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January 2010

Proposal for Drug Offender Stationhouse Deferral Program

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Recommended Citation

Daniel T. Coyne, *Proposal for Drug Offender Stationhouse Deferral Program*, (2010).

Available at: https://scholarship.kentlaw.iit.edu/fac_schol/191

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Proposal from the

Chicago Appleseed Fund for Justice and Chicago Council of Lawyers

Drug Offender Stationhouse Deferral Program

February 2010

Illinois, particularly Cook County, has been plagued with an increasing number of arrests for drug possession and other drug-related offenses. In 2007, there were 110,019 drug arrests for violations in Illinois and from 1997 to 2007, the reported drug arrest rate per 100,000 persons increased 6 percent (from 806 per 100,000 persons to 856 per 100,000 persons) (statistics from the Office of the Cook County State's Attorney). Cook County already has a successful drug school, and an extension of this already effective program is needed to further address this issue. By deferring non-violent drug offenders into drug school at the time of arrest through a "stationhouse" deferral program, offenders will reach drug treatment more quickly, which will save the money required to prosecute these offenders. These savings can then be used to expand Cook County's drug school to treat a larger number of offenders. Instituting this stationhouse deferral program will result in enormous savings—most notably in the areas of incarceration costs and case management—while reducing recidivism and increasing public safety.

Currently, when an offender is taken into custody for a drug charge, if he/she is unable to post bond, he/she will await trial at Cook County jail. Often, the offender waives preliminary hearing and agrees to enter drug school, and with successful completion of drug school the case is subsequently dismissed. The same result of getting an offender to drug school can be achieved with less cost and less labor by way of a stationhouse deferral program. When a new case file is opened in Cook County, it costs \$2500 to simply open a case file and in 2007, there were 110,119 arrests for drug violations in Illinois. The costs associated with simply opening a case file in Cook County are staggering. Other associated costs are the salaries of both the assistant state's attorney and the assistant public defender, judge, clerks, and other courtroom personnel. Incarceration expenses at Cook County Jail would also be decreased, because these offenders would not remain in jail for months awaiting trial at the cost of \$125 per day, per offender.

In general, programs that lead to treatment and not incarceration are recognized for their cost savings. Nationwide, for every \$1 invested in drug court, taxpayers save as much as \$3.36 in avoided criminal justice costs alone, and drug court has been

shown to produce cost savings anywhere from \$4000 to \$12000 per client (statistics courtesy of the Office of the Cook County State's Attorney).

Cook County has already realized some of these benefits with its current drug school program. From 2001 to 2008, approximately 4,000 non-violent, drug cases involving small amounts of narcotics were diverted out of the criminal justice system and over 90% of the participants successfully completed the program. For offenders that were sent to drug school, cases were disposed of at a cost of \$197 per offender versus the estimated cost of over \$750 per offender. These savings resulted in an annual cost reduction to Cook County of over \$2 million dollars per year. The savings also extended to incarceration costs of \$23,000 annually per inmate and annual probation costs of over \$1,000 per offender. By deferring people to drug school directly from the police station, even greater savings would result for Cook County (statistics courtesy of the Office of the Cook County State's Attorney).

Moreover, in Cook County, drug school significantly reduced the likelihood of a drug re-arrest—only 11% of successful participants, as compared to 48% of unsuccessful participants, had a new arrest during the year following drug school. During the three years following completion, 83% of graduates from drug school in Cook County did not have a new drug arrest in the three years following completion of drug school (statistics courtesy of the Office of the Cook County State's Attorney).

The eligibility requirements for the stationhouse deferral program would be the same as the eligibility requirements for drug court which are set forth in Public Act 92-0058 of the 92nd General Assembly and are as follows: 1) the defendant has not previously completed or been discharged from a drug treatment program (readmission may be possible after three years with no new arrests), 2) the defendant has not been convicted of a crime of violence within the past ten years, 3) the defendant admits an addiction to drugs, 4) and the defendant demonstrates a willingness to participate in drug school.

The logistics of this program are as follows: the State's Attorney's Office, in collaboration with the Chicago Police Department and other law enforcement agencies, would be the arbiters of this program. Felony review would take place at the police station when the offender is brought in by police. In order to avoid physically placing two attorneys at each Cook County police station, felony review would occur over the phone. If a person did not complete drug school for any reason and did not abide by the terms of their treatment plan, the Grand Jury would issue a direct indictment and a warrant for their arrest would be issued.

The goal of this program is that the offender receive treatment at the earliest possible opportunity and at the successful completion of rehabilitation, the offender be released without any charges whatsoever. Drug school currently allows successful participants to completely avoid a trial with no possibility for conviction, in addition to allowing an application for the expungement of the arrest. These measures will decrease recidivism because since education, housing, and employment are adversely affected by the existence of a criminal record, drug school allows offenders to face consequences for their actions in the form of rehabilitative measures without leaving the permanent mark of an arrest and conviction.

Drug school provides a solution to several problems that abound in Cook County. First, it deals with the problem of disproportionate representation of minorities in jail by keeping offenders out of jail and offering treatment for their addiction. Next, drug school allows money to be saved which can be used to expand the program and treat even more offenders.

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