

**21st Judicial Circuit
Kankakee County**

DRUG COURT POLICY AND PROCEDURE



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Contents

Mission.....	3
Introduction.....	3
Eligibility Criteria.....	4
Exclusionary Criteria.....	4
Statement of Nondiscrimination.....	4
Goals and Objectives.....	5
Policies and Procedures for case management.....	5
Team Member roles.....	5-6
Judge.....	6
Prosecutor.....	7
Public Defender/Private Counsel.....	7
Court Coordinator.....	7
Drug Court Officer.....	8
Treatment Provider.....	8
Offender system/Flow Chart referral.....	9
Access to Justice.....	9
Drug Court Phase System.....	9
Phase 1 (30 days)	9
Phase 2 (90 days).....	10
Phase 3 (120 days).....	11
Phase 4 (120 days).....	11-12
Phase 5 (90 days).....	12
Graduation.....	12
Incentives, Sanctions, Service Adjustments.....	12-13
Medication Assisted Treatment.....	13
Drug Testing Protocol and Procedure.....	13-14
Participant responsibilities and Handbook.....	14
Program Outcomes.....	14
Successful.....	14-15
Unsuccessful.....	15-16
Voluntary Withdrawal.....	16
Neutral Withdrawal.....	17
Scholarship.....	17
Confidentiality.....	17

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.

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 which we refer to as Diversion (Pre-Adjudication) and Post-conviction (Post-Adjudication).

A Diversion case involves a negotiated guilty plea but does not result in an immediate Judgment of conviction. The guilty plea is taken only by the drug court judge and only accepted after appropriate admonishments. Should a Diversion case participant successfully complete the drug court program, then at the Drug Court graduation ceremony, the drug court judge grants the participant's oral motion to withdraw the guilty plea and grants the State's motion to dismiss the charges with prejudice. Should a diversion case participant fail to successfully complete the drug court program, the State's Attorney's Office prepares a motion to discharge the participant from drug court. This motion to discharge is heard in criminal court not by the drug court judge. If the State's motion is granted, after notice and a hearing, then the case is set for sentencing by the criminal court judge originally assigned to the case.

A Post-conviction case also involves a negotiated plea taken only in front of the Drug Court Judge. However, with this option, a judgment of conviction is entered and an agreed sentence is imposed. The sentence involves a period of probation and one of the terms of that probation requires successful completion of drug court. Successful completion of all probation terms, including drug court, ends the case. No charges are dismissed and the judgment of conviction remains of record. Unsuccessful completion of any of the terms of probation, including drug court, results in the State filing a Petition to Revoke Probation. This Petition to Revoke Probation is heard in criminal court not by the drug court judge. If the Petition to Revoke is granted, a new sentence is imposed in criminal court not drug court.

The Kankakee County Drug Court program has a capacity of approximately 40-50 clients and Consists of (5) phases. Participants enter into a contract and 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.

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

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 21st 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 policy and practice of Drug Court 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. Interpreters will be made available to individuals for whom English is not their primary language. Enhanced case management and treatment services have been designed to address the individual care needs of Drug Court specific participants. In order to make modifications where necessary, program progress will be conveyed to the Drug Court team by the treatment providers in a timely manner. All community-based providers collaborating on this project have demonstrated histories in culturally specific issues and have familiarity with the needs of offender populations and gender and age relevant treatment and recovery supports.

GOALS AND OBJECTIVES

Program Goals

The Drug Court Program is an integrated approach which, along with information and efforts of all providers and Probation, builds upon the ten key components in an effort to impede drug related criminal activity. This is accomplished through the education, early intervention, and/or rehabilitation of addicted offenders. The goal of the Drug Court Program is to intervene in the drug/crime cycle as early as possible. Additionally, allow substance abusing offenders the opportunity to participate in appropriate substance abuse prevention/intervention activities, and consequently, minimize the impact of recidivism on the criminal justice system. The program's model includes a method for classifying individuals into appropriate service delivery phases. The Drug Court Program provides a practical response to prison overcrowding issues by diverting individuals to substance programming (education and/or treatment) and away from the correctional setting. These objectives are fueled by the concept that an offender may be educated and reintroduced into society, through discipline and behavior modification.

Operational Reviews

The Drug Court team shall meet quarterly to perform internal reviews to ensure that best evidence based practices and policy and procedures are followed. In September 2021 an outcome study and program evaluation which was funded by SAMHSA grant TI081110 was completed by Dr Christan Veit from Olivet Nazarene University and Matthew McAllister MBA, CFRM. A program evaluation will be conducted every 5 years according to NADCP best practice standards. Kankakee County Drug Court is currently in the process of completing another program evaluation which is funded by SAMHSA grant TI086085. This evaluation is scheduled to be completed by the end of 2024. Kankakee County Drug Court will be utilizing the Tracker program to capture all the Drug Court statistics until September 2024 when the entire program will be transitioned over to TYLER information system

POLICIES AND PROCEDURES FOR CASE MANAGEMENT

The Drug Court team members meet every Thursday before court to staff each case scheduled for review court that morning. Each team member provides information based on their expertise. It is at these staffings when the team discusses how a client is performing and when sanctions, incentives and/or service adjustments are discussed. The meeting is also used to assess the status of difficult or complex cases in which current treatment and supervision do not appear to be effective. Participants are required to attend all assigned status review dates and failure to do so may result in the issuance of a warrant, as well as 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.

DRUG COURT TEAM ROLES

The Drug Court Team consists of a dedicated Judge, Prosecutor, Public Defender/Private Counsel, Court Coordinator, Probation Officer(s), and treatment providers. The team shall regularly participate in trainings, webinars, events, and other educational opportunities on topics that are essential to the effective planning, implementation and operation of the court and to ensure fidelity to the Administrative Office of Illinois Courts PSC model. All team members agree to participate in Drug Court for a minimum of 1 year and attend trainings that pertain to Drug Court. The Drug Court Team shall maintain professional integrity and accountability and

shall exercise independent professional judgment in the best interest of the participants. Team members are required to attend staffing as well as court hearings. Participation in court is encouraged when appropriate. It is imperative that team members have a designated back up person available to represent that team member, office or agency at staffing when the regular representative is unavailable. Team member descriptions and responsibilities are set forth as follows:

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.

Experience

The PSC Judge, before being assigned to preside in such a Court, should have experience and/or training in a broad range of topics including, but not limited to: (1) criminal law; (2) behavioral health; (3) confidentiality; (4) ethics; (5) evidence-based practices; (6) substance use and abuse; (7) mental illness and (8) co-occurring disorders.

Roles and Responsibilities

The PSC Judge shall adhere to the following:

- Be assigned to preside over the PSC for a minimum of two years;
- Attend relevant training events including those focused on evidence-based substance abuse and mental health treatment;
- Attend the team staffing;
- Consider input from team members before making final decisions;
- Preside over status hearings in open court on a regular basis and spend sufficient time reviewing each participant's progress in the program;
- Offer supportive comments and/or incentives to reinforce the importance of a participant's commitment to treatment and the participant's ability to improve his or her own health or behavior; and
- Impose sanctions, incentives and service adjustments when appropriate.

Training and Professional Development

- The PSC Judge shall stay abreast of current law and research on best practices and participate in ongoing interdisciplinary education and training.
- The PSC Judge shall participate in developing and implementing an interdisciplinary training plan for team members.

Meeting the challenge of presiding over PSC require training in a broad range of matters including, but not limited to, those listed within the experience section above or in the Supreme Court of Illinois PSC Standards, subsection 5.1. Judges should have experience or training in these areas before presiding over a PSC. Before a Judge is assigned to hear matters in a PSC, the Chief Judge of the judicial circuit should consider the Judge's judicial and legal experience, any prior training the Judge has completed and any training that may be available to the Judge before he or she will begin presiding over a PSC.

Judges who, by specific assignment or otherwise, may be called upon to preside over a PSC should participate in judicial education opportunities available on topics listed in PSC Standard 5.1, such as attending those

sessions or portions of the Education Conference, presented bi-annually at the direction of the Supreme Court. Judges may also elect to participate in any other Judicial Conference Judicial Education Seminars addressing these topics. They may attend other judicial education programs approved for the award of continuing judicial education credit by the Supreme Court and/or complete individual training through the internet, computer training programs, video presentations, or other relevant programs. The Chief Judges of the judicial circuits should make reasonable efforts to ensure that Judges have the opportunity to attend programs approved for the award of continuing judicial education credit by the Supreme Court which address the topics and issues described in these Standards.

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 defendant's criminal history, consultation with victims, legal eligibility and appropriate dispositions upon the defendant'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 the defendant in all court proceedings and is mindful of the defendant's 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 the participants legal rights are protected. The Public Defender or Private Counsel provides representation for the defendant that minimizes their 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 Probation Officer. 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 service 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 CSTool)
- 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 service 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.
- Probation Officer will conduct reassessments and collaborate with the participants to develop a case plan that will be shared with the participant and team.

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 drug assessments to determine eligibility for Drug Court
- Provides screening assessments and/or treatment to participants;
- Coordinates treatment with other treatment providers and shared with the participant and the team.
- Develops treatment plans in conjunction with the Drug Court Officer
- Provides therapy services;
- Updates treatment plans as necessary;
- 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 benefits;
- Arranges housing and transportation;
- Refers participants for medical treatment and medication management to appropriate local agencies.
- Provides and updates clinical plans as necessary

OFFENDER SYSTEM/FLOW CHART/REFERRAL

Individuals are referred to the PSC Officers by public defenders, private counsel and Judges. The referred individual must sign the release of information form and the Drug Court Probation Officer will perform a risk assessment and gather required information. Treatment providers will then conduct substance abuse and mental health assessments on the individual and make recommendations based on their findings. Upon completion of required assessments, the PSC team presents their findings to the Judge and he/she makes the final ruling. If the individual is accepted into the Drug Court Program he/she must review and sign the Consent to Participate forms. Prior to the individual signing the Consent to Participate, the Judge shall explain the Consent to the individual on the record and with his/her counsel present, the program requirements. After the Judge has explained the Consent to the individual, the individual shall have the opportunity to confer with counsel before determining their decision to participate in the Drug Court. The Drug Court Program is approximately 18 months but it is possible for participants to be involved in the program longer as determined by the Drug Court team. The length of the program differs for each participant and is directly related to individual progress toward treatment goals and compliance with Drug Court rules and recommendations. If the client is not accepted into the DC program, their case is referred back to the originating Courtroom. 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.

Ideally, the date of referral to program entry would happen in forty five (45) days or less. However, access to services and participant compliance may significantly increase that timeline. Evaluators and representative counsel should use the following timeframe as a guideline for assessment completion:

Evaluator	Timeframe
Probation Officer	Two weeks to complete risk assessment
Substance Abuse Evaluator	Two weeks to complete evaluation
Mental Health Provider	Three to eight weeks (depending on access to services)
Public Defender / Counsel	Two to three weeks to review required documentation

ACCESS TO JUSTICE

For limited English proficiency participants and/or participants with disabilities, the Drug Court is aware of available interpreter and/or other resources and attempts to provide reasonable accommodations to those individuals when referred to the Drug Court.

DRUG COURT PHASE SYSTEM

Phase 1: (30 Days)

The following are standards for Phase 1 compliance:

Initially, the defendant participates in comprehensive treatment assessments. An individual treatment plan will then be matched with that defendant's 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 to 45 days. The defendant is required to stay in the treatment facility for 28 to 45 days while engaging in counseling, random urinalysis, education and review by Court when Judge requires; 2) Intensive Outpatient Treatment –

(IOP) Length of treatment is 5-6 weeks consisting of twelve (12) hours per week of individual, group and family counseling. 3) Traditional Outpatient Treatment – (TOP) Length is four (4) – twenty-four (24) weeks where treatment consists of at least 1½ hours counseling per week. The defendant is also required to remain drug and alcohol free, meet with the Drug Court Officer as directed, as well as Court review as directed. Typical Phase I standards include but are not limited to:

- 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:

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

Phase 2: (90 Days)

The following are standards for Phase 2 compliance:

The defendant who successfully completes his or her treatment program in Phase 1 will move to an appropriate aftercare program. For example, if the defendant 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 defendant is in IOP then his or her aftercare will consist of Traditional Outpatient Treatment. The defendant's 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, defendants must have a minimum of 75 consecutive days of verified sobriety (negative drug screens, PBT, SCRAM or TRAC monitoring)

Phase 3: (120 Days)

The following are standards for phase 3 compliance:

The defendant who successfully completes his or her treatment program in Phase 2 will move to an appropriate aftercare program. For example, if the defendant 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 defendant's 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 Drug Court appearance or as directed
- Tri-Weekly reporting to Drug Court Officer or as directed
- Random urinalysis twice weekly or as directed
- 2 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
- remain drug/alcohol/crime free
- Immediately prior to phase advancement, defendants must have a minimum of 90 consecutive days 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 defendants 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, defendants must have a minimum of 90 consecutive days 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, defendants must have a minimum of 180 consecutive days of verified sobriety (negative drug screens, PBT, SCRAM or TRAC monitoring)

Graduation

In order to graduate from the Drug Court Program the defendant must complete all program phases, a discharge treatment plan and be in continued compliance with the Court order. When the defendant has successfully completed all the requirements of the Drug Court Program, there will be a graduation ceremony in their honor. At that time, the defendant 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.

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:

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

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 TESTING PROTOCOL AND PROCEDURE

Upon entering the Drug Court Program each defendant 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

Defendants will be allowed to advance to the next phase based off their overall performance in the Drug Court program. The number of times a 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 defendant 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. Defendants will be required to call the

voicemail line (815-936-5964) daily or as directed to see if their color has been chosen. Failure of the defendant to call in as instructed may result in sanctions and/or termination from the program. All participants are required to report prescribed medications to their Drug Court Officer PRIOR to filling the prescription or taking medications.

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

PARTICIPANT RESPONSIBILITIES AND HANDBOOK

1. Each participant must conform to the requirements of the Drug Court contract, probation order, and Drug Court handbook. Those responsibilities include but are not limited to attending Court regularly, meeting with probation as directed, complying with drug testing as directed, attending all screenings, assessments and treatment for mental health and substance abuse as directed, participating appropriately in self help meetings and treatment groups, engaging in pro-social activities including if applicable employment and educational pursuits, following all directives of the Court and remaining drug and alcohol free. Each participant understands and agrees that the Court or treatment provider may order me 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.

Participant Handbook

Prior to entry into Drug Court, each participant will be given his/her copy of the Drug Court handbook by their representative counsel. Participants and counsel will sign a receipt acknowledging that he/she received the Drug Court handbook and that it has been explained to him/her.

PROGRAM OUTCOMES

1. Successful Discharge

Per 730 ILCS 166/35(c) : Upon successful completion of the terms and conditions of the program, any State's Attorney in the county of conviction, participant, or Defense Attorney may move to vacate any convictions that are eligible for sealing under the Criminal Identification Act. A participant may immediately file a petition to expunge vacated convictions and the associated underlying records per the Criminal Identification Act. If the State's Attorney moves to vacate a conviction, the States Attorney may not object to expungement of that conviction or the underlying record.

The Drug Court Program may maintain or collaborate with a network of legal aid organizations that specialize in conviction relief to support participants navigating the expungement and sealing process.

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

- Successfully complete all treatment as required by treatment provider;
- Successfully complete the application for the Drug Court scholarship. If elected not to apply for the Drug Court scholarship, a written statement declining the scholarship opportunity has been signed;
- Complete a written discharge plan and present that plan to the Drug Court team

- Active involvement in self help support groups;
- Have negative drops for 180 consecutive days or more;
- Have a stable living environment;
- 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.

2. Unsuccessful Discharge

(A) Prior to unsuccessful discharge from a PSC, a participant shall be served with a petition indicating termination from the PSC or revocation of probation. The petition shall set forth the claimed violations of PSC program requirements or probation, together with the relief sought. The PSC Judge shall ensure that all participants who become subject to proceedings that could result in unsuccessful discharge from a PSC 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 participants 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 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 Rules 402(d), (e), and (f).

(A) Once a petition to terminate a participant from the PSC or to revoke probation has been filed, the PSC Judge may allow the participant, with the consent of both the participant (with advice of his or her counsel) and the State, to remain in the PSC with hearing on the petition deferred. The State may thereafter dismiss the petition if the participant makes satisfactory improvement in compliance with the PSC program requirements. If the participant fails to make satisfactory improvement, the State may elect to set the petition for hearing.

(B) 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 prescription
- 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

3. Voluntary Withdrawal

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

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

- Ensure that 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

4. Neutral Withdrawal

A participant may encounter struggles 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.

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.