

FIRST JUDICIAL CIRCUIT OF ILLINOIS
MASSAC COUNTY
DRUG COURT PROGRAM
(Effective January 1, 2012)

APPROVAL REQUEST

Approved for submission to the Chief Judge of the First Judicial Circuit of the State of Illinois this 20 day of Dec., 2011.


JOE JACKSON
PRESIDING CIRCUIT JUDGE
MASSAC COUNTY, ILLINOIS

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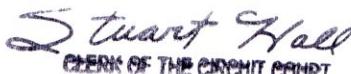
APPROVED

Approved by the Chief Judge's Office this 30 day of
Dec., 2011.


MARK H. CLARKE
CHIEF JUDGE
FIRST JUDICIAL CIRCUIT

FILED

DEC 30 2011


STUART HALL
CLERK OF THE CIRCUIT COURT

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**FIRST JUDICIAL CIRCUIT OF ILLINOIS
MASSAC COUNTY
DRUG COURT PROGRAM**

MISSION STATEMENT

The Massac County Drug Court Program's primary mission is to break the cycle of criminal behavior caused by methamphetamine addiction in non-violent offenders by encouraging therapeutic intervention while at the same time holding all offenders accountable for their criminal behavior.

MASSAC COUNTY DRUG COURT TEAM

Honorable Joe Jackson
Carl Johnson
Patrick Windhorst
Marilou Shaner
To be determined

Massac County Drug Court Judge
Massac County Drug Court Officer
Massac County State's Attorney
Massac County Public Defender
Treatment/Counselor

POLICY AND PROCEDURE

The Massac County Drug Court Program will operate in accordance with 730 ILCS Act 166 of the Drug Court Treatment Act.

ELIGIBILITY:

A defendant may be admitted into the drug court program only upon the agreement of the prosecutor and the defendant, and with the approval of the Court.

CRITERIA:

An offender must be charged with a probation eligible criminal violation of the Methamphetamine Control and Community Protection Act (720 ILCS 646/1 et seq.) to be eligible for participation in the Drug Court Program. The offender must be willing to admit that he or she uses drugs or has an addiction to drugs. The offender must demonstrate a willingness to participate in a treatment program.

Comments:

Drug Court Produces Largest Effects for High Risk Offenders

“The Drug Court model has been shown to have the largest effects for participants who were ***relatively younger***, had more prior felony convictions, were diagnosed with antisocial personality disorder (ASPD), or had previously failed in intensive dispositions.”

Who should go to Drug Court? Webinar

Dr. Fred Chessman

Dr. Doug Marlowe

Hon. Robert Russell

www.research2practice.org

PROHIBITED PARTICIPANTS:

Pursuant to 730 ILCS 166/20 (b), a defendant may not be considered for the Drug 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 Kidnapping
 - Kidnapping
 - Aggravated Battery resulting in great bodily harm or permanent disability
 - Stalking
 - Aggravated Stalking
 - Any offense involving the discharge of a firearm

- (5) The defendant has previously completed or has been discharged from a drug court program.

REFERRAL:

A referral to the Massac County Drug Court Program may come from the State's Attorney, Defense Attorney, Judge or the Probation Department. The referring entity will contact the Drug Court Officer assigned to the Drug Court Program with the referral. The Drug Court Officer will first determine if the State's Attorney is in agreement with the referral. If the State objects to the referral, the Drug Court Officer will terminate the referral. If the State does not object to the referral, the Drug Court Officer will screen the defendant within 7 working days thereafter. **The State's Attorney or his designee has the absolute right to veto offender participation.**

SCREENING:

Upon receipt of a referral, agreed to by the State, the Drug Court Officer shall interview the defendant in the county jail. If the defendant has posted bond, the interview shall take place at the Probation Department. The Drug Court Officer will assess each candidate and determine if he or she substantially meets the following criteria for participation in the Drug Court Program:

- 1) The defendant is an addict, substance abuser or is chemically dependant.
- 2) There is a causal relationship between the defendant's drug use and their criminality.
- 3) That as a result of the defendant's drug abuse, there is a negative impact in his or her major life areas of family, interpersonal relationships, education, employment, leisure and health.
- 4) The defendant does not have any physical, psychological, psychiatric problems that would prohibit his or her participation in substance abuse treatment.
- 5) The defendant shows a willingness to address his substance abuse addiction.
- 6) The defendant's family is willing to assist the defendant in his recovery effort. (Lack of family involvement will not in and of itself exclude a defendant from participation in the program, but may be a factor in determining where follow up treatment will occur.)
- 7) As part of the screening process, the Drug Court Officer will conduct a criminal history records check on the defendant.

- 8) Additional assessments such as provided by TASC, the Gateway Foundation, or others may be made at this time if the Drug Court Officer feels that it is necessary.

As part of the initial screening, the Drug Court Officer will explain to the defendant the nature and function of the Drug Court Program, and what will be required of the defendant should he or she participate in the program.

CONFIDENTIALITY:

1. Any information viewed by Drug Court personnel is not to be shared with an outside party. Records shall be open to inspection by any Judge or Probation Officer pursuant to an Order of the Court, but shall not be a public record.
2. Drug Court candidates shall be required to sign release forms so that relevant information may be shared with appropriate agencies. If a candidate refuses to sign the necessary releases, he/she will not be considered for participation in the Drug Court Program.
3. All probation files, pre-sentence investigations, computer notes, and other such material are to be considered confidential information and are not to be released except by Court Order. Case information may be released to other Probation Departments, pursuant to Illinois law.

REPORT:

After interviewing the drug court candidate, reviewing his or her criminal history and examining all other pertinent information, the Drug Court Officer shall prepare a written report indicating whether or not the defendant is a suitable candidate for the program. The report shall be distributed to all members of the Drug Court Team and counsel for the defendant.

SENTENCING:

Drug Court shall be held the second Monday of every month at 1:00 p.m.
(Must be a minimum of once every 30 days)

Upon the completion of the Drug Court Officer's Eligibility Report, the case shall be set on the docket for the next Drug Court Date. Prior to the Hearing, the defense attorney for the case shall determine if the defendant who is a candidate for Drug Court has the following:

- A) A willingness to enter a plea of guilty to the offense and/or admit to a Petition to

Revoke Probation.

- B) Waiver of right to a bench/jury trial and/or Violation of Probation Hearing.
- C) A willingness to participate in the Drug Court Program.

The Court will review the Drug Court Screening Report and the eligibility of the defendant, advise the defendant as to the nature of the Drug Court, as well as the defendant's responsibilities, and determine the defendant's willingness to participate. The Court shall determine whether the candidate is admitted into the Drug Court Program.

There are two ways to be considered for the Drug Court Program:

1. When the defendant has committed a new probation eligible offense in violation of the Methamphetamine Control and Community Protection Act.
2. When the defendant has violated the conditions of a previous probation sentence for violation of the Methamphetamine Control and Community Protection Act.

The procedures for sentencing shall be as follows:

New Offense

The defendant shall enter a plea of guilty to the offense. The Court shall sentence the defendant to probation and order him/her to complete the Drug Court Program. The defendant will be remanded to the county jail/detention center where he/she shall remain until there is an opening at a residential treatment facility. The defendant will be released from jail to the treatment facility where he/she will complete in-patient treatment. After completing residential treatment, the defendant may return to his/her home in the community or he/she may be referred to a half-way house. This will be evaluated on a case by case basis. A suggested treatment outline is enclosed at the end of this document (See Attachment A). It should be noted that this is a general outline that may have to modified on a case by case basis.

Revocation of Probation

The defendant shall admit to the Petition to Revoke Probation. The Court shall re-sentence the defendant to probation and order him/her to complete the Drug Court Program. The defendant will be remanded to the county jail/detention center where he/she will remain until there is an opening at a residential treatment facility. The defendant will be released from jail to the treatment facility where he/she will complete in-patient treatment. After completing residential

treatment, the defendant may return to his/her home in the community or he/she may be referred to a half-way house. This will be evaluated on a case by case basis. A suggested treatment outline is enclosed at the end of this document (See Attachment A). It should be noted that this is a general outline that may have to be modified on a case by case basis.

ENROLLMENT:

No more than 10 defendants will be admitted into the program at any given time. This is to allow proper supervision of the Drug Court participants, as well as to evaluate procedures/policies in order to enhance the efficiency of the Drug Court Program. After the first year, the Court may review this limitation after consultation with the Drug Court Team.

DRUG COURT STAFF MEETING:

The Drug Court Team will meet 30 minutes before Drug Court is scheduled to begin. The purpose of this staffing shall be to review the status of offenders currently in the program. **For these staff meetings, the Drug Court Officer shall prepare a written status report on each participant with recommendations for sanctions and/or rewards.**

NON-COMPLIANCE:

Any non-compliance with the rules and regulations of the Drug Court Program by a defendant should be reported to the Drug Court Officer immediately. It is the Drug Court Officer's responsibility to investigate the alleged violation and report his findings to the rest of the Drug Court Team.

Non-compliance with the program rules and regulations can include, but are 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 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 Court.
7. Failure to provide an urine or breath sample for analysis for testing within 2 hours as requested by the Drug Court 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 Court or the Drug Court Officer.
12. Having contact with a person who is known to consume and/or sell illegal drugs unless otherwise authorized by the Drug Court Officer.
13. Failure to perform Public Service Work as directed by the Drug Court Officer.
14. Failure to complete any educational program as required by the Drug Court Officer.
15. Failure to obtain and remain gainfully employed as directed by the Drug Court Officer.
16. 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.

SANCTIONS/REWARDS:

The Drug Court Team will use a combination of sanctions and rewards to reinforce compliance with the treatment plan. The team will attempt to develop additional sanctions and rewards which are unique to the individual.

Rewards

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

Rewards may include:

- * Praise from the Judge.
- * Reduction in previously imposed sanctions
- * Tokens of progress
- * Decreased Court appearances
- * Decreased levels of supervision
- * Graduation from the program

Sanctions

A sanction will be imposed for each violation. The Court, with input from the Drug Court Team, will determine which sanction is appropriate depending on the nature of the violation and the overall compliance of the individual.

Sanctions can include:

- * Admonishment from the Judge
- * Curfew
- * Shock Incarceration
- * Periodic Imprisonment
- * Increased Reporting
- * Increased Drug Testing
- * Increased Level of Treatment
- * Electronic Monitoring
- * Discharge from the Drug Court Program
- * Commitment to the Illinois Department of Corrections

UNSUCCESSFUL DISCHARGE:

An Unsuccessful Discharge from the Drug Court will occur as a result of the following:

- 1) The defendant elects to drop out of the Drug Court Program.
- 2) The defendant commits a new offense. (Unless the State's Attorney, after consultation with the Drug Court Team, recommends the defendant continue in the program.)
- 3) Violation of Drug Court Policies
- 4) Other reasons as determined by the Court and/or the Drug Court Officer.

SUCCESSFUL GRADUATION:

To successfully complete the Drug Court Program and graduate, the defendant must complete the following:

- 1) Achieve 12 months of sobriety.
- 2) Successfully complete all treatment as required.
- 3) Remain new offense free.
- 4) Abide by all Drug Court rules and regulations.
- 5) Work towards or obtain a GED if he/she has no high school diploma.
- 6) Make a good faith effort in seeking, and obtaining gainful employment.
- 7) Have a stable living environment.

DRUG TESTING:

Drug testing (urinalysis) and breathalyzer testing is to be considered an integral part of the Drug Court Program. Drug tests are to be used for the following:

- 1) As an assessment and diagnostic tool.
- 2) To reinforce and validate successful recovery and abstinence.
- 3) As an intervention and confrontational tool.
- 4) As a deterrent to drug use.
- 5) To assist in determining risk and revocation decisions.

Drug testing will be performed by the Drug Court Officer or his designee. The Drug Court Officer shall provide for immediate testing if requested by the Court.

DRUG COURT OFFICER DUTIES:

- 1) Participate in the pre-court staffing between the Drug Court Judge, State's Attorney, Defense Attorney, TASC representative or any other treatment provider as designated.
- 2) Provide probation supervision to all offenders sentenced to Drug Court.
- 3) Maintain a probation file on each Drug Court offender in accordance with the standards set forth by the Administrative Office of Illinois Courts and the First Judicial Circuit Probation District.
- 4) Conduct drug testing as required on all drug court offenders.
- 5) Forward violation reports to the State's Attorneys office when warranted.
- 6) Provide court testimony when needed.
- 7) Prepare Status reports on each participant for the Drug Court Staff Meetings.
- 8) Perform any and all other duties as directed by the Drug Court Judge.

ATTACHMENT A

PROPOSED TREATMENT OUTLINE FOR DEFENDANTS SENTENCED TO THE MASSAC COUNTY DRUG COURT PROGRAM

1. **30 Days Incarceration:** All defendants sentenced to drug court will serve at least 30 days incarceration in the county jail/ detention center. This incarceration period may be either pre or post plea agreement. This initial jail sentence serves several functions:
 - 1) It serves as a punitive measure. The defendant is punished for his actions, and society is guaranteed at least 30 days without having to deal with him/her.
 - 2) It allows for a sobering up period where the defendant does not have access to alcohol or illegal drugs.
 - 3) It serves to motivate the defendant to comply with the program. (Avoiding a longer jail sentence.)
2. **In-Patient Treatment:** Each defendant will then complete at least 30 days of in-patient substance abuse treatment. The exact location may vary due to the individual needs of the defendant, transportation issues and available bed space at the various treatment facilities. While the defendant is at the treatment facility, the Drug Court Officer, the defendant's counselors and the defendant will work to develop an individualized aftercare plan. In some instances, the defendant may move directly from in-patient treatment to a half-way house or interim care facility in another location. If that is the case, the Drug Court Officer may either continue to monitor the defendant's progress long distance or transfer the defendant's probation to the appropriate county.

3. Phase I (Minimum 8 weeks):

The following steps are for defendant's who return to Massac County after completing their in-patient treatment. Immediately upon the defendant's return, he/she will meet with the Drug Court Officer at the Probation Department. The Drug Court Officer will re-orient the defendant to the goals of the Drug Court Program at this meeting. The defendant will establish contact with the agency providing his/her out-patient follow up treatment while at the Probation Office. The defendant will be responsible for the following:

- A) Attend at least 3 probation office appointments per week. Drug tests and portable Breathalyzer tests will be performed at these visits. (Office reporting requirements may be increased at the discretion of the Probation Officer.)
- B) Attend Drug Court when scheduled.
- C) Attend 4 NA/AA meetings per week.
- D) Attend out-patient counseling as directed.
- E) Attend GED classes if not a high school graduate.
- F) Attend any other educational program as directed by the Drug Court Officer.
- G) Complete Public Service Work as directed by the Drug Court Officer.
- H) Positive involvement of the defendant's family is encouraged by the Drug Court Team.

4. Phase II (Minimum of 12 Weeks)

- A) Attend 2 scheduled Probation Department appointments per week. A drug test will be performed at this visit. Additional random tests will be conducted at the discretion of the Drug Court Officer or at the direction of the Court.
- B) Attend Drug Court when scheduled.
- C) Minimum attendance of at least 3 AA/NA meetings per week.
- D) Attend outpatient counseling as scheduled.

- E) Attend GED class if not a high school graduate.
- F) Attend any other educational program as directed by the Drug Court Officer.
- G) Seek and obtain full or part-time employment or complete Public Service Work as directed by the Drug Court Officer.
- H) Begin payment on Fines and Costs in the Drug Court Probation case.

5. Phase III (Minimum of 12 Weeks)

- A) Attend 1 Probation Department appointment each week. A drug test will be performed at this visit. Additional random drug tests may be performed at the discretion of the Probation Officer.
- B) Report for Drug Court as scheduled.
- C) Attend 1 AA/NA meeting per week.
- D) Attend out-patient counseling as directed.
- E) Attend GED classes if not a high school graduate.
- F) Attend any other educational programs as directed by the Drug Court Officer.
- G) Seek and obtain full or part-time employment
- H) Continue to pay on fines and costs.

6. Graduation

A defendant will be considered a graduate of the Drug Court Program if he/she achieve the following:

1. Achieve 12 months of sobriety.
2. Make a good faith effort towards obtaining gainful employment.
3. Obtain a GED (when appropriate).

4. Successfully complete all treatment as required.
5. Have a stable living environment.
6. Be in compliance with all of the conditions of the Drug Court Agreement.
7. Have a zero balance in the Drug Court Probation case.

DRUG COURT GUIDELINES AND AGREEMENT TO TERMS SIGNATURE PAGE

I, _____, verify that I have been informed regarding the terms and conditions of participation in the Massac County Drug Court Program in the First Judicial Circuit of Illinois. I have been informed of the eligibility requirements for entry into Drug Court. I am aware that Drug Court participation includes incarceration, residential substance abuse treatment, out-patient substance abuse treatment, frequent Probation Office visits with drug and/or Breathalyzer testing, educational requirements, public service work requirements, and payment of fines and court costs. I understand that I will be required to enter a **Plea of guilty** in the current offense. I have been informed of the terms and consequences of non-compliance with Drug Court guidelines including the imposition of sanctions and possible incarceration in the Illinois Department of Corrections.

I acknowledge that I have had the opportunity to ask questions regarding the terms and conditions of my participation in the Drug Court Program.

I, _____, by my signature on this document, agree to the terms and conditions for participation in the Drug Court Program, and affirm that this agreement is knowingly and voluntarily made and not given under any threat or coercion.

Defendant's Signature

Date

Witness Signature

Date