

# **LASALLE COUNTY ADULT DRUG COURT**



## **PARTICIPANT HANDBOOK**

NAME: \_\_\_\_\_

13<sup>th</sup> Judicial Circuit  
707 E. Etna Road  
Ottawa, Illinois 61350  
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# **PARTICIPANT HANDBOOK**

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## WELCOME

Welcome to the LaSalle County Drug Court. You have made a major commitment by agreeing to enter the Drug Court and we hope this program helps you obtain the necessary tools for you to maintain a lifetime of recovery. This Handbook is designed to assist you throughout the program by answering your questions and providing you with overall information about the program. If you have any questions that this Handbook does not answer, you should ask your Attorney. It is your responsibility to understand and comply with all of the rules of the Drug Court. If at any time while you are in the program you lose this Handbook, notify your Probation Officer.

You will find details on what is expected from you as a Drug Court participant in this Handbook. It will review general program information as well as important contact information that you will need as you move through the program. It also contains forms that you will need to submit to the Court at various times.

The Drug Court Team wants you to succeed and will work as a team to help you achieve this goal and graduate from the program. The most important person in your recovery is YOU. You must be committed and willing to change your current lifestyle and habits and the Drug Court Team is here to encourage, assist, and support you.

## MISSION STATEMENT

The mission of the LaSalle County Drug Court is to enhance public safety and reduce recidivism for substance addicted offenders by combining effective treatment and intensive judicial supervision in a therapeutic court setting that uses accountability, support, and individualized treatment plans to encourage offenders to change their lives.

## OVERVIEW & ELIGIBILITY REQUIREMENTS

The purpose of the LaSalle County Adult Drug Court is to help participants live a drug free life through intense supervision and rehabilitation treatment. The LaSalle County Adult Drug Court consists of **three phases** and is a **minimum of 12 months** in duration. The program is designed for adults, who have pled guilty to one or more felony offense(s), to successfully address issues that they have regarding addiction and recovery.

Those eligible for the program must have a substance use disorder diagnosis and agree to stop using drugs and/or alcohol. All participants must be at least 18 years of age, a LaSalle County resident, a United States citizen and have a Felony pending. All participants must receive approval from the Court prior to admission. No defendants will be excluded from Drug Court based on their gender, race, nationality, ethnicity, limited English proficiency, disability, socio-economic status or sexual orientation.

The Drug Court is a collaborative effort between the State's Attorney's Office, Public Defender's Office, Probation Department, Court, Law Enforcement, and Treatment Providers.

By working together, they seek to provide a variety of treatment programs and intensive supervision geared toward supporting and helping participants to maintain a drug-free life. The Drug Court program involves frequent Court appearances, random drug and alcohol testing and group and individual counseling. The Court awards incentives for compliant behavior and imposes sanctions for negative behavior. Participants who do not comply with the rules might be placed in short-term custody or receive a variety of other sanctions. They may also be terminated from Drug Court. All of the staff on the Drug Court Team will assist you to be sure you understand what is expected of you.

## **THE LASALLE COUNTY DRUG COURT TEAM**

The Drug Court Judge and the Drug Court Team work together to make all of the decisions regarding your participation in the program. The Drug Court Team consists of the following members:

- Judge
- Probation Officer
- State's Attorney
- Public Defender
- Drug Court Coordinator
- Law Enforcement Representative
- Treatment Provider: North Central Behavioral Health Systems

Although the team works together, each member has clearly defined roles as indicated in the chart below.

<b>Team Member:</b>	<b>Role:</b>
Judge	<ul style="list-style-type: none"> <li>• Attends all Drug Court team meetings and court hearings</li> <li>• Serves as the authority figure for the program</li> <li>• Speaks individually with each participant in Court</li> <li>• Gives praise and encouragement for compliance</li> <li>• Orders sanctions for noncompliance</li> <li>• Recommends therapeutic adjustments</li> </ul>
Probation Officer	<ul style="list-style-type: none"> <li>• Attends all Drug Court team meetings and court hearings</li> <li>• Conducts frequent drug testing</li> <li>• Makes recommendations for rewards, sanctions and therapeutic adjustments</li> <li>• Interviews and screens potential participants</li> <li>• Administers Adult Drug Court Screening tools such as Adult Risk Assessment.</li> <li>• Serves as main contact for any questions</li> </ul>
State's Attorney	<ul style="list-style-type: none"> <li>• Attends all Drug Court team meetings and court hearings</li> <li>• Makes recommendations for rewards, sanctions and therapeutic adjustments</li> <li>• Helps determine participant eligibility</li> </ul>
Public Defender	<ul style="list-style-type: none"> <li>• Attends all Drug Court team meetings and court hearings</li> </ul>

	<ul style="list-style-type: none"> <li>• Makes recommendations for rewards, sanctions and therapeutic adjustments</li> <li>• Answers legal questions of participants</li> </ul>
Treatment Provider- North Central Behavioral Health Systems	<ul style="list-style-type: none"> <li>• Attends all Drug Court team meetings and court hearings</li> <li>• Makes recommendations for rewards, sanctions and therapeutic adjustments</li> <li>• Conducts assessments and makes appropriate treatment recommendations</li> <li>• Provides substance abuse treatment to participants</li> </ul>
Coordinator	<ul style="list-style-type: none"> <li>• Attends all Drug Court team meetings and court hearings.</li> <li>• Takes notes during team meetings and court hearings</li> <li>• Maintains participants case files</li> <li>• Prepares documents that update team members on participants at each Drug Court meeting</li> <li>• Prepares new grant applications for the Drug Court</li> <li>• Prepares reports required for grants the Drug Court currently receives</li> <li>• Gathers and analyzes data of Drug Court participants and recommends changes in the Drug Court program as needed</li> <li>• Prepares and revises Drug Court manuals and educational materials</li> </ul>
Law Enforcement Representative	<ul style="list-style-type: none"> <li>• Attends all Drug Court team meetings and court hearings.</li> <li>• Assists in tracking and follow-up of defendant's re-arrest or police contact.</li> <li>• Assists with address verification.</li> <li>• Assists in identification of substance abusing inmates who could be eligible for Drug Court.</li> <li>• Acts as spokesperson to peer professionals and community leaders.</li> </ul>

Prior to each Status Review Hearing, the Drug Court Team members will meet and have a staffing where they will discuss your progress and make decisions regarding your treatment. The team employs a non-adversarial and collaborative approach in an effort to help you be successful in the program and live a drug-free life.



## **PROGRAM COMPONENTS**

In order to successfully complete Drug Court, you are required to be involved in several activities which will benefit and sustain your recovery. As a participant in the LaSalle County Adult Drug Court program, you will be required to:

- Engage in substance abuse counseling
- Attend frequent Status Review hearings
- Regularly meet with Drug Court Team members
- Submit to frequent and random breath and urine screenings
- Have home visits by Probation Officer/Law Enforcement Representative
- If applicable, obtain employment and/or attend school (in Phase 3)

## **ENTRY PROCESS**

In order to be accepted into Drug Court, a defendant, their attorney, or other interested party, must inform the PSC Coordinator of their interest and request a referral form. The defendant's attorney is to complete the referral and submit to the PSC Coordinator. The PSC Coordinator is to forward the appropriate information to the Drug Court team.

The State's Attorney will conduct a legal eligibility screening of the possible client and provide the results to the Drug Court team at staffing.

If the defendant is found to be legally eligible for Drug Court, the Drug Court Probation Officer will administer screening tools. The Drug Court Team will then determine initial eligibility based on the defendant's needs.

If the defendant is accepted initially, they will undergo a comprehensive assessment and substance abuse evaluation with a qualified professional at North Central Behavioral Health Systems.

The result of the comprehensive assessment and substance abuse evaluation will then be sent to the Drug Court Team. The Judge is the final decision maker.

The defendant will then observe a Drug Court status review hearing to determine if they want to voluntarily engage in the program.

Defendants that are accepted into the program will be informed of acceptance by the Judge. The Judge will inform the defendant of his/her waiver of rights pursuant to Illinois Supreme Court Rule 402. No participant will be required to waive appellate rights. The defendant will sign a Consent to Participate on the record in open court. The defendant enters a Plea and is informed if they graduate from Drug Court, the plea will be vacated. If they do not successfully complete Drug Court, they will be advised of their right to a hearing and will be sentenced according to law.

## TREATMENT EXPECTATIONS

Each phase of the LaSalle County Drug Court has specific supervision and treatment requirements. As participants progress through the program, the frequency of the supervision and treatment requirements reduces.

Participants may need to complete residential treatment during Phase I of the program. Residential treatment will take place at Gateway Foundation Alcohol & Drug Treatment Centers and/or another Team approved agency. The length of time a participant receives treatment at Gateway depends on each individual's situation and recommendations of treatment providers.

Participants may be required to successfully complete an Intensive Outpatient Program (IOP) at North Central Behavioral Systems. IOP consists of 9 or more hours of individual or group therapy per week. Once therapeutically appropriate, participants will be transferred to Outpatient (OP) services for 8 or less hours of individual and group therapy per week.

Participants will participate in Aftercare treatment once they have completed treatment. Aftercare will consist of 2 ½ hours or less of individual and group therapy per week.

## PHASES OF DRUG COURT

The Drug Court program is a minimum of **12 months divided into three phases**. You must successfully complete each phase of the program before transitioning into the next phase.

Before transitioning to the next phase in the program, it is your responsibility to submit a written request including all required documentation for phase advancement. (Written Request forms are included in the back of this handbook).

Relapse and/or new criminal charges may result in a sanction or termination from the program.

### Phase I – Introduction to Treatment and Drug Court

#### Requirements:

- Follow all evaluation/treatment recommendations (Drug Court, North Central)
- Start treatment (min. 3x per week)
- Minimum of 2 face-to-face community supervision/probation contacts per week
- Minimum of 1 court appearance per week (observe entire court call)
- Random drug testing 3 times per week
- Provide verification of attendance at a minimum of 3 self-help meetings per week
- Obtain a mentor/sponsor within 30 days of program entry
- Minimum of 30 days of confirmed sobriety in Phase I
- Application for phase change



## Phase II – Life/Skills/Stability

### Requirements:

- Follow all treatment recommendations (Drug Court, North Central)
- Complete Moral Reconciliation Therapy (MRT)
- Minimum of 1 face-to-face community supervision/probation contacts per week
- Minimum of 2 random and observed drug screens per week
- 2 court appearances per month (incentive to waive 1 if recommended by team)
- Provide verification of attendance at a minimum of 3 self-help meetings per week
- Complete budget plan
- Begin restitution payment plan (if necessary)
- Apply for public benefits (if necessary)
- If applicable, begin employment/education/community service plan
- Obtain G.E.D., if ordered
- Minimum of 5 months in Phase II
- Application for phase change



## Phase III – Maintenance/Continuing Care

### Requirements:

- Follow all treatment recommendations (minimum 1 appointment per week)
- Minimum of 1 face-to-face community supervision/probation contact every other week
- Minimum of 2 random and observed drug screens per week
- 1 court appearance per month (unless sanctioned to an increased number)
- Provide verification of attendance at a minimum of 3 self-help meetings per week
- If applicable, employed/educational/community service requirements are met
- If ordered, G.E.D. obtained
- Verifiable stable housing
- 6 months of confirmed sobriety while in Phase III
- Application for commencement



## **TIPS ON HOW TO SUCCEED**

- Be HONEST. Honesty is essential to your recovery.
- Stay clean and sober.
- Keep all treatment appointments and make all status review hearings.
- Use a calendar to help you remember all your appointments.
- Plan your schedule in advance.
- If you absolutely cannot make an appointment or status review hearing, call the appropriate contact BEFORE NOT AFTER the appointment.
- Maintain contact with the Drug Court Team.

## **TREATMENT**

An initial treatment plan will be developed by the Drug Court Treatment Provider after the initial substance abuse assessment is completed. The treatment plan will help you set goals, select methods for meeting those goals, and develop target dates for achieving those goals. Remember, your treatment plan will be specific to you, your needs and your progress. It may not look exactly like another participant's in the program as you will each have different circumstances.

Outpatient treatment is provided by North Central Behavioral Health Systems and Inpatient treatment or residential treatment will be provided by Gateway Foundation Alcohol & Drug Treatment Centers or another agency as approved by the Team. Inpatient or outpatient treatment will be recommended by the Drug Court Team based on initial assessment information. If you are able to pay for treatment services and/or have insurance that covers treatment, you will be required to pay for your treatment. North Central Behavioral Health Systems has a sliding fee scale.

## **PROGRESS REPORTS**

Before each Status Review Hearing, the Judge will be given a progress report presented by the Drug Court Team. The progress report will state your drug and/or alcohol testing results, attendance of treatment appointments and punctuality, participation and cooperation in the treatment program, attendance in self-help groups, and employment or other requirements that may have been imposed. The Judge may ask questions about your progress and discuss any problems you may be having. If you are doing well, you may be rewarded with reduced program requirements or other incentives. If your progress reports indicate you are not doing well, the Judge will discuss this with you and determine the action that will be taken which might include a sanction. Sanctions are used to remind you of your goals in the program and to hold you accountable for your behavior. Sanctions can range from increased program requirements to incarceration.

## **STATUS REVIEW HEARINGS**

You are required to appear in Drug Court on a regular basis. You must be on time for every hearing. The number of times that you must appear in Court depends on the phase of Drug Court that you are currently in and your behavior. Failure to appear in court will result in a warrant being issued for your arrest and detention in jail until you can appear before the court. If you have questions about your status review hearings, you should contact your Probation Officer. Progress on your treatment plan will be discussed during each status review hearing and rewards and/or sanctions may be given as a result of progress made or not made toward goals.

## **DRESS CODE FOR COURT**

It is important to dress appropriately and behave respectfully while you are in Court.

- No tank tops, muscle shirts, crop-tops, or shirts with obscene words or pictures.
- No sagging (for example pants or shorts that hang below the waist).
- No hats, caps or bandanas.
- No gang attire or colors of any kind.
- No unbuttoned shirts.

If the participant wears any of the above to the courtroom, they will be sent home and it may be counted as a Court absence and appropriate sanctions will be imposed. Drug Court participants are not to associate with non-family known gang members or individuals who are using or selling drugs. Drug Court participants should avoid being in geographic settings where drug activity is known to occur or drugs are being used by others.

## **DRUG COURT RESPONSIBILITIES AND EXPECTATIONS**

You are expected to comply with the following responsibilities while you are in Drug Court:

- When addressing the judge, you should approach the bench with the utmost respect.
- You will attend all scheduled status review hearings, be on time and be immediately seated in the courtroom.
- You will not talk in the courtroom, and you will be respectful to all participants during Drug Court proceedings.
- You will not bring food or drink into the courtroom.
- You will remain in the Courtroom until you are dismissed by the Judge.
- In the event of an emergency, you may be excused from Court or allowed to leave prior to Court being dismissed.
- If you do not appear on your regularly scheduled Court date and you are not excused from Court, the Judge may request no bond warrant be issued against you.
- If you should come in contact with any form of law enforcement, it is your responsibility to report such contact to your Probation Officer as soon as possible and inform law enforcement you are in Drug Court.
- You agree to comply with scheduled and unscheduled home visits by Probation/Local Law Enforcement.

- If you are moving within LaSalle County area, you are required to advise the Drug Court Team and get approval of the court before the move. In an emergency situation Probation can give temporary approval to move pending a review from the team.
- You are expected to remain living in the county until completion of the Drug Court program.
- You must agree not to consume, purchase or possess alcoholic beverages or illegal drugs, nor visit places where alcohol is the principal source of business. This includes patronizing places such as bars, liquor stores, taverns, clubs, or other places where alcohol is the main item for sale or consumption.
- You must agree to not misuse/abuse any prescription medication.
- You will notify all doctors of addiction and notify team of any prescribed medication.
- You will not possess any dangerous weapon of any kind, including but not limited to firearms and knives.
- You will comply with your treatment appointments as scheduled and be on time for each meeting.
- You will report for drug testing as required during each phase of the program and follow the drug testing procedures.
- Transportation to and from all of your appointments and status review hearings is your responsibility.

## **DRUG AND ALCOHOL TESTING PROCEDURES AND REQUIREMENTS**

Drug Court participants must agree to submit to random drug tests when requested to do so by the Drug Court probation officer or treatment provider. Participants are required to call Probation every weekday before 9:00 a.m. to learn if they must submit a drug test that day. If a participant refuses to provide a specimen or does not call, they will be considered to have a positive drug test. There are no excuses for missed drug screens. Positive drug tests will be discussed at the next staffing to determine responses/possible sanctions.

Participants will be asked to submit at least 3 drug tests per week at the beginning of the program and will need to submit less frequently as they advance through the program, but will continue to submit tests until graduation in an effort to encourage sobriety. Drug tests may be required at any location with or without notice at any time of the day or night.

### **Procedure to be followed by Drug Court Participant:**

1. All Drug Court participants are required to check the drug testing schedule each and every weekday by calling Probation before 9:00a.m., who will inform the participant if they need to test or not and the specific hours of testing as well as the location.
2. Any Drug Court participant who fails to test as scheduled, or does not test at all, without the prior approval of the Drug Court team shall be considered to have tested “positive” and will be sanctioned accordingly.
3. The testing system (instant cups) used by the LaSalle County Drug Court checks for the presence of drugs as well as the presence of chemicals and fluids intended to interfere with drug test results. The testing system provides results in 5 minutes.

4. The Drug Court participant must arrive at the Probation Department at the LaSalle County Courthouse to have the drug testing done the day they are informed to come in for testing and during the announced testing times.
5. Drug Court participants may be asked to provide a urine sample at any time.
6. The consumption of large quantities of liquids prior to testing may result in the sample being deemed to be "invalid." "State of the art" scientific lab tests are performed on all samples and attempts to "flush" one's system by excessive fluid intake, or by the use of "commercial cleansing products," may be considered forms of adulteration and will result in sanctions being imposed against the offending party.
7. Invalid drug screens due to temperature, specific gravity, or creatinine level are considered as positives.
8. All samples will be observed by a Probation Officer of the same sex as the participant. The participant will test in full view of the attending Probation Officer, one at a time. Any attempt to manipulate or adulterate a sample in any way, shape, or form will result in sanctions against the client, up to and including termination from the program. Additionally, new felony charges may be filed under 720 ILCS 5/17-28.
9. Participants shall be required to remove any coats or jackets prior to testing. In addition, any long sleeve shirts, blouses, or sweaters must be pushed or rolled up.
10. Prior to testing, the Probation Officer will ask the participant what they think the results of the testing will be.
11. Upon completion of testing, the Probation Officer will tell the participant what results were obtained. Results will also be communicated to the LaSalle County Drug Court Team and the Judge.
12. If the urine result is positive and the participant denies drug use, the participant may choose to tell the Probation Officer that they want a confirmatory test done.
13. If there is no request for a confirmation test, the positive drug test will stand.
14. Participants are responsible for informing their physician that they are in Drug Court when seeking health care. Participants are required to furnish verification from their physician for any prescribed medication in advance of testing to reduce claims of cross-reactions.
15. The Drug Court participant must get permission from the LaSalle County Drug Court team before taking over-the-counter drugs (for example cough medication, decongestants, cold remedies).
16. Drug Court participants shall be held fully accountable for any and all substances that they put into their bodies. This shall include, but is not limited to, the eating of food containing "poppy seeds," over the counter medications containing "dextromethorphan," any item containing "alcohol," and prescription medications not prescribed to the client. In addition, any medication that is prescribed to the participant must be documented by the Drug Court Team prior to its use. (Except in cases of a certifiable medical emergency). The team can hold the participant responsible for improper use of a prescribed medication and may sanction or terminate for non-compliance.
17. Drug Court participants will not be allowed to use medical marijuana while in Drug Court.

## CONFIDENTIALITY

State and Federal laws require that your identity and privacy be protected. In response to these regulations, the Drug Court Team and treatment providers have developed policies and procedures that guard your privacy. You will be asked to sign a Consent to Release of Information. This disclosure of information is for the purpose of status review hearings and reports concerning your specific Drug Court case only.

## REWARDS

In addition to your life and relationships changing for the better as you progress through the Drug Court program, you may also be **rewarded** by:

- Advancement to the next phase of the program
- Public praise by the Judge at Court hearings
- Reduced court appearances
- Leave status hearings early
- Permission to travel out of state when requested
- Less restrictive curfew
- Gift certificates
- Participation in graduation ceremony

## SANCTIONS

If you do NOT do what is required of you according to the Drug Court agreement, you will be held accountable in any of the following ways;

- Warning from the Drug Court Team
- Reading/writing assignments
- Letter or apology to the Court
- Report more frequently/increased drug tests
- Report for more court frequent court appearances
- Community Service hours
- Curfew/Electronic Monitoring/Restriction
- Extension of duration in the LaSalle County Drug Court
- Jail sanction
- Termination from the program

\*Rewards and sanctions must be approved by the Judge.

## THERAPEUTIC ADJUSTMENTS

The Drug Court team makes a “Therapeutic Adjustment” to your treatment plan where you may be given the opportunity for additional treatment opportunities. However, whether it is an incentive, a sanction, or a therapeutic adjustment, each will be individual to you and your recovery. No two participants are the same and the Drug Court Team strives to address the individual needs of each participant. Below are a few examples of Therapeutic Adjustments:

- Increased intensity of treatment
- Additional treatment groups
- Additional counseling referrals
- Verification of community support meeting attendance

## TERMINATION FROM DRUG COURT

Warrants, new arrests or a violation of any aspect of your treatment plan may result in you being terminated from the Drug Court program. Other violations, which may result in **Sanctions** or a **Termination Hearing** include the following:

- Dishonesty to Court Personnel and Drug Court staff.
- Positive Diluted or Adulterated urine test.
- Failure to submit a urine sample.
- Unexcused absence and/or absences from counseling session or support group.
- Failure to follow treatment conduct rules.
- Willful failure to attend scheduled status hearings without just cause.
- Charged with a new offense.
- Failure to comply with Drug Court staff and/or treatment provider’s recommendations.
- Moving outside the jurisdiction without permission of the Drug Court Team.
- Failure to attend self-help group per treatment plan recommendation.
- Possession or delivery of drugs at treatment site; and/or
- Violent or abusive behavior at treatment site, program site, or other place of contact or participation.



## EDUCATION, VOCATION AND EMPLOYMENT

A vital component of substance abuse recovery involves becoming a productive and responsible member of the community. If applicable, prior to commencement you will be expected to be employed or involved in an educational/vocational training program. If applicable, the Drug Court staff will refer you to community resources that will assist you in obtaining employment or in getting enrolled in educational/vocational training.

## **PROGRAM OUTCOMES**

There are four ways you may be discharged or terminated from the LaSalle County Adult Drug Court program which include the following:

1. Successful: You complete all the program requirements.
2. Neutral: You do not violate program requirements necessitating an unsuccessful discharge, but you are unable to successfully complete program requirements to qualify for a successful discharge. For example, you develop a serious medical or mental health condition, disability, or other factor that may prevent you from meeting the requirements.
3. Unsuccessful: You are terminated from the LaSalle County Adult Drug Court program due to a violation of program requirements.
4. Voluntary Withdrawal: You are permitted to withdraw in accordance with LaSalle County Drug Court procedures.

### **Successful Discharge**

Successful discharges shall be made by the LaSalle County Adult Drug Court Team collaboratively.

When participants meet the requirements of each of the three phases of drug court, they graduate from the program and the charges shall be dismissed or vacated.

When participants successfully complete the LaSalle County Adult Drug Court program, he/she is celebrated for their success with a graduation ceremony. Family members of the participant graduating are invited to attend the ceremony. Current participants in the Drug Court program are also expected to attend the ceremony to show their support. The graduation ceremonies are held in the courtroom or another room deemed appropriate. The LaSalle County Drug Court judge will preside over the graduation. The graduating participant will be given the opportunity to describe the impact of the Drug Court program on his/her life. Each graduate will receive a certificate stating he/she successfully completed the program.

### **Neutral Discharge**

A neutral discharge shall be made by the LaSalle County Adult Drug Court Team collaboratively.

A participant may be neutrally discharged from the LaSalle County Adult Drug Court Program if he/she has been substantially compliant with the Drug Court program rules, but the LaSalle County Drug Court Team has determined that the participant's progress toward successful completion is improbable after the participant and the Drug Court team have exhausted reasonable efforts to help them successfully complete the program.

## **Unsuccessful Discharge**

Prior to unsuccessful discharge from a Specialty Court, a participant shall be served with a petition to terminate the participant from the Drug Court Program. The petition shall set forth the claimed violations of the Drug Court Program requirements or probation, together with the relief sought. The LaSalle County Adult Drug Court Judge shall ensure that all participants who become subject to proceedings that could result in unsuccessful discharge from the Program are advised of and accorded the rights set forth in Supreme Court Rule 402(a), including, but not limited to, the right to counsel and a hearing.

In accordance with Supreme Court Rule 402A(a), a PSC judge shall not accept an admission to a violation, or a stipulation that the evidence is sufficient to establish a program or probation violation, without first addressing the participant personally in open court, and informing the participant of and determining that the participant understands the following:

- (1) The specific allegations in the petition;
- (2) That the participant has the right to a hearing with defense counsel present, and the right to appointed counsel if the participant is indigent;
- (3) That at the hearing, the participant has the right to confront and cross-examine adverse witnesses and to present witnesses and evidence in his or her behalf;
- (4) That at the hearing, the State must prove the alleged violation by a preponderance of the evidence;
- (5) That by admitting to a violation, or by stipulating that the evidence is sufficient to establish a program or probation violation, there will not be a hearing on the petition, so that by admitting to a violation, or by stipulating that the evidence is sufficient, the participant waives the right to a hearing and the right to confront and cross-examine adverse witnesses, and the right to present witnesses and evidence on his or her behalf; and
- (6) The sentencing range for the underlying offense for which the participant is subject to prosecution or sentencing.

In accordance with Supreme Court Rule 402(b) and (c), a PSC judge shall not accept any admission to a violation, or any stipulation that the evidence is sufficient to establish a program or probation violation, without first determining that the participant's admission or stipulation is voluntary, and that there is a factual basis for the admission or stipulation.

In accordance with Supreme Court Rule 402(d), a PSC judge shall not participate in plea discussions with respect to a petition to terminate the participant from the PSC or to revoke probation without first complying with Supreme Court Rules 402(d), (e) and (f).



- (a) Once a petition to terminate a participant from the PSC or to revoke probation has been filed, the PSC judge may allow the participant, with the consent of both the participant (with advice of his or her counsel) and the State, to remain in the PSC with hearing on the petition deferred. The State may thereafter dismiss the petition if the participant makes satisfactory improvement in compliance with the PSC program requirements. If the participant fails to make satisfactory improvement, the State may elect to set the petition for hearing.
- (b) At a hearing on a petition to terminate a participant from a PSC or to revoke probation, a PSC judge cannot consider any information learned through team staffing's, status review hearings or otherwise, unless newly received in evidence at the hearing.
- (c) A PSC judge should disqualify himself or herself in a proceeding on a petition to terminate a participant from a PSC or to revoke probation under the circumstances listed in Supreme Court Rule 63C.
- (d) A participant has the right to move for substitution of the PSC judge pursuant to section 115-5(d) of the Code of Criminal Procedure of 1963 (725 ILCS 5/115-5(d)) for purposes of a hearing on a petition to terminate a participant from a PSC or to revoke probation.

A participant being considered for unsuccessful termination from a PSC shall be afforded the same due process rights that are afforded to probationers and parolees in revocation hearings. The requirements of due process will be satisfied by providing a participant with written notice of claimed program or probation violations and by complying with Supreme Court Rule 402A. For limited English proficient participants, any petition to terminate the participant from the PSC or to revoke the participant's probation will need to be translated, either in written form by a translator or in spoken form by a live interpreter.

Due process in the context of a PSC also requires that the judge presiding over a hearing on a petition to terminate a participant from a PSC or to revoke probation be neutral and detached. Through participation in team staffing and status review hearings, a PSC judge may have become aware of information that forms the basis, in whole or in part, for a petition to terminate a participant from a PSC. This alone does not require recusal of the PSC judge. However, consistent with Supreme Court Rule 63C, if the PSC judge's impartiality might reasonably be questioned, the PSC judge should disqualify himself or herself and refer the matter to another judge pursuant to section 115-5(d) of the Code of Criminal Procedure for purposes of a hearing on a petition to terminate a participant from a PSC or to revoke probation.

### **Voluntary Withdrawal**

1. Participant shall in all circumstances be permitted to withdraw in accordance with Drug Court Program procedures. Prior to allowing the participant to withdraw, the Judge shall:
  - (a) Ensure that participant has the right to consult with counsel
  - (b) Determine in open court that the withdrawal is made voluntarily and knowingly
  - (c) Admonish the participant that voluntary withdrawal from the Drug Court Program will result in the previous sentence being imposed.

## **AFTERCARE PROGRAM**

The LaSalle County Drug Court program has an Aftercare Program called the Alumni Association. The Alumni Association allows the Drug Court team members to continue interacting with you after you have graduated from the program. As a graduate, you will serve as a role model to participants who are currently in the program by remaining drug-free.

## **IMPORTANT DRUG COURT CONTACT NUMBERS**



<b>Probation</b>	<b>815-434-0736</b>
<b>North Central Behavioral Health Systems</b>	<b>815-434-4727</b>
<b>Public Defender</b>	<b>815-434-8267</b>
<b>State's Attorney</b>	<b>815-434-8340</b>

The Drug Court business hours are from 8:00a.m. - 4:30p.m. Monday through Friday (excluding holidays).

Calls received outside of business hours will be responded to the following business day.

*LaSalle County Drug Court*  
**Acknowledgment of Drug Court and Receipt of Handbook**

I have read and understand the contents of the LaSalle County Adult Drug Court Participant Handbook, including the program rules, incentives and sanctions. After reviewing with my defense counsel, I am interested in the program and I am willing to participate if I am deemed eligible for the program. I understand that in order to be successful in the LaSalle County Drug Court program, I must follow the rules of the program as well as all treatment recommendations.

Date of Review: \_\_\_\_\_

Client Signature: \_\_\_\_\_

Defense Counsel Signature: \_\_\_\_\_