



# NARCOTICS ARREST DIVERSION PROGRAM



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CALEA:	Law Enforcement Standards Chapter 1		

## I. PURPOSE

This directive:

- A. continues the Narcotics Arrest Diversion Program citywide in all Department districts and units;
- B. informs Department members of program eligibility, disqualifying factors, and processing procedures;
- C. continues responsibilities pertinent to the program; and
- D. continues the Log of Persons Referred to the Narcotics Arrest Diversion Program ([CPD-21.185](#)).

## II. SCOPE

- A. A sworn member that makes an arrest for possession of a controlled substance in the amounts determined in the program eligibility requirements as outlined in Item III-C-1 of this directive, possession of hypodermic syringes and needles, or possession of drug paraphernalia will screen the arrestee for eligibility into the Narcotics Arrest Diversion Program. The Narcotics Arrest Diversion Program directs an eligible arrestee, upon the consent of the arrestee, to a Department-approved addiction counselor. The Department-approved addiction counselor will direct the arrestee to a Department-approved treatment provider or social service agency in lieu of criminal charges.
- B. Thresholds is the Department-approved service provider for the Narcotics Arrest Diversion Program.

## III. NARCOTICS ARREST DIVERSION PROGRAM ELIGIBILITY

An arrestee will be eligible for participation in the Narcotics Arrest Diversion Program **ONLY** when:

- A. the arrestee is **18 years of age** or older.
- B. the arrestee is present in a Department district or unit while a counselor is available.
- C. the arrest is for possession of:
  - 1. a controlled substance under 720 ILCS 570 of the Illinois Controlled Substance Act in the amounts outlined below:
    - a. Heroin—Less than two grams total weight
    - b. Cocaine—Less than two grams total weight
    - c. Any substance containing Fentanyl—Less than two grams total weight
    - d. Methamphetamine—Less than two grams total weight
    - e. Morphine—Less than two grams total weight
    - f. Pentazocine—Less than two grams total weight
    - g. PCP—Less than two grams total weight
    - h. Ketamine—Less than two grams total weight

- i. "Ecstasy" (MDMA and related)—Less than five pills
    - j. Oxycodone, hydrocodone, and related—Less than five pills
    - k. LSD—Less than two grams total weight or five tabs/objects.
  2. hypodermic syringes and needles under 720 ILCS 635/1.
  3. drug paraphernalia under 720 ILCS 600/3.5-A.
- D. the arrestee indicates an addiction problem and consents to a consultation with a Department-approved addiction counselor for screening and entry into a treatment program.

**NOTE:** An arrestee eligible for participation in the Narcotics Arrest Diversion Program **will not** be held past the assigned court call or court transport to comply with this program.

#### IV. PROGRAM DISQUALIFIERS

- A. An individual meeting the program requirements outlined in **Item III** of this directive will be considered **ineligible** if the arrestee:
1. has no legal identification and identity cannot be established via a Department electronic information system;
  2. has a serviceable arrest warrant from any jurisdiction;
  3. is being charged with any violation of the Illinois Controlled Substance Act other than 720 ILCS 570/402, 720 ILCS 635/1, or 720 ILCS 600/3.5-A;
  4. is being charged with any additional felony or any arrestable misdemeanor offense involving a victim (including a Department member) or that disregards or endangers the bodily safety of others (e.g., reckless discharge of a firearm, driving under the influence);
  5. exhibits behavior that requires the completion of a Tactical Response Report (TRR) ([CPD-11.377](#));
  6. is in need of medical treatment;
  7. is named as the target on a search warrant;
  8. has been convicted of illegal possession of a firearm within the last 10 years;
  9. has a felony conviction for a crime of violence within the last 10 years;
  10. has a felony conviction for a sex offense within the last 10 years;
  11. has been convicted of any domestic violence-related offense within the last 10 years.
- B. If the watch operations lieutenant (WOL) determines any factors related to an arrestee's conviction history justifies ineligibility at the time of arrest, the arrest will be considered ineligible for diversion. The WOL will:
1. submit by the end of the tour of duty a To-From-Subject Report through the chain-of-command to the Chief, Bureau of Patrol, and Deputy Chief, Training and Support Group, describing the factors related to the determination.
  2. document the ineligibility determination in the WOL comments section of the CLEAR Automated Arrest Report.

#### V. PROCEDURES AND RESPONSIBILITIES

- A. When arresting an offender that meets the criteria established in **Item III** of this directive, the arresting officer will:

1. transport the arrestee to the designated holding facility for processing.
2. perform a name check of the arrestee in the Hot Desk and LEADS to determine eligibility.
3. secure the arrestee, complete the first screen of the CLEAR Automated Arrest Report, and save the report in "Preliminary Booking" status.
4. inventory suspect controlled substance and/or any instrument used in conjunction with the controlled substance (e.g., hypodermic syringes, drug paraphernalia) in accordance with the Department directive titled "[Inventorying Narcotics Evidence](#)."
5. evaluate the arrestee, review the arrestee's criminal history, and review the program disqualifiers to determine arrestee eligibility.
6. verify an arrestee's eligibility into the Narcotics Arrest Diversion Program via the Hot Desk and document the verification in the narrative portion of the Arrest Report.
7. if program eligible, notify the district station supervisor (DSS) that the arrestee qualifies for the program.
8. complete all required reports including:
  - a. case reports;
  - b. eTrack inventory reports;
  - c. complaints;
  - d. Felony 101s; and
  - e. Vehicle Tow Reports (CPD-11.413) or Vehicle Impoundment/Seizure Reports (CPD-34.347).

**NOTE:** Vehicle Tow/Impoundment Reports will be completed, but a tow will not be requested. If the arrestee's evaluation does not allow for acceptance into the program, the DSS will ensure the tow is requested. If a vehicle was impounded prior to the counselor being on-site, the vehicle will remain impounded.

9. complete the CLEAR Automated Arrest Report and:
  - a. state "This is a Narcotics Arrest Diversion Program eligible arrest" in the narrative portion of the report; and
  - b. submit the report to the DSS and watch operations lieutenant (WOL) for review and approval.
10. take the arrestee into the lock-up for processing.

**NOTE:** Upon arrival, a counselor will be informed by the DSS of any eligible arrestees that qualify for the Narcotics Diversion Program. The DSS will inform the lockup personnel that a counselor is on-site and the offender is to be placed in the lock-up interior visitation cell for interview.

B. The district station supervisor will:

1. review arrests and ensure compliance with this directive;
2. inform the on-site Department-approved addiction counselor that an arrestee meets the criteria for acceptance into the program and is available in the designated room for a counselor interview;

- a. *If a Department-approved addiction counselor is not on-site, the district station supervisor will make a referral for an eligible arrest by notifying Thresholds, the Department-approved service provider, **twenty-four hours a day, seven days a week, at (773) 241-0487.***
- b. *Thresholds will assign a Department-approved addiction counselor who will respond on-site between the hours of 1530-0001 hrs, and at other times when available.*

3. maintain documentation of all arrestees accepted into the program;

**NOTE:** The district station supervisor will use the Log of Persons Referred to the Narcotics Arrest Diversion Program ([CPD-21.185](#)) to document arrestees accepted into the program.

4. immediately notify the WOL of any arrestee accepted into the program by the certified addiction counselor so the arrestee can be released without charging (RWOC) to the custody of the approved counselor;

5. inform the WOL if the arrestee is not accepted into the program and request a vehicle tow/impound, if applicable;

6. ensure all arrestees meeting the diversion criteria are RWOC and released to the custody of the approved counselor;

7. ensure the arrestee's Arrest Report is forwarded to the Field Services Section by e-mail at [fieldservices@chicagopolice.org](mailto:fieldservices@chicagopolice.org) for any arrestee accepted into the program or not accepted into the program by the addiction counselor; and

**NOTE:** A notification **is not** required for arrestees who do not initially qualify for the Narcotics Arrest Diversion Program under sections III or IV of this directive.

8. ensure an arrestee's released without charges Clear Automated Arrest Report is forwarded via email to the Field Services Section at [fieldservices@chicagopolice.org](mailto:fieldservices@chicagopolice.org).

C. Lockup personnel will:

1. process the program-eligible arrestee without delay;

2. place the arrestee in the lockup interior visitation cell after processing;

3. inform the counselor when the arrestee has been processed and is available to interview; and

4. inform the DSS when the arrestee has been processed and is being interviewed by the counselor.

**NOTE:** When the interview is concluded, the counselor will inform the DSS whether or not the arrestee has been accepted into the diversion program. The DSS will inform the WOL of the decision.

D. The watch operations lieutenant (WOL) will:

1. review all arrests and ensure compliance with this directive.

2. if the arrestee has been accepted into the program:

a. select "Yes" in the Narcotics Arrest Diversion Program drop box portion of the Watch Operations Lieutenant Work Queue section in the CLEAR Automated Arrest Report;

**NOTE:** When the WOL selects the "Release without Charging" button, a box will generate asking "Is This Arrestee Being Released as Part of a Diversion Program?" A yes or no response is required.

- b. document the name of the Department-approved addiction counselor and the approved affiliated treatment facility in the comments section of the Watch Operations Lieutenant Work Queue in the CLEAR Automated Arrest Report;
- c. release the arrestee without charging in accordance with the Department directive titled "[Releasing Arrestees Without Charging and Waving Fingerprint Results](#)";

**NOTE:** Once an arrestee is released without charging, the arrestee is considered released to the on-site Department-approved addiction counselor and no longer in custody.

- d. not tow or impound an arrestee's vehicle if a narcotic charge is the only arrestable offense; and
  - e. forward a daily list of all program diversions to the district commander.
3. if the arrestee has not been accepted into the program, process the arrestee in accordance with the Department directive titled "[Processing Persons Under Department Control](#)."

**NOTE:** If the arrestee is refused by the Department-approved addiction counselor and subsequently not accepted into the program, the WOL will document the reason for the refusal in the comments section of the CLEAR Automated Arrest Report.

E. The district commander will:

- 1. continuously monitor subordinate activity to ensure compliance with this directive; and
- 2. ensure the Log of Persons Referred to the Narcotics Arrest Diversion Program ([CPD-21.185](#)) is completed by the DSS and forwarded weekly to Bureau of Patrol—Patrol Administration.

F. The Field Services Section will:

- 1. receive the notification from the district station supervisor;
- 2. verify participant eligibility into the Narcotics Arrest Diversion Program based on the criteria established in Item III of this directive;
- 3. maintain a running log of eligible and ineligible participants;
- 4. ensure all pertinent information is entered into the Hot Desk; and
- 5. monitor [fieldservices@chicagopolice.org](mailto:fieldservices@chicagopolice.org) email for all diversion-program-related documents.

## VI. PROGRAM EVALUATION

The Narcotics Arrest Diversion Program will be subject to review by the *Deputy Chief, Training and Support Group*, on a quarterly basis to determine operational effectiveness.

(Items indicated by *italics/double underline* were added or revised)

Authenticated by MWK

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Superintendent of Police

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