

**FIRST JUDICIAL CIRCUIT  
DRUG/VETERANS COURT  
WILLIAMSON COUNTY**

Policy and Procedure Manual  
11-29-18

## **A. PROGRAM OVERVIEW**

The First Judicial Circuit Drug/Veterans Court operating out of Williamson County, Marion, Illinois represents a collaborative effort between the criminal justice system and treatment stakeholders working together to reduce recidivism and break the cycle of substance abuse. The Drug/Veterans Court targets offenders for admission who are addicted to illicit drugs or alcohol and are at substantial (moderate to high) risk for re-offending or failing to complete a less intensive disposition, such as standard probation or pretrial supervision.

It provides these defendants/participants with the structure they need to become alcohol and drug free. It is one court with two separate tracks, one for non-veterans (Drug Court) and one for veterans (Veterans Court). The judicial personnel for both tracks (Judge, States Attorney, Public Defender, Problem Solving Court Coordinator, Probation Officer) are the same. Both tracks function independently of one another on similar but separate paths, with the primary divergence being that Veterans Court participants have additional resources available through the Marion Veterans Administration.

The Williamson County Drug/Veterans Court uses evidence-based approaches in its administration of justice and works in collaboration with community providers for substance abuse treatment, mental health treatment and other ancillary services. By providing coordinated substance abuse interventions with judicial oversight, the likelihood of re-arrest decreases, resulting in safer communities and reduction in crime.

If a participant is dually diagnosed with a substance abuse disorder and a co-occurring mental illness; the Drug/Veterans Court will assess that defendant for participation in the Drug/Veterans Court in accordance with assessment criteria as further set forth below.

The program is approximately 18 months long and is divided into 5 phases. Advancement through each phase is based on the accomplishment of goals and requirements, not time served. As participants move through the phases, some requirements are reduced and others are added to enhance their personal development. Components of the Drug/Veterans Court program include: substance abuse assessment and treatment, mental health interventions, random alcohol and drug testing, regular court appearances, case management meetings and referrals, home visits, attendance at community support groups, employment, education, and the payment of fines, fees and restitution.

**B. STATUTORY AUTHORITY**

The Williamson County Drug/Veterans Court receives its statutory authorization via the Drug Court Treatment Act (730 ILCS 166/1) and the Veterans and Servicemembers Court Treatment Act (730 ILCS 167/1).

**C. MISSION STATEMENT**

The Williamson County Drug/Veterans Court goal is to reduce substance abuse and criminal recidivism in non-violent offenders via the means of therapeutic intervention and behavior modification.

**D. GOALS**

*Drug Court Participants:*

1. To promote public safety by reducing recidivism.
2. To improve the quality of life of all participants within the court.
3. To conserve state and local funds by providing an alternative to incarceration for non-violent drug dependent individuals.
4. To reduce substance abuse dependence and to restore drug addicted individuals to being productive, law abiding, tax paying citizens.

*Veterans Court Participants:*

1. To Promote public safety by reducing recidivism.
2. To Improve the quality of life of all veterans within the court.
3. To conserve state and local funds by providing an alternative to incarceration for justice-involved veterans.
4. To connect eligible veterans with mental health and substance abuse disorder treatment, benefits coordination, and support services available through the VHA.
5. To conduct outreach to veterans so that they may develop skills to live a productive and sober life.
6. To help veterans obtain housing, reach educational goals, and gain employment.

**E. TEN KEY COMPONENTS FOR EFFECTIVE DRUG COURTS**

1. Drug courts integrate alcohol and other drug treatments services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participant's due process rights.
3. Eligible participants are identified early and promptly placed in the Drug court program.
4. Drug Courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug court responses to participants' compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.

**F. CAPACITY**

The Williamson County Drug/Veterans Court will have a maximum capacity of 20 participants. However, capacity may vary depending on the case management resources available through the probation department. Capacity may also vary depending on the number of participants in the initial phases that require more frequent contacts versus the number of participants in the latter phases with less contacts.

**G. PROHIBITED PARTICIPANTS**

Pursuant to 730 ILCS 166/20 Drug Court Treatment Act , and/or 730 ILCS 167/20 Veterans and Servicemembers Court Treatment Act, a defendant may not be considered for the Drug and Veterans Court Program if any of the following apply:

- (1) The crime is a crime of violence as set forth in clause (4) of this subsection:
- (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 past 10 years, excluding incarceration time, including but not limited to:

- 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
- Any offense involving the discharge of a firearm

- (5) **DRUG COURT ONLY:** The defendant may be admitted into a drug court program only upon the **agreement** of the prosecutor if the following additional factors apply: The defendant is charged with a Class 2 or greater felony conviction of Section 401, 401.1, 405, or 405.2 of the Illinois Controlled Substance Act; Section 5, 5.1 or 5.2 of the Cannabis Control Act; Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or 65 of the methamphetamine Control and Community Protection Act; 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.

## **H. ELIGIBILITY AND ASSESSMENT**

The Drug Court/Veteran Court is a voluntary program. It is one court with 2 tracks. Qualified veterans will be considered for the Veterans Court Track (Track I). Non-veterans, or veterans who are not eligible for benefits from the Veterans Administration will be considered for the Drug Court Track (Track II). A referral may come from the prosecutor, defense attorney, the probation department, or any other individual or entity. However, the defendant must request entry into the program through his/her defense attorney. Upon request, the court will order a drug court screening to be completed. The defendant will be required to sign a release of information allowing the Drug/Veterans Court Team members to share and disclose information to one another regarding the drug court screening results. The Probation Officer assigned to the Drug/Veterans Court will then interview the defendant to determine if he or she meets the criteria for participation in the Drug/Veterans Court Program.

Providing that the defendant is not statutorily prohibited from participating in the Drug/Veterans Court program, he or she must also meet the additional criteria:

1. The defendant has a substance abuse dependence diagnosis and or co-occurring mental health diagnosis that is treatable with the programs available resources.
2. The defendant must be 18 years of age or older.
3. The defendant must be resident of Williamson County.
4. The defendant must be a United States Citizen or a legal resident.
5. The defendant must have a pending felony charge or a pending Petition to Revoke Probation on a current felony charge.
6. No defendant working as an active confidential source (CS) for any law enforcement agency will be eligible for the Drug and Veteran's Court Program.
7. As part of the screening process, the Drug/Veterans Court Probation Officer will complete a probation intake interview, criminal history records check, and an Illinois Adult Risk Assessment (ARA) on the defendant. In order for an individual to be eligible to participate in the Drug/Veterans Court Program, he or she must score a moderate-high to high in criminogenic risk and have high behavioral health needs. Individuals shall be assessed on a timely basis for eligibility using validated risk-assessment tool(s) and clinical assessment tool(s) administered and scored by a trained and/or licensed professional.

The Drug/Veterans Court Probation Officer will explain to the defendant the nature and function of the Drug/Veterans Court Program, and what will be required of the defendant should he or she participate in the program.

The evaluation process for drug court participation should be conducted in a timely manner from the time it is ordered and not exceed (30) days. After interviewing the drug court candidate, reviewing his or her criminal history, and examining all other pertinent information, the Drug/Veterans Court Probation Officer shall prepare a written report indicating whether or not the defendant is a suitable candidate for the program. The report shall be filed and placed in the defendant's court file located in the circuit clerk file. Copies shall be distributed to all members of the Drug/Veterans Court team members. The Drug/Veterans Court Team will review the defendant's assessments and information for determination of acceptance into the Drug/Veterans Court Program, sharing their opinions and appropriate information with Team members. *The final decision on whether or not the defendant is sentenced to the Drug and Veterans Court program rests solely with the Judge.* The evaluation process for Drug/Veterans Court participation should be conducted within a timely manner from the time it is ordered and not exceed 30 days. The Drug/Veterans Court Team meets weekly and can staff cases as needed.

No individual will be unfairly excluded from admission to the Drug/Veterans Court program based upon gender, race, nationality, ethnicity, limited English proficiency, disability, socio-economic status or sexual orientation. The Drug/Veterans Court shall strictly adhere to Drug Court Standards 1.6 Access to Justice and 7.2 (g) Entry and consent to participate.

## **I. SENTENCING AND ENTRY INTO THE DRUG/VETERANS COURT PROGRAM**

Once the Drug/Veterans Court team recommends a person for Drug/Veterans Court, formal entry into the program will be on the record in open court. The defendant shall have the opportunity to fully review the Consent to Participate. The Judge will explain the Drug/Veterans Court requirements to the defendant and determine his or her willingness to participate in open court. The defendant shall have the chance to confer with counsel and have any questions answered by counsel and/or the judge. If the defendant voluntarily elects to participate, he or she will sign the Consent to Participate form on record in open court and the corresponding entry option form.

The Williamson County Drug/Veterans Court offers three ways for criminal defendants to enter the program.

## **OPTION 1**

Option 1 is a pre-adjudicatory option and may require the consent of the prosecutor under 730 ILCS 166/20 (c) . This option allows the defendant to participate in Drug/Veterans Court prior to a plea of guilty and requires compliance with Drug/Veterans Court rules as a condition of their bond. If the participant successfully completes Drug/Veterans Court, the case is dismissed without a conviction.

## **OPTION 2**

Option 2 is a post-plea pre-disposition option and may require the consent of the prosecutor under 730 ILCS 166/20 (c) . The Defendant must plead guilty to an eligible felony charge. Following the plea of guilty, the sentencing hearing is continued generally pending completion of Drug/Veterans Court. Also, the defendant's bond is modified to require compliance with all Drug/Veterans Court rules. If the defendant successfully completes Drug/Veterans Court, the guilty plea is vacated and the case is dismissed without conviction.

## **OPTION 3**

Option 3 is a post adjudicatory program. Participants can enter this track through a plea agreement and sentencing (contested or agreed) to Probation or an agreed modification of their current Probation Order. Upon successful graduation from the Drug/Veterans Court, the participant will be deemed to have successfully completed their sentence of probation.

### **J. DRUG/VETERANS COURT STAFF MEETINGS**

The Drug Court Team will meet every Wednesday afternoon at 1:00 p.m. Veterans Court staffings will occur first. Only staff directly involved in the case will attend the staffings. Drug Court staffings will occur immediately after the Veterans Court staffings are finished. The purpose of the staff meeting shall be to review the status of offenders currently in the program, and discuss the use of incentives, therapeutic adjustments and sanctions.

Veterans Court will commence at 2:00 p.m. Drug Court will commence at 3:00 p.m.

### **K. ROLES AND RESPONSIBILITIES OF THE DRUG/VETERANS COURT TEAM MEMBERS**

*Drug/Veterans Court Judge* will provide leadership to the Drug/Veterans Court program and make final programmatic/participant decisions and participate fully as a drug court team member. The Drug/Veterans Court Judge shall adhere to the following:

- \* Be assigned to preside over the Drug/Veterans Court for a minimum of two years.
- \* Attend relevant training events including those focused on: evidence based



screening, assessment and treatment practices, target population, substance use disorder, mental illness, disability, co-occurring disorders, trauma, confidentiality, criminogenic risks and needs, incentives and sanctions, court processes, limited English proficiency and team dynamics.

- \* Lead pre-hearing Drug/Veterans Court team staffings and consider input from Drug/Veterans Court team members before making final decisions;
- \* Preside over status hearings in open court on a regular basis and spend sufficient time to review each participant's progress in the Drug/Veterans 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 and therapeutic adjustments when appropriate.

***Drug/Veterans Court Prosecutor*** will ensure community safety concerns are met and will participate fully as a Drug/Veterans Court team member. Their appointment should be long-term and for a minimum of one year. The Drug/Veterans Court prosecutor will:

- \* Confirm participants are statutorily eligible.
- \* Make determinations for termination and new charges that balance community needs and therapeutic outcomes.
- \* Recommends incentives and sanctions.
- \* Ensure victim's rights are protected.
- \* Attend relevant training events including those focused on: evidence based screening, assessment and treatment practices, target population, substance use disorder, mental illness, disability, co-occurring disorders, trauma, confidentiality, criminogenic risks and needs, incentives and sanctions, court processes, limited English proficiency and team dynamics.
- \* Attend Drug/Veterans Court Team staffings and court hearings, and operate in a non-adversarial manner, promoting a sense of unified Drug/Veterans Court Team presence.
- \* 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.

***Drug/Veterans Court Defense Attorney*** will ensure his or her clients' legal rights are protected and will participate fully as a Drug/Veterans Court team member. Their appointment should be long term and for a minimum of one year. When assigned the defense will:

- \* Meet with potential Drug/Veterans Court participants to evaluate their interest and eligibility for the program.
- \* Advise clients on their legal rights, legal options, program conditions and potential sentencing outcomes.
- \* Recommend incentives, sanctions, and therapeutic adjustments.

- \* Monitor client progress in the Drug/Veterans Court program.
- \* Attend relevant training events including those focused on: evidence based screening, assessment and treatment practices, target population, substance use disorder, mental illness, disability, co-occurring disorders, trauma, confidentiality, criminogenic risks and needs, incentives and sanctions, court processes, limited English proficiency and team dynamics.
- \* Attend Drug/Veterans Court Team staffings and court hearings, and operate in a non-adversarial manner, promoting a sense of unified Drug/Veterans Court Team presence.
- \* 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.

***Drug/Veterans Court Coordinator*** will provide oversight for the Drug/Veterans court program to ensure their compliance with policy and procedure and monitor their short and long term objectives to the participants, community and local criminal justice system. Their appointment will be long term and for a minimum of one year. The Problem Solving Court Coordinator will:

- \* Plan, organize, coordinate and monitor activities of the Drug/Veterans Court program.
- \* Attend relevant training events including those focused on: evidence based screening, assessment and treatment practices, target population, substance use disorder, mental illness, disability, co-occurring disorders, trauma, confidentiality, criminogenic risks and needs, incentives and sanctions, court processes, limited English proficiency and team dynamics.
- \* Attend pre-hearing staffings and hearings in order to evaluate and direct drug court operations, case management, drug court committee cohesiveness and understanding of drug court concepts.
- \* Offer supportive comments 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.
- \* Recommend incentives, sanctions, and therapeutic adjustments.
- \* Gather and prepare Drug/Veteran Court data for reporting mandates.

***Drug/Veterans Court Probation Officer*** will provide individual, intensive probation supervision and a broad range of rehabilitative and case management services to each participant. Their appointment will be for long term and for a minimum of one year. The Drug/Veterans Court Officer will:

- \* Attend relevant training events including those focused on: evidence based screening, assessment and treatment practices, target population, substance use

disorder, mental illness, disability, co-occurring disorders, trauma, confidentiality, criminogenic risks and needs, incentives and sanctions, court processes, limited English proficiency and team dynamics.

- \* Develop an individualized Case Management Plan for each Drug/Veteran's Court participant. This plan will be developed with input from the Drug/Veteran's Court Participant, the Drug/Veterans Court Team, and individual service providers. The plan will be presented to the participant and will be updated regularly in consideration of the participant's progress.
- \* Recommend incentives, sanctions, and therapeutic adjustments.
- \* Attend all staffings and judicial supervision hearings.
- \* Provide written or verbal summaries on participants at staffings.
- \* Maintain records of incentives, sanctions, and therapeutic adjustments used for each participant.
- \* Assist in collecting statistical data for outcome based results.
- \* Participate in a non-adversarial manner at staffings and hearings promoting a unified Drug/Veterans Court Team presence.
- \* Work with treatment providers to coordinate care and services.
- \* Develop an individualized Discharge Plan for each Drug/Veteran's Court participant. This plan will be developed with input from the Drug/Veterans Court participant, the Drug/Veterans Court Team, and individual service providers. The plan will be presented to the participant upon his/her discharge from the program.

***Drug/Veterans Court Substance Abuse Treatment Provider(s)*** will attend all staffings/hearings and provide input on various and appropriate modalities of treatment for the participants. Their appointment should be long term and for a minimum of one year. The substance abuse treatment provider will:

- \* Attend relevant training events including those focused on: evidence based screening, assessment and treatment practices, target population, substance use disorder, mental illness, disability, co-occurring disorders, trauma, confidentiality, criminogenic risks and needs, incentives and sanctions, court processes, limited English proficiency and team dynamics.
- \* Develop individualized treatment plans
- \* Provide summaries of treatment compliance for each participant to the Drug/Veterans Court Team.
- \* Makes recommendations for residential or outpatient therapeutic services.
- \* Participate in a non-adversarial manner at staff meetings and hearings to promote a unified Drug/Veterans Court team presence.
- \* Work with Probation to coordinate care and services.
- \* Recommend incentives, sanctions, and therapeutic adjustments.

*Veterans Justice Outreach Coordinator* will attend all staffings/hearings and provide input on various and appropriate modalities of treatment for Drug/Veterans Court participants who are veterans. Their appointment should be long-term and for a minimum of one year. The VA Liaison will:

- \* Attend relevant training events including those focused on: evidence based screening, assessment and treatment practices, target population, substance use disorder, mental illness, disability, co-occurring disorders, trauma, confidentiality, criminogenic risks and needs, incentives and sanctions, court processes, limited English proficiency and team dynamics.
- \* Develop individualized treatment plans for Veterans.
- \* Provide summaries of treatment compliance for each Veteran participant to the Drug/Veterans Court Team.
- \* Make recommendations for residential and/or outpatient therapeutic services substance abuse treatment for Veterans.
- \* Make recommendations for medical, psychological, and/or psychiatric treatment for Drug/Veterans Court participants who are Veterans.
- \* Participate in a non-adversarial manner at staff meetings and hearings to promote a unified Drug/Veterans Court team presence.
- \* Work with Probation to coordinate care and services for Veterans.
- \* Recommend incentives, sanctions, and therapeutic adjustments.

## **L. CASE MANAGEMENT AND SUPERVISION**

### *Staffing and Status Hearings*

The Drug/Veterans Court team will meet at a Staffing every Wednesday at 1:00 p.m. to review progress for each participant. In addition, the Drug/Veterans Court Team will staff new referrals to the program.

During the Staffing, the Drug/Veterans Court Probation Officer, Veterans Justice Outreach Coordinator, and the treatment providers will provide committee members with progress reports on each participant who will be present at that week's hearing. The progress report informs the Drug/Veterans Court Team of the participants compliance in all treatment and/or drug court areas since the last hearing. Based on this report and any additional information brought to the meeting, team members assess a participant's progress and discuss potential treatment or programmatic interventions. It is during these meetings that team members discuss, debate and potentially disagree with the directions of the intervention and team decisions. Team discussions will be conducted with the goal of reaching consensus on action to be taken for each participant. The Individualized Case Management plan will be updated as needed during team Staffings. The Drug/Veterans Court Judge has the sole discretion to determine what action will be taken for each participant with input

from the Drug/Veterans Court Team. Prior to the participants completion of the Drug/Veterans Court program, an individualized Discharge Plan will be developed to help the participant maintain long term sobriety.

Drug/Veterans Court Hearings will be held every Wednesday as two separate courts. Veterans Court participants will appear before the Judge first at 2:00 p.m. then leave the courtroom when all Veterans Court participants have been seen. After Veterans Court is concluded, Drug Court will be held. Drug Court participants will appear before the Judge at 3:00 p.m. and then leave the courtroom when all Drug Court participants have been seen. Participants in the early phases will be called first. Participants will be addressed individually and will be expected to discuss their progress with the judge. The judge administers appropriate sanctions, incentives, and therapeutic adjustments. provides encouragement and support. A failure to appear at the Court Hearing may result in the issuance of a bench warrant.

The participant's phase will determine their frequency of court appearances, as further set forth in Section M below. Phase 1 & Phase 2 participants will attend Hearings every week. Phase 3 participants will attend Hearings at least bi-monthly. Phase 4 & Phase 5 participants will attend Hearings at least once a month. The Drug/Veterans Court Probation Officer or the Drug/Veterans Court Team may initiate a change to their standard appearance schedule to address incentives, sanctions, or therapeutic adjustments.

#### **M. PROGRAM TYPE / PHASE REQUIREMENTS**

The Drug/Veterans Court will have two separate tracks for participants. Upon entry into the Drug/Veterans Court, the participant will be placed into Track 1 for Veterans' Court or Track 2 will be for Drug Court, as discussed more fully below. Differences between the two tracks will be indicated as required and when appropriate.

For each track, participants advance through a five phase treatment model designed to move the offender from alcohol/drug abuse or problematic behavior to successful recovery. The Drug/Veterans Court transitions participants from recognition of their addiction or circumstances, to active engagement in the therapeutic process, to sustained recovery and aftercare. Defendants entering the program should anticipate that they will be actively enrolled in the Drug/Veterans Court Program for at least 18 months and sometimes longer if necessary. Each phase of the program has specific elements and program criteria that must be completed prior to moving to the next phase.

## **N. TRACK 1 / VETERANS COURT**

### **Phase I**

#### *Stabilization*

*(90 days)*

Throughout Phase I the defendant will be required to:

- \* Attend at least three (3) probation office visits per week, unless otherwise instructed.
- \* Submit to random urinalysis/breathalyzer testing as determined by the Williamson County Drug/Veterans Court Team.
- \* Remain drug and alcohol free.
- \* Report to the Williamson County Drug/Veterans Court weekly, unless otherwise instructed.
- \* Attend 4 group self help meetings per week with verification of attendance.
- \* Follow all treatment recommendations. Treatment modality and level determined by the treatment provider.
- \* Minimum of 30 days confirmed sobriety.
- \* 30 days sanction free for consideration for phase advancement.

### **Phase II**

#### *Treatment and Recovery*

*(90 Days)*

Throughout Phase II the defendant will be required to:

- \* Attend at least two (2) probation office visits per week, unless otherwise instructed.
- \* Submit to random urinalysis/breathalyzer testing as determined by the Williamson County Drug/Veterans Court Team.
- \* Report to the Williamson County Drug/Veterans Court Hearing weekly, unless otherwise instructed.
- \* Attend at least 3 group self help meetings per week with verification of attendance.
- \* Follow all recommended counseling sessions and group. Treatment modality and level determined by the treatment provider.
- \* Minimum of 45 days confirmed sobriety.
- \* If appropriate, participants will be employed, seeking employment, be involved in job training or attending school.
- \* 45 days sanction free for consideration of phase advancement.

**Phase III**  
*Responsibility*  
*(120 Days)*

Throughout Phase III the defendant will be required to:

- \* Attend at least one (1) Probation office visit per week, unless otherwise instructed.
- \* Submit to random urinalysis/breathalyzer testing as determined by the Williamson County Drug/Veterans Court Team, remain drug and alcohol free.
- \* Attend Drug/Veterans Court bi-monthly (2 times per month), unless otherwise instructed.
- \* Attend 2 group self help meetings per week with verification of attendance.
- \* Follow all treatment recommendations. Treatment modality and level determined by the treatment provider.
- \* If appropriate, participants will be employed, seeking employment, be involved in job training or attending school.
- \* Minimum 60 days confirmed sobriety.
- \* Minimum 60 days sanction free for consideration of phase advancement.

**Phase IV**  
*Maintenance*  
*(120 Days)*

Throughout Phase IV the defendant will be required to:

- \* Meet with the Drug/Veterans Court Probation Officer at least once every 2 weeks, unless otherwise instructed.
- \* Submit to random drug tests as directed by the Drug Court/Veterans Court Team, remain drug and alcohol free.
- \* Attend Drug/Veterans Court once per month, unless otherwise instructed.
- \* Attend 1 self help group meeting per week.
- \* Follow all treatment recommendations. Treatment modality and level determined by the treatment provider.
- \* If appropriate, participants will be employed, seeking employment, be involved in job training or attending school.
- \* Minimum of 90 days confirmed sobriety.
- \* Minimum of 90 days sanction free.

## **Phase V**

### *Continuing Care*

*(120 Days)*

Throughout Phase V the defendant will be required to:

- \* Meet with the Drug/Veterans Court Probation Officer at least once every month, unless otherwise instructed.
- \* Submit to random drug tests as directed by the Drug Court/Veterans Court Team, remain drug and alcohol free.
- \* Attend Drug/Veterans Court once per month, unless otherwise instructed.
- \* Attend 1 self help group meeting per week.
- \* Follow all treatment recommendations. Treatment modality and level determined by the treatment provider.
- \* If appropriate, participants will be employed, seeking employment, be involved in job training or attending school.
- \* Minimum of 90 days confirmed sobriety.
- \* Minimum of 90 days sanction free.

## **Discharge Plan**

As part of Phase V, participants will work with their treatment providers and the Drug/Veterans Court Officer to complete a discharge plan which will be presented to the Drug/Veterans Court Team. This Discharge Plan will define any recommended ongoing services, support group activities or linkages with contact information that may be beneficial toward achieving long lasting success.

## **Graduation**

A defendant will be considered to be a graduate from the Drug/Veterans Court Program if he or she achieves the following:

- \* Have a stable living environment.
- \* Be in compliance with all of the conditions of the Drug/Veterans Court Agreement and the Probation Order.

Once participants have been identified and approved by the Team and the Drug/Veterans Court Judge, a date will be set for the graduation ceremony. The graduation committee, comprised of current drug court participants, plan and prepare for the ceremony with the guidance of the Drug/Veterans Court Officer. The Drug/Veterans Court Officer and the Drug/Veterans Court Judge facilitate the ceremony highlighting each graduate and their accomplishments. This is done off the record. At the conclusion of the ceremony, the Drug/Veterans Court Judge goes on the record and formally discharges the defendant from the Drug/Veterans Court Program.



## **O. TRACK 2/ DRUG COURT**

### **Phase I**

*(Stabilization)*

*(90 days)*

Throughout Phase I the defendant will be required to:

- \* Attend at least three (3) probation office visits per week, unless otherwise instructed.
- \* Submit to random urinalysis/breathalyzer testing as determined by the Williamson County Drug/Veterans Court Team.
- \* Remain drug and alcohol free.
- \* Report to the Williamson County Drug/Veterans Court weekly, unless otherwise instructed.
- \* Attend 4 group self help meetings per week with verification of attendance.
- \* Follow all treatment recommendations. Treatment modality and level determined by the treatment provider.
- \* Minimum of 30 days confirmed sobriety.
- \* 30 days sanction free for consideration for phase advancement.

### **Phase II**

*Treatment and Recovery*

*(90 Days)*

Throughout Phase II the defendant will be required to:

- \* Attend at least two (2) probation office visits per week, unless otherwise instructed.
- \* Submit to random urinalysis/breathalyzer testing as determined by the Williamson County Drug/Veterans Court Team.
- \* Report to the Williamson County Drug/Veterans Court Hearing weekly, unless otherwise instructed.
- \* Attend at least 3 group self help meetings per week with verification of attendance.
- \* Follow all recommended counseling sessions and group. Treatment modality and level determined by the treatment provider.
- \* Minimum of 45 days confirmed sobriety.
- \* If appropriate, participants will be employed, seeking employment, be involved in job training or attending school.
- \* 45 days sanction free for consideration of phase advancement.

**Phase III**  
*Responsibility*  
*(120 Days)*

Throughout Phase III the defendant will be required to:

- \* Attend at least one (1) Probation office visit per week, unless otherwise instructed.
- \* Submit to random urinalysis/breathalyzer testing as determined by the Williamson County Drug/Veterans Court Team, remain drug and alcohol free.
- \* Attend Drug/Veterans Court bi-monthly (2 times per month), unless otherwise instructed.
- \* Attend 2 group self help meetings per week with verification of attendance.
- \* Follow all treatment recommendations. Treatment modality and level determined by the treatment provider.
- \* If appropriate, participants will be employed, seeking employment, be involved in job training or attending school.
- \* Minimum 60 days confirmed sobriety.
- \* Minimum 60 days sanction free for consideration of phase advancement.

**Phase IV**  
*Maintenance*  
*(120 Days)*

Throughout Phase IV the defendant will be required to:

- \* Meet with the Drug/Veterans Court Probation Officer at least once every 2 weeks, unless otherwise instructed.
- \* Submit to random drug tests as directed by the Drug Court/Veterans Court Team, remain drug and alcohol free.
- \* Attend Drug/Veterans Court once per month, unless otherwise instructed.
- \* Attend 1 self help group meeting per week.
- \* Follow all treatment recommendations. Treatment modality and level determined by the treatment provider.
- \* If appropriate, participants will be employed, seeking employment, be involved in job training or attending school.
- \* Minimum of 90 days confirmed sobriety.
- \* Minimum of 90 days sanction free.

**Phase V**  
*Continuing Care*  
*(120 Days)*

Throughout Phase V the defendant will be required to:

- \* Meet with the Drug/Veterans Court Probation Officer at least once every month, unless otherwise instructed.
- \* Submit to random drug tests as directed by the Drug Court/Veterans Court Team, remain drug and alcohol free.
- \* Attend Drug/Veterans Court once per month, unless otherwise instructed.
- \* Attend 1 self help group meeting per week.
- \* Follow all treatment recommendations. Treatment modality and level determined by the treatment provider.
- \* If appropriate, participants will be employed, seeking employment, be involved in job training or attending school.
- \* Minimum of 90 days confirmed sobriety.
- \* Minimum of 90 days sanction free.

**Discharge Plan**

As part of Phase V, participants will work with their treatment providers and the Drug/Veterans Court Officer to complete a discharge plan which will be presented to the Drug/Veterans Court Team. This Discharge Plan will define any recommended ongoing services, support group activities or linkages with contact information that may be beneficial toward achieving long lasting success.

**Graduation**

A defendant will be considered to be a graduate from the Drug/Veterans Court Program if he or she achieves the following:

- \* Have a stable living environment.
- \* Be in compliance with all of the conditions of the Drug/Veterans Court Agreement and the Probation Order.

Once participants have been identified and approved by the Team and the Drug/Veterans Court Judge, a date will be set for the graduation ceremony. The graduation committee, comprised of current drug court participants, plan and prepare for the ceremony with the guidance of the Drug/Veterans Court Officer. The Drug/Veterans Court Officer and the Drug/Veterans Court Judge facilitate the ceremony highlighting each graduate and their accomplishments. This is done off the record. At the conclusion of the ceremony, the Drug/Veterans Court Judge goes on the record and formally discharges the defendant from the Drug/Veterans Court Program.

**P. NON-COMPLIANCE**

Any non-compliance with the rules and regulations of the Drug/Veterans Court Program by a participant should be reported to the Drug/Veterans Court Probation Officer immediately. It is the Drug/Veterans Court Officers's responsibility to report any non-compliance to the rest of the Drug/Veterans Court Team.

Non-Compliance with the rules and regulations of Drug/Veterans Court can include, but is not limited to the following:

1. Unsuccessful termination from either residential or out-patient treatment.
2. Illegal or unauthorized drug/alcohol consumption.
3. The consumption of any type of over the counter medication that contains ephedrine and/or pseudoephedrine.
4. Failure to attend scheduled appointments with treatment providers.
5. Failure to report as scheduled to the Probation Office.
6. Failure to report to the Judge for Drug/Veterans Court.
7. Failure to provide an urine or breath sample for analysis for testing within 4 hours as requested by the Drug/Veterans Court Probation Officer.
8. Providing a diluted, fraudulent or insufficient urine or breath sample for analysis.
9. Committing a new criminal offense.
10. Violating curfew.
11. Refusal to participate in a treatment program as required by the Drug/Veterans Court or the Drug/Veterans Court Probation Officer.
12. Having contact with a person who is known to consume and or sell illegal drugs unless otherwise authorized by the Drug/Veterans Court Probation Officer.
13. Failure to perform Public Service Work as directed by the Drug/Veterans Court Probation Officer.
14. Failure to complete any educational program as required by the Drug/Veterans Court Probation Officer.
15. Failure to obtain and remain gainfully employed as directed by the Drug/Veterans Court Probation Officer.
16. The defendant has otherwise violated the terms and conditions of the program or his or her sentence.

**Q. INCENTIVES/SANCTIONS/THERAPEUTIC ADJUSTMENTS**

The Drug/Veterans Court Team will use a combination of incentives and sanctions to reinforce compliance with the case management plan. The Team will recommend a combination of incentives and sanctions that are tailored to address the participant's unique history and needs.

Therapeutic adjustments are not used to reward or punish behavior, but rather are based upon the participant's clinical needs determined by a qualified treatment professional.

All responses to a participant's behavior shall be predictable, fair, consistent and without regard to a person's gender, race, nationality, ethnicity, limited English proficiency, disability, socio-economic status or sexual orientation.

Prior to the administration of any sanction, incentive or therapeutic adjustment, the Judge shall advise the participant in open court of the sanction, incentive, or therapeutic adjustment and the reason for the administration. The participant shall be permitted to address the court about the sanction, incentive or therapeutic adjustment for the court to consider.

*Incentives:*

Incentives will be imposed as deemed appropriate by the Judge and the Drug/Veterans Court Team. Incentives may be appropriate when an individual has either successfully completed a phase or has been in compliance for a significant period of time.

*Incentives* can include but are not limited to:

- \* Verbal praise, compliments from the Judge
- \* Handshakes from the Drug/Veterans Court Team
- \* Restaurant Gift Certificates
- \* Candy
- \* Applause/Special recognition in Drug/Veterans Court
- \* Temporary lifting of curfew
- \* Grant travel privileges
- \* Letters of recommendation
- \* Excusing from a court hearing
- \* Advancement to the next phase
- \* Certificates (completion, recognition, participation, graduation)

*Sanctions:*

*Sanctions* will be imposed when deemed appropriate by the Drug/Veterans Court Judge. The Judge, with input from the Drug/Veterans Court Team, will determine which *sanction* is appropriate depending on the nature of the violation of the Drug/Veterans Court rules and the overall compliance of the individual.

*Sanctions* can include but are not limited to:

- \* Verbal Reprimand from the Judge

- \* Reading/writing assignment (journaling/essay)
- \* Letter of apology
- \* Daily Activity log
- \* Increase community support meetings
- \* Jury box observation
- \* Community Service Work
- \* Increase in frequency of hearings
- \* Increase in drug testing
- \* Increase contacts with probation officer
- \* Deny phase advancement
- \* Electronic monitoring
- \* Incarceration
- \* Termination from Drug/Veterans Court
- \* Probation Revocation
- \* Commitment to the Illinois Department of Corrections

*Therapeutic Adjustments:*

*Therapeutic Adjustments* will be imposed when deemed appropriate by the Drug/Veterans Court Judge are not used to reward or punish behavior, but rather are made based upon the defendant's clinical needs with input from a qualified treatment professional. Examples of when a Therapeutic Adjustment might be appropriate are: failed urinalysis, or the resumption of old "triggering" behaviors.

*Therapeutic Adjustments* can include but are not limited to:

- \* Increase/decrease intensity of treatment
- \* Additional treatment groups
- \* Additional counseling referrals
- \* Verification of community support meeting attendance
- \* Medication assisted therapy

## R. PROGRAM OUTCOMES

There are four ways a participant may be discharge or terminated from the Drug/Veterans Court:

- (1) **Successful:** The participant completes all of the program requirements. Successful completion of the program can result in a number of possible outcomes, depending upon which Option the case is proceeding under. Option 1 participants have their case dismissed upon successful completion of the program. Option 2 participants may have their guilty plea vacated and the case dismissed without conviction. Option 3 participants will have their sentence of Probation deemed successfully completed.
- (2) **Neutral:** The participant does not violate program requirements necessitating an unsuccessful discharge, but is unable to successfully complete the program requirements to qualify for a successful discharge. A neutral discharge may result from a participant who has been substantially compliant with the Drug/Veterans Court rules but, after having exhausted reasonable efforts, the Drug/Veterans Court team determines the participant's progress towards successful completion is improbable. For example, the participant has or develops a serious medical or mental health condition, disability, or any other factor that may prevent the participant from meeting the requirements.
- (3) **Unsuccessful:** The participant is terminated from the Drug/Veterans Court due to a violation of the Program requirements. As per 730 ILCS 166/5 (Drug Court Treatment Act) and 730ILCS 167/35 (Veterans and Servicemembers Court Treatment Act) Sec. 35. Violation; termination; discharge.
  - (a) If the court finds from the evidence presented including but not limited to the reports or proffers of proof from the drug court professionals/Veterans and Servicemembers Court professionals that:
    - (1) the defendant is not performing satisfactorily in the assigned program;
    - (2) the defendant is not benefitting from education, treatment, or rehabilitation;
    - (3) the defendant has engaged in criminal conduct rendering him or her unsuitable for the program; or
    - (4) the defendant has otherwise violated the terms and conditions of the program or his or her sentence or is for any reason unable to participate,

the court may impose reasonable sanctions under prior written agreement of the defendant, including but not limited to imprisonment or dismissal of the defendant from the program and the court may reinstate criminal proceedings against the him or her or proceed under 5-6-4 of the Unified Code of Corrections for a violation of probation, conditional discharge, or supervision hearing.

Prior to unsuccessful discharge from the Drug/Veterans Court, a participant shall be served with a petition to terminate the participant from the Drug/Veterans Court or to revoke the participant's probation. The petition shall set forth the claimed violations of the Drug/Veterans Court program requirements or probation, together with the relief sought. The Drug/Veterans Court Judge shall ensure that all participants who become subject to proceedings that could result in unsuccessful discharge from the Drug/Veterans 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), the Drug/Veterans Court Judge shall not accept an admission to a violation, or a stipulation that the evidence is sufficient to establish a program or probation violation, without first, addressing the participant personally in open court, and informing the participant of and determining that the participant understands the following:

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



subject to prosecution or sentencing.

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

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

Once a petition to terminate a participant from the Drug/Veterans Court or to revoke probation has been filed, the Drug/Veterans Court Judge may allow the participant, with the consent of both the participant (with the advice of his or her counsel) and the State, to remain in the Drug/Veterans Court with the hearing on the petition deferred.

The State may thereafter dismiss the petition if the participant makes satisfactory improvement in compliance with the Drug/Veterans Court program requirements. If the participant fails to make satisfactory improvement, the State may elect to set the petition for a hearing.

At a hearing on a petition to terminate a participant from the Drug/Veterans Court or to revoke probation, the Drug/Veterans Judge cannot consider any information learned through team staffings, status review hearings or otherwise, unless newly received in evidence at the hearing.

The Drug/Veterans Court Judge should disqualify himself or herself in a proceeding on a petition to terminate a participant from the Drug/Veterans Court or to revoke probation under the circumstances listed in the Supreme Court rule 63C.

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

- (4) **Voluntary withdrawal:** Participants in the Drug/Veterans Court shall have the right to withdraw from the Drug/Veterans Court.

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

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

## S. DRUG TESTING

Participants in the Drug/Veterans Court Program will be tested frequently. These tests will be done on a **random** basis, and the tests will be administered in the Probation Office. The Probation Office has established a system in which all participants contact the Probation Office every weekday by 9:00 a.m. to determine if they have been randomly selected for drug testing that day. Drug testing is conducted on a random bases according to the participant's phase and need level or particular circumstances, as set forth in the Phases listed above. For example, Phase I participants will be drug tested at least 3 times per week by the Drug/Veterans Court Officer. Additional tests may also be administered by counseling providers as per their own internal protocol. As the defendant progresses through the appropriate phase, drug testing requirements may be reduced. The bulk of Drug/Veterans Court testing will be done in house by the Probation Officer utilizing test cups. Confirmation testing (when necessary) will be performed by a laboratory utilizing gas chromatography spectrometry. Urinalysis results and results of other monitoring techniques will be documented and provided to the Drug/Veterans Court Team. Any admissions of substance abuse, positive urine tests, tampered samples or refusal to provide a sample can be grounds for sanctions.

### Prescription Medications:

Participants in the Drug/Veterans Court program are expected to be drug free, including the use of mood-altering, potentially addictive, prescription medications except as required and authorized by a physician or a psychiatrist. Participants with chronic pain requiring repeated use of prescription pain medication will be referred to a pain clinic if necessary.

Participants shall notify the Drug Veterans Court Officer of any prescribed medications. Participants are requested to present the Medication Receipt and Physician Notification to their doctor identifying themselves as a Drug/Veterans Court participant with a chemical dependency and request non-narcotic medication. This form will include the doctor's name, address, and contact number. When a medication is prescribed, the Drug/Veterans Court participant will notify the Drug/Veterans Court officer of the medication and the reason for the prescription. They will also be required to present the prescription information to the officer. If the prescription is for a narcotic

pain medication, the Drug/Veterans Court Officer may require the participant to maintain a pill diary.

#### **T. TREATMENT PROTOCOL**

The type of substance abuse or mental health treatment will vary for each individual participating in the Drug/Veterans Court. Consistent with the Drug/Veterans Court model, treatment begins with a thorough and complete assessment of the defendant's history and level of involvement with alcohol and drugs. Based upon this assessment, the therapist will develop a treatment plan. Drug/Veterans Court participants will receive substance abuse counseling from various local providers. In addition to the resources available to the general public, Veterans Court participants also have available to them the resources of the Veterans Administration Hospital in Marion, Illinois, as well as other facilities available in the VA medical system.

#### **U. ETHICS AND CONFIDENTIALITY**

The Drug/Veterans Court transitions the roles of every member of the team from their traditional separation and independence to a collaborative effort focused on recovery of Drug/Veterans court participants. This transition from traditional roles however, requires that Drug/Veterans Court be consciously aware of the ethical and confidentiality considerations to ensure that those who enroll in the program are confident that each member of the Drug/Veterans Court Team maintains the highest standards of ethical conduct.

Members of the Drug/Veteran's Court Team are to interact with other members of the team in a non-adversarial manner and to project a unified team approach to the participants. This however does not equate to non-advocacy on behalf of the participant. Each member of the team represents his or her professional interests as a member of the team who contributes equally.

All information pertaining to the First Circuit Drug/Veterans Court participants is strictly confidential. Any information viewed by the Drug/Veterans Court Team or providers is not to be shared with any outside party. Records shall be open to inspection by any judge or by any Probation Officer pursuant to order of the court, but shall not be a public record.

Drug/Veterans 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 release, he or she may be ruled ineligible for the program.

All probation files, Pre-Sentence Investigations, computer notes and case notes are considered to be confidential and are not to be released except by court order.

All Drug/Veterans Court material will be protected by federal law, specifically section 543 of the Public Health Service Act, 42 U.S.C. 290dd-2, and its implementing regulations, 42 C.F.R. Part 2 (confidentiality of substance abuse records) and 45 C.F.R. Parts 160 and 164, and Illinois

Mental Health and Development Disabilities Confidentiality Act, 740 ILCS 110/1 *et. seq.*  
(confidentiality of mental health treatment records).

To enhance awareness of the ethical and confidentiality requirements for every member of the team, the Drug/Veterans Court will provide on-going education to team members by directing them to current research and writings that address the issues of ethics and confidentiality in drug courts, as well as trainings and webinars.