INTAKE	DUI COUNSELING CENTER AT THE DIVERSEY - KIMBALL BUILDING	GUILDHAUS II
CATHEDRAL SHELTER OF CHICAGO ADULT OUTPATIENT PROGRAM	DUI COUNSELING CENTER NEAR ROLLING MEADOWS COURT HOUSE/BAYRACH CO. SVS	H.A.S. / ILLINOIS DEPARTMENT OF CORRECTIONS ATC WESTSIDE
CENTER FOR ADDICTIVE PROBLEMS, INC.		H.R.D.I. - HARRIET TUBMAN - WOMEN AND CHILDREN RESIDENTIAL
CENTRAL STATES INSTITUTE OF ADDICTION		H.R.D.I. - IMPACT INCARCERATION PROGRAM
CHICAGO TREATMENT AND COUNSELING CENTER, INC.		H.R.D.I. - NEAR WEST PROFESSIONAL COUNSELING SERVICES
CHICAGO TREATMENT AND COUNSELING CENTER, INC. III		
CHRISTIAN COMMUNITY HEALTH CENTER		
COMM. COUNSELING CENTERS OF CHICAGO - WESTSIDE ADULT TRANSITION CENTER		

H.R.D.I. - PROFESSIONAL COUNSELING SERVICES

H.R.D.I. - WOMEN'S RESIDENTIAL PROGRAM

H.R.D.I. ADOLESCENT & FAMILY LIFE PROGRAM

H.R.D.I. WEST PULLMAN PROFESSIONAL COUNSELING SERVICES

HABILITATIVE SYSTEMS, INC.

HAYMARKET CENTER

HAYMARKET CENTER - MAROVITZ MANOR RESIDENTIAL / WOMEN AND CHILDREN

HAYMARKET CENTER - O'HARE OUTREACH

HAYMARKET CENTER / MEN'S RAPID STABILIZATION PROGRAM

HAYMARKET CENTER / SANGAMON HOUSE II

HAZELDEN CHICAGO

HEALTHCARE ALTERNATIVE SYSTEMS - RECOVERY HOME

HEALTHCARE ALTERNATIVE SYSTEMS, INC.

HEALTHCARE ALTERNATIVE SYSTEMS, INC. (HAS)

HEALTHCARE ALTERNATIVE SYSTEMS, INC. / NEXA

HEALTHCARE ALTERNATIVE SYSTEMS, INC. RESIDENCE ADULT

HEARTLAND HEALTH OUTREACH PATHWAYS HOME OUTPATIENT

HEARTLAND HUMAN CARE SERVICES, INC. / COMMUNITY & TREATMENT SERVICES

HENRY'S SOBER LIVING HOUSE

HIGGINS HALFWAY HOUSE

CATHEDRAL SHELTER OF CHICAGO

HOPE HOUSE OF CHICAGO, INC.

HOWARD BROWN HEALTH CENTER

HRDI - GRAND BOULEVARD PROFESSIONAL COUNSELING CENTER

INTERVENTION INSTRUCTION, INC.

IT'S ABOUT CHANGE / SOBER LIVING

IT'S ABOUT CHANGE SOBER LIVING, INC.

JACK CLARK'S FAMILY RECOVERING COMMUNITIES, INC.

KOMED / HOLMAN HEALTH CENTER

L.S.S.I. - ELGIN CENTER I OUTPATIENT / DUI

L.S.S.I. - ELGIN CENTER I RESIDENTIAL

LATINO INTERVENTION CENTER

LATINO TREATMENT CENTER

LE PENSEUR YOUTH & FAMILY SERVICES, INC.

LEYDEN FAMILY SERVICE & MENTAL HEALTH CENTER

LIFE CENTER CHURCH OF GOD & CHRIST / BRIDGING THE TYS TO JORDAN, INC.

LIFELINE COUNSELING CENTER, INC.

LORETTO HOSPITAL

LORETTO HOSPITAL ADDICTIONS CENTER

LORETTO HOSPITAL DUI PROGRAM

LOUISE LANDAU HEALTH CENTER / NEAR NORTH HEALTH SERVICES, INC.

LSSI - BELMONT

LSSI - BHS IN THE NORTHWEST SUBURBS

LSSI - DETOX ON KENMORE

LSSI - DEVON I

LSSI - ELGIN CENTER II

LSSI - KENMORE OUTPATIENT

LSSI - MEN'S RESIDENCE NORTH

LSSI - MEN'S RESIDENCE SOUTH

LSSI - PASSAGES

LSSI - WOMEN'S RESIDENCE ON KENMORE

LUTHERAN SOCIAL SERVICES OF ILLINOIS

MAINE CENTER

MARYVILLE ACADEMY

MARYVILLE ACADEMY / SCOTT NOLAN CENTER - MISA

MATER HALL A (INTEGRATED PARENTING IN RECOVERY RESIDENTIAL PROGRAM)

MERCY HOSPITAL AND MEDICAL CENTER

NEAR NORTH HEALTH SERVICES CORP.

NEW AGE SERVICES CORPORATION

NEW HOPE COMMUNITY SERVICE CENTER

NEW HOPE RECOVERY CENTER

NEW HOPE RECOVERY CENTER, LLC

NORTH SHORE ADOLESCENT RECOVERY CENTER, LLC

NORTHWESTERN COUNSELING SERVICES, INC.

OMNI YOUTH SERVICES ARLINGTON HEIGHTS OFFICE

OMNI YOUTH SERVICES BUFFALO GROVE OFFICE

OMNI YOUTH SERVICES, INC. / WHEELING TOWNSHIP PROGRAM

PDSSC - CHICAGO, INC.

PDSSC, LLC

PEER SERVICES, INC.

PILLARS COMMUNITY SERVICES

PILSEN WELLNESS CENTER, INC.

POLISH AMERICAN ASSOCIATION STARTING POINT

PROCARE CENTERS - JUDICIAL TREATMENT/INTAKE

PROCARE CENTERS - PROJECT SAFE PREVENTION

PROCARE CENTERS / RESURRECTION BEHAVIORAL HEALTH AT PROCARE CTRS.

PROCARE CENTERS IN OUR LADY OF RESURRECTION MEDICAL CENTER

PROCARE CENTERS PROVISIO FAMILY SERVICES

PROFESSIONAL CONSULTATIONS, INC.

PROFESSIONAL DIAGNOSTIC SERVICES, S.C.

PRO-HEALTH ADVOCATES, INC.

PROSPERITY HOUSE, INC. NFP

RECOVERY CAFE, INC.

RENACER LATINO, INC.

RENZ ADDICTION COUNSELING CENTER

RESTORATION M.B.S. CENTER, INC.

RESURRECTION ADDICTION SERVICES - CHICAGO (LOOP)

RESURRECTION ADDICTION SERVICES - LINCOLN PARK

RESURRECTION ADDICTION SERVICES - PALOS HEIGHTS

RESURRECTION BEHAVIORAL
HEALTH AT ST. MARY AND
ELIZABETH MEDICAL CTR.
ROSEMOOR ASSESSMENT
SUBSTANCE ABUSE PROGRAM,
INC.
SAFER FOUNDATION /
CROSSROADS A.T.C.
SAFER FOUNDATION NORTH
LAWNDALE A.T.C.
SOLLEY'S HOUSE
SOUTH EAST ALCOHOL AND
DRUG ABUSE CENTER
SPECIALIZED ASSISTANCE
SERVICES, NFP - OUTPATIENT
UNIT
SSCASA - MEN'S RESIDENTIAL
REHABILITATION PROGRAM
SSCASA - OUTPATIENT SERVICES
SSCASA - WOMEN'S RESIDENTIAL
SERVICES
ST. LEONARD'S MINISTRIES
ST.FRANCIS COMPREHENSIVE
BEHAVIORAL HEALTH -
ADDICTION RECOVERY CENTER
STATE OF MIND MENTAL HEALTH
& CONSULTATION SERVICES, P.C.
SUBSTANCE ABUSE OPERATIONS
T.A.S.C., INC.
T.A.S.C., INC. AREA 01 - ACJS
T.A.S.C., INC. AREA 01 - JJS
THE BOBBY BUONAURO CLINIC,
INC.
THE CHICAGO CENTER FOR
RECOVERY & EMPOWERMENT
NFP
THE GOOD HOPE FOUNDATION OF
AMERICA, INC.
THE LINK & OPTION CENTER, INC.
THE MCDERMOTT CENTER /
HAYMARKET CENTER
RESIDENTIAL PROGRAM
THE MCDERMOTT CENTER /
HAYMARKET CENTER UMISA CO-
ED RESIDENTIAL
THE MCDERMOTT
CENTER/HAYMARKET CTR.
ADULT INTENSIVE OUTPATIENT /
O.P.

THE MCDERMOTT
CENTER/HAYMARKET CTR.
FAMILY RECOVERY PROGRAM
THE MCDERMOTT
CENTER/HAYMARKET CTR.
FEMALE FURLOUGH
THE MCDERMOTT
CENTER/HAYMARKET CTR.
HAYMARKET GRAND
BOULEVARD
THE MCDERMOTT
CENTER/HAYMARKET CTR.
HAYMARKET WEST
THE MCDERMOTT
CENTER/HAYMARKET CTR.
INTERVENTION-DUI/REMEDIAL
EDUCATION
THE MCDERMOTT
CENTER/HAYMARKET CTR.
MATER HALL B
THE MCDERMOTT
CENTER/HAYMARKET CTR.
MATER HALL C
THE MCDERMOTT
CENTER/HAYMARKET CTR.
MATERNAL ADDICTION CENTER A
THE MCDERMOTT
CENTER/HAYMARKET CTR. MC
LORRAINE HALL
THE MCDERMOTT
CENTER/HAYMARKET CTR. MEN'S
DETOXIFICATION
THE MCDERMOTT
CENTER/HAYMARKET CTR. MEN'S
RESIDENTIAL AND DETOX.
THE MCDERMOTT
CENTER/HAYMARKET CTR.
NORTH
THE MCDERMOTT
CENTER/HAYMARKET CTR.
PROJECT SAFE / DCFS EXPANSION
THE MCDERMOTT
CENTER/HAYMARKET CTR.
RESIDENTIAL PROGRAM
THE MCDERMOTT
CENTER/HAYMARKET CTR.
WOMEN WITH CHILDREN
RESIDENTIAL
THE MCDERMOTT CTR./
HAYMARKET CTR. ADULT
OUTPATIENT

THE MCDERMOTT CTR./
HAYMARKET CTR. CEE'S MANOR
NORTH
THE MCDERMOTT CTR./
HAYMARKET CTR. WOMEN'S
DETOX.
THE MCDERMOTT CTR./
HAYMARKET CTR. WOMEN'S
DETOX. PHASE II
THE RUTH M. ROTHSTEIN CORE
CENTER
THE SHARE PROGRAM
THE SHARE WOMEN'S PROGRAM
THE SKY IS THE LIMIT RECOVERY
FACILITIES, INC., NFP
THE WAY BACK INN
THE WOMEN'S TREATMENT
CENTER
THE WOMEN'S TREATMENT
CENTER DETOX.
THE WOMEN'S TREATMENT
CENTER RES. REHAB. IV
THE WOMEN'S TREATMENT
CENTER/ PPW
THE WOMEN'S TREATMENT
CENTER/ RES. REHAB III
THE WOMEN'S TREATMENT
CENTER/ RESIDENTIAL REHAB II
THE WOODLAWN ORGANIZATION/
ENTRY HOUSE
THERAPEUTIC INTERVENTIONS,
INC.
TIMBERLINE KNOLLS, LLC
TREATMENT CENTERS OF
ILLINOIS / HANOVER PARK
TREATMENT
TRILOGY, INC.
UNIVERSAL FAMILY
CONNECTION, INC.
VICTORY VISION COUNSELING
WESTCARE COOK COUNTY JAIL
IMPACT PROGRAM
YOUTH OUTREACH SERVICES