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Alternative Courts Offer Paths to Avoid Convictions

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We spoke with the head of Cook County’s alternative court system to find out more about how they divert people from jail and decrease incarceration rates.



Cook County now has 19 problem-solving courts.

Though the vast majority of Cook County’s criminal cases are tried in criminal courts, the county also has a substantial “alternative” court system—or courts that aim to rehabilitate defendants rather than sending them straight to jail. Nineteen problem-solving courts have been established throughout the county since 1998. Courts dedicated to specific populations such as those with mental illness, drug dependency and veterans offer alternative sentencing options that keep the mostly nonviolent defendants from returning to jail through treatment programs and intensive supervision. In 2011, the county took another approach by establishing deferred prosecution programs aimed at helping low-level offenders before a conviction is placed on their records.

Emily Cole leads the Alternative Prosecution and Sentencing Unit inside of the Cook County State’s Attorney’s Office. She began her career as a prosecutor with the office in 1998 and has spent the last 17 years in this type of work. City Bureau met with Cole at the Leighton Criminal Court Building, in her 14th-floor corner office that overlooks most of the Chicago skyline. Surrounded by volumes of books on everything from Illinois statutes to reference guides on searches, Cole shared information about the programs and how access to them can be increased.

What are the deferred prosecution and alternative sentencing programs?

Deferred Prosecution happens pre-plea [or before conviction]. Alternative sentencing, which is basically the Problem-Solving Courts, happens post-plea [or after conviction]. Problem-Solving Courts handle felony cases, while Deferred Prosecution programs handle both misdemeanors and felonies. When we defer the prosecution of a case, as long as the individual -who is the defendant- isn't >

Prosecution court, whereas high-risk, high-need individuals go into the Problem-Solving Courts. All of the offenses have to be probationable. Illinois statute actually enumerates the specific crimes that are ineligible.

What are the benefits?

Reducing recidivism [or the rate at which defendants commit new crimes after they're released] and any sort of reconnecting individuals back into the community would be the main benefit of the programs. Getting a job, going to school, being better role models for their kids, maybe avoiding a case over in juvenile court with their children... I mean, it's got the trickle-down effect. You can see the trend—in this office, across the United States and even internationally—that this is a cost-savings benefit as well. And it's absolutely the right thing to do for individuals who are nonviolent to have this type of approach versus being in and out of the criminal justice system their whole life.

What is the process?

So our office actively looks for cases. We have dedicated assistant state's attorneys who sit downstairs near bond court and screen every case. Public defenders and attorneys also make referrals. Sometimes parents or family members call. I just had a grandmother call me last week about her granddaughter.

A case comes to our attention, we review it, we determine if they are statutorily eligible, we reach out to the victim and then the participant has to agree to it. This is because the problem-solving courts are much more rigorous than regular probation. It's a team approach. In drug court, participants typically get an assessment that's almost always followed by inpatient treatment and then outpatient treatment. From there, they go to a recovery home and then to a job training or educational program. The mental health and veteran's courts follow similar paths.

How can access to deferred prosecution and alternative sentencing programs be increased?

We can always use more assistant state's attorneys. There are currently 15 in my unit working at all of the district courthouses, but not every day. Everyone in my office should know about these programs, but having someone in court every day who knows the programs really well would be better.

Also, we could definitely use more funds. The state's attorney's office doesn't charge anyone to go through deferred prosecution programs because that would mean those who had money could defer their cases and not those who didn't. So we link up with treatment providers that have the resources to figure out how to get reimbursed. So while money may not help with volume, because people still have to qualify, it would probably affect the success rate of the programs. There are things like recovery homes that aren't covered by CountyCare or Medicaid. We're always looking for referrals for participants to get into any of these programs. Another example is when inpatient stays are covered, they are usually shorter than we would prefer.

Getting the word out about these programs is another way access can be increased. I can only do so much training myself, and that's done with state's attorneys, public defenders, bar associations, the sheriff's office, the Chicago Police Department and at a variety of speaking engagements. Occasionally, you will see a success story in the newspaper.

This story is the first of a three-part series on criminal justice reform produced by City Bureau, a Woodlawn-based civic journalism lab. Learn more and get involved at <http://www.citybureau.org>.

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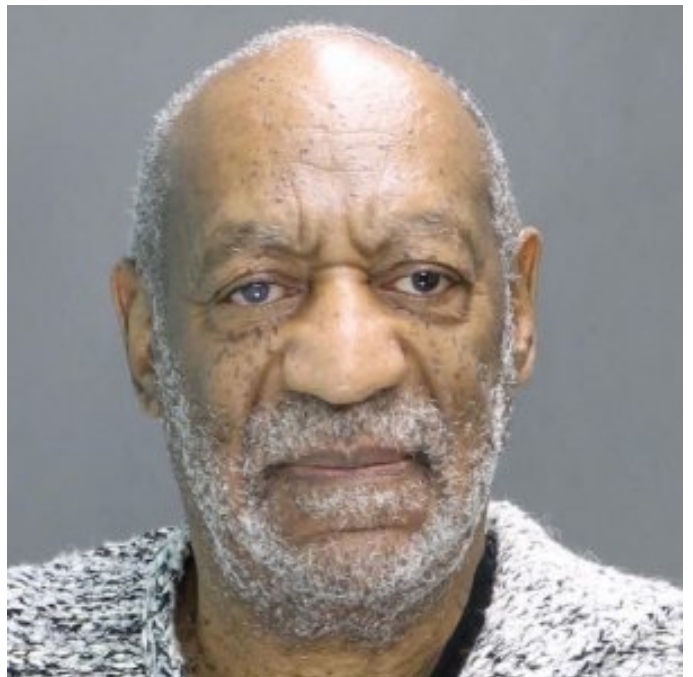
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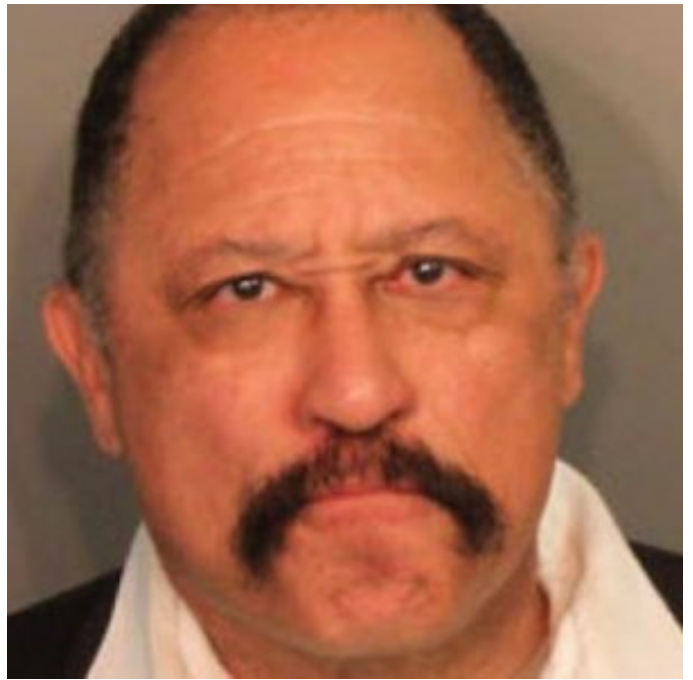


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