

# **LASALLE COUNTY ADULT DRUG COURT**

## **POLICIES AND PROCEDURE MANUAL**



**13<sup>th</sup> Judicial Circuit  
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## I. INTRODUCTION

Drug Courts have been created to provide intensive supervision to eligible defendants charged with a felony as a direct result of an addiction to drugs or alcohol. Drug Courts improve communities by successfully getting offenders clean and sober and stopping drug-related crime by attempting to address the defendant's underlying addictions. Drug Courts provide a non-traditional approach to criminal offenders who are addicted to drugs, rather than focusing only on the crimes they commit and the punishments they receive. Drug Courts use a combination of accountability and treatment to support and compel drug-using offenders to change their lives. Drug Courts are dependent upon creating a non-adversarial program where the Judge and Court Team work together toward a common goal of breaking the cycle of drug abuse and criminal behavior. It takes innovation, teamwork, and strong judicial leadership to achieve success when addressing drug-using offenders in a community.

The LaSalle County Adult Drug Court is a **Post-Adjudicatory Program** that provides eligible defendants the opportunity to receive drug treatment in exchange for avoiding prison or county jail time. Additionally, the defendant's conviction shall be vacated upon successful completion of the program. Eligible defendants can elect to participate in the program or proceed with traditional court proceedings. After choosing to participate in the program, defendants come under the court's supervision and are required to attend treatment sessions, undergo random drug and alcohol testing, and appear before the Drug Court Judge on a regular basis. If the defendant violates any requirements pursuant to Article XII of this manual, they will be subject to sanctions. The LaSalle County Adult Drug Court Program's maximum capacity is 48 participants at a time.

There are three phases of the LaSalle County Adult Drug Court with each consisting of different expectations to be followed by the participant. If the participants meet the requirements of each of the three phases, they graduate from the program. If Drug Court participants fail to make progress, they will be terminated from the program and sentenced pursuant to their agreement.

In an effort to fully engage and motivate participants in treatment, participants will be required to pay fees based on a sliding fee scale. It is believed that the LaSalle County Adult Drug Court will be cost effective due to the participants' financial participation and the correction to the participants' lifestyle, which will reduce future use of the Court. The inability to pay fees will not prohibit program entry, phase advancement or graduation.

## II. MISSION STATEMENT

The mission of the LaSalle County Adult 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.

### **III. COMPLIANCE**

The LaSalle County Adult Drug Court shall be established and operate in compliance with the ***Problem-Solving Court Standards*** adopted by the Illinois Supreme Court as well as federal confidentiality statutes and regulations.

### **IV. CONFIDENTIALITY**

All information pertaining to LaSalle County Adult Drug Court participants is strictly confidential. Any information viewed by LaSalle County Adult Drug Court personnel or providers is not to be shared with any outside party. Records shall be open to inspection by any judge or by any court services officer pursuant to order of the court, but shall not be a public record.

LaSalle County Adult Drug Court participants shall be required to sign release forms so that relevant information may be shared with team members and appropriate agencies. If a participant refuses to sign the necessary releases, he/she may be ruled ineligible for the LaSalle County Adult Drug Court.

All probation files, presentence investigations, computer notes and case notes are considered to be confidential information and are not to be released except by court order. All Drug Court client files will be managed by the Probation Department.

All LaSalle County Adult Drug Court material will be protected by federal law, specifically section 543 of the Public Health Service Act, 42 U.S.C. 290dd-2, and its implementing regulation, 42 C.F.R Part 2 (confidentiality of substance abuse records) and the Illinois Mental Health and Development Disabilities Confidentiality Act, 740 ILCS 110/1 *et seq.* (confidentiality of mental health treatment records).

Evaluators, researchers, or personnel from other courts visiting the Drug Court staffings and Court hearings are required to sign a confidentiality agreement that is kept on file with the PSC Coordinator.

### **V. GOALS**

The LaSalle County Adult Drug Court strives to meet the following goals:

- To promote public safety by reducing recidivism;
- To provide an alternative to incarceration for substance addicted offenders by intervening with the authority of the Court in order to effect appropriate treatment and education;
- To reduce long-term criminal justice costs by reducing recidivism and the amount of incarceration time for substance addicted offenders;
- To reduce or eliminate offenders' dependency on drugs and to enhance public safety by reducing the level of drug related criminal activity in LaSalle County.

## **VI. ELIGIBILITY CRITERIA**

The following serve as the eligibility criteria for the LaSalle County Adult Drug Court:

- (a) The defendant receives approval from the Court.
- (b) The defendant voluntarily agrees to participate.
- (c) The defendant must have a substance use severe diagnosis.
- (d) The defendant must be a high risk/high need client.
- (e) The defendant must be 18 years of age or older.
- (f) The defendant must be a LaSalle County resident.
- (g) The defendant must be a United States citizen or legal resident.
- (h) The defendant must have a pending felony or petition to revoke probation.
- (i) Defendants will not be excluded from Drug Court based on their gender, race, nationality, ethnicity, limited English proficiency, disability, socio-economic status or sexual orientation.

## **VII. EXCLUSIONARY CRITERIA**

A defendant shall be excluded from the LaSalle County Adult Drug Court if any one of the following apply:

- (a) The crime is a crime of violence as set forth in the following clause:
  - i. The defendant has been convicted of a crime of violence within the past 10 years excluding incarceration time. As used in this Section, “crime of violence” means: first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability, stalking, aggravated stalking, or any offense involving the discharge of a firearm.
- (b) Notwithstanding subsection (VI, a), the defendant may be admitted into a drug court only upon the agreement of the prosecutor if:
  - (1) the defendant is charged with a Class 2 or greater felony violation of:
  - (A) Section 401, 401.1, 405, or 405.2 of the Illinois Controlled Substances Act [720 ILCS 570/401, 720 ILCS 570/401.1, 720 ILCS 570/405 or 720 ILCS 570/405.2];
  - (B) Section 5, 5.1, or 5.2 of the Cannabis Control Act [720 ILCS 550/5, 720 ILCS 550/5.1 or 720 ILCS 550/5.2];
  - (C) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or 65 of the Methamphetamine Control and Community Protection Act [720 ILCS 646/15, 720 ILCS 646/20, 720 ILCS 646/25, 720 ILCS 646/30, 720 ILCS 646/35, 720 ILCS 646/40, 720 ILCS 646/45, 720 ILCS 646/50, 720 ILCS 646/55, 720 ILCS 646/56 or 720 ILCS 646/65].
  - (c) The defendant has previously, on 3 or more occasions, either completed a Drug Court, been discharged from a drug court or been terminated from a drug court.
  - (d) The defendant denies his or her use of or addiction to drugs.

## **VIII. DRUG COURT MODEL**

The LaSalle County Adult Drug Court has adopted a Post-Adjudicatory Program. The defendant will plead guilty and be sentenced to Drug Court. The defendant will be placed on a term of probation. The defendant will be ordered to pay all fines, fees, costs and restitution associated with the case, based on their ability to pay. If the defendant is unsuccessfully terminated from Drug Court, a sentence will be imposed following a hearing to determine if the defendant violated the terms of Drug Court.

## **IX. ENTRY PROCESS**

1. The participant, the participant's attorney, or other interested party, will request a referral to the Drug Court. The participant is to complete the referral form and provide it to the PSC Coordinator for review.
2. The Public Defender will then review all eligibility criteria with participant and explain the program.
3. The participant will observe Drug Court to determine if he/she wants to voluntarily participate in the program.

If the participant is interested in Drug Court, his/her attorney will inform the Probation Department. If the participant is not interested, the participant will be sent back to traditional adjudication process.

4. After the participant indicates interest in the Drug Court Program, the State's Attorney Office will conduct a legal eligibility screening of participant, in accordance with the Drug Court Act.
5. If the Drug Court Team rejects the participant for Drug Court, the participant and his attorney are told the participant is not a candidate and the participant's case is referred to traditional adjudication process.

If the Drug Court Team indicates initial acceptance of the participant in to Drug Court, the participant or his/her attorney is notified by the Probation Department. The Public Defender will provide the participant with a copy of the Participant Handbook. The Public Defender will review the Handbook with the participant.

6. The participant will next meet with the Probation Department to sign releases for disclosure of information to all members of the Drug Court Team. The Probation Officer administers screening tests.
7. If the Drug Court Team indicates initial acceptance and the participant made bail, the participant is referred to North Central Behavioral Health Systems where they will

conduct a comprehensive assessment and send the report to the Drug Court Team within 7 days. If the participant did not make bail, North Central Behavioral Health Systems will do a comprehensive assessment and substance abuse evaluation at the jail and sends the report to the Drug Court Team within 14 days.

8. If the participant scores as high risk high need, the case is referred for a biopsychosocial assessment.
9. Participants who are considered to be at high risk prior to admission to a residential setting may be required to begin an Intensive Outpatient Program (IOP) until a bed becomes available at a residential setting.
10. All information (including the comprehensive assessment report and substance abuse evaluation) regarding the participant is given to the Drug Court Team who then recommends an applicant be ruled eligible or ineligible for the program. The Judge has the authority to make the final determination after taking into account the input from the Drug Court Team members.
11. The participant appears with their lawyer before the Judge in Drug Court and is informed of the eligibility decision.

If the participant is accepted to Drug Court, the Judge informs the participant about his/her waiver of rights pursuant to IL Supreme Court Rule 402. No participant will be required to waive appellate rights. The Judge will review the Consent to Participate on the record in open court prior to having the client sign it. 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.

## **X. CASE MANAGEMENT AND SUPERVISION**

The Drug Court Team meets weekly for regular staffings to discuss participants' progress. The team will discuss responses to participants' behavior which will be shared with the participants during the next status review hearing. Status review hearings will be held weekly after the team staffing. The status review hearings will be conducted in order to monitor participants' performance and progress and encourage positive behavior and decrease negative or unproductive behavior.

Participants are expected to attend all scheduled status review hearings according to the phase of the program that they are in. During Phase 1, participants will be expected to attend status review hearings every week. As participants advance in phases, they will be required to attend status review hearings less frequently. Participants are expected to be on time for each status review hearing and call in advance if they will be unable to attend. They may be given a sanction for missing a status review hearing or being late, depending on the circumstance and their explanation.

Drug Court participants must agree to submit to random drug tests when requested to do so. Participants shall be required to call LaSalle County Probation Department daily 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. These random drug tests will be required as they advance through the program and will continue until graduation, in an effort to encourage sobriety.

## **XI. TREATMENT EXPECTATIONS**

Each phase of the LaSalle County Adult Drug Court has specific supervision and treatment requirements. As participants progress through the program, the frequency of the supervision and treatment requirements reduces. All treatment will be based on clinical assessments and medical necessity.

Participants may need to complete residential treatment during Phase I of the program. Residential treatment will take place at Gateway Foundation in Aurora (depending on availability) or other such agency as approved by the Drug Court Team. The length of time a participant receives treatment at Gateway Foundation or other approved agency depends on each individual's situation and recommendations of treatment providers.

Participants may be required to successfully complete the Intensive Outpatient Program (IOP) at North Central Behavioral Health Systems. IOP consists of 9 hours per week of group treatment using evidence-based materials. In addition, individual therapy may be required, as well as an evaluation for medication by the psychiatrist. Once therapeutically appropriate, participants will be expected to participate in aftercare outpatient treatment which is 1 ½ hours weekly of group counseling, along with individual therapy and ongoing medication services, if indicated.

## **XII. PHASES FOR LASALLE COUNTY ADULT DRUG COURT:**

### **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
- Random drug testing 3 times per week
- Minimum of 1 court appearance per week (observe entire court call)
- Provide verification of attendance at a minimum of 3 self-help meetings per week
- Obtain a mentor/sponsor within 14 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 Reconation Therapy
- 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
- 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.

\*The Drug Court Team can ask the participant to apply for early advancement during any of the 3 phases.

## **XIII. INCENTIVES, SANCTIONS, AND THERAPEUTIC ADJUSTMENTS**

The LaSalle County Drug Court Team will help to keep participants on track by rewarding progress and imposing sanctions on participants who fail to comply with court orders. The incentives and sanctions are tailored to address the individual's unique history and needs. The team will attempt to develop additional rewards and sanctions which are unique to the individual drug court participant as necessary. All responses to a participant's behavior will be predictable, fair, consistent and without regard to a person's gender, race, nationality, ethnicity, limited English proficiency, disability, socio-

economic status or sexual orientation. The entire Drug Court Team will have input in the discussion regarding appropriate responses to a participant's behavior but the final decision will be made by the Judge. Participants will be treated with respect and dignity throughout the process of receiving incentives and sanctions. The participant will be allowed to address the court about the sanction or incentive for the court to consider. Before a sanction or incentive is given, the Judge will advise the participant in open court of the sanction, incentive or therapeutic adjustment and the reason for giving it.

## INCENTIVES

Rewards will be awarded as deemed appropriate by the Drug Court Team. Rewards may be appropriate when an individual has either successfully completed a treatment phase or has been in compliance for a significant period of time. Rewards may include:

- 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

A sanction may be imposed for each violation. Violations may consist of missing treatment appointment(s), failing a drug test, or getting arrested for a new charge. All members of the Drug Court Team will recommend and the Judge will determine which sanction is appropriate depending on the nature of the violation and the overall compliance of the individual. Participants will be told how long each sanction will last. Sanctions may include:

- 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

## **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 attendance;
- Medication assisted therapy;

## **XIV. BEHAVIORS THAT MAY RESULT IN SANCTION/TERMINATION:**

- Dishonesty to Court Personnel and LaSalle County Drug Court team;
- Positive urine test;
- Diluted urine sample submitted;
- Failure to submit urine sample;
- Unexcused absence and/or absences from counseling session or support group;
- Failure to follow treatment conduct rules;
- Failure to attend self-help group per treatment plan recommendation;
- Failure to attend scheduled status hearings without just cause;
- Arrest for new offense;
- Failure to comply with Court, LaSalle County Adult Drug Court team and/or treatment provider’s recommendations;
- Possession or delivery of drugs on treatment site;
- Violent or abusive behavior at treatment site, program site, or other place of contact or participation.

Immediate and consistent consequences for non-compliance are an important part of the Drug Court concept. In the event of non-compliance, the offender may be required by the Drug Court Team to appear in court prior to his/her scheduled court date.

## **XV. COURTROOM BEHAVIORS AND RULES**

All individuals participating in the LaSalle County Adult Drug Court will obey the following rules:

1. When addressing the Judge, the participant shall approach the bench with the utmost respect for the position.
2. Participants will attend all scheduled Court appearances, be on time and be immediately seated in the courtroom.
3. Participants will not talk in the courtroom during drug court proceedings.
4. The participant will remain in the Courtroom until he/she is dismissed by the Judge.

5. In the event of an emergency, the participant may be excused from Court or allowed to leave prior to Court being dismissed
6. If a participant does not appear on his/her regularly scheduled court date and is not excused from court, the Judge may order a no bond warrant be issued against the participant.
7. If a participant should come in contact with any form of law enforcement, it is their responsibility to report such contact to Probation as soon as possible and inform law enforcement they are in Drug Court.
8. If the participant is moving within LaSalle County, he/she is required to advise the Drug Court Team and get approval of the Drug Court Team before the move, unless in an emergency situation.  
If the participant does move within the county, he/she will turn in a new address with all phone numbers to Probation Officer.
9. Participants are expected to remain in the county until completion of the program.
10. The participant agrees not to consume, purchase or possess alcoholic beverages or illegal drugs, nor visit places where alcohol is the principal 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.
11. The participant will not possess any dangerous weapon of any kind, including but not limited to firearms and knives.
12. The participant will not misuse/abuse any medications.
13. The participant will notify all doctors of addiction and notify team of any prescribed medication.
14. The participants will dress appropriately for court as follows:
  - 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 unbuttoned shirts.
  - No hats, caps or bandanas.
  - No gang attire or colors of any kind.
  - No phones or personal electronic devices utilized in the courtroom.

If the participant wears any of the above to the courtroom, they may be sent home and it will 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.

## **XVI. PROGRAM OUTCOMES FOR PARTICIPANTS**

There are four ways a participant may be discharged or terminated from the LaSalle County Adult Drug Court:

- 1) Successful: The participant completes all the program requirements.
- 2) Neutral: The participant does not violate program requirements necessitating an unsuccessful discharge, but is unable to successfully complete program requirements to qualify for a successful discharge. For example, the participant has or develops a serious medical or mental health condition, disability, or any other factor that may prevent the participant from meeting the requirements.
- 3) Unsuccessful: The participant is terminated from the LaSalle County Adult Drug Court due to a violation of program requirements.
- 4) Voluntary Withdrawal: The participant shall in all circumstances be permitted to withdraw in accordance with the LaSalle County Adult Drug Court procedures.

### **SUCCESSFUL**

A successful discharge shall be agreed upon by the LaSalle County Adult Drug Court Team collaboratively. The Judge is the final decision maker.

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.

When participants successfully complete the LaSalle County Adult Drug Court, 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 are also expected to attend the ceremony to show their support. The LaSalle County Adult Drug Court Judge will preside over the graduation. The graduating participant will be given the opportunity to describe the impact of the drug court on his/her life. Each graduate will receive a certificate stating he/she successfully completed the program.

A participant will be provided a discharge plan prior to being successfully discharged from the program. The discharge plan will provide the participant with recommendations for continued treatment, educational/employment/vocational training and resources for the recommendations given.

### **NEUTRAL DISCHARGE**

A neutral discharge shall be agreed upon by the LaSalle County Adult Drug Court Team collaboratively. The Judge is the final decision maker. A participant may be neutrally discharged from the LaSalle County Adult Drug Court if he/she has been substantially compliant with the drug court rules but the LaSalle County Adult Drug Court Team has determined that the participant's progress toward successful completion is improbable after the participant and the drug court team has exhausted reasonable efforts to help them successfully complete the program.

A participant will be provided a discharge plan prior to being neutrally discharged from the program. The discharge plan will provide the participant with recommendations for continued treatment, educational/employment/vocational training and resources for the recommendations given.

## **UNSUCCESSFUL DISCHARGE**

Prior to unsuccessful discharge from the LaSalle County Adult Drug Court, a participant shall be served with a petition to be terminated from the drug court or to revoke his/her probation. The petition shall set forth the alleged violations of the drug court requirements or probation, together with the relief sought. The LaSalle County Drug Court Judge shall ensure that all participants who become subject to proceedings that could result in unsuccessful discharge from the drug court are advised of and accorded the rights set forth in Supreme Court Rule 402A, 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 in 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 Rules 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).

Once a petition to terminate a participant from the LaSalle County Adult Drug Court or to revoke probation has been filed, the presiding 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 Drug Court with a hearing on the petition deferred. The State may thereafter dismiss the petition if the participant makes progress in compliance with the Drug Court requirements. If the participant fails to make satisfactory improvement, the State may elect to set the petition for hearing.

At a hearing on a petition to terminate a participant from the LaSalle County Adult Drug Court or to revoke probation, the presiding judge cannot consider any information learned through team staffing, status review hearings or otherwise, unless newly received in evidence at the hearing.

The drug court judge should disqualify himself/herself in a proceeding on a petition to terminate a participant from the drug court or to revoke probation under the circumstances listed in Supreme Court Rule 63C.

A participant has the right to move for substitution of the drug court judge pursuant to section 114-5(d) of the Code of Criminal Procedure of 1963 (725 ILCS 5/114-5(d)) for purposes of a hearing on a petition to terminate a participant from a PSC or to revoke probation.

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.

## **VOLUNTARY WITHDRAWAL**

A participant shall have the right to withdraw from the LaSalle County Adult Drug Court. However, there may be consequences for doing so. Prior to allowing the participant to withdraw, the Drug Court Judge shall:

- 1) Ensure that the participant has the right to consult with counsel;
- 2) Determine in open court that the withdrawal is made voluntarily and knowingly; and
- 3) Admonish the participant in open court as to the consequences, actual or potential, which will result from withdrawal.

## **XVII. AFTERCARE PROGRAM**

The LaSalle County Adult Drug Court will establish an aftercare program called the Alumni Association. The aftercare program will involve continued contact between the Drug Court team members and the graduates of the Drug Court. The graduates will serve as role models to participants who are currently in the program by remaining drug-free.

## **XVIII. PROGRAM STANDARDS**

1. The PSC Coordinator will initially determine if the prospective participant meets general eligibility requirements. The State's Attorney's Office will conduct a legal eligibility screening of the participant.
2. The Probation Department will administer the LaSalle County Adult Drug Court Screening Tools which may consist of, but not limited to the following: Adult Risk Assessment.
3. After the screening is conducted and the Drug Court Team indicates initial approval for the LaSalle County Adult Drug Court, the potential Drug Court participant will be referred to North Central Behavioral Health Systems for a formal comprehensive assessment and substance abuse evaluation.
4. North Central Behavioral Health Systems will conduct a comprehensive assessment.
5. The assessment will consist, at a minimum, of one interview with the prospective participant (2-3 hours), using a Bio-Psycho-Social Assessment. The Probation Department will share the written initial screening report with the individual conducting the biopsychosocial assessment.
6. The assessment will address each of the ASAM (American Society of Addictions Medicine) criteria as follows: (1) acute intoxication and/or withdrawal potential; (2) biomedical conditions; (3) emotional/behavioral conditions and complications; (4) treatment acceptance or resistance; (5) relapse potential; (6) recovery environment.
7. As deemed appropriate by the Counselor, the assessment will include a psychological and/or psychiatric evaluation to identify co-occurring disorders which may affect treatment. Identified disorders will be listed on the assessment summary and monitored appropriately while the participant is in Drug Court.
8. The Psychologist or Counselor will submit to the LaSalle County Adult Drug Court Team the recommended treatment plan based on the assessment that was conducted.
9. After the prospective client's final acceptance into the program by the LaSalle County Adult Drug Court Team, the participant is referred to either a residential or Intensive Outpatient (IOP) program based on the submitted treatment plan and medical necessity. Drug court participants will be referred to a residential program based on their individual needs and bed availability. The treatment provider in either the residential or IOP program will continue to engage in ongoing assessment activities related to the needs and behavior of the offender.
10. Participants who the Judge and Team assess to be at risk due to ongoing drug use may be placed in the jail until a residential bed is available.

11. Treatment providers will be licensed by the state alcohol and drug abuse agency, and will be nationally and/or state accredited if appropriate.

## **XIX. STANDARDS FOR TREATMENT PROVIDERS**

### **Participants:**

North Central Behavioral Health Systems  
Gateway Foundation

### **Treatment Component**

In order for any Drug Court to be effective, the Judge has to rely on treatment providers to assist in developing appropriate rehabilitative treatment. The treatment component is a vital component in Drug Court because it helps participants with the cessation of drug use and leads to a reduction in recidivism rates. The LaSalle County Adult Drug Court has a multi-phased treatment process which includes the following:

Initial assessment and periodical assessment to ensure clients' needs are being met

1. Treatment services are comprehensive;
2. Treatment services are accessible;
3. Funding for treatment is adequate and fair;
4. Treatment services have quality control;
5. Treatment designs and delivery are sensitive and relevant to issues of race, culture, religion, gender, age, ethnicity, and sexual orientation.

## **XX. DRUG AND ALCOHOL TESTING PROTOCOL**

Upon completion of the screening by the LaSalle County Drug Court Team and formal assessment by a licensed clinical psychologist or licensed LPC and certified CADC counselor, all drug court participants shall be made aware of the following rules. (These are intended as general guidelines and are not to be considered as all inclusive.)

1. Drug testing is to be considered an integral part of this program. Tests are adjunctive in nature rather than punitive. Tests are used:
  - a. as an assessment and diagnostic tool;
  - b. to reinforce and validate successful recovery and abstinence;
  - c. as an intervention and confrontation tool;
  - d. as a deterrent to drug use and to hold participants accountable;
  - e. to provide non-manipulative environment to monitor progress; and
  - f. to assist in determining risk and revocation decisions.
2. Participants will be drug tested frequently and randomly throughout the entire Drug Court.
3. Individuals choosing to enroll in the Drug Court must agree to inform probation of the use of all mood-altering substances including but not limited to narcotics, tranquilizers, sedatives, muscle relaxants, stimulants, opiates, opiate-based medications, benzodiazepines-prescribed or otherwise that may be prescribed by

the treating health care professionals when other medical options are not available.

4. Participants shall be observed to ensure freedom from errors by an observer of the same gender.
5. If a participant has a positive test in any Drug Court phase, the Judge, based on recommendations from the LaSalle County Adult Drug Court team, will apply immediate therapeutic adjustment/sanctions including possible time in jail to help the participant stop his or her drug using behavior.
6. A Drug Court participant who has an infraction in the days before the court will be automatically scheduled for court that week.

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

1. All drug court participants are required to check the drug testing schedule each and every day by calling Probation before 9:00am who will inform the participant if they need to test or not and the specific hours of testing as well as location.
2. Any drug court participant who fails to test as scheduled, or does not test at all, without the prior approval of the probation department shall be considered to have tested "positive" and may be sanctioned accordingly.
3. The testing system (instant cups) used by the LaSalle County Adult 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. 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" ones 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.
6. Invalid drug screens due to temperature, specific gravity, or creatinine level are considered as positives.
7. 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.
8. 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.
9. Prior to testing, the Probation Officer will ask the participant what they think the results of the testing will be.
10. Upon completion of testing, the Probation Officer will tell the participant what results were obtained. Results will also be communicated to the LaSalle County Adult Drug Court Team and the Judge.

11. 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.
12. If there is no request for a confirmation test, the positive drug test will stand.
13. 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 the claims of cross-reactions.
14. 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 and approved by the Drug Court Team prior to its use. (Except in cases of a certifiable medical emergency).
15. Drug Court participants will not be allowed to use medical marijuana while in Drug Court.

## **XXI. PROGRAM OUTCOMES/DATA MONITERING**

The PSC Coordinator will be responsible for collecting and reporting data to AOIC monthly in order to be in compliance with PSC Standards. The PSC Coordinator shall use Microsoft Access to keep all of the data necessary for PSC. The monthly PSC reports will consist of a set of PSC Identifiers and three separate reports: 1. New cases screened in a month; 2. Supervision activity in a month; 3. Case exits in a month. The data will be collected and maintained using Microsoft Access developed with guidance from AOIC daily and weekly. Additional data that will be collected includes: referrals, demographics of referrals, drug of choice, initial recommendation, phase movements, termination level, number of active participants, number of treatment appointments kept/cancelled, number of community engagement activities made, and recidivism rates.

## **XXII. ROLES OF THE DRUG COURT TEAM MEMBERS**

The LaSalle County Adult Drug Court Team is comprised of the Judge, the State's Attorney, the Public Defender, Representatives of Law Enforcement, a Representative from North Central Behavioral Health Systems, Probation Officer, PSC Coordinator, and/or the above individuals' designate. All members of the team agree to commit to a minimum of one year involvement in the drug court. The Team meets prior to each Drug Court session and acts as multi-disciplinary case management team with respect to the individual Drug Court participants. To the greatest extent possible, the Drug Court Team operates on the basis of professional consensus. Each member shares information regarding participants, participates in weekly staff meetings and court status hearings, provides training to other team members in their discipline, and attends workshops sponsored by the National Association of Drug Court Professionals, Illinois Association of Problem-Solving Courts, and the Office of Justice Programs.

## **XXIII. ROLE OF DRUG COURT TEAM**

1. Meetings will convene weekly and start promptly.
2. Two weeks (14 days) after a clinical assessment has been scheduled, the participant will either be found eligible or ineligible for Drug Court. If the participant does not keep the scheduled appointment, then they must reappear at the next court date and determine whether or not they want to participant in drug court.
3. After the Drug Court Team has accepted an individual into Drug Court, the plea will be done within one week.
4. All review and signing of plea papers must be done prior to the beginning of Drug Court. Consent to Participate signed in court.
5. Due to time limitations of staffing, all team members will keep their comments focused and brief so that all members may contribute to the discussion.

## **XXIV. ROLE OF THE JUDGE**

1. The Judge is in a unique position to exert effective leadership in the promotion of coordinated drug control efforts.
2. To encourage full commitment to the success of the LaSalle County Adult Drug Court, the Judge must allow program team members to participate fully in the design and implementation of the Program.
3. Partnerships should be formed between the Judge, all affected criminal justice agencies and the treatment providers which will allow collaboration in decision-making, sharing of resources and coordination of efforts.
4. The Judge is responsible for maintaining a non-adversarial atmosphere in the LaSalle County Adult Drug Court.
5. The Judge is one of the key motivational factors in convincing the drug offender to seek rehabilitation. Less formal and more frequent Court appearances must be scheduled to allow the Judge to motivate and monitor the offenders.
6. The Judge should conduct Court so all offenders benefit by observation of others as they progress (or fail to progress) in treatment and the Court takes appropriate action.
7. The LaSalle County Adult Drug Court Judge serves as a program advocate and represents the Program in the community, before government, criminal justice agencies and other public forums.
8. Attend PSC team staffings

### **Specific Responsibilities of the LaSalle County Adult Drug Court Judge:**

1. Accepts guilty plea.
2. Advises participants of their rights relative to the guilty pleas.
3. Explains the Drug Court to potential participants, including reviewing the Consent to Participate.
4. Serves as the team leader for the program.

5. Reinforces treatment.
6. Converses individually with each participant as he/she appears before the Court.
7. Gives praise and encouragement for compliance with program.
8. Orders sanctions for noncompliance.
9. Provides guidance for the Drug Court Team.
10. Attends conferences and trainings as required by Drug Court grants or other funding.

## **XXV. ROLE OF THE STATE'S ATTORNEY**

1. Refers potential candidates for drug court.
2. Attends Court Team staffing to provide input on referrals and discuss recommendations for sanctions, incentives, and therapeutic responses.
3. Provides insight on the offense/incident reports to the team.
4. Assists in team determination of appropriate sanctions and/or termination from the program.
5. Participates in continuing professional education programs.
6. Maintains membership in appropriate professional organizations related to Drug Court.

### **Specific Responsibilities of the State's Attorney:**

1. Assess potential participants reviewing criminal histories and screening report from the Probation Department.
2. Attends all Drug Court Team meetings.
3. Makes recommendations to the Court on sentencing of defendant.
4. Files necessary legal paperwork with the Court.
5. Refrains from filing additional charges based on information discovered during a Drug Court staffing and hearing except for in rare circumstances where the participant commits a crime deemed necessary by State's Attorney for prosecution.
6. Attends conferences and trainings as required by Drug Court grants or other funding.
7. Advocates in the community for the effectiveness of the program.

## **XXVI. ROLE OF THE PUBLIC DEFENDER**

1. Attends Court team staffing to provide input on referrals and discuss recommendations for sanctions, incentives, and therapeutic responses.
2. Meets with individual participants, several days prior to Drug Court, slated for admission into the program to discuss admission paperwork, answers legal questions, explains the sanction program, and reviews the courtroom rules and other participant responsibilities to the Court and reviews the Consent to Participate with the Client.
3. Participants in Participant Reviews for commencement.
4. Participates in continuing professional education programs.
5. Maintains membership in appropriate professional organizations related to Drug Courts.

**Specific Responsibilities of the Public Defender:**

1. Explains the Drug Court in-depth to participants-including program requirements, participants' responsibilities, and the legal rights affected by entering the program.
2. Helps participants fill out required paperwork.
3. Consults with participants on legal and treatment options.
4. Attends all Drug Court Team meetings.
5. Encourages participants to be honest with the Judge and treatment providers.
6. Monitors sanctions imposed to insure that they are within the Drug Court guidelines.
7. Represents participants in Drug Court hearings.
8. Advocates in the community for the effectiveness of the program consistent with the mission of the program.
9. Ensures participant rights are maintained.

**XXVII. ROLE OF THE SUBSTANCE ABUSE COUNSELOR (North Central Behavioral Health Systems)**

1. Conducts the intake assessment for Intensive Outpatient (IOP) counseling if it is an agency requirement.
2. Develops the treatment plan, based on the intake assessment, for one-on-one counseling and group therapy.
3. Incorporates evidence based practices in counseling role.
4. Utilizes evidence based treatment practices.
5. Includes in the treatment plan both the treatment goals and further documentation of the conditions under which treatment is to be discontinued.
6. Makes treatment recommendations to the Team regarding the need for a higher or lower level of care, within the guidelines of Drug Court procedures and guidelines.
7. Reviews participant's goals and treatment plans pursuant to licensing requirements.
8. Provides all members of the Team with a written report the day before the staffing.
9. Attends Court Team staffings to provide input on referrals and discuss the participant's performance in counseling, and provide input regarding sanctions, incentives, and therapeutic responses.
10. Attendance at Drug Court.
11. Participates in interviews of participants prior to commencement.
12. Visits Drug Court participants who are at the LaSalle County Jail upon request of the Probation Department.
13. Maintains membership in appropriate professional organizations related to substance abuse.
14. Maintains professional license(s), certifications and malpractice insurance.

### **Specific Responsibilities of the Substance Abuse Counselor:**

1. Arranges to meet with all participants referred for Drug Court and does an Intake Assessment.
2. Designs a treatment plan for each participant based on the Intake Assessment, initial screening by probation, and comprehensive assessment.
3. Arranges to meet with participants who are housed out-of-county (i.e. half-way houses) after Court.
4. Visits participants in the jail whom the coordinator requests be seen.
5. Reports participants who miss appointments as soon as possible to Drug Court Team.
6. Leads evidence based group sessions for Drug Court participants.
7. Attends all Team meetings and Court sessions.
8. Reviews each participant's phase request.
9. Prepares weekly report to be distributed to the Team.
10. Attends appropriate professionals meetings related to addiction based on availability of funds.

### **XXVIII. ROLE OF THE DRUG COURT COORDINATOR**

1. Reviews docket with the LaSalle County Drug Court Team to determine action recommended on a case.
2. Reviews Court's pending caseload for eligible clients.
3. Arranges for Court appointed interpreters for participants not proficient in English or who are hearing impaired.
4. Coordinates activities of other LaSalle County Drug Court team members as authorized by the Judge.
5. Insures that all policies and procedures for the Court are carried out by Court employees.
6. Assists in maintaining schedules, statistics and other matters for the bench and management.
7. Acquires and maintains resource material relevant to Court business in general and for the LaSalle County Drug Court in particular.
8. Participates in continuing professional education programs related to Drug Courts.
9. Maintains membership in appropriate professional organizations related to Drug Courts.
10. Attends all LaSalle County Drug Court team staffings to discuss new referrals and provides input on recommendations for sanctions and incentives.
11. Attendance at Drug Court.
12. Prepares and recommends changes to the drug court procedure.
13. Evaluates various court forms and makes design changes as needed.
14. Assists in preparing new and continuing grant applications as required.
15. Orders and purchases supplies and equipment, according to county procedures.
16. Schedules and monitors training of team members.
17. Prepares required reports for grants received by the drug court.
18. Gathers and analyzes statistical data for program evaluation and recommend changes as needed.

19. Prepares necessary reports, data, graphs, and other appropriate documentation as needed for review and presentations to the Judicial/Legislative Committee of the LaSalle County Board.
20. Assists with federal and state audits.
21. Oversees, writes, and files data collection surveys, quarterly data reports, making sure they are properly signed and filed on time with the proper agency.
22. Prepares written text for drug court manuals, team job descriptions, operational procedures, community awareness education materials, press releases, and funding requests.
23. Maintains schedules, statistics and other matters for the bench and management.

**Specific Responsibilities of the Drug Court Coordinator:**

1. Assists in the preparation of written text for drug court manuals, team job descriptions, operational procedures, community awareness education materials, press releases, and funding requests.
2. Assists Director of Court Services in preparing annual budget for the presiding Judge and any necessary budget amendments.
3. Maintains general knowledge on addiction.
4. Serves as a liaison for building community linkages.
5. Assists the Court to educate the public about the LaSalle County Drug Court and effectiveness of the Court.
6. Assists with the organization and preparation of Drug Court related events and meetings.
7. Enters sanctions, incentives and therapeutic adjustments on each participant into the Information Management System.
8. Coordinates assessment appointments between the Court and the treatment providers.
9. Coordinates Drug Court Commencement.
10. Convenes the team meetings.
11. Monitors attendance of members.
12. Prepares the agenda for each meeting and distributes all materials to Team members.
13. Records the decisions of the team on a standard form that assures consistency of team decisions (i.e., date of meeting, team members that are present, the decisions made by the team for each participant, and significant other factors related to the participant).
14. Prior to each meeting monitors if reports from treatment providers, jail personnel, education/vocational settings have been received and distributed to Team members.
15. Assures that any new visitors to the meeting have signed the Confidentiality Statement.
16. Prepares new grant applications for the drug court.
17. Prepares required reports for grants received by the drug court.
18. Prepares and reports required data to AOIC monthly.

## **XXIX. ROLE OF THE LOCAL LAW ENFORCEMENT REPRESENTATIVE**

1. Assists in tracking and follow-up of defendant's re-arrest or police contact.
2. Assists with verifying and serving outstanding warrants.
3. Assists with address verification.
4. Participates in staffing which is conducted prior to Drug Court.
5. Attendance at Drug Court.
6. Assists in identification of substance abusing inmates who could be eligible for Drug Court.
7. Contacts the Probation Department when eligible Drug Court inmates are identified.
8. Acts as spokesperson to peer professionals and community leaders.

## **XXX. ROLE OF THE PROBATION DEPARTMENT**

1. Interviews, screens, and gathers demographic information on offenders whose charges qualify for the Drug Court.
2. Submits criminal history and screening reports to the Drug Court Team for review.
3. Notifies the State's Attorney's Office of offenders who meet basic eligibility requirements.
4. Coordinates and conducts random and frequent drug/alcohol testing.
5. Attendance at Drug Court Staffing.
6. Attendance at Drug Court.
7. Availability to attend Drug Court meetings and training as required. Annual Association of Problem Solving Courts and National Association of Drug Court Professionals yearly meeting if funds are available.
8. Availability to provide investigation of Drug Court participants as requested by the Drug Court team or Judge.
9. Assists the Drug Court Coordinator in entering data in the data base.
10. Assists the Drug Court team in the refinement of eligibility criteria.
11. Verifies and corroborates information from clients.
12. Assesses client motivation for change and readiness for treatment.
13. Enhances client's motivation for positive change and treatment.
14. Identifies dispositional, situational and systemic impediments to client changes and develops strategies with Drug Court team to overcome the impediments.
15. Recommends sanctions and rewards to foster public safety and encourage positive changes in the client.
16. Monitors client progress with treatment and other court-ordered services.
17. Initiates sanctions on cases where defendants fail to comply with program requirements as determined by the LaSalle County Drug Court team and Judge.

### **Specific Responsibilities of the Probation Department:**

1. Interviews, screens, and gathers demographic information on offenders whose charges qualify for the Drug Court.
2. When necessary, visit the jail to interview potential Drug Court participants.
3. Test urine specimens and mail samples out for confirmation tests.
4. Complete all appropriate Court and program paperwork confirming and verifying interview information for accuracy and refer potential participants for assessments following screening.
5. Contacts other agencies, courts, police, and prosecutors to gather and evaluate data to determine the participant's needs.
6. Provide information gathered during intake to treatment providers at the time of the referral.
7. Assist Drug Court Coordinator in the case management of participants in the program to ensure program compliance.
8. Contribute to written information disseminated to the Team prior to staffing.
9. Enter weekly progress notes into computer program.
10. Make case notes in file and electronic database as appropriate.
11. Maintain a current and working knowledge of community and social services and referral procedures.
12. Periodically re-assess Drug Court participants and update service plans and goals.
13. Meet with Drug Court participants at least once a week to monitor progress in the program and to insure they are following the court-ordered conditions and for counseling, as needed.
14. Assist Court in the collection of fees.
15. Develop case plans with clients. Review case plans with clients and update regularly to reflect progress and completion of goals. Reassess clients and accordance with the Probation Casework Standards.
16. Prepares discharge plan prior to commencement and reviews with participant.

### **XXXI. PROGRAM SUSTAINABILITY**

The LaSalle County Adult Drug Court team's plan for long-term sustainability includes applying for available grant opportunities. The Drug Court Team will ask the county for funds. The team will invite press to graduation ceremonies and invite journalists to events in order to inform the community of the program's success. The team will seek out available funding with organizations/institutions in the community who are invested in the safety of the community and success of the program. The team will demonstrate how their support impacts public safety and economic development, etc.

The team will build partnerships with treatment providers in the community and negotiate contracts for providing treatment for participants in the Drug Court. A budget has been developed and will be regularly reviewed and modified to ensure efficient and affordable resources are used.