

**21<sup>st</sup> Judicial Circuit  
Kankakee County**

# **DRUG COURT CLIENT HANDBOOK**



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## **DRUG COURT MISSION STATEMENT**

*The Kankakee County Drug Court Program recognizes the impact that drug addiction has had on the citizens of Kankakee County not only monetarily but also on the infrastructure of the family. In partnership with the community, Drug Court strives to enhance public safety, reduce recidivism, and reduce incarceration by treating all those individuals afflicted with drug addiction and restoring them back to wholeness and productive members of their families and the community.*

## **Welcome to the Kankakee County Drug Court Program!**

### **What is Drug Court?**

The Drug Court Program is a Problem Solving Court (PSC) that serves people currently involved in the criminal justice system of Kankakee County who are suffering from serious, treatable substance abuse issues. There are two options within the Drug Court Program. The first is the Diversion program, which allows for the dismissal of charges upon successful completion of the program. The second is Post Conviction, which results in a conviction and includes Drug Court as a condition of the sentence; typically a term of Probation. A newer added benefit to Post-Conviction is that upon completion and graduation of the program, the participant can ask for immediate dismissal and expungement of his/her charges. This decision inevitably lies within the hands of the presiding Judge.

The Kankakee County Drug Court Program has a capacity of approximately 40-50 clients and is divided into five (5) phases. Participants are required to successfully complete all requirements of each phase before moving onto the next. The Drug Court Program is voluntary and a participant can decide to withdraw at any time. However, if he/she chooses to withdraw (or obtains a sanctioned dismissal) the traditional Court process will resume. If the participant's case is Diversion, they will proceed to sentencing. If the participant's case is Post Conviction, the case may be referred for petition to revoke Probation, followed by re-sentencing.

While in the program, a participant is required to receive ongoing substance abuse treatment along with regular supervision from the Court and Drug Court team. The Drug Court Program uses sanctions, incentives, and service adjustments to help participants return to accountability, and assists participants in achieving long term goals such as stability, restoring family/community relationships, and most importantly sobriety. The Court's supervision will be conducted by way of scheduled and/or unscheduled visits to your residence, treatment provider, workplace, etc. Supervision will also be performed by the probation officer and you must abide by all the conditions and rules of the Kankakee County Drug Court Program. The Public Defender's Office, if private counsel has not been retained, will provide representation for you and your legal interests throughout participation in the Drug Court Program.

1. As a participant in the Kankakee County Drug Court Program, you are expected to follow the instructions given to you by the Judge and the Drug Court team. You will also be responsible for complying with the recovery and treatment plan that will be developed. Each participant understands and agrees that the Court or treatment provider may order you to pay for participation in the program and for treatment services. Any fee will be based on ability to pay, and availability of insurance or public assistance. Participants understand that failure to complete the program will not excuse any obligation to pay any fees assessed. Participants agree to submit all charges and/or fees to their insurance carrier. The inability to pay fines and costs will not prohibit program entry, phase advancement or graduation. This handbook will explain what is expected of you and provide general program information.

We encourage you to share this handbook with your family, friends, and significant others (your support network) so they will know about the work that you are doing to become sober. Support from those around you will be extremely important throughout your participation in the program.

Drug Court meets Thursdays promptly at 10:30am in the Kankakee County Courthouse. On days you are scheduled to be in Court, you must arrive on time, be dressed appropriately, and remain in the courtroom until the presiding Judge dismisses Court for the day. Appropriate court attire typically includes slacks/khakis or

jeans, dress shirt or blouse, open-collar or polo shirt, optional tie or seasonal sport coat, a dress or skirt at knee-length or below, a tailored blazer, knit shirt or sweater, and loafers or dress shoes that cover all or most of the foot. Sleeveless, ripped or torn shirts, headdresses of any kind, or “gang” clothing/colors are not allowed.

## **DISCLAIMER**

The information contained in this manual is intended solely for the use of the Kankakee County Drug Court Program and its participants; all information contained herein is subject to modification as directed by the current Drug Court team. This manual is not intended to answer every question about the Drug Court Program. It is, however, a valuable source of information and we hope the participants will use it.

### **THIS MANUAL IS NOT INTENDED TO PROVIDE OR GIVE LEGAL ADVICE.**

Any questions regarding the status of outstanding criminal case(s), pretrial, probation, parole should be reviewed with the appropriate authority, be it an attorney, probation officer or other authority.

**It should be noted that no member of the Drug Court Team is allowed to accept gifts of any kind from Drug Court participants.**

## **PSC TEAM MEMBER ROLES**

### **Problem Solving Court Judge**

The PSC Judge heads the collaborative team. He/she regularly reviews case status reports; leads the weekly staffing held before each Drug Court call and is the final arbiter. In order to increase each participant's accountability and to enhance the likelihood of long-term participation in treatment, the Judge administers graduated sanctions, service adjustments and incentives based on input from the team during the Court process. The Judge agrees to preside over the PSC Program for a minimum of two years.

### **State's Attorney**

In Drug Court, all parties share the common goal of helping participants in a non-adversarial way be successful in treatment and in avoiding future criminal recidivism. The prosecutor reviews all new cases concerning eligibility. The eligibility assessment includes a review of the participant's criminal history, consultation with victims, legal eligibility and appropriate dispositions upon the participant's entry into Drug Court. Additionally, the State's Attorney must regularly participate in team staffing and status review hearings and will advocate for effective incentives, sanctions and service adjustments while ensuring the participants' legal rights are protected.

As part of the collaborative team, the prosecutor monitors participant progress. If a participant is re-arrested, the prosecutor investigates the new criminal charges and assesses the appropriateness of continued participation in Drug Court. Upon the participants discharge or if found ineligible, the State's Attorney office will delete or destroy any confidential information of the participant so that it cannot be used in any civil or criminal proceedings. The State's Attorney serves a minimum of a 1- year term on the DC team.

### **Public Defender/Private Counsel**

The Public Defender or Private Counsel represents and advises you in all court proceedings and is mindful of your civil and constitutional rights as a criminal defendant. Representative Counsel must participate in team staffing and status review hearings in a non-adversarial, collaborative manner to advocate for effective incentives, sanctions and service adjustments while ensuring your legal rights are protected. The Public

Defender or Private Counsel provides representation for you that minimizes your exposure to incarceration, reduces the risk of re-arrest or new charges, and mitigates the consequences of a criminal conviction.

Participants are required to be represented by the public defender or counsel of their choice to keep the flow, consistency and confidential nature of the team discussions and to promote a smooth running program.

### **Drug Court Coordinator**

The Drug Court Coordinator is a member of the Drug Court team. He/She has the overall responsibility of managing and coordinating all facets of the Drug Court process including collaborating with the treatment providers and the case manager. He/she advocates for effective incentives, sanctions and service adjustments during the team meeting. In fulfilling this responsibility, his/her duties are varied and include but are not limited to the following:

- Organizes and coordinates trainings for Drug Court team members;
- Maintains cooperative relationships with treatment agencies, community organizations and other involved partners;
- Assists in the screening of potential participants to determine eligibility and interest;
- Attends case staffing and court hearings, reports compliance/non compliance and recommends incentives, sanctions and/or therapeutic adjustments
- Facilitates community presentations;
- Promotes team integrity ;
- Develops community resources;
- Collects data/statistics and works closely with any program evaluator;
- In conjunction with team members, researches and writes grant proposals;
- Attends trainings, webinars, events or other educational opportunities that are pertinent to their field of expertise.

### **Drug Court Officer**

The dedicated Drug Court Officer is the primary case supervisor for participants admitted to Drug Court. In fulfilling this responsibility, his/her duties are varied and include but are not limited to, the following:

- Plans and implements in collaboration with the licensed treatment providers, the day to day activities of the Drug Court participant;
- Conducts initial intake interviews and explains program requirements;
- Administers Ohio Risk Assessment tool (ARA CST) and reassessments
- Monitors participant compliance with Drug Court rules; communicates with participants in accordance with the program requirements;
- Attends case staffing and court hearings on a regular basis, reporting compliance/non-compliance and recommends incentives, sanctions and/or therapeutic adjustments;
- Assists in the promotion of team integrity;
- Assists in the development of community resources;
- Assists in the screening of potential participants to determine eligibility and interest;
- Assists in the collection of data/statistics;
- Attends trainings that are pertinent to their field of expertise.
- Collaborates with the participant to develop and update the case plan and share it with the team and participant.

## **Treatment Providers**

Treatment providers establish service recommendations, monitor and report on progress and document both successes and failures in the treatment program. In fulfilling this responsibility, his/her duties are varied and include but are not limited to the following:

- Conducts mental health and substance abuse assessments to determine eligibility for Drug Court;
- Provides screening assessments/reassessments and/or treatment to participants;
- Coordinates treatment with other treatment providers;
- Develops treatment plans and share it with the team;
- Provides therapy services;
- Updates treatment plans as necessary and share it with the team;
- Attends staffing and Court hearings for Drug Court participants as appropriate and discusses incentives, sanctions and/or service adjustments;
- Assists participants in applying for housing, unemployment and educational programs;
- Assists participants in applying for state, federal and veterans ranges housing and transportation;
- Refers participants for medical treatment and medication management to appropriate local agencies.

## **ELIGIBILITY/EXCLUSIONARY CRITERIA**

### **Eligibility Criteria**

The Drug Court population is adult men and women who are defendants with a pending felony, misdemeanor or have been found guilty in the case they are being charged with. To be eligible for Drug Court, you must: have a substance abuse dependence, be determined to be high risk to reoffend or violate the terms of supervision using a validated evidence based screening tool (the Ohio Risk Assessment tool was implemented in November 2019), reside in the 21<sup>st</sup> Judicial Circuit (Kankakee or Iroquois County), be willing to voluntarily execute the Consent to Participate in the Drug Court Program, sign a consent for the release/disclosure of information, and be willing to engage in and comply with the treatment and supervision requirements of Drug Court.

The Kankakee County Drug Court does not require as a condition of entry into the program that participants (1) waive appellate rights or (2) waive any rights with respect to a petition seeking unsuccessful discharge of the participant from the Drug Court or revocation of probation.

### **Exclusionary Criteria**

While each case will be considered individually, the following offenses will be excluded from Drug Court, pursuant to provisions in section 20 of the Drug Court Treatment Act (730 ILCS 166/20(b)):

- Individuals who have been convicted of the following crimes within the past 5 years (excluding incarceration time, parole, and periods of mandatory supervised release) are excluded from eligibility: 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 and kidnapping; aggravated battery resulting in great bodily harm or permanent disability; aggravated domestic battery resulting in great bodily harm or permanent disability, aggravated criminal sexual abuse by a person in a position of trust or authority over a child, stalking; aggravated stalking, home invasion, aggravated vehicular hijacking, or and any offense involving the discharge of a firearm. Or;

The defendant is charged with aggravated driving under the influence that resulted in the death of another person or when the violation was a proximate cause of the death, unless, pursuant to subparagraph (G) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the court determines that extraordinary circumstances exist and require probation.

Other exclusionary criteria:

- Client does not demonstrate a willingness to participate.
- Client denies his or her use of or addiction to drugs.
- Clients who have open cases/warrants in any Jurisdiction are not eligible to participate

### **Statement of Nondiscrimination**

It is the policy and practice of the Drug Court Program to conduct all aspects of the program without discrimination on the basis of gender, race, nationality, ethnicity, limited English proficiency, disability, socio-economic status or sexual orientation. For individuals whom English is not their primary language, interpreters will be made available specific to this program, enhanced case management and treatment services have been designed to address the individual care needs of the participants. Program progress will be conveyed to the Drug Court team by the treatment providers in a timely manner to allow the Drug Court team to make modifications where necessary. All community-based providers collaborating on this project have demonstrated histories in cultural specific issues and have familiarity with the needs of offender populations and gender and age relevant treatment and recovery supports.

### **Scholarship**

Participants who graduate from Drug Court or are in good standing are eligible to apply for the John F Michela scholarship. This scholarship is named after the first Drug Court Judge in Kankakee County and was responsible for bringing Drug Court to Kankakee County. This scholarship is in the amount of \$2,500 is available through Kankakee Community College.

### **CONFIDENTIALITY**

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

Information regarding a participant's health and treatment status is highly confidential as set forth in section 7.4 of the Illinois Standards and this confidential information is protected by federal and state law regulations. All members of the Drug Court team shall comply with confidentiality requirements as set forth in the Health Insurance Portability and Accountability Act of 1996 ( HIPPA) (Pub. L.No.104-191, 110 Stat. 1936 as well as Federal confidentiality law 42 C.F.R Part 2, to prevent the unauthorized disclosure or redisclosure of information regarding participants. Case management plans, clinical treatment plans, reports, drug test results and other information disseminated to the Drug Court team shall not be placed in any part of a court file that is open to examination by members of the public. To protect confidentiality, Drug Court utilizes the Drug Court Release of Information to facilitate the assessment and discussion of an individual's eligibility to participate. The Drug Court contract that the participant signs acknowledges the possible dissemination of protected information through his/her participation in Drug Court, and requires that the participant execute any release of information forms that are needed by probation, treatment providers and collateral sources in order to facilitate the sharing of confidential information about the participant in a lawful manner. All communication among the

Drug Court team about a participant is required to be done in a manner to keep the individuals identity confidential.

**Information obtained by the Drug Court team pursuant to a release or consent shall not be disclosed outside of Drug Court. Information obtained is for Drug Court purposes only.**

**Exception:** Confidentiality is the cornerstone of KCDC. Even though confidentiality is essential to KCDC, it does not exempt mandatory reporters from their legal obligations. Professionals such as Therapist, Counselors, Probation Officers, and Sheriff Deputies are mandated reporters. All professionals involved in KCDC who are designated mandatory reporters must report any suspected child/elder abuse, neglect, or threats of harm to others to the appropriate authorities. This legal duty to report applies even within the context of otherwise confidential KCDC communications. Participants are hereby informed of this exception to the confidentiality provision.

### **Policies and Procedures for Case Management**

The Drug Court team which consists of the Judge, State's Attorney's Office, Public Defender/Private Counsel, Drug Court Officers, coordinator and treatment providers meet every Thursday before court to staff on each case that is up for review in court that morning. It is at these staffing's when the team discusses how a client is performing in Drug Court and also when sanctions, incentives and/or service adjustments are discussed. Participants are required to attend all assigned status review dates and failure to do so may result in a warrant being issued, as well, possible graduated sanctions.

Additionally, the team addresses administrative matters pertaining to program planning and administration, treatment and service delivery, training, policies and procedures, data collection, grants and special projects, and issues that may have arisen since the last meeting.

### **Medication Assisted Treatment**

Drug Court supports the utilization of Medication Assisted Recovery (MAR) for participants with opioid or other substance dependence disorder diagnoses. MAR is a medical protocol that is entirely voluntary on the part of the participant. Drug Court currently utilizes Jerome Combs Detention Center, Family Guidance Center, Ascension St. Mary's and Duane Dean Behavioral Health for MAR services. If a participant expresses interest in utilizing MAR services, the Drug Court officer and the client will contact one of the MAR providers listed and begin the process of establishing those services.

### **Drug Court drug testing Protocol and Procedure**

Upon entering the Drug Court Program each participant will be assigned a color which will place them in a group for randomized drug testing. Each phase will be assigned the following colors:

Phase 1: Pink, Purple,

Phase 2: Brown, Green, Silver

Phase 3: Yellow, Orange,

Phase 4: Coral, Turquoise

Phase 5: Violet, Mahogany

Participants will be allowed to advance to the next phase based on their overall performance in the Drug Court program. The amount of times each participant is drug tested will be determined by what phase they are currently in. Frequency of the randomized drug test may decrease as the client advances through the phases.

The participant will be assigned a new color as they advance to the next phase. Randomized colors will be chosen by 5PM Central time the day prior to required testing. Participants will be required to call in daily or as

directed to see if their color has been chosen at 815 936-5964. Failure of the participant to call in as instructed may result in sanctions and/or termination from the program.

\*\*\* The above policy does not prohibit the officers from requesting additional testing \*\*\*

## **DRUG COURT PHASE SYSTEM**

### **Phase 1: 30 days**

The following are standards for Phase 1 compliance:

Initially, there is a comprehensive assessment of the participant. An individual treatment plan will then be matched with that participants needs as recommended by the formal assessment. A treatment plan will generally be selected from one of the following: 1) Residential Treatment – Length of treatment is 28-45 days. The participant is required to stay in the treatment facility for 28-45 days. Treatment consists of counseling, random urinalysis, education and review by the Court or as the Judge requires; 2) Intensive Outpatient Treatment – (IOP) Length of treatment is 5-6 weeks. Treatment consists of twelve (12) hours per week of individual, group and family counseling. Further, a participant is required to meet with the Drug Court Officer (DCO) as directed, random urinalysis twice a week or as directed, two outside self-help groups and meetings with documentation per week, Court review every week; 3) Traditional Outpatient Treatment – (TOP) Length is 4-12 weeks. Treatment consists of at least 1½ hours counseling per week. The participant is also required to meet with the Drug Court Officer as directed, as well as, Court review as directed. Remain drug and alcohol free. Successful completion of this phase will allow you to move to Phase 2.

- Weekly appearances in Drug Court
- Weekly reporting with the Drug Court officer
- Random urinalysis three times per week or as directed
- 2 self-help meetings per week
- Weekly treatment sessions as directed by treatment facility
- Educational assessment
- Vocational assessment
- Announced/unannounced home visits

Movement to Phase 2 happens when the participant has consistently demonstrated clear signs of stability in the above areas plus:

- Compliant with all of the above phase requirements
- Remain drug/alcohol/crime free
- Immediately prior to phase advancement, participants must have a minimum of 30 days in a row of verified sobriety ( negative drug screens, PBT, SCRAM or TRAC monitoring)

### **Phase 2: 90 days**

The following are standards for Phase 2 compliance:

The participant who successfully completes his or her treatment program in Phase 1 will move to an appropriate aftercare program. For example, if the participant is required to complete residential treatment in Phase 1, then his or her next level of treatment will consist of Intensive Outpatient Treatment. If the participant is in IOP then his or her aftercare will consist of Traditional Outpatient Treatment. The participants aftercare consists of relapse prevention, including outside self-help meetings. During this phase the participant will be required to meet with the Drug Court Officer as directed, random urinalysis two times per week or as directed, biweekly

appearance in Drug Court, if applicable work on obtaining GED, If applicable seek employment, and remain drug and alcohol free. Successful completion of this phase will allow you to move to Phase 3

- Bi weekly appearances in Drug Court or as directed
- Bi-Weekly reporting to Drug Court Officer or as directed
- Random urinalysis twice weekly or as directed
- 2 two self-help meetings per week
- Participate in treatment session as directed
- Educational assessment
- Vocational assessment
- Announced/unannounced Home Visits

Movement to Phase 3 happens when the participant has consistently demonstrated clear signs of stability in the above areas plus:

- Compliant with all of the above phase requirements
- Remain Drug/Alcohol/crime free
- Immediately prior to phase advancement, participants must have a minimum of 75 days in a row of verified sobriety ( negative drug screens, PBT, SCRAM or TRAC monitoring)

### **Phase 3: 120 days**

The following are standards for Phase 3 compliance:

The participant who successfully completes his or her treatment program in Phase 2 will move to an appropriate aftercare program. For example, if the participant is required to complete intensive outpatient treatment in Phase 2, then his or her aftercare in phase 3 will consist of traditional outpatient treatment. The participants aftercare consists of relapse prevention, including outside self-help meetings. During this phase the participant will be required to meet with the Drug Court Officer as directed, random urinalysis two times per week or as directed, triweekly appearances in Drug Court, if applicable work on obtaining GED, if applicable seek employment, and remain drug and alcohol free. Successful completion of this phase will allow you to move to Phase 4

- Tri-weekly appearances in Drug Court or as directed
- Tri-Weekly reporting to Drug Court Officer or as directed
- Random urinalysis twice weekly or as directed
- 2 two self-help meetings per week
- Participate in treatment session as directed
- Educational assessment
- Vocational assessment
- Announced/unannounced Home Visits

Movement to Phase 4 happens when the participant has consistently demonstrated clear signs of stability in the above areas plus:

- Compliant with all of the above phase requirements
- Remain Drug/Alcohol/crime free
- Immediately prior to phase advancement, participants must have a minimum of 90 days in a row of verified sobriety ( negative drug screens, PBT, SCRAM or TRAC monitoring)

## **Phase 4: 120 Days**

The following are standards for phase 4 compliance:

In this phase, all participants will meet as required with the Drug Court Officer as directed, randomly perform urinalysis as directed, attend Drug Court as directed by the Judge, attend a minimum of 2 self-help meetings per week, working toward completing GED requirements, and remain drug and alcohol free.

- Appearance in Drug Court every four weeks or as directed
- Monthly reporting to Drug Court Officer or as directed
- Random urinalysis once weekly or as directed
- 2 self-help meetings per week
- Successfully complete all treatment requirements
- Educational achievement if applicable
- Vocational achievement if applicable
- Announced/Unannounced Home Visits

Movement to Phase 5 happens when the participant has consistently demonstrated clear signs of stability in the above areas plus:

- Compliant with all of the above phase requirements
- Remain Drug/Alcohol/Crime free
- Immediately prior to phase advancement, participants must have a minimum of 90 days in a row of verified sobriety ( negative drug screens, PBT, SCRAM or TRAC monitoring)

## **Phase 5: 90 Days**

The following are standards for Phase 5 compliance

- Appearance is Drug Court every four weeks or as directed
- Monthly reporting to Drug Court Officer or as directed
- Submit to drug screens as directed
- 2 self-help meeting per week
- Successfully complete all treatment as required by treatment providers
- Maintain stable living conditions
- Maintain employment, school, vocational training or volunteer opportunities
- Demonstrate the ability to sustain financial stability and life skills independence
- Maintain a recovery network
- Complete a written discharge plan and present that plan to the Drug Court team

In order for the participant to successfully commence Drug Court:

- Compliant with all of the above phase requirements
- Remain crime free
- Complete a written Discharge Plan and present that plan to the Drug Court Team
- Immediately prior to graduation, participants must have a minimum of 180 days in a row of verified sobriety ( negative drug screens, PBT, SCRAM or TRAC monitoring)

## **Graduation:**

- Must be compliant with all of the above phase requirements

## **PROGRAM OUTCOMES**

### **Successful Discharge**

Per statute (730 ILCS 166/35 (c) and (d) participants may immediately file a motion for expungement of qualifying offenses.

To successfully complete the program, the offender must complete all of the following criteria:

- Successfully complete all treatment as required by treatment provider;
- Complete a written discharge plan and present that plan to the Drug Court team
- Active involvement in self-help support groups
- Have verified sobriety (negative drug tests) for 180 consecutive days or more;
- Have a stable living environment; and
- If applicable, have either full time or part time employment, school or vocational training or volunteer opportunities
- If appropriate, working toward obtaining a GED or graduated high school
- Demonstrate the ability to sustain financial stability and life skills independence

### **Unsuccessful Discharge**

(A) Prior to unsuccessful discharge from Drug Court, a participant shall be served with a petition to terminate the participant from Drug Court or to revoke the participant's probation. The petition shall set forth the claimed violations of the program requirements or probation, together with the relief sought. The Drug Court Judge shall ensure that all participants who become subject to proceedings that could result in unsuccessful discharge from 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:

- The specific allegations in the petition
- That the participant has the right to a hearing with defense counsel present, and the right to appointed counsel if the participant is indigent
- 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
- That at the hearing, the State must prove the alleged violation by a preponderance of the evidence
- 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
- The sentencing range for the underlying offense for which the participant is subject to prosecution or sentencing

In accordance with Supreme Court Rules 402A(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 the Supreme Court Rule 402A(d), a PSC judge shall not participate in plea discussions with respect to terminate the participant from the PSC or to revoke probation without first complying with Supreme Court Rule 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 2.11.

(D) A participant has the right to move for substitution of the PSC judge pursuant to section 114-5(d) of the Code of Criminal Procedure of 1963 (725 ILCS 5/114-5(d)) for purposes of

Behaviors that may result in Court sanctioning and/or termination hearing:

- 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 make reasonable progress in treatment
- Failure to attend scheduled status hearings
- Arrest for non-violent offense
- Failure to comply with Court, Drug Court Officer and/or treatment providers recommendations
- Any other conduct that would be deemed as noncompliant with the Drug Court contract
- Falsifying urine samples, if not criminally charged, will result in the following:
  - Up to 21 days in custody and possible termination from the program
- Leaving the State of Illinois without permission from the court or Drug Court Officer
- Drinking alcohol
- Entering an establishment where the primary sales are alcoholic beverages
- Use or consumption of inhalants
- Use or consumption of prescription drugs without a valid script
- Failure to Inform/report all prescriptions to your Drug Court Officer PRIOR to getting them filled

Behaviors that will result in court sanctions or termination hearing include:

- Arrest for possession or delivery of drugs or alcohol at treatment site
- Violence or threat of violence at treatment site, Court or probation Office
- Arrest for violent offense
- Failure to comply with directives given by Court Drug Court Officer or treatment provider

## **Voluntary Withdrawal**

A participant shall have the right to withdrawal from the Drug Court Program.

Prior to allowing the participant to withdraw the Drug Court Judge shall:

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

## **Neutral Withdrawal**

A participant may encounter difficulties after entering the program that makes it difficult or impossible for him/her to comply with the requirements of Drug Court. For example, the participant may develop a serious medical condition that makes it difficult to attend groups as required by Drug Court. With the agreement of the participant, the Drug Court team can staff an alternative supervision plan for the participant (such as standard probation or conditional discharge) and the Drug Court Judge can enter an order permitting a neutral discharge from the Drug Court Program.

## **Incentives, Sanctions and Service Adjustments**

All responses to a Drug Court participant's behavior shall be in accordance with Section 8 of the Illinois Standards and shall be predictable, fair, consistent and without regard to a person's gender, race, nationality, ethnicity, limited English proficiency, disability, socioeconomic status or sexual orientation. In Drug Court, incentives, sanctions and service adjustments shall be administered to motivate a person to comply with Drug Court requirements and to effectuate the changes in thinking and behavior of a participant that are necessary to assist him/her to successfully achieve recovery and to comply with and successfully complete the program. Whether to administer an incentive or sanction is discussed and determined at the team staffing and the participant is advised by the Drug Court Judge of the team's staffing decision in open court. Before sanctions, incentives, and/or service adjustments are administered, you shall be permitted to address the court about the sanction, incentive, and/or service adjustment. The Drug Court Judge must consider this input and decide whether to impose the sanction. The final decision as to whether to impose a sanction and what sanction is appropriate rests within the sole discretion of the Drug Court Judge and may only be imposed in accordance with procedural fairness and neutrality after the participant is given the opportunity to be heard.

Examples of incentives, sanctions and service adjustments include but are not limited to:

<b>Incentives</b>	<b>Sanctions</b>	<b>Service Adjustments</b>
Positive reinforcement	Admonishment	Increased supervision
Decreased frequency of status hearings	public service work hours	Increased frequency of status hearings
Card punch	Jail time	Increased urinalysis
Verbal praise	Curfew	Re-evaluation for treatment
Other prize/gift	Home detention	Increased self-help groups
Fishbowl drawing	GPS	Alcohol monitoring device
Graduation written commendation and reward	Program discharge	Learning assignment (i.e. journaling, CBT assignment, activity log, etc.)
		Written assignments

## **Graduation**

In order to graduate from the Drug Court Program the participant must complete all program phases, your discharge treatment plan and be in continued compliance with the Court order. When the participant has successfully completed all the requirements of the Drug Court Program, there will be a graduation ceremony in their honor. At that time the participant will have officially completed the Drug Court Program and their involvement with the program will no longer be mandatory. Upon completion, legal agreements made pending completion of the Drug Court Program will be reviewed and acted upon accordingly.

## **Scholarship**

Participants who graduate from Drug Court or are in good standing are eligible to apply for the John F. Michela scholarship. This scholarship is named after the first Drug Court Judge in Kankakee County and was responsible for bringing Drug Court to Kankakee County. This scholarship is in the amount of \$2,500 is available through Kankakee Community College.

## **Summary**

The Drug Court Program is a comprehensive non-adversarial approach to meeting the needs of participants who have substance abuse issues. It requires communication and collaboration among the Drug Court team and community treatment providers that work with the adult criminal justice system. By gaining input from all members of the Drug Court team, it is our hope that we will increase each participant's level of personal wellness, eliminate substance abuse, and reduce future contacts with the criminal justice system

**21<sup>st</sup> Judicial Circuit  
Kankakee County**

# **DRUG COURT CLIENT HANDBOOK RECEIPT**

I, \_\_\_\_\_, do hereby acknowledge by my below signature, that I have received a copy of the Kankakee County Drug Court Client Handbook and have reviewed it with my legal counsel.

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Drug Court Participant

Dated

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Public Defender / Private Counsel

Dated