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Felony Drug Court Activity Among Offenders Eligible Under 2009 Drug Law Changes 2008 - 2010

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Article 216 of the Criminal Procedure Law (CPL), a key element of the drug law changes of 2009, became effective in October 2009. Article 216 expands opportunities for treatment diversion for addicted offenders by allowing judges to offer treatment alternatives without the approval of the district attorney. The Article also established a mechanism to request a judicial hearing regarding diversion to drug court.

This report is a joint collaboration between the Division of Criminal Justice Services (DCJS) and the Office of Court Administration (OCA). It focuses on the impact of this statutory change on drug court screenings and admissions among drug and property offenders now eligible for judicial diversion under CPL Article 216. During 2010, the first full year after implementation of the drug law changes, the 2,621 Article 216-eligible admissions statewide were twice as high as the 1,039 admitted in 2008 for similar crimes.

Major Findings

CPL Article 216-eligible Screenings and Admissions

Please see page 1 for an explanation of drug court eligibility under CPL Article 216.

- Since implementation of CPL Article 216 in October 2009, screenings went up 40% statewide, increasing from 4,621 in 2008 to 6,478 in 2010.
- Admissions to drug court more than doubled, increasing from 1,039 in 2008 to 2,621 in 2010.
- The extent of the impact varied by county. Regionally:
 - New York City screenings increased 5% from 2008 to 2010, and admissions doubled.
 - In the rest of the state, both screenings and admissions almost tripled from 2008 to 2010.
- Screenings and admissions increased despite decreases in the number of felony drug arrests between 2008 and 2010. This included a 21% decrease in felony drug arrests in New York City and a 7% decrease in the rest of the state.
- Statewide, 41% of those screened were admitted into drug court programs. Screening procedures differed substantially by region.
- CPL Article 216 provides that a defendant or prosecutor may request a judicial hearing on the defendant's eligibility and suitability for participation in a substance abuse treatment program. Between implementation in October 2009 and the end of December 2010, 399 Article 216 judicial hearings were conducted statewide. In 268 (67%) of the hearings, the defendant was found eligible for drug court.
- The majority (81%) of individuals admitted into drug court programs were not facing a mandatory prison sentence at arraignment.

Impact on Other Diversion Programs

- In New York City, district attorney Drug Treatment Alternative- to-Prison (DTAP) programs continued to provide diversion alternatives to many addicted offenders after implementation of Article 216. Citywide, in 2010 there were 8% fewer Article 216-eligible offenders admitted into DTAP programs as compared to 2008, with 40 fewer admissions.
- In the rest of the state, some of the district attorney diversion programs Structured Treatment to Enhance Public Safety (STEPS/Road to Recovery) were discontinued or replaced by drug court programs. While the number of Article 216-eligible admissions to these programs decreased by 151 between 2008 and 2010, drug court admissions for individuals charged with Article 216 offenses increased by 1,030.

Introduction

New York's Rockefeller Drug Laws, enacted in 1973, mandated long prison sentences for many drug offenders. After several amendments to the original laws, in April 2009 the Legislature instituted significant changes. Mandatory prison sentences for some drug offenses were eliminated, and minimum sentence lengths were reduced for others. In October 2009, CPL Article 216 became effective, expanding judicial discretion to offer drug court alternatives to certain addicted non-violent offenders without the approval of the district attorney. The Article also established a mechanism to request a judicial hearing on diversion to drug court. Article 216 is presented in Appendix A.

To meet the anticipated increase in diversion cases, OCA established new felony drug courts in St. Lawrence, Dutchess, Madison, Nassau, Suffolk, and Westchester counties and expanded existing felony drug courts in New York City.

The 2009 reform of New York's drug laws included a requirement to study the impact of these changes (see Section 837, (4) (b-1) of the Executive Law). DCJS is coordinating this effort and working with other state agencies, including OCA, the Office of Alcoholism and Substance Abuse Services (OASAS), and the Department of Corrections and Community Services (DOCCS). DCJS is also working with New York City agencies, district attorneys' offices and diversion programs to obtain additional data not available at the State level.

This report focuses on the impact of the 2009 drug law changes on drug court screenings and admissions among offenders eligible for judicial diversion under CPL Article 216. Eligible offenses include felony level B, C, D, or E drug offenses and property offenses specified in Article 216.¹

Diversion Activity Prior to Drug Law Changes

Prior to the passage of the drug law changes in 2009, New York State was routinely diverting substantial numbers of addicted offenders. These individuals participated in programs established in District Attorneys' offices, drug courts and other Alternative-to-Incarceration (ATI) programs. In 1990, the Kings County District Attorney established DTAP; by 1999 DTAP was operating in the five boroughs of New York and Nassau County. In the rest of the state, the Road to Recovery/STEPS program was implemented in 2003, operating out of district attorneys' offices in 16 counties. Through 2008, more than 9,000 offenders had participated in district attorney diversion programs throughout the state.

Drug courts were also operating in most counties prior to the drug law changes in 2009. As of December 31, 2008, there were 170 drug treatment courts operating in New York State, including 62 felony drug treatment courts. New York's earliest felony drug court opened in 1995. By the end of 2008, more than 5,000 felony offenders had participated in these 62 court programs.

¹ Burglary 3rd, Criminal Mischief 2nd and 3rd, Grand Larceny 3rd and 4th - excluding firearms, Criminal Possession of Stolen Property 3rd and 4th - excluding firearms, Forgery 2nd, Possession of Forged Instrument 2nd, Unauthorized Use of Motor Vehicle 2nd, and Unlawfully Using Slugs 1st.

Measuring Changes in Drug Court Activity

The 2009 drug law changes eliminated some mandatory prison sentences and expanded opportunities for treatment diversions. This report describes drug court activity before and after the 2009 drug law changes, often comparing 2008, the most recent full year before the drug law changes, with 2010, the first full year after implementation. Other DCJS reports and presentations address changes in case processing and prison commitments since implementation of the new drug laws.

Data Sources

Drug court information stored in the Universal Treatment Application (UTA) maintained by OCA was matched with the Computerized Criminal History (CCH) data maintained at DCJS.

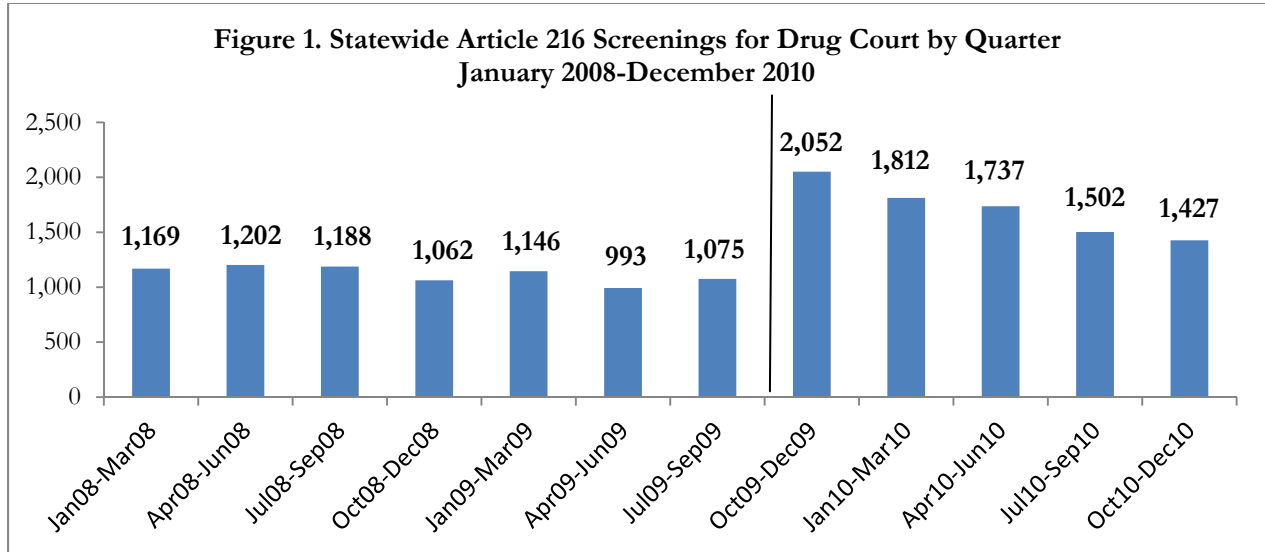
The Universal Treatment Application (UTA) is a case management database used by Drug Treatment Courts in New York State to monitor cases as they progress through the drug court process. This application supplements other criminal case management systems operated by OCA with additional information. The UTA enables the courts to effectively monitor drug tests, court appearances, treatment appearances, compliance, sanctions, achievements, and rewards. In addition, the UTA contains a full bio-psycho-social assessment.

In 2009, the UTA was modified to accommodate key parameters of the CPL Article 216, capturing information for cases that were referred by a judge to be considered for judicial diversion. These parameters include eligibility determinations, judicial hearing outcomes, and case results.

Article 216-eligible Screenings

Screening Trends

Figure 1 presents Article 216-eligible screenings for drug courts by quarter from the start of 2008 through the end of 2010. The black line approximates the effective date of Article 216, which was October 7, 2009.



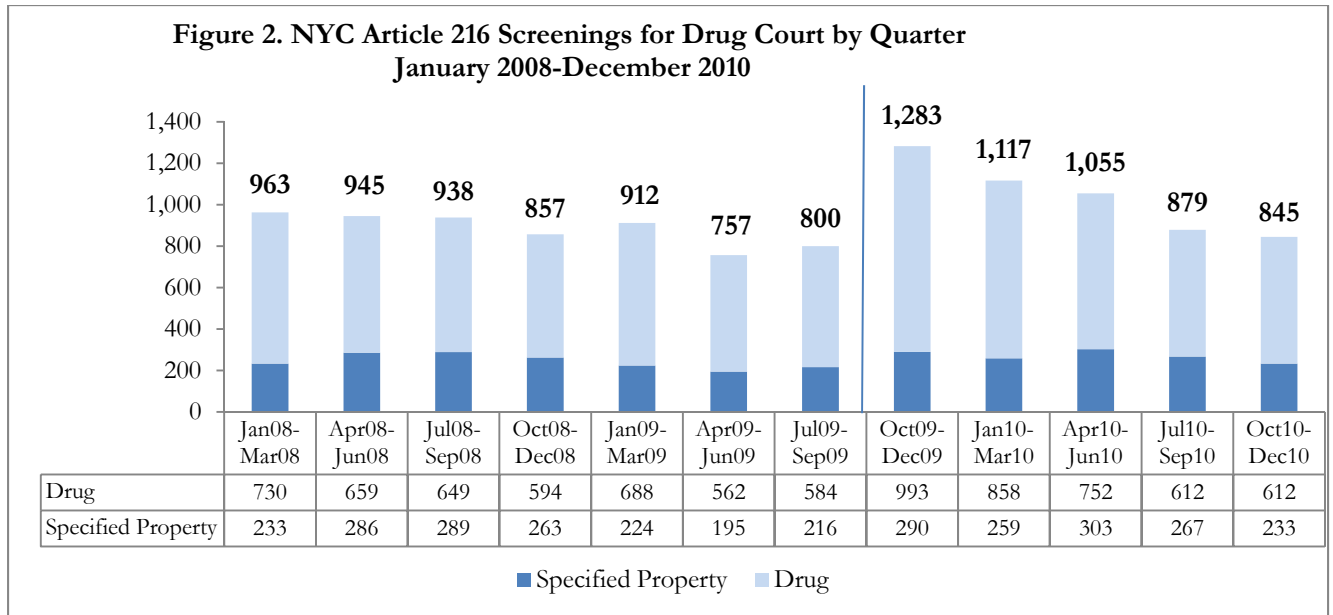
Statewide, the number of Article 216-eligible cases screened for drug court in 2010 increased 40% over the 2008 baseline year, from 4,621 in 2008 to 6,478 in 2010.

After peaking during the first quarter following implementation of judicial diversion, total Article 216-eligible screenings have declined each quarter, but still remain substantially higher than before the drug law changes.

Trends in Article 216-eligible screenings varied in counties across the state. The following sections examine New York City and the rest of the state separately. County data on screenings are presented in Appendix B.

Screening trends in New York City drug courts are shown in Figure 2, broken out by type of arraignment charge. Quarterly screenings for property charges specified in Article 216 are shown in the dark blue (bottom) portion of each bar. The light blue (top) portion represents screenings for drug charges.

The number written on top of each bar is the total number of eligible screenings (drug + specified property) for each quarter; the screenings are broken out for drugs and specified property in the table below the chart.

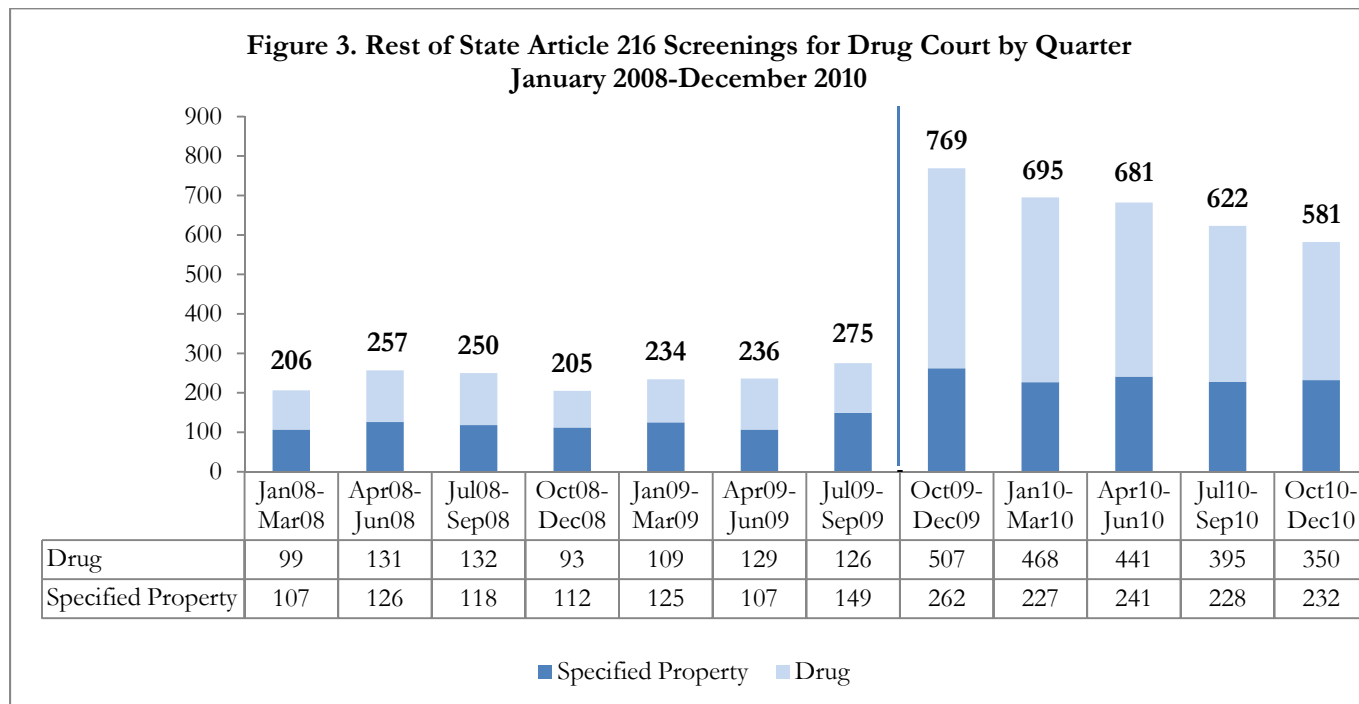


Article 216-eligible screenings in New York City increased sharply in the first quarter following implementation of the new drug laws. After the initial peak, the number of screenings declined each quarter.

New York City’s downward trend in screenings is impacted by a decline in felony drug arrests and indictments that began after 2007. Between 2008 and 2010, felony drug arrests in New York City decreased 21%, from 28,764 in 2008 to 22,784 in 2010. Felony drug indictments went down 12% over the same time period, from 7,619 to 6,680.

Despite the downward trend, Article 216-eligible screenings increased in New York City between 2008 and 2010. In 2010, 3,896 Article 216-eligible cases were screened, compared to 3,703 in 2008, an overall increase of 5%.

In the rest of the state, growth in Article 216-eligible drug court screenings was more dramatic. Figure 3 shows the trend in Article 216-eligible screenings for drug courts outside of New York City.



In the rest of the state, Article 216-eligible drug court screenings increased sharply in October 2009 and have remained substantially higher (although they have declined since the initial startup). There were 2,579 screenings in 2010, compared to 918 in 2008.

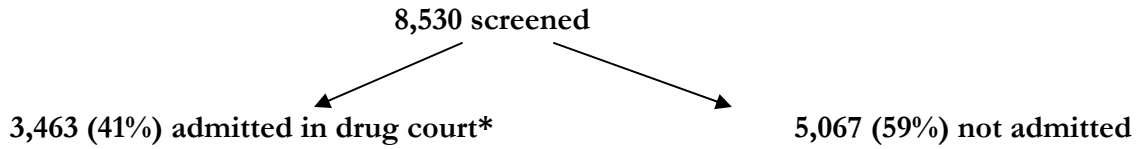
Screenings for both drug and specified property crimes went up since judicial diversion became effective, with larger increases for drug crime screenings.

Increases in screenings were substantial despite a downward trend in felony drug arrests and indictments. Between 2008 and 2010, felony drug arrests went down 7% outside New York City, from 11,421 in 2008 to 10,643 in 2010. Felony drug indictments dropped 17% during the same time period, from 6,539 to 5,456.

Outside of New York City, the proportion of Article 216-eligible screenings for drug crimes (as opposed to property offenses) increased significantly since judicial diversion was implemented. In 2008, screenings for drug crimes accounted for about half of the screenings, compared to about two-thirds in 2010.

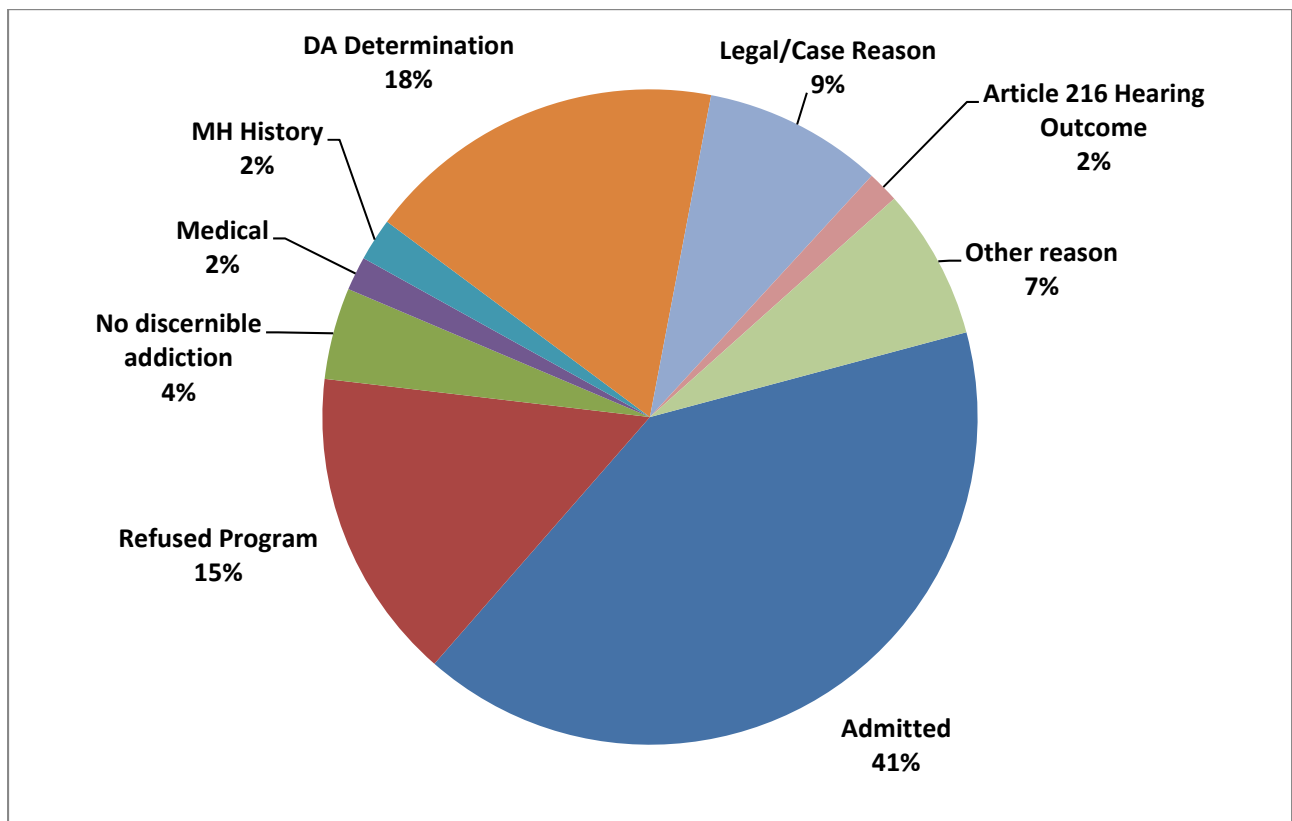
Screening Outcomes

Since implementation of Article 216 beginning October 2010, 8,530 Article 216-eligible offenders were screened for drug court statewide. Among these 8,530 screenings, 3,463 (41%) were admitted into drug court and 5,067 (59%) did not participate.



The screening outcomes as recorded in the OCA’s UTA system are presented below.

Figure 4. Article 216-Eligible Screening Outcomes: October 2009-December 2010 (N=8,530)



*Includes some admissions after December 2010

The most common reasons screened individuals did not participate in the felony drug courts were district attorney determination (18%), the defendant’s refusal at the time of screening (15%) and reasons related to the case such as other violent charges, dismissal of charges or transfers to other courts or jurisdictions (9%).

District Attorney Determination

The cases coded in the UTA as not admitted due to district attorney determination reflect how diversion cases are processed in some jurisdictions. The large majority (86%) of these cases were from Brooklyn and Queens. Further review of these cases showed that most were diverted from felony prosecution—the district attorney did not proceed with the felony. Many of these defendants ended up in diversion programs other than felony drug court. Other cases were coded this way due to ongoing related investigations by the district attorney’s office.

Article 216 Judicial Hearings

In 2% of the screenings, an Article 216 judicial hearing was conducted and the defendant was found ineligible for the drug court program. CPL Article 216 provides that a defendant or prosecutor may request a judicial hearing on the defendant’s eligibility and suitability for participation in a substance abuse treatment program (see CPL 216 in Appendix A). After the proceeding, the court makes findings of fact regarding the defendant’s eligibility under the statute, the likelihood that treatment will be effective, and how public safety is served by the decision.

As shown in the table below, between October 2009 and December 2010, the UTA system indicates that 399 Article 216 hearings have been conducted, about 5% of the 8,530 cases screened.

Table 1. Outcomes of Article 216 Hearings Conducted Oct 2009-Dec 2010						
	Defendant Eligible		Defendant Not Eligible		Total Hearings	
	Number	Percent	Number	Percent	Number	Percent
New York City	40	64.5%	22	35.5%	62	100.0%
Rest of State	228	67.7%	109	32.3%	337	100.0%
Total	268	67.2%	131	32.8%	399	100.0%

Most of the hearings (337 or 84%) were held outside of New York City. Regardless of region, about two-thirds of the hearings resulted in favor of the defendant participating. Appendix C shows hearings by county.

Screening Outcomes Before and After the Drug Law Changes

This section examines detailed screening outcomes by region, comparing the most recent full year before the drug law changes (2008) with the first full year after the changes (2010). The screening process differs in jurisdictions across the state, both in who is screened and at what point in criminal case processing. These differences can impact screening outcomes. For example, universal screening that is in place in some New York City jurisdictions results in lower admission rates because more offenders who may not be found eligible (because of other, ineligible pending cases or violent history) are screened. Earlier and more widespread screening is also likely to increase refusal rates, because the defendant may be seeking a case outcome that does not involve treatment.

Table 2. Screening Outcomes 2008 and 2010
New York City

Screening Outcome	2008		2010	
	#	%	#	%
Admitted	555	15.0%	1,013	26.0%
DA Determination	1,386	37.4%	1,127	28.9%
Refused Program	812	21.9%	826	21.6%
No discernible addiction	163	4.4%	171	4.4%
Mental Health History	51	1.4%	86	2.2%
Medical Reason	73	2.0%	91	2.3%
Legal/Case Reason	476	12.9%	344	8.8%
Article 216 Hearing	0	0.0%	16	0.4%
Other	187	5.1%	222	5.7%
Total	3,703	100.1%	3,896	100.0%

In New York City admission rates for Article 216-eligible screenings increased from 15% to 26%.

The number of cases not participating due to a determination by the district attorney office dropped from 37% in 2008 to 29% in 2010.

Refusal rates stayed the same (22%).

Table 3. Screening Outcomes 2008 and 2010

Rest of State

Screening Outcome	2008		2010	
	#	%	#	%
Admitted	623	67.9%	1,512	58.6%
DA Determination	75	8.2%	106	4.1%
Refused Program	99	10.8%	198	7.7%
No discernible addiction	17	1.9%	138	5.4%
Mental Health History	16	1.7%	36	1.4%
Medical Reason	5	0.5%	14	0.5%
Legal/Case Reason	47	5.1%	245	9.5%
Article 216 Hearing	0	0.0%	99	3.8%
Other	36	3.9%	231	9.0%
Total	918	100.0%	2,579	100.0%

In the rest of the state, the proportion of offenders screened who were admitted to drug court/judicial diversion was lower in 2010 (59%) compared to 2008 (68%), although the number of screenings nearly tripled, from 918 to 2,579.

The number of offenders not participating based on a district attorney determination dropped from 8% in 2008 to 4%.

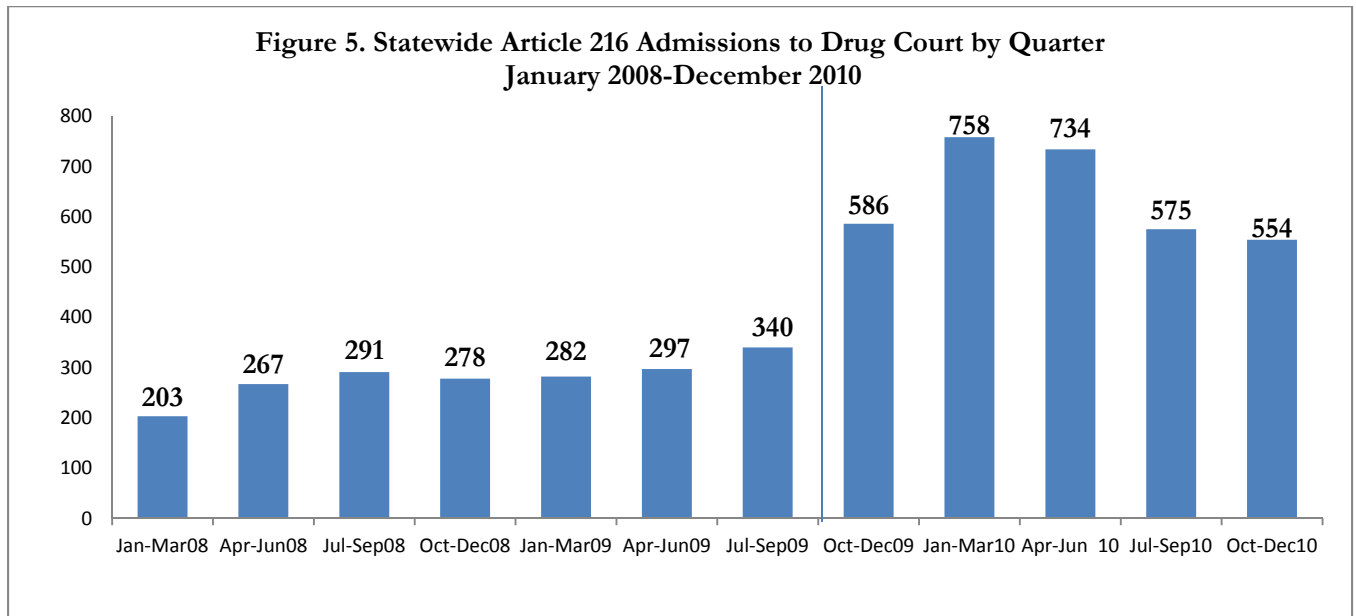
Refusal rates decreased from 11% in 2008 to 8% in 2010.

Screened offenders found to have no discernable addiction increased from 2% in 2008 to 5% in 2010.

Expanded screenings resulted in an increase in offenders found ineligible due to Legal/Case related reasons, increasing from 5% in 2008 to 10% in 2010. Most of these were due to the prior history of the defendant, or the existence of pending cases with ineligible charges.

Article 216-eligible Admissions

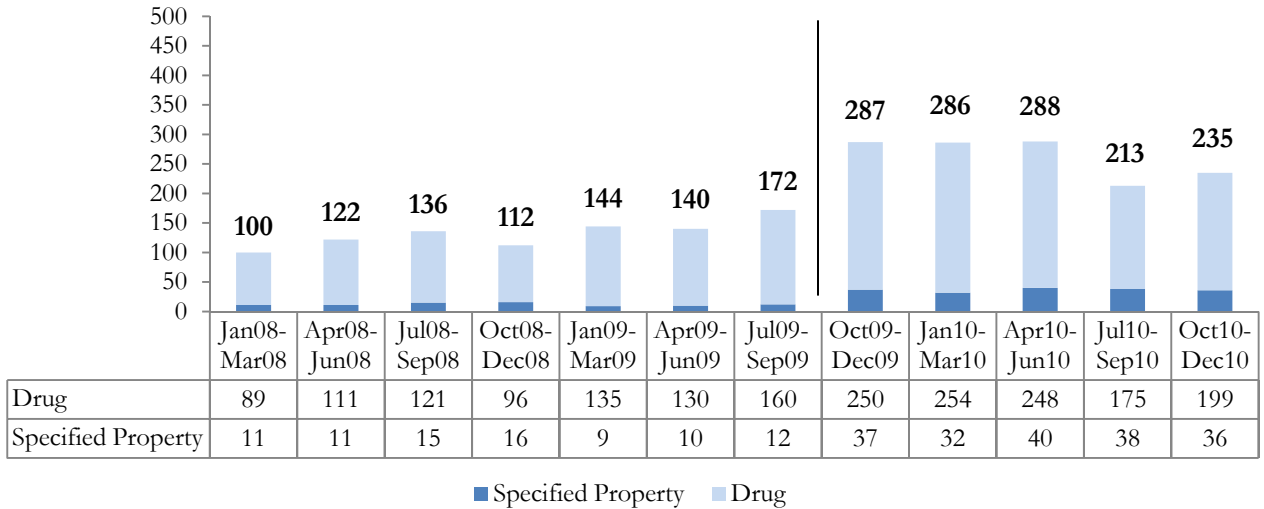
Admission Trends



Statewide, the number of Article 216-eligible admissions to drug court more than doubled since the new drug laws were implemented (from 1,039 in 2008 to 2,621 in 2010). Although admissions in 2010 were substantially higher compared to 2008, they declined after peaking in the first half of the year.

Admission trends varied widely by county. These trends are examined for New York City and the rest of the state in the section that follows. Appendix D shows admissions by county for 2008 and 2010.

**Figure 6. NYC Article 216 Admissions to Drug Court by Quarter
January 2008-December 2010**



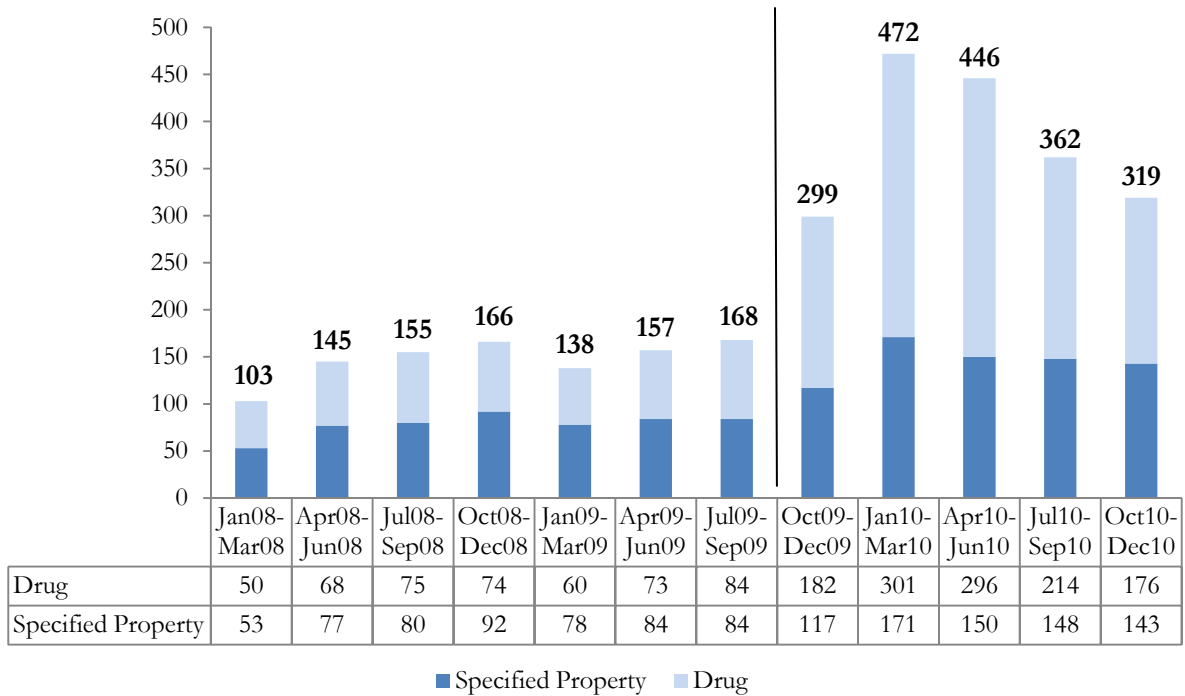
In New York City, Article 216-eligible drug court admissions more than doubled since implementation of the new drug laws, increasing from 470 in 2008 to 1,022 in 2010.

After a substantial increase in admissions in the first quarters after implementation of judicial diversion, overall admissions declined, but remained substantially higher than admissions prior to October 2009.

Both before and after the drug law changes, about 90 percent of the Article 216-eligible individuals admitted to drug court New York City were indicted on drug offenses.

Although the number of admissions for property offenses remains relatively small, admissions for these offenses increased since the drug law changes, from 53 in 2008 to 146 in 2010.

**Figure 7. Rest of State Article 216 Admissions to Drug Court by Quarter
January 2008-December 2010**



In the rest of the state, admissions increased substantially when the drug law changes were implemented, increasing from 569 in 2008 to 1,599 in 2010. However, after peaking in the January-March 2010 quarter, admissions declined each quarter.

From 2008 to 2010, admissions for drug offenses increased almost four-fold, from 267 in 2008 to 987 in 2010. At the same time, admissions doubled for property offenses, increasing from 302 in 2008 to 612 in 2010.

The proportion of Article 216-eligible admissions based on drug offenses increased from less than half in 2008 to almost two-thirds since the drug law changes were implemented.

Arrestionment Offenses of Article 216 Drug Court Admissions

Between October 2009 and December 2010, there were 3,207 Article 216-eligible admissions to felony drug courts statewide, including 1,309 in New York City and 1,898 in the rest of the state. As shown in the table below, the majority of those admitted to drug court programs were not facing a mandatory prison sentence at arrestionment. In New York City, 29% of the admissions were arrestioned for a second felony B drug offense, which still requires a prison sentence upon conviction. In the rest of the state, 13% of the Article 216-eligible admissions were arrestioned on second felony B drug offenses.

Table 4. Arrestionment Charge for Article 216 Drug Court Admissions: Oct 2009-Dec 2010			
Facing Mandatory Prison			
	NYC	Rest of State	Total
B 2nd Drug	382	239	621
Percent of All Article-216 Eligible Admissions	29%	13%	19%
Not Facing Mandatory Prison			
	NYC	Rest of State	Total
Other Drug	744	930	1,674
Specified Property	183	729	912
Total Non-Mandatory	927	1,659	2,586
Percent of All Article 216-Eligible Admissions	71%	87%	81%
Total Article 216 Admissions			
	NYC	Rest of State	Total
	1,309	1,898	3,207

District Attorney Objections

Since implementation of Article 216, the UTA includes information on whether district attorneys object to an offender’s participation in drug court. In the majority of cases (86%), district attorney did not record objections to the admission decision. Statewide, district attorneys objected to 444 (14%) of the 3,207 admissions, including 10% of the admissions in New York City and 16% in the rest of the state. Appendix E presents the objections by court.

Arrestment Offenses Before and After Implementation of Article 216

Table 5 below presents the types of offenses among Article 216-eligible admissions in New York City, comparing the most recent full year before implementation of the drug law changes (2008) with the first full year after the changes were implemented (2010).

After the new drug laws took effect, the number of individuals admitted into drug court in New York City in most offense categories more than doubled.

Table 5. Arrestment Charges: New York City

Arrestment Offense Type	Admission Year			
	2008		2010	
Drug Sales	231	49.1%	568	55.6%
Drug Possession	186	39.6%	308	30.1%
Burglary 3	14	3.0%	38	3.7%
Grand Larceny	31	6.6%	71	6.9%
Other Property	8	1.7%	37	3.6%
Total	470	100.0%	1,022	100.0%

Table 6 shows that in the rest of the state, the number of drug court admissions for drug sales in 2010 was more than ten times higher than in 2008. Before the changes in the drug law, only 7% of the admissions were for drug sales; in 2010 drug sales accounted for 29% of the admissions.

Table 6. Arrestment Charges: Rest of State

Arrestment Offense Type	Admission Year			
	2008		2010	
Drug Sales	42	7.4%	470	29.4%
Drug Possession	225	39.5%	517	32.3%
Burglary 3	76	13.4%	182	11.4%
Grand Larceny	100	17.6%	215	13.4%
Other Property	126	22.1%	215	13.4%
Total	569	100.0%	1,599	100.0%

Characteristics of Drug Court Admissions

Prior Criminal History of Drug Court Admissions

Table 7 presents the most serious prior criminal history information for New York City drug court admissions. Admissions in 2010 had more extensive criminal histories compared to 2008. In 2010, 63% of the offenders admitted had a prior conviction for a felony or misdemeanor, compared to 43% of 2008 admissions. Among 2010 admissions, 46% had at least one prior felony conviction, compared to 18% in 2008.

Table 7. Most Serious Prior Criminal History (New York City)

	2008		2010	
	#	%	#	%
Highest Level of Prior NYS History:				
No Criminal History	104	22.1%	160	15.7%
Prior Arrest Only, No Conviction	165	35.1%	218	21.3%
Prior Misdemeanor Conviction	118	25.1%	178	17.4%
Prior Felony (Non-VFO) Conviction	73	15.5%	350	34.2%
Prior Felony VFO Conviction	10	2.1%	116	11.4%
Total	470	100%	1,022	100%

Table 8 shows that the average number of prior arrests and convictions among New York City drug court admissions also increased between 2008 and 2010. Among 2010 admissions, before the crime which resulted in drug court, the average participant had accumulated:

- 4.2 prior felony arrests (including 2.1 felony drug arrests);
- 4.9 prior misdemeanor convictions (including 2.1 misdemeanor drug convictions); and
- 1.2 prior felony convictions (including 0.8 felony drug convictions).

Table 8. Number of Prior Arrests and Convictions (New York City)

	2008			2010		
	Mean	Min	Max	Mean	Min	Max
Arrest/Conviction Type:						
Prior Felony Arrest	1.7	0	17	4.2	0	32
Prior Felony Drug Arrest	0.7	0	16	2.1	0	21
Prior Misdemeanor Conviction	1.7	0	35	4.9	0	76
Prior Misd. Drug Conviction	0.8	0	13	2.1	0	52
Prior Felony Conviction	0.3	0	7	1.2	0	8
Prior Felony Drug Conviction	0.2	0	7	0.8	0	8

Table 9 shows the most serious prior criminal history in the rest of the state. Overall, 2010 drug court admissions were more likely than those in 2008 to have no prior criminal history in New York State (32% in 2010 vs. 24% in 2008). However, 2010 admissions were more likely to have a prior felony conviction (28%) than 2008 admissions (23%).

Table 9. Most Serious Prior Criminal History (Rest of State)

	2008		2010	
	#	%	#	%
Highest Level of Prior NYS History:				
No Criminal History	134	23.6%	516	32.3%
Prior Arrest Only, No Conviction	93	16.3%	234	14.6%
Prior Misdemeanor Conviction	212	37.3%	397	24.8%
Prior Felony (Non-VFO) Conviction	102	17.9%	373	23.3%
Prior Felony VFO Conviction	28	4.9%	79	4.9%
Total	569	100%	1,599	100%

Table 10 shows that the average number of prior arrests and convictions among the drug court admissions in the rest of the state was about the same in both 2008 and 2010. Criminal histories among admissions in the rest of the state tended to be less extensive than among New York City participants. Among 2010 admissions, before the crime which resulted in drug court, the average participant in the rest of the state had:

- 1.7 prior felony arrests (including 0.5 felony drug arrests);
- 1.7 prior misdemeanor convictions (including 0.4 misdemeanor drug convictions); and
- 0.6 prior felony convictions (including 0.2 felony drug convictions).

Table 10. Number of Prior Arrests And Convictions (Rest of State)

	2008			2010		
	Mean	Min	Max	Mean	Min	Max
Arrest/Conviction Type:						
Prior Felony Arrest	1.5	0	16	1.7	0	32
Prior Felony Drug Arrest	0.3	0	7	0.5	0	9
Prior Misdemeanor Conviction	1.7	0	28	1.7	0	41
Prior Misd. Drug Conviction	0.3	0	7	0.4	0	11
Prior Felony Conviction	0.4	0	6	0.6	0	10
Prior Felony Drug Conviction	0.1	0	3	0.2	0	5

Demographic Characteristics of Admissions

Demographic characteristics were available from the UTA and DCJS' Criminal History file. New York City's Article 216-eligible admissions in 2010 averaged 34 years of age, older than the eligible admissions entering drug court in 2008. The percentage of admissions who were 40 or over increased from 22% in 2008 to 38% in 2010.

Table 11. Age, Gender and Race/Ethnicity among NYC Article 216-eligible Drug Court Admissions 2008 and 2010

Age at Admission	2008		2010	
	#	%	#	%
16-21 years	45	9.6%	51	5.0%
19-21 years	100	21.3%	136	13.3%
22-29 years	143	30.4%	253	24.8%
30-39 years	78	16.6%	193	18.9%
40-49 years	67	14.3%	245	24.0%
Over 50 years	37	7.9%	144	14.1%
Total	470	100.0%	1022	100%
Mean	30		34	
Median	26		32	
Range	16-68		16-73	

Gender	2008		2010	
	#	%	#	%
Male	391	83.2%	856	83.8%
Female	79	16.8%	166	16.2%
Total	470	100.0%	1,022	100.0%
Race/Ethnicity				
White (non-Hispanic)	224	47.7%	405	39.6%
Black(non-Hispanic)	67	14.3%	118	11.5%
Hispanic	175	37.2%	488	47.7%
Other	4	0.9%	11	1.1%
Total	470	100.0%	1,022	100.0%

The majority of New York City admissions were male (about 84%). In 2010, 40% of the admissions were white, which was lower than the proportion of whites among the 2008 admissions (48%). The percentage of admissions who were Hispanic increased from 37% in 2008 to 48% in 2010. At the same time, the percentage of admissions who were Black went down slightly, from 14% to 12%.

Below, demographic characteristics are presented for admissions in the rest of the state. Individuals admitted to drug court in the rest of the state tended to be younger than was found for New York City admissions. The mean age among 2010 drug court admissions was 30, about the same as in 2008 when the mean age was 29.

Table 12. Age, Gender and Race/Ethnicity among Rest of State Article 216-eligible Drug Court Admissions 2008 and 2010

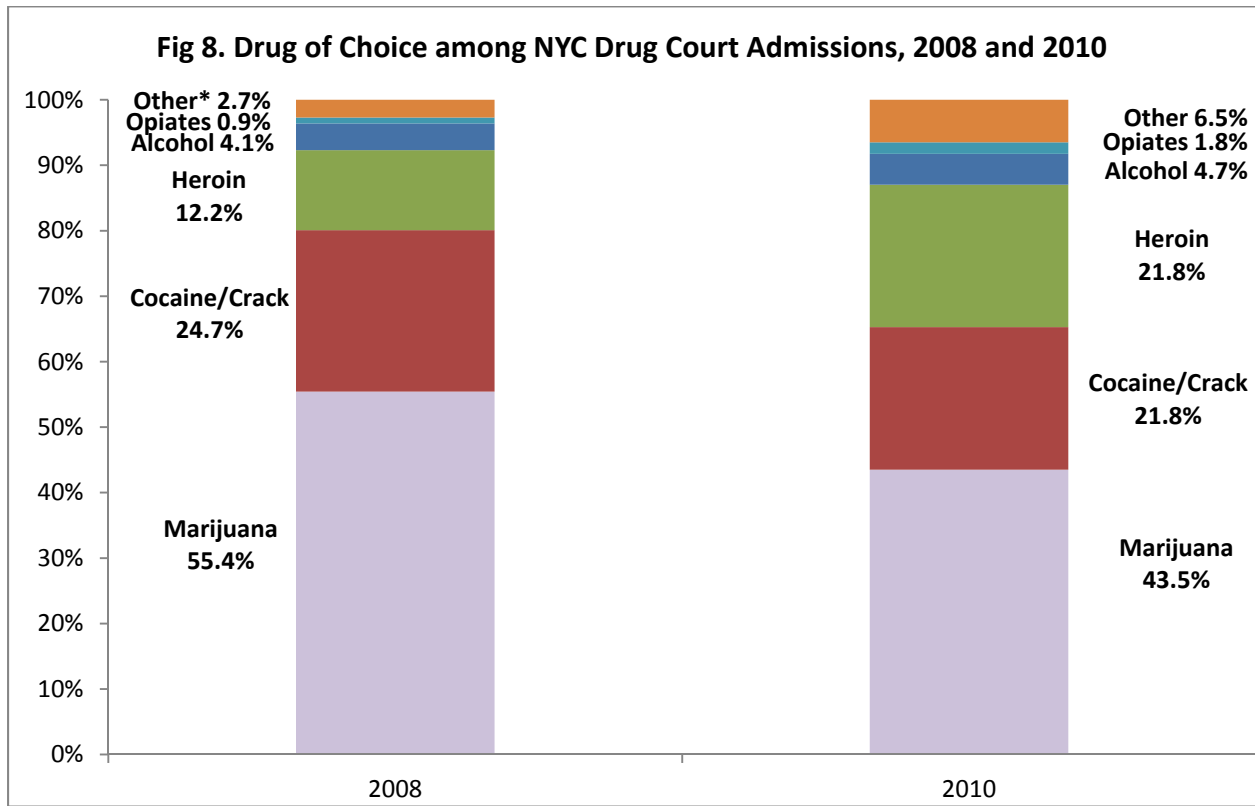
Age at Admission	2008		2010	
	#	%	#	%
16-21 years	40	7.0%	66	4.1%
19-21 years	115	20.2%	274	17.1%
22-29 years	200	35.1%	632	39.5%
30-39 years	115	20.2%	341	21.3%
40-49 years	78	13.7%	199	12.4%
Over 50 years	21	3.7%	87	5.4%
Total	569	100.0%	1,599	100.0%
Mean	29		30	
Median	26		27	
Range	16-69		16-65	

Gender	2008		2010	
	#	%	#	%
Male	425	74.7%	1,251	78.2%
Female	144	25.3%	348	21.8%
Total	569	100.0%	1,599	100.0%
Race/Ethnicity				
White (non-Hispanic)	125	22.0%	431	27.0%
Black(non-Hispanic)	381	67.0%	961	60.1%
Hispanic	58	10.2%	192	12.0%
Other	5	0.9%	15	0.9%
Total	569	100.0%	1,599	100.0%

In the rest of the state, 22% of the 2010 admissions were females, slightly lower than the percentage in 2008. In 2010, 27% of the admissions were white, up from 22% in 2008. The percentage of black admissions went down from 67% in 2008 to 60% in 2010. The percentage of Hispanic admissions increased slightly, from 10% in 2008 to 12% in 2010.

Drug of Choice among Admissions

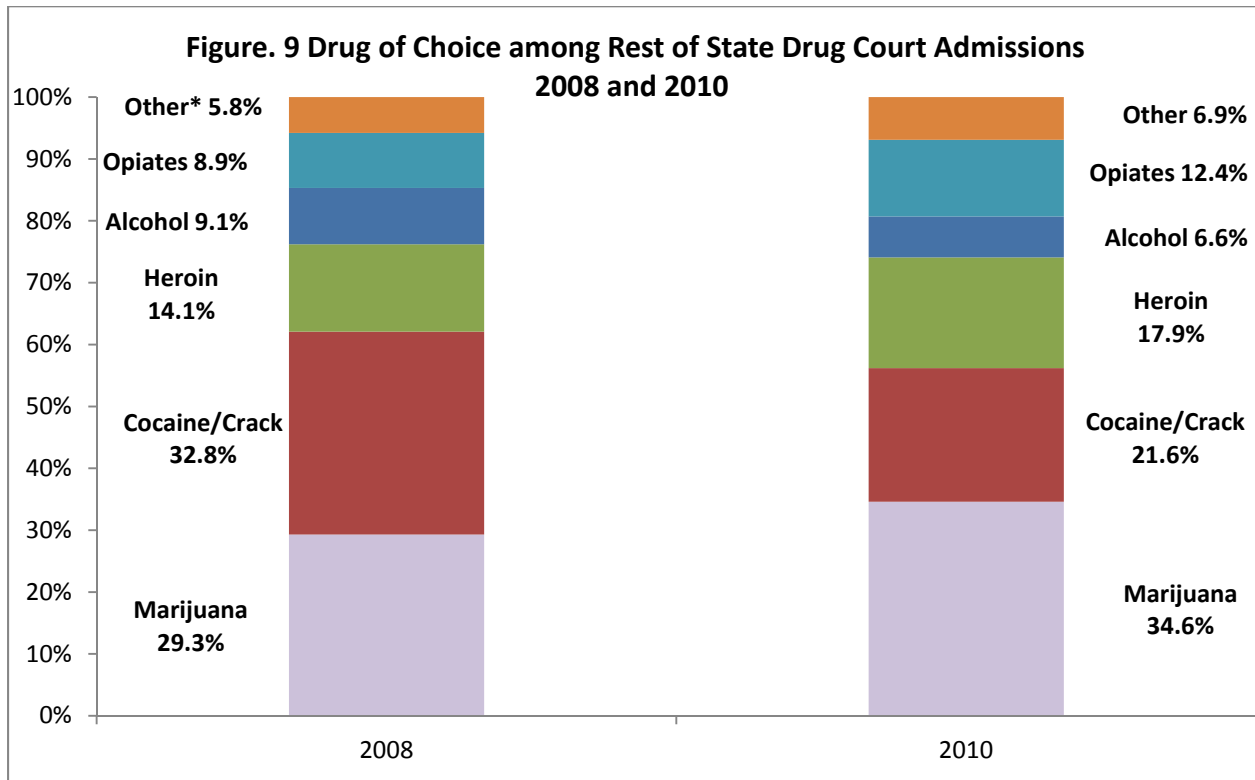
Figures 8 and 9 present drug of choice among the drug court admissions, which is recorded in the UTA. Among New York City admissions, the most commonly reported drugs were marijuana (44% in 2010), cocaine/crack (22%) and heroin (22%). The percentage of New York City admissions reporting heroin as the primary drug increased from 12% in 2008 to 22% in 2010.



*Other drugs mostly include prescription drugs, designer drugs and pills.

Similar to New York City, 2010 admissions in the rest of the state were also most likely to report marijuana (35%) or cocaine/crack (22%) as their primary drug. Drug court admissions in the rest of the state were more likely than those in New York City to report opiate usage (12% in the rest of the state vs. 2% among New York City admissions).

Between 2008 and 2010, the percentage of admissions in the rest of the state reporting cocaine/crack decreased from 33% to 22%, while marijuana increased from 29% to 35%, heroin increased from 14% to 18% and opiates went up from 9% to 12%.



*Other drugs mostly include prescription drugs, designer drugs and pills.

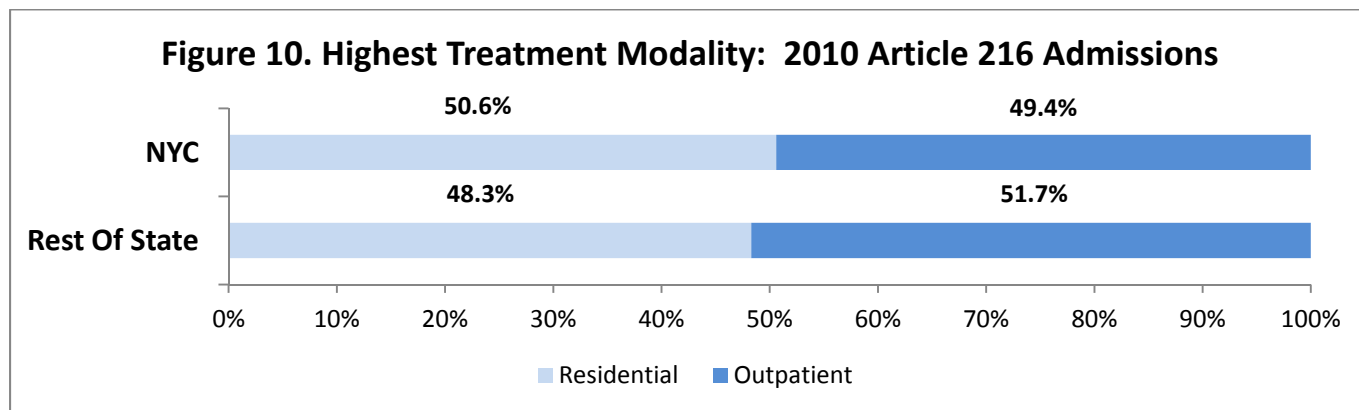
Duration of Drug Court Program Plan

The duration of the drug court program plan is recorded in the UTA, and is known for 80% of the admissions in 2008 and 2010. As shown in Table 13, in New York City 34% of the 2010 Article 216-eligible admissions were provided a drug court program plan lasting 18 months. In 2008, drug court plans were usually 12 months in length. The proportion of admissions with longer drug court program plans also increased in the rest of the state since implementation of Article 216, from 46% in 2008 to 63% in 2010.

Table 13. Drug Court Program Plan Duration Article 216 Admissions, 2008 and 2010		
New York City		
	2008	2010
12 months	97.2%	66.0%
18 months	2.8%	34.0%
Rest of State		
	2008	2010
12 months	53.7%	37.4%
18 months	46.3%	62.6%

Treatment Modality

The UTA also contains information about the modality of drug court participants’ treatment placements (see Figure 10). Treatment modality data is known for about 80% of the admissions. Overall, 51% of the 2010 drug court admissions in New York City and 48% of the admissions from the rest of the state entered a residential treatment program at some point since beginning the drug court program.



Other Treatment Diversions

In Table 14, 2010 admissions of Article 216-eligible offenders into district attorney-led treatment diversion programs were compared to 2008, to assess the impact the change in the drug laws had on these previously existing diversion programs. These admissions are presented by county, alongside Article 216 drug court admissions, in Appendix D.

Table 14. DTAP, STEPS and Road to Recovery Programs		
Article 216-eligible Admissions, 2008 and 2010		
	2008	2010
New York City	470	430
Rest of State	216	65
Statewide	686	495

In New York City, there were 8% fewer Article 216-eligible diversion admissions to district attorney-led DTAP programs in 2010 as compared to 2008, with 40 fewer admissions.

In the rest of the state, where many of the programs were discontinued or replaced by drug court programs, Article 216 admissions decreased by 70%, or 151 admissions, between 2008 and 2010. At the same time, drug court admissions for these Article 216 offenses increased by 1,030.

DCJS is in the process of compiling case-level, charge-specific data for other ATI programs that divert Article 216-eligible cases from the courts to substance abuse treatment programs. Because the ATI data collection was developed for other purposes, case-level information for admissions is collected upon program discharge. As programs last 12 months or longer, the 2010 data will not be complete until after the first quarter of 2012. Once compiled, ATI cases will be added to the diversion pool comparing 2008 and 2010 case processing.

Appendix A. Criminal Procedure Law 216.05

216.05 Judicial diversion program; court procedures.

1. At any time after the arraignment of an eligible defendant, but prior to the entry of a plea of guilty or the commencement of trial, the court at the request of the eligible defendant, may order an alcohol and substance abuse evaluation. An eligible defendant may decline to participate in such an evaluation at any time. The defendant shall provide a written authorization, in compliance with the requirements of any applicable state or federal laws, rules or regulations authorizing disclosure of the results of the assessment to the defendant's attorney, the prosecutor, the local probation department, the court, authorized court personnel and other individuals specified in such authorization for the sole purpose of determining whether the defendant should be offered judicial diversion for treatment for substance abuse or dependence, alcohol abuse or dependence and any co-occurring mental disorder or mental illness.

2. Upon receipt of the completed alcohol and substance abuse evaluation report, the court shall provide a copy of the report to the eligible defendant and the prosecutor.

3. (a) Upon receipt of the evaluation report either party may request a hearing on the issue of whether the eligible defendant should be offered alcohol or substance abuse treatment pursuant to this article. At such a proceeding, which shall be held as soon as practicable so as to facilitate early intervention in the event that the defendant is found to need alcohol or substance abuse treatment, the court may consider oral and written arguments, may take testimony from witnesses offered by either party, and may consider any relevant evidence including, but not limited to, evidence that: (i) the defendant had within the preceding ten years (excluding any time during which the offender was incarcerated for any reason between the time of the acts that led to the youthful offender adjudication and the time of commission of the present offense) been adjudicated a youthful offender for: (A) a violent felony offense as defined in section 70.02 of the penal law; or (B) any offense for which a merit time allowance is not available pursuant to subparagraph (ii) of paragraph of subdivision one of section eight hundred three of the correction law; and (ii) in the case of a felony offense defined in subdivision four of section 410.91 of this chapter, any statement of or submitted by the victim, as defined in paragraph (a) of subdivision two of section 380.50 of this chapter.

(b) Upon completion of such a proceeding, the court shall consider and make findings of fact with respect to whether: (i) the defendant is an eligible defendant as defined in subdivision one of section 216.00 of this article; (ii) the defendant has a history of alcohol or substance abuse or dependence; (iii) such alcohol or substance abuse or dependence is a contributing factor to the defendant's criminal behavior; (iv) the defendant's participation in judicial diversion could effectively address such abuse or dependence; and (v) institutional confinement of the defendant is or may not be necessary for the protection of the public.

4. When an authorized court determines, pursuant to paragraph (b) of subdivision three of this section, that an eligible defendant should be offered alcohol or substance abuse treatment, or when the parties and the court agree to an eligible defendant's participation in alcohol or substance abuse treatment, an eligible defendant may be allowed to participate in the judicial diversion program offered by this article. Prior to the court's issuing an order

granting judicial diversion, the eligible defendant shall be required to enter a plea of guilty to the charge or charges; provided, however, that no such guilty plea shall be required when:

(a) the people and the court consent to the entry of such an order without a plea of guilty; or

(b) based on a finding of exceptional circumstances, the court determines that a plea of guilty shall not be required. For purposes of this subdivision, exceptional circumstances exist when, regardless of the ultimate disposition of the case, the entry of a plea of guilty is likely to result in severe collateral consequences.

5. The defendant shall agree on the record or in writing to abide by the release conditions set by the court, which, shall include: participation in a specified period of alcohol or substance abuse treatment at a specified program or programs identified by the court, which may include periods of detoxification, residential or outpatient treatment, or both, as determined after taking into account the views of the health care professional who conducted the alcohol and substance abuse evaluation and any health care professionals responsible for providing such treatment or monitoring the defendant's progress in such treatment; and may include: (i) periodic court appearances, which may include periodic urinalysis; (ii) a requirement that the defendant refrain from engaging in criminal behaviors.

6. Upon an eligible defendant's agreement to abide by the conditions set by the court, the court shall issue a securing order providing for bail or release on the defendant's own recognizance and conditioning any release upon the agreed upon conditions. The period of alcohol or substance abuse treatment shall begin as specified by the court and as soon as practicable after the defendant's release, taking into account the availability of treatment, so as to facilitate early intervention with respect to the defendant's abuse or condition and the effectiveness of the treatment program. In the event that a treatment program is not immediately available or becomes unavailable during the course of the defendant's participation in the judicial diversion program, the court may release the defendant pursuant to the securing order.

7. When participating in judicial diversion treatment pursuant to this article, any resident of this state who is covered under a private health insurance policy or contract issued for delivery in this state pursuant to article thirty-two, forty-three or forty-seven of the insurance law or article forty-four of the public health law, or who is covered by a self-funded plan which provides coverage for the diagnosis and treatment of chemical abuse and chemical dependence however defined in such policy; shall first seek reimbursement for such treatment in accordance with the provisions of such policy or contract.

8. During the period of a defendant's participation in the judicial diversion program, the court shall retain jurisdiction of the defendant. The court may require the defendant to appear in court at any time to enable the court to monitor the defendant's progress in alcohol or substance abuse treatment. The court shall provide notice, reasonable under the circumstances, to the people, the treatment provider, the defendant and the defendant's counsel whenever it orders or otherwise requires the appearance of the defendant in court. Failure to appear as required without reasonable cause therefore shall constitute a violation of the conditions of the court's agreement with the defendant.

9. (a) If at any time during the defendant's participation in the judicial diversion program, the court has reasonable grounds to believe that the defendant has violated a release condition or

has failed to appear before the court as requested, the court shall direct the defendant to appear or issue a bench warrant to a police officer or an appropriate peace officer directing him or her to take the defendant into custody and bring the defendant before the court without unnecessary delay. The provisions of subdivision one of section 530.60 of this chapter relating to revocation of recognizance or bail shall apply to such proceedings under this subdivision.

(b) In determining whether a defendant violated a condition of his or her release under the judicial diversion program, the court may conduct a summary hearing consistent with due process and sufficient to satisfy the court that the defendant has, in fact, violated the condition.

(c) If the court determines that the defendant has violated a condition of his or her release under the judicial diversion program, the court may modify the conditions thereof, reconsider the order of recognizance or bail pursuant to subdivision two of section 510.30 of this chapter, or terminate the defendant's participation in the judicial diversion program; and when applicable proceed with the defendant's sentencing in accordance with the agreement. Notwithstanding any provision of law to the contrary, the court may impose any sentence authorized for the crime of conviction in accordance with the plea agreement, or any lesser sentence authorized to be imposed on a felony drug offender pursuant to paragraph (b) or (c) of subdivision two of section 70.70 of the penal law taking into account the length of time the defendant spent in residential treatment and how best to continue treatment while the defendant is serving that sentence. In determining what action to take for a violation of a release condition, the court shall consider all relevant circumstances, including the views of the prosecutor, the defense and the alcohol or substance abuse treatment provider, and the extent to which persons who ultimately successfully complete a drug treatment regimen sometimes relapse by not abstaining from alcohol or substance abuse or by failing to comply fully with all requirements imposed by a treatment program. The court shall also consider using a system of graduated and appropriate responses or sanctions designed to address such inappropriate behaviors, protect public safety and facilitate, where possible, successful completion of the alcohol or substance abuse treatment program.

(d) Nothing in this subdivision shall be construed as preventing a court from terminating a defendant's participation in the judicial diversion program for violating a release condition when such a termination is necessary to preserve public safety. Nor shall anything in this subdivision be construed as precluding the prosecution of a defendant for the commission of a different offense while participating in the judicial diversion program.

(e) A defendant may at any time advise the court that he or she wishes to terminate participation in the judicial diversion program, at which time the court shall proceed with the case and, where applicable, shall impose sentence in accordance with the plea agreement. Notwithstanding any provision of law to the contrary, the court may impose any sentence authorized for the crime of conviction in accordance with the plea agreement, or any lesser sentence authorized to be imposed on a felony drug offender pursuant to paragraph (b) or (c) of subdivision two of section 70.70 of the penal law taking into account the length of time the defendant spent in residential treatment and how best to continue treatment while the defendant is serving that sentence.

10. Upon the court's determination that the defendant has successfully completed the required period of alcohol or substance abuse treatment and has otherwise satisfied the conditions required for successful completion of the judicial diversion program, the court shall

comply with the terms and conditions it set for final disposition when it accepted the defendant's agreement to participate in the judicial diversion program. Such disposition may include, but is not limited to:

(a) requiring the defendant to undergo a period of interim probation supervision and, upon the defendant's successful completion of the interim probation supervision term, notwithstanding the provision of any other law, permitting the defendant to withdraw his or her guilty plea and dismissing the indictment; or

(b) requiring the defendant to undergo a period of interim probation supervision and, upon successful completion of the interim probation supervision term, notwithstanding the provision of any other law, permitting the defendant to withdraw his or her guilty plea, enter a guilty plea to a misdemeanor offense and sentencing the defendant as promised in the plea agreement, which may include a period of probation supervision pursuant to section 65.00 of the penal law; or

(c) allowing the defendant to withdraw his or her guilty plea and dismissing the indictment.

11. Nothing in this article shall be construed as restricting or prohibiting courts or district attorneys from using other lawful procedures or models for placing appropriate persons into alcohol or substance abuse treatment.

Appendix B.

Article 216-Eligible Offenders Screened for Drug Court by County (2008 and 2010)

COUNTY	COURT	Year of Screening	
		2008	2010
ALBANY	Albany County Treatment Court	46	36
ALLEGANY	Allegany County Treatment Court	9	5
BROOME	Binghamton City Treatment Court	23	34
BRONX*	Bronx Treatment Court	211	375
	Bronx Diversion Court (Part 25)	NEW 10/09	121
	Bronx Diversion Court (Part 35)	NEW 10/09	131
CATTARAUGUS	City of Olean Treatment Court	2	7
CAYUGA	Cayuga County Treatment Court	0	10
CHAUTAUQUA	Jamestown City Treatment Court	11	15
	Dunkirk City Treatment Court	5	3
CHEMUNG	Chemung County Treatment Court	8	16
CHENANGO	Chenango County Treatment Court	0	16
CLINTON	Clinton County Treatment Court	4	4
COLUMBIA	Columbia County Treatment Court	8	1
CORTLAND	Cortland City Treatment Court	2	11
DELAWARE	Delaware County Treatment Court	3	3
DUTCHESS	Dutchess Diversion Court	NEW 10/09	68
ERIE	Lackawanna City Treatment Court	13	16
	Tonawanda City Treatment Court	8	16
	Buffalo City Treatment Court	51	99
ESSEX	Essex County Treatment Court	6	4
FRANKLIN	Franklin County Treatment Court	8	11
FULTON	Fulton County Treatment Court	5	7
GENESEE	Batavia City Treatment Court	6	2
GREENE	Greene County Treatment Court	4	3
HERKIMER	Herkimer County Treatment Court	3	5
JEFFERSON	Jefferson County Treatment Court	28	25
KINGS	Brooklyn Misdemeanor Court	9	86
	Brooklyn Treatment Court (Supreme)	1,002	899
	Brooklyn Diversion Court (Supreme)	NEW 10/09	7
LEWIS	Lewis County Treatment Court	6	10
LIVINGSTON	Livingston County Treatment Court	7	17
MADISON	Madison County Diversion Court	NEW 10/09	5
MONROE	Monroe County Treatment Court	105	313
MONTGOMERY	Montgomery County Treatment Court	3	7
NASSAU	Nassau County Diversion Court	NEW 10/09	476
	Nassau County Treatment Court	6	15
NEW YORK	Manhattan Treatment Court (NYC Criminal)	88	21
	Manhattan Diversion Court (Part N)	NEW 10/09	129

COUNTY	COURT	Year of Screening	
		2008	2010
NEW YORK (continued)	Manhattan Diversion Court (Part 73)	NEW 10/09	167
	Manhattan Diversion Court (Part 92)	NEW 10/09	221
NIAGARA	Niagara Falls City Treatment Court	20	34
	Lockport City Treatment Court	14	19
	North Tonawanda City Treatment Court	6	7
ONEIDA	Utica City Treatment Court	47	58
ONONDAGA	Syracuse Community Treatment Court	115	177
ONTARIO	Ontario County Treatment Court	10	11
ORANGE	Orange County Treatment Court	14	48
ORLEANS	Orleans County Treatment Court	17	28
OSWEGO	Oswego County Treatment Court	31	64
OTSEGO	Otsego County Treatment Court	6	11
PUTNAM	Putnam County Treatment Court	8	19
QUEENS	Queens County Treatment Court	905	525
	Queens County Diversion Court	NEW 10/09	39
RENSSELAER	Rensselaer County Treatment Court	17	44
RICHMOND	Staten Island Treatment Court (NYC Criminal)	142	131
	Staten Island Diversion Court (SIDC-60)	NEW 10/09	7
ROCKLAND	Rockland County Treatment Court	25	56
SARATOGA	Saratoga County Treatment Court	11	30
SCHENECTADY	Schenectady County Treatment Court	24	35
SCHOHARIE	Schoharie County Treatment Court	6	5
SCHUYLER	Schuyler County Treatment Court	0	3
SENECA	Seneca County Treatment Court	4	3
ST LAWRENCE	St. Lawrence County Diversion Court	NEW 10/09	24
STEBEN	Steuben County Treatment Court	7	7
SUFFOLK	Suffolk County Treatment Court	68	57
	Suffolk County Diversion Court	NEW 10/09	366
SULLIVAN	Sullivan County Treatment Court	16	30
TIOGA	Tioga County Treatment Court	6	9
TOMPKINS	Tompkins County Treatment Court	3	10
ULSTER	Kingston City Treatment Court	23	16
WARREN	Warren County Treatment Court	5	8
WASHINGTON	Washington County Treatment Court	8	9
WAYNE	Wayne County Treatment Court	18	17
WESTCHESTER	Westchester County Diversion Court	NEW 10/09	97
WYOMING	Wyoming County Treatment Court	5	16
YATES	Yates County Treatment Court	4	4

*For Bronx Parts 25 and 35 data is only available through May 2010

Appendix C
Article 216-eligible Judicial Hearing Outcomes for Screened Offenders: 2010

COUNTY	COURT	A216 Judicial Hearings			Total
		Not Requested	Requested		
			Defendant Eligible	Defendant Ineligible	
ALBANY	Albany County Treatment Court	36			36
ALLEGANY	Allegany County Treatment Court	5			5
BROOME	Binghamton City Treatment Court	31		3	34
BRONX	Bronx Treatment Court	375	0		375
	Bronx Diversion Court (Part 25)	120	1		121
	Bronx Diversion Court (Part 35)	130	1		131
CATTARAUGUS	City of Olean Treatment Court	7			7
CAYUGA	Cayuga County Treatment Court	10			10
CHAUTAUQUA	Jamestown City Treatment Court	11	4		15
	Dunkirk City Treatment Court	2	1		3
CHEMUNG	Chemung County Treatment Court	15		1	16
CHENANGO	Chenango County Treatment Court	14	2		16
CLINTON	Clinton County Treatment Court	4			4
COLUMBIA	Columbia County Treatment Court	1			1
CORTLAND	Cortland City Treatment Court	11			11
DELAWARE	Delaware County Treatment Court	3			3
DUTCHESS	Dutchess Diversion Court	14	53	1	68
ERIE	Lackawanna City Treatment Court	14	1	1	16
	Tonawanda City Treatment Court	15	1	0	16
	Buffalo City Treatment Court	80	12	7	99
ESSEX	Essex County Treatment Court	4			4
FRANKLIN	Franklin County Treatment Court	11			11
FULTON	Fulton County Treatment Court	4	2	1	7
GENESEE	Batavia City Treatment Court	1		1	2
GREENE	Greene County Treatment Court	2		1	3
HERKIMER	Herkimer County Treatment Court	5			5
JEFFERSON	Jefferson County Treatment Court	25			25
KINGS	Brooklyn Misdemeanor Court	86			86
	Brooklyn Treatment Court (Supreme)	895	4		899
	Brooklyn Diversion Court (Supreme)	7	0		7
LEWIS	Lewis County Treatment Court	10			10
LIVINGSTON	Livingston County Treatment Court	11	4	2	17
MADISON	Madison County Diversion Court	5			5
MONROE	Monroe County Treatment Court	248	53	12	313
MONTGOMERY	Montgomery County Treatment Court	7			7
NASSAU	Nassau County Treatment Court	15	0	0	15
	Nassau County Diversion Court	454	11	11	476
NEW YORK	Manhattan Treatment Court (NYC)	21	0	0	21
	Manhattan Diversion Court (Part N)	124	5	0	129
	Manhattan Diversion Court (Part 73)	161	1	5	167
	Manhattan Diversion Court (Part 92)	211	4	6	221

COUNTY	COURT	A216 Judicial Hearings			Total
		Not Requested	Requested		
			Defendant Eligible	Defendant Eligible	
NIAGARA	Niagara Falls City Treatment Court	33	1		34
	Lockport City Treatment Court	16	3		19
	North Tonawanda City Treatment	7	0		7
ONEIDA	Utica City Treatment Court	55	3		58
ONONDAGA	Syracuse Community Treatment Court	135	25	17	177
ONTARIO	Ontario County Treatment Court	11			11
ORANGE	Orange County Treatment Court	44		4	48
ORLEANS	Orleans County Treatment Court	26	2		28
OSWEGO	Oswego County Treatment Court	62		2	64
OTSEGO	Otsego County Treatment Court	11			11
PUTNAM	Putnam County Treatment Court	18	1		19
QUEENS	Queens County Treatment Court	525	0	0	525
	Queens County Diversion Court	30	4	5	39
RENSSELAER	Rensselaer County Treatment Court	43	1		44
RICHMOND	Staten Island Treatment Court (NYC	126	5		131
	Staten Island Diversion Court (SIDC-	6	1		7
ROCKLAND	Rockland County Treatment Court	54	1	1	56
ST LAWRENCE	Saratoga County Treatment Court	24			24
SARATOGA	Schenectady County Treatment Court	17	8	5	30
SCHENECTADY	Schoharie County Treatment Court	35			35
SCHOHARIE	Schuyler County Treatment Court	5			5
SCHUYLER	Seneca County Treatment Court	3			3
SENECA	St. Lawrence County Diversion Court	3			3
STEUBEN	Steuben County Treatment Court	7			7
SUFFOLK	Suffolk County Treatment Court	54	3	0	57
	Suffolk County Diversion Court	352	10	4	366
SULLIVAN	Sullivan County Treatment Court	24	5	1	30
TIOGA	Tioga County Treatment Court	8	1		9
TOMPKINS	Tompkins County Treatment Court	10			10
ULSTER	Kingston City Treatment Court	16			16
WARREN	Warren County Treatment Court	8			8
WASHINGTON	Washington County Treatment Court	9			9
WAYNE	Wayne County Treatment Court	17			17
WESTCHESTER	Westchester County Diversion Court	68	7	22	97
WYOMING	Wyoming County Treatment Court	16			16
YATES	Yates County Treatment Court	4			4

Appendix D
Article 216-eligible Offenders Admitted to Drug Court by County: 2008 and 2010

COUNTY	COURT	Year of Admission	
		2008	2010
ALBANY	Albany County Treatment Court	43	43
	STEPS/Road to Recovery	6	0
ALLEGANY	Allegany County Treatment Court	6	9
	STEPS/Road to Recovery	1	0
BROOME	Binghamton City Treatment Court	11	17
	STEPS/Road to Recovery	4	1
BRONX*	Bronx Treatment Court	77	175
	Bronx Diversion Court (Part 25)	NEW 10/09	108
	Bronx Diversion Court (Part 35)	NEW 10/09	82
	DTAP	225	252
CATTARAUGUS	City of Olean Drug Treatment Court	1	8
CAYUGA	Cayuga County Treatment Court	0	6
CHAUTAUQUA	Jamestown City Treatment Court	10	13
	Dunkirk City Treatment Court	4	1
CHEMUNG	Chemung County Treatment Court	5	8
	STEPS/Road to Recovery	4	0
CHENANGO	Chenango County Treatment Court	0	14
CLINTON	Clinton County Treatment Court	1	3
COLUMBIA	Columbia County Treatment Court	6	1
CORTLAND	Cortland City Treatment Court	1	5
DELAWARE	Delaware County Treatment Court	1	2
DUTCHESS	Dutchess County Diversion Court	NEW 10/09	36
	STEPS/Road to Recovery	5	0
ERIE	Lackawanna City Treatment Court	7	9
	Tonawanda City Treatment Court	8	16
	Buffalo City Treatment Court	49	74
	STEPS/Road to Recovery	13	0
ESSEX	Essex County Treatment Court	3	1
FRANKLIN	Franklin County Treatment Court	2	2
FULTON	Fulton County Treatment Court	2	3
GENESEE	Batavia City Treatment Court	6	2
GREENE	Greene County Treatment Court	0	0
HERKIMER	Herkimer County Treatment Court	1	2
JEFFERSON	Jefferson County Treatment Court	15	13

COUNTY	COURT	Year of Admission	
		2008	2010
KINGS	Brooklyn STEP (NYC Criminal Court)	121	115
	Brooklyn Treatment Court (Supreme)	109	138
	Brooklyn Diversion Court (Supreme)	NEW 10/09	7
	DTAP	91	102
LEWIS	Lewis County Treatment Court	4	5
LIVINGSTON	Livingston County Treatment Court	4	6
MADISON	Madison County Treatment Court	NEW 10/09	1
MONROE	Monroe County Treatment Court	97	179
	STEPS/Road to Recovery	18	10
MONTGOMERY	Montgomery County Treatment Court	2	5
NASSAU	Nassau County Diversion Court	NEW 10/09	311
	Nassau County Treatment Court	3	12
	Nassau DTAP	98	30
NEW YORK	Manhattan Treatment Court (NYC Criminal)	58	19
	Manhattan Diversion Court (Part N)	NEW 10/09	78
	Manhattan Diversion Court (Part 73)	NEW 10/09	78
	Manhattan Diversion Court (Part 92)	NEW 10/09	80
	DTAP Special Narcotics Prosecutor	114	36
	DTAP Manhattan	8	N/A***
NIAGARA	Niagara Falls City Treatment Court	16	28
	Lockport City Treatment Court	13	16
	North Tonawanda City Treatment Court	5	6
ONEIDA	Utica City Treatment Court	18	32
	STEPS/Road to Recovery	1	0
ONONDAGA	Syracuse Community Treatment Court	65	123
ONTARIO	Ontario County Treatment Court	5	11
ORANGE	Orange County Treatment Court	7	50
ORLEANS	Orleans County Treatment Court	6	22
OSWEGO	Oswego County Treatment Court	15	43
OTSEGO	Otsego County Treatment Court	3	4
PUTNAM	Putnam County Treatment Court	5	9
QUEENS	Queens County Treatment Court	62	62
	Queens County Diversion Court	NEW 10/09	13
	DTAP	23	37

COUNTY	COURT	Year of Admission	
		2008	2010
RENSSELAER	Rensselaer County Treatment Court	9	40
	STEPS/Road to Recovery	14	5
RICHMOND	Staten Island Treatment Court (NYC Criminal)	43	62
	Staten Island Diversion Court (SIDC-60)	NEW 10/09	5
	DTAP	9	3
ROCKLAND	Rockland County Treatment Court	10	32
	STEPS/Road to Recovery	9	7
SARATOGA	Saratoga County Treatment Court	4	21
	STEPS/Road to Recovery	0	0
SCHENECTADY	Schenectady County Treatment Court	22	28
	STEPS/Road to Recovery	12	2
SCHOHARIE	Schoharie County Treatment Court	4	2
SCHUYLER	Schuyler County Treatment Court	0	4
SENECA	Seneca County Treatment Court	0	3
ST. LAWRENCE	St. Lawrence County Diversion Court	NEW 10/09	19
STEUBEN	Steuben County Treatment Court	2	7
	STEPS/Road to Recovery	2	0
SUFFOLK	Suffolk County Treatment Court	20	31
	Suffolk County Diversion Court	NEW 10/09	148
SULLIVAN	Sullivan County Treatment Court	11	8
TIOGA	Tioga County Treatment Court	4	2
TOMPKINS	Tompkins County Treatment Court	1	11
ULSTER	Kingston City Treatment Court	9	5
	Warren County Treatment Court	2	6
WASHINGTON	Washington County Treatment Court	6	2
	STEPS/Road to Recovery	8	4
WAYNE	Wayne County Treatment Court	8	8
WESTCHESTER	Westchester County Diversion Court	NEW 10/09	51
	STEPS/Road to Recovery	14	0
WYOMING	Wyoming County Treatment Court	5	17
YATES	Yates County Treatment Court	2	3

*For Bronx Parts 25 and 35 data is only available through June 2010

**2010 Manhattan DTAP numbers are not available

NOTE: DTAP and STEPS/Road to Recovery admissions counts included here are limited to Article 216-eligible cases and do not include DWIs, misdemeanors, and other felonies.

Appendix E
District Attorney Objections to Drug Court Admission by County: 2010

COUNTY	COURT	DA Objections		Total
		Objections	No Objection	
ALBANY	Albany County Treatment Court		43	43
ALLEGANY	Allegany County Treatment Court		9	9
BROOME	Binghamton City Treatment Court		17	17
BRONX*	Bronx Treatment Court	9	166	175
	Bronx Diversion Court (Part 25)	5	103	108
	Bronx Diversion Court (Part 35)	8	74	82
CATTARAUGUS	City of Olean Treatment Court		8	8
CAYUGA	Cayuga County Treatment Court		6	6
CHAUTAUQUA	Jamestown City Treatment Court	4	9	13
	Dunkirk City Treatment Court	0	1	1
CHEMUNG	Chemung County Treatment Court	4	4	8
CHENANGO	Chenango County Treatment Court		14	14
CLINTON	Clinton County Treatment Court	1	2	3
COLUMBIA	Columbia County Treatment Court		1	1
CORTLAND	Cortland City Treatment Court		5	5
DELAWARE	Delaware County Treatment Court		2	2
DUTCHESS	Dutchess County Diversion Court	2	34	36
ERIE	Lackawanna City Treatment Court	0	9	9
	Tonawanda City Treatment Court	1	15	16
	Buffalo City Treatment Court	13	61	74
ESSEX	Essex County Treatment Court		1	1
FRANKLIN	Franklin County Treatment Court		2	2
FULTON	Fulton County Treatment Court		3	3
GENESEE	Batavia City Treatment Court		2	2
GREENE	Greene County Treatment Court			0
HERKIMER	Herkimer County Treatment Court		2	2
JEFFERSON	Jefferson County Treatment Court	1	12	13
KINGS	Brooklyn STEP (NYC Criminal Court)	1	114	115
	Brooklyn Treatment Court (Supreme)	1	137	138
	Brooklyn Diversion Court (Supreme)	0	7	7
LEWIS	Lewis County Treatment Court		5	5
LIVINGSTON	Livingston County Treatment Court	4	2	6
MADISON	Madison County Treatment Court		1	1
MONROE	Monroe County Treatment Court	61	118	179
MONTGOMERY	Montgomery County Treatment Court		5	5
NASSAU	Nassau County Treatment Court	0	12	12
	Nassau County Diversion Court	16	295	311

COUNTY	COURT	DA Objections		Total
		Objection	No Objection	
NEW YORK	Manhattan Treatment Court (NYC Criminal)	2	17	19
	Manhattan Diversion Court (Part N)	39	39	78
	Manhattan Diversion Court (Part 73)	38	40	78
	Manhattan Diversion Court (Part 92)	16	64	80
NIAGARA	Niagara Falls City Treatment Court	2	26	28
	Lockport City Treatment Court	1	15	16
	North Tonawanda City Treatment Court	0	6	6
ONEIDA	Utica City Treatment Court		32	32
ONONDAGA	Syracuse Community Treatment Court	10	113	123
ONTARIO	Ontario County Treatment Court		11	11
ORANGE	Orange County Treatment Court	40	10	50
ORLEANS	Orleans County Treatment Court		22	22
OSWEGO	Oswego County Treatment Court	1	42	43
OTSEGO	Otsego County Treatment Court	2	2	4
PUTNAM	Putnam County Treatment Court		9	9
QUEENS	Queens County Treatment Court	0	62	62
	Queens County Diversion Court	2	11	13
RENSSELAER	Rensselaer County Treatment Court		40	40
RICHMOND	Staten Island Treatment Court (NYC Criminal)		62	62
	Staten Island Diversion Court (SIDC-60)		5	5
ROCKLAND	Rockland County Treatment Court	1	31	32
SARATOGA	Saratoga County Treatment Court		21	21
SCHENECTADY	Schenectady County Treatment Court		28	28
SCHOHARIE	Schoharie County Treatment Court		2	2
SCHUYLER	Schuyler County Treatment Court		4	4
SENECA	Seneca County Treatment Court		3	3
ST LAWRENCE	St Lawrence County Diversion Court		19	19
STEUBEN	Steuben County Treatment Court		7	7
SUFFOLK	Suffolk County Treatment Court	0	31	31
	Suffolk County Diversion Court	69	79	148
SULLIVAN	Sullivan County Treatment Court	3	5	8
TIOGA	Tioga County Treatment Court		2	2
TOMPKINS	Tompkins County Treatment Court		11	11
ULSTER	Kingston City Treatment Court		5	5
WARREN	Warren County Treatment Court		6	6
WASHINGTON	Washington County Treatment Court		2	2
WAYNE	Wayne County Treatment Court		8	8
WESTCHESTER	Westchester County Diversion Court	17	34	51
WYOMING	Wyoming County Treatment Court		17	17
YATES	Yates County Treatment Court		3	3