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January 2010

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Recommended Citation

Daniel T. Coyne, *Restructuring Proposal for the Criminal Division of the Circuit Court of Cook County*, (2010).

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Criminal Division Restructuring Proposal from the Chicago Council of Lawyers and the Chicago Appleseed Fund for Justice

September 22, 2009

Proposal Summary

In December 2007, the Chicago Appleseed Fund for Justice published "A Report on Chicago's Felony Courts." This comprehensive report served to shed light on the fundamental problems plaguing the system and offers meaningful and realistic solutions for change. The report details fifty recommendations for change, 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 for the adoption of our 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, which provides training for bond court judges regarding the proper role of bond court, was also implemented in June of 2009.

These achievements help to serve the proposal'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. To do so, we will work with the Chief Judge of the Circuit Court of Cook County and the Presiding Judge of the Criminal Division to restructure the existing organization of the Circuit Court of Cook County. The new structure will 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 nonviolent defendants will receive the services they need.

More specifically, we propose taking these steps:

- Re-designate all First Municipal Criminal branch courtrooms, including bond court, as part of the Criminal Division, allowing for better coordination with the felony trial courtrooms and diversion programs.
- Unify and coordinate diversion efforts for all defendants by:
 1. Creating a diversion section within the Criminal Division, with its own supervisory judge who will answer to the presiding judge of that division; and
 2. Creating a misdemeanor section within the Criminal Division, with its own supervisory judge who will answer to the presiding judge.
- Continue an ongoing examination of existing diversion efforts in one of the courtrooms in the Criminal Division where the judge is focused on diversion. Continue to evaluate resource allocations and outcomes in this courtroom.
- Coordinate efforts with key players in the system such as the Cook County State's Attorney's Office, the Cook County Public Defender's Office, the Cook County Adult Probation Department, the Cook County Sheriffs Office and the Chicago Police Department to discuss the creation of a process through which the diversion can occur immediately after the bond court proceeding, or in certain circumstances immediately after arrest and before bond court proceedings.
- Work with the Circuit Court and other key players to improve the pretrial services program so it may better assist the early identification and diversion of non-violent offenders out of the criminal justice system.

Need Statement

The criminal justice program of Chicago Appleseed Fund for Justice and the Chicago Council of Lawyers has accomplished much, but there is more work to be done. The criminal justice system needs to transform the portion of criminal prosecutions that deal with individuals who need drug and mental health treatment into a meaningful treatment and restorative process rather than a meaningless incarceration that helps no one and costs taxpayers an exorbitant amount of money. This transformation involves a coordinated effort among judges, lawyers, probation officers, law enforcement and treatment providers. Through our research and work over the past two years, we have acquired the knowledge and the respect of the key players in the system necessary to put into place a series of our recommendations through the development of a diversion division within the criminal courts.

This effort will achieve the following goals:

- Reduce the Cook County Jail population;
- Reduce the Illinois Department of Corrections population;
- Reduce participant contacts with the criminal justice system;

- Reduce the long-term effects of casual contact with the criminal justice system;
- 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 nonviolent offenders into treatment alternatives and away from costly incarceration.

- To provide an inter-agency, collaborative, non-adversarial strategy for non-violent and youthful 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 and youthful 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 (such as probation) accountable for the role that they play in the process of rehabilitation.

Activities:

- Seek a court order transferring jurisdiction of branch courts and the judges assigned there to the appropriate section of the Criminal Division in order to facilitate collaborative efforts.

- Recruit supervisory judges that recognize the importance of diversion and alternatives to incarceration and possess a sensitivity to the mission of implementing a diversion section.
- Recruit, with the cooperation of the presiding judge, those judges that are open to cooperating with a diversion division.
- Work with the court to identify and assign multiple pretrial services officers and 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).
- Work with the court to develop and implement incentives for judges to utilize the diversion management style.
- Work with schools of social work to provide additional assistance to the diversion courtroom personnel.
- Seek changes in first offender and expungement laws to provide added incentives for youthful and non-violent offenders to adhere to the diversion conditions.
- 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 Cook County State's Attorney's Office, the Cook County Sheriff's Office, the Probation and Social Services Departments and other court system participants.
- Facilitate, with a university department, a data collection effort to determine the impact of the proposed approach.
- Refine and maintain the ongoing court watching program at the Criminal Courts Building.

Respectfully submitted,

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