

Twenty Second Judicial Circuit McHenry County



Adult Drug Court Program

PARTICIPANT MANUAL

**McHenry County Adult Drug Court Program
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Mission: the 22nd Judicial Circuit of McHenry County will operate a proven, fiscally responsible Drug Court Program, which promotes public safety and reduces recidivism of addicted defendants through intensive judicial supervision and treatment.

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INTRODUCTION

In 1989, within the Dade County Circuit Court, the first Drug Court was born. This was the first time in the history of courts that the role of the court changed from a disinterested magistrate to an interested active participant in the life of an individual suffering from alcohol or drug addiction. The theory behind the Drug Court concept is a collaborative approach of intense supervision, regimented treatment and a holistic approach to address the criminogenic needs of the client. This structure is meant to provide the individual client the opportunity to take control of their life free of substances and oversight of the court, court program or law enforcement. Since the inception of the first Drug Court program, more than 2,800 Drug Court programs have been initiated around the country.

Over the years, there has been much discussion as to whether or not McHenry County would benefit from a Drug Court program. In 1999, the McHenry County Drug Court Planning Team was organized and provided clarification on this issue. At that time, the team concluded that the county was not in need of a Drug Court program. In the early part of 2009, the issue of a Drug Court for McHenry County resurfaced. Due to the vast changes, which have taken place in McHenry County since 1999, under the direction of the Chief Judge Michael Sullivan and the Hon. Sharon Prather, the McHenry County Drug Court Task Force was formed.

The charge of McHenry County Drug Court Task Force was to re-create the study from May of 2000 utilizing current information and data. Again, this study was meant as an effort to determine whether McHenry County needed a Drug Court program. During the course of this evaluation, House Bill 3795 was introduced and passed by the Illinois Gen. Assembly. HB3795 simply states; "The Chief Judge of each judicial circuit must establish a Drug Court program including the format under which it operates under this act." At that point, the McHenry County Drug Court Task Force focused its efforts on the creation of a Drug Court Program, which became operational on December 1, 2011.

The McHenry County Adult Drug Court is a 12-24 month, three-phase program aimed at intervening in drug/alcohol dependence and criminal behavior through intense supervision and participation in treatment and recovery services. Initially, participants are required to appear bi-weekly at court sessions. As a participant successfully completes a phase, court attendance, reporting and treatment requirements will be adjusted to recognize and reflect the participant's progress. When a participant has successfully fulfilled the terms of the program and completed phases I through III along with an application for commencement, legal agreements made pending your completion of the program will be reviewed and acted upon accordingly.

Court Model

This is a post-adjudicatory drug court program, which means a program in which the Defendant has admitted guilt or has been found guilty and agrees, along with the court, to enter a drug court program as part of the defendant's sentence.
730 ILCS 5/166/10.

Post Plea/Post - Sentence Program

Target Population

The McHenry County Drug Court Program's target population is High Risk/High Needs offenders who reside in McHenry County, Illinois, who have a current nonviolent felony offense and a primary diagnosis of substance dependence. Within the target population individuals who meet the previously listed factors who are

also pregnant or addicted to heroin will be labeled as priority. A priority status will mean that the individual will be placed at the top of the referral list.

McHenry County Drug Court Team Members

Judge: The Drug Court Judge serves as a lead partner of the Drug Court team and presides at all team staffings and Drug Court sessions. The judge is also the member of the team most responsible for setting the tone and environment for the Drug Court, and must provide leadership, authority, and management skills to enable the Drug Court to operate effectively. The judge will take a rehabilitative and accountability-based approach in developing a relationship with Drug Court participants. This relationship will evolve through intensive interaction during the participants' required, frequent court appearances. Based upon information provided in team staffings prior to court sessions, the judge will encourage and reinforce participants' progress and successes OR discourage and deter participants' non-compliance and failures.

Coordinator: The Drug Court Coordinator is responsible for overseeing the Drug Court Program under the direction of the Drug Court Judge and the Court Administrator. The Coordinator provides programmatic information to all those involved in the facilitation of the program to ensure its monitoring and evaluation. Other responsibilities include coordinating continuing education for staff and stakeholders, seeking outside funding sources, chairing meetings of the Drug Court Team and any advisory boards established to support the program, and gathering information for the preparation of any reports on the operation of the program. Additionally, the Coordinator is responsible for seeing that interviews and assessments of all appropriate candidates and referrals for possible inclusion in the Drug Court Program are completed in a timely manner. The Coordinator also assists in any day-to-day operational responsibilities as needed. The Coordinator will also be active in community outreach to include education of the public regarding the impact of the Drug Court.

Prosecutor: The role of the Prosecutor in a Drug Court is radically different. Typically, prosecutors and defense attorneys are adversarial. However, in the Drug Court, all parties share the common goal of helping participants successfully complete their mandates. The prosecutor reviews new cases and determines which are appropriate for Drug Court. As part of a collaborative team, the prosecutor monitors participant progress and makes recommendations regarding sanctions and ultimate treatment outcomes. In addition, if a participant is re-arrested, the prosecutor investigates the new case and assesses the appropriateness of continued Drug Court participation.

Defense Counsel: The defense attorney meets with each potential participant whose case has been referred to Drug Court to explain Drug Court rules/expectations, the potential participant's legal rights and how those rights are affected by participation in Drug Court. The defense attorney will explain the provisions of the Drug Court participation agreement, consent to random drug test, waiver of confidentiality and other Drug Court documents, assists in the participant's execution of such documents and ensures that the participant understands all of the provisions of such documents. At the first Drug Court appearance of a new participant, the defense attorney will present the executed participation agreement to the court. The defense attorney presents the perspective of the participants on issues of accountability and treatment and participates cooperatively and collaboratively with other team members. The defense attorney attends all weekly team staffings and Drug Court sessions and provides input regarding case-specific information and recommendations as he/she deems appropriate or as requested by the team.

Probation Officer: The probation officer monitors participants' progress through the program including monetary obligations, activities, employment status, living arrangements, etc. He/she will conduct random drug

screens and report observations of home visits, drug tests and monitoring at staff meetings and enter the data into the Case Management Information System (R2). The Probation Officer will also act as a Strengths Based Case Manager that refers Drug Court participants to services as determined in the case plan.

Law Enforcement Representative: As the leader of the Community Policing team, he/she will attend all staffing and court dates. He/she will also be provided with a list of Drug Court participants to facilitate community supervision when applicable.

Drug Court Evaluator/Counselor: The Drug Court Evaluator/Counselor is located at the Government Center. He/she will conduct initial evaluations and compile summaries on each case. He/she will attend and present information at all staffing and court dates and maintain constant contact with community treatment providers. He/she will also act as the lead case manager making all treatment linkages and maintaining client files in the McHenry County Special Courts Information System.

Rosecrance Health Network (McHenry) or Centegra Health Systems (Woodstock): The Drug Court community-based substance abuse treatment provider(s) ensure defendants are evaluated in a timely manner and placed in treatment that is determined by individual needs and availability of services, as well as providing multiple evidence based treatment interventions, administering drug and alcohol screens and communicating compliance and progress to the Drug Court team. Providers must commit to having an employee available for all staffing and court proceedings.

Defendant/Participant: It is the role of the defendant to comply with all Drug Court and Treatment Provider fees, regulations, rules and drug/alcohol screens. He or she will have regularly scheduled meetings with a Drug Court case manager as well as regularly scheduled court dates. Probation Officer visits will be a combination of scheduled and unscheduled visits both in the office and in the community.

Eligibility

Eligibility Criteria - *Statutory Eligibility - (730 ILCS 166/20) Drug Court Treatment Act*

*Section 20. Eligibility

- (a) *A defendant may be admitted into a drug court program only upon the agreement of the defendant and with the approval of the court.*
- (b) *A defendant shall be excluded from a drug court program if any of one of the following apply:*
 - (1) *The crime is a crime of violence as set forth in clause (4) of this subsection (b).*
 - (2) *The defendant denies his or her use of or addiction to drugs.*
 - (3) *The defendant does not demonstrate a willingness to participate in a treatment program.*
 - (4) *The defendant has been convicted of a crime of violence within the last 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 kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability, stalking, aggravated stalking, or any offense involving the discharge of a firearm.*

(c) Notwithstanding subsection (a), the defendant may be admitted into a drug court program 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, 405.2 of the Illinois Controlled Substance Act;

(B) Section 5, 5.1, or 5.2 of the Cannabis Control Act

(C) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or 65 of the methamphetamine Control and Community Protection Act; or

(2). The defendant has previously, on 3 or more occasions, either completed a drug court program, been discharged from a drug court program, or been terminated from a drug court program.

In addition, the following criteria must be met for a referral to be accepted for placement in the McHenry County Adult Drug Court program:

- A referral involving a crime that is listed in 730 ILCS 166/20 (b) 3 is excluded from eligibility.
- Must be a McHenry County resident/US Citizen.
- Diagnosed with Drug/Alcohol Dependence.
- Must have a current nonviolent felony case.
- Must be 17 years old or older at the time of the arrest.
- Moderate/High to High Risk/Need Defendant as determined by the LS/CMI.
- Referral must be made within 60 days of first appearance with counsel.

***The following Circumstances will be considered on a case by case basis:**

- Violation of Probation (VOP) cases (must meet SAO approval)
- Victim Consent/Restitution
- Possession with Intent to deliver
- *DUI Charges are ineligible and will not be considered*

**22ND JUDICIAL CIRCUIT – ADULT DRUG COURT
PROGRAM REQUIREMENTS/PHASES**

* Comply with curfew as ordered by the court (Phases I – III)

Phase I – Introduction to Treatment and Drug Court

Requirements:

- Follow all evaluation/treatment recommendations (Drug Court, Rosecrance or Centegra)
- Start Treatment (min. 3 x per week) - IOP
- Minimum of 2 face to face Community Supervision/Probation contacts per week
- Minimum of 2 random and observed drug screens per week
- Minimum of 2 court appearances per month (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, Rosecrance or Centegra)
- Complete Moral Reconciliation 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 the DC team)
- Provide verification of attendance at a minimum of 3 self-help meetings per week
- Complete Budget plan
- Begin restitution payment plan (if needed)
- Apply for public benefits (if needed)
- Begin Employment/Education/Community Service Plan
- **Minimum of 5 months in Phase II**
- Application for phase change

Phase III – Maintenance/Continuing Care

Requirements:

- Follow all treatment recommendations (min. 1 appointment per week)
- Minimum of 1 face to face Community Supervision/Probation contact every other week
- Minimum of 2 random and observed drug screens per week
- 1 court appearance per month (unless sanctioned to an increased number)
- Provide verification of attendance at a minimum of 3 self-help meetings per week
- Complete restitution payments
- Employed/Educational/Community Service requirements are met
- Verifiable stable housing
- **6 months of confirmed sobriety while in Phase III**
- Application for commencement

STATUS HEARINGS

Status Hearings will be held every Thursday at 2:30 pm in courtroom 203. Clients who are making phase transitions and/or achieved sobriety benchmarks are called at the beginning of the docket followed by the remaining calendar in a random order. Clients are individually called up to the bench and are expected to discuss their progress with the judge. Unexcused failure to appear at court hearings may result in the issuance of a bench warrant.

FAILURE TO COMPLETE / TERMINATION

If a participant does not successfully complete the DRUG COURT program, the court case returns to regular adult court for sentencing according to the law for the offense(s) that were originally charged. The punishment could include jail time or commitment to the Illinois Department of Corrections. ***Reasons for termination can include continued failure to follow program rules and expectations including but not limited to, tampering with urine sample, being placed on active warrant status for more than 90 days, lack of treatment compliance and/or picking up new offenses while a part of the Drug Court.***

If a participant does not comply with the rules of the program, he or she is subject to discharge from the program. A participant is entitled to unsuccessfully withdraw from the program. However, if a participant does not wish to withdraw, the State must file a motion for discharge and a discharge hearing must be held before a participant will be discharged. A participant has the right to appear at his or her discharge hearing and to present a defense. If a participant chooses to not appear at a discharge hearing or absconds from the program, a hearing may be held in his or her absence.

COMMENCEMENT

When a participant has successfully fulfilled the terms of the program and completed phases I through III along with an application for commencement, legal agreements made pending your completion of the program will be reviewed and acted upon accordingly. Defense Counsel will discuss a motion for early termination. A Commencement Application shall be completed and turned into the participant's Probation Officer. The application will be reviewed by the entire team at a staffing and commencement status will be determined. Further recommendations can be made before commencement if the DC team feels it is necessary.

DRUG TESTING

Philosophy: Drug testing is an integral part of the Drug Court Program. Tests are not meant to be punitive and are used:

- a. as a continuous assessment and diagnostic tool
- b. to reinforce and validate recovery and abstinence
- c. as an intervention tool
- d. as a deterrent to drug use

Upon program acceptance, each participant will be assigned a participant COLOR. It will be the participant's responsibility to call the Drug Court Hotline each morning (M-F) after 8:00 am to find out if he/she must report to Court Services for testing (the participant color will be included on the message). Testing dates will be assigned randomly by participant color. A minimum of two screens per week will be maintained throughout the Drug Court program. There will be no cost to the offender.

If a participant has a positive test at any time throughout the Drug Court program, the Judge, based on recommendations from the Drug Court Team, will apply immediate sanctions up to and including a period of incarceration to help the participant stop the using behavior. **Missed tests will be considered positive.**

If the offender wishes to contest drug screen results, the Courts Services Policy will be followed and a cost will be transferred to the offender if the result is confirmed positive by the lab.

Adulteration of urine sample will subject participant to automatic discharge from Drug Court.

CONFIDENTIALITY

A waiver of confidentiality (authorization for release of information) and consent for participation is required for participation in the Drug Court program. **Participants cannot change their mind about the waiver of confidentiality once it is given.**

- The Drug Court Team adheres to HIPAA Privacy and Security Policies and Procedure.
- All parties involved in the Drug Court agreement will abide by applicable confidentiality regulations, including, but not limited to, Federal Regulations governing the confidentiality of alcohol and drug abuse patient records, 42 CFR Part 2, 45 CFR Parts 160 and 164, and any applicable Illinois State Laws which relate to the confidentiality of mental health, alcohol and drug abuse client records.

Limits of Confidentiality

Information from case files may be shared with individuals or organizations as specified under the following conditions:

- Information may be gathered about program participants and shared with the Drug Court Team only upon receipt of signed "release" forms.
- Identifying information of program participants may be used in data collection, agency publications or promotional materials only upon written consent.
- Drug Court Team members are mandatory reporters and must disclose information indicating that a participant may be dangerous or intends to harm his/herself or others.

INCENTIVES AND SANCTIONS

Throughout Drug Court, incentives and sanctions are given out for certain behaviors. For those participants who choose not to comply with the Drug Court program, sanctions (punishments) are imposed. These sanctions may begin with minor demands of the participant and move toward more severe sanctions such as termination from the program. Sanctions are determined on an individual basis and may be given out by the Probation Officer and/or Judge.

Incentives

As you progress through Drug Court and begin to make positive choices, you will receive incentives from the Drug Court Team. Incentives may be received for a variety of behaviors and achievements such Drug Court attendance, treatment attendance, progress in treatment, clean drug screens, medication compliance, gaining employment, or sustaining employment. The Drug Court team may choose from incentives such as:

- Positive Praise
- Less frequent DC meetings/Court Appearances
- Phase 3/Phase Changes – Leave Status Hearings early
- Permission to Travel out of state when requested
- Less restrictive curfew
- Gift certificates
- Phase Promotion

Sanctions

Just as positive behaviors are rewarded, negative behaviors will also be addressed. Poor attendance, lack of participation in treatment or tasks identified in the treatment plan and positive drug screens are some of the reasons sanctions will be given. Sanctions can consist of but will not be limited to the following:

- Verbal reprimand
- Essay assignment
- Court observation
- Increased drug testing
- Increased court appearances
- Coroner's Office Tour
- Curfew/Electronic Monitoring/Restriction
- Increased team contact
- Increased treatment components
- Activity log assignment
- Online Assignment
- Community Service hours
- Delay in promotion
- Demotion in a phase
- Incarceration

PROGRAM RULES

- Appear in Court as scheduled or as directed by the Drug Court.
- Attend all appointments with the Drug Court Probation Officer and Counselor.
(If you are unable to attend a scheduled appointment for any reason, CALL to reschedule)
- Notify your Probation Officer immediately following any law enforcement contact, crisis assessment or hospitalization, change in address, phone number, etc.
- Follow the treatment plan and actively participate in all required treatment components.
 - The treatment plan may include some or all of the following components:
 - ✓ Medication
 - ✓ Participation in various mental health treatment services
 - ✓ Intensive case management services
 - ✓ Psychiatric services
 - ✓ Educational programs
 - ✓ Vocational programs
 - ✓ Budgeting Programs
 - *It is important to keep in mind that successful completion of the Drug Court program is dependent upon compliance with the treatment plan.*
- Do not use synthetic drugs, illegal substances or alcohol.
- **Take prescribed medications and report any changes/additions in prescribed medications to your Probation Officer. Contact your Probation Officer before using any over-the-counter medications.**
- Submit to random drug and/or alcohol screens when requested by the Drug Court or treatment provider.
- Obey all local ordinances, state laws and federal laws.
- Obey your curfew.
- Follow all rules of the McHenry County Court Services Department and Drug Court Sentencing Conditions.
 - Violations may result in sanctions and/or termination from the Drug Court program
- Cooperate with all home visits, treatment visits or employment visits. These visits may be unscheduled or unannounced.
- Do not be in possession of a firearm or dangerous weapons of any type.
- Treat others with respect/demonstrate appropriate behavior.
- Pay all fees associated with your court case.
- Maintain McHenry County residency while participating in the Drug Court program.
- **TRANSPORTATION TO AND FROM ALL OF YOUR APPOINTMENTS AND COURT DATES IS YOUR RESPONSIBILITY.**
- **AT ALL TIMES YOU MUST CHECK WITH YOUR PROBATION OFFICER BEFORE STAYING OVERNIGHT ANYWHERE OTHER THAN YOUR PRIMARY RESIDENCE.**
- Fill out a travel request form if you are seeking permission to leave the state.

**TIP FOR SUCCESS: WHEN IN DOUBT, CALL YOUR
PROBATION OFFICER!
COMMUNICATION IS KEY!**

Twenty Second Circuit – Adult Drug Court – A Team Incentive

The “A Team” will consist of individuals who complete the following within the range of their respective court dates:

- All Negative Drug/Alcohol Screens
- Attended all team/treatment appointments and 12 step meetings
- Compliant with any payments if on a payment plan
- Completed any ancillary requests such as Job Contacts, PSW, etc.

In court, the incentive for being part of the “A Team” is being called first as an entire group. The Judge will then praise the group for their efforts and ask each to give a brief statement on what worked well or went right since the last court date. Each will then be given their next court date and those in Phase 2 or 3 will be dismissed from court. *This will also increase the efficiency of the court call.

Anyone who is not on the A Team will be required to observe the entire court call.

MCHENRY COUNTY ADULT DRUG COURT

IMPORTANT PHONE NUMBERS

STATES ATTORNEY..... 815-334-4159

PUBLIC DEFENDER..... 815-334-4170

PROBATION OFFICER.....815-334-4400

DRUG COURT COUNSELOR 815-334-4335

COORDINATOR..... 815-334-4913

DRUG TESTING HOTLINE..... 815-334-4467

**THE DRUG COURT BUSINESS HOURS ARE FROM
8:00 AM – 4:30 PM, MONDAY – FRIDAY (EXCLUDING HOLIDAYS)
CALLS RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RESPONDED TO
THE FOLLOWING BUSINESS DAY.**

IN CASE OF AFTER HOURS EMERGENCIES CALL 911

**IN CASE OF BEHAVIORAL HEALTH RELATED ISSUES CALL THE MCHENRY
COUNTY CRISIS LINE AT 1-800-892-8900**

DRUG COURT HANDBOOK- SIGNATURE PAGE

I have read and understand the contents of the McHenry County Adult Drug Court Participant Manual including the program rules, incentives and sanctions. I have been given a copy of the participant manual in a binder and I will bring this binder with me to all my Drug Court appearances. I understand that in order to be successful in the Drug Court I must follow the rules of the program as well as all treatment recommendations.

Client Signature

Date

Drug Court Representative

Date