

Macon County Hybrid Court (Drug & DUI)

Program Manual



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Introduction

Welcome to the Macon County Hybrid Court program. We have one of less than 10 courts in the State of Illinois that combines Drug and DUI Court services.

This manual is important to your active participation in the program. In order to successfully complete the program, you must follow the rules and expectations in this manual, as well as the directives of the judge and the treatment providers. Failure to do so can lead to sanctions, including, but not limited to, dismissal from the program or incarceration in the Macon County Jail.

The purpose of this manual is to provide you with general program-related information, and expectations of the program.

Program History

A drug court program was first established in Macon County around 1997. Unfortunately, the program became unsustainable and was phased out around 2004 due to lack of funding. At the time, the decision to establish a drug court program was at the discretion of the Chief Judge of each Judicial Circuit in Illinois. Community stakeholders were interested in continuing the program, but lack of funding prevented that from happening.

Effective January 1, 2010, Illinois law changed to provide that each Chief Judge of each Judicial Circuit must establish a drug court program. With the help of a federal grant, Macon County's new Hybrid Court Program became operational on December 1, 2011. The Hybrid Court is a combination of a drug court program and a DUI court program.

The Macon County Hybrid Court graduated its first class (of 12 participants) on Friday, March 28, 2014.

Program Description

The Macon County Hybrid Court is voluntary program designed for High Risk/High Needs adult offenders who reside in Macon County, Illinois, who have a current nonviolent felony offense and a diagnosis of substance dependence. Within the target population, individuals who meet the previously listed factors who are also pregnant or addicted to heroin will be labeled as priority. A priority status will mean that the individual will be placed at the top of the referral list. Rather than traditional punishment, the Court diverts participants away from the criminal justice system by offering alternative comprehensive and therapeutic judicial intervention.

The goal of the Hybrid Court is:

- Decrease reoccurring arrests
- Decrease days in jail
- Increase access to substance abuse services
- Coordinate substance abuse services
- Enhance public safety

Participants who consent to join the program will receive:

- Intensive case management services
- Ongoing treatment services
- Regular court appearances
- Court supervision

Participants who meet criteria for treatment will remain in the program until the Hybrid Court team determines that all requirements have been met for successful completion. Participants may voluntarily terminate their involvement with the program at any time. However, if a participant chooses to quit, or is dropped from the program due to a sanctioned dismissal, the traditional court process will resume.

Acceptance Into The Program

It is the policy of the Macon County Hybrid Court Program that each defendant must meet defined eligibility criteria as set forth by the Drug Court Treatment Act (730 ILCS 166/20). A defendant may be admitted into the Hybrid Court program only upon the agreement of the prosecutor and the defendant and with the approval of the court.

A history of violent offenses outside of a person's addiction will be taken into consideration by the team for acceptance into the program.

Confidentiality

The Hybrid Court program is governed by Federal laws of confidentiality. Participation in the program requires a waiver of confidentiality (authorization for release of information) and consent for participation in the program. Participants are required to allow the Hybrid Court team to view documentation regarding the participants' diagnosis, treatment, attendance and progress reports, and termination or completion of treatment. If the participant is a veteran eligible to receive services through the Veterans Administration, a signed release of information form is also required.

Team Members

In the Hybrid Court, you will work with a team which includes:

- The Judge
- Assistant State's Attorney
- Assistant Public Defender and/or defense attorney
- Members of the Macon County Sheriff's Department
- Treatment providers from Heritage Behavioral Health Center
- Probation Officers
- Specialty Courts Administrator

This team will design a treatment plan specific to your individual needs, track your progress, and will update the plan as you work through the program. You will be assigned a treatment provider and a probation officer. As part of the treatment plan, you might also be subject to random drug testing.

Phases

Phase One: Introduction to Treatment

- Treatment modality will be determined by Heritage Behavioral Health Center
- Level of Supervision
 - Three (3) contacts per week, with two (2) being face-to-face
 - Two (2) random – and observed – drug screens per week
 - Weekly court appearances
- Duration will be a minimum of 30 days

Phase Two: Skills/Sustainability

- Treatment modality will be determined by Heritage Behavioral Health Center
- Level of Supervision
 - Two (2) contacts per week, with one (1) being face-to-face
 - Two random – and observed – drug screens per week
 - Court appearances every two (2) weeks
- Duration will be a minimum of six (6) months

Phase Three: Maintenance of Recovery

- Treatment modality will be determined by Heritage Behavioral Health Center
- Level of Supervision
 - Two (2) contacts per month, with one (1) being face-to-face
 - Two random – and observed – drug screens per week
 - Court appearances every four (4) weeks
- Duration will be a minimum of five (5) months

Phase Four: Continuing Care

- Level of Supervision
 - One (1) face-to-face contact per month
- Duration will be a minimum of six (6) months

Ongoing Supervision

- Level of Supervision determined at time of successful completion of the Hybrid Court program
- Duration will be for the remainder of the supervision time

Roles and Responsibilities

During the course of the program, you will be expected to:

- Be honest – with the Hybrid Court team and yourself
- Attend court as required
- Follow all of the rules of the program and its contract
- Be invested in your success
- Follow the treatment plan – attend all appointments and take all prescribed medications

Incentives

If you follow your treatment plan, you'll receive praise and incentives for continuing to do well. The Judge will determine your incentives based upon the recommendations of the Hybrid Court team. Examples of incentives include:

- Recognition, praise and placement on the 'honor roll'

- Less frequent appointments with probation officers and treatment providers
- Less frequent status hearing
- Fewer drug and alcohol tests
- Less frequent home visits
- More privileges such as travel and a later curfew
- Gift certificates or other donated items
- Food or restaurant certificates

Sanctions

If you do not remain compliant with the program, sanctions may be used to reinforce the importance of following the rules. Sanctions may include, but are not limited to:

- Verbal warning and/or reprimand
- Assignments (such as written essays)
- Loss of privileges such as travel or later curfew
- More frequent appointments with probation officers and treatment providers
- More frequent status hearings
- More frequent home visits
- Public service work
- Jail
- Bench warrant
- Termination from the program and possible sentencing.

Drug Testing

Participants will be required to submit to random drug testing. Drug testing procedures are carried out by Heritage Behavioral Health Center, and follow that agency's defined procedures.

There is a zero tolerance policy for tampering with a drug test. Should a participant be found to have tampered with a drug test, that person will be terminated from the program immediately and returned to the criminal court.

Violations and Discharge

The Hybrid Court Program follows the violation, termination and discharge guidelines and procedures as stated in The Hybrid Court Treatment Act as well as conditions predetermined by the Hybrid Court Team. Violations that can result in unsuccessful termination and discharge from the program include, but are not limited to, the following:

- The participant is not performing satisfactorily in the assigned program
- The participant is not benefitting from education, treatment, or rehabilitation
- The participant has engaged in criminal conduct rendering him or her unsuitable for the program
- The participant has otherwise violated the terms and conditions of the program or his or her sentence or is for any reason unable to participate

The following acts and charges will be grounds for immediate discharge from the program:

- Attempted tampering or tampering with a drug screen

- Delivery of a controlled substance
- Possession of a firearm or any other weapon
- Any new charge listed as a statutory eligibility disqualifier

When a case is discharged unsuccessfully from the Hybrid Court, it will be transferred to the sentencing felony court room for traditional adjudication.

Graduation from Hybrid Court

Upon successful completion of the terms and conditions of the program, the court may dismiss the original charges against the participant or successfully terminate the Participant's sentence or otherwise discharge him or her from any further proceedings against him or her in the original prosecution.

It is the policy of the Macon County Hybrid Court Program that all participants will attend commencement ceremonies. Before the commencement is official, the Hybrid Court Team will review the participant's commencement application and staff the case. It is at this point that the legal agreements made pending completion shall be reviewed and acted upon accordingly. Commencement Ceremonies will be held on a quarterly basis.

- Each graduate will be required to complete and submit the Hybrid Court Commencement Application prior to graduating.
- Each participant will be required to fill out a brief Hybrid Court Exit Survey upon completion.
- At time of commencement, the case will be transferred to the original sentencing Judge for completion of the terms of the negotiated plea. The Participant is required to appear at this court date.

Program Rules

1. Do not violate any criminal statute of any jurisdiction.
2. Report to, attend and participate in any assessment, counseling, treatment, or educational programs as directed by the Court and/or the Hybrid Court team.
3. Do not possess a firearm or other dangerous weapon.
4. Do not leave the State of Illinois without the consent of the Hybrid Court team, unless in circumstances of an emergency where prior consent by the team is not possible.
5. Permit the probation officer or treatment provider to visit your home or elsewhere.
6. Notify the probation officer within 72 hours of any change in address or employment status.
7. Refrain from using alcohol, cannabis and/or controlled substances.
8. Engage in positive, pro-social activities which may include work, school, community service, volunteer work and/or support group involvement.
9. Cooperate with Heritage Behavioral Health Center or other private mental health service providers, sign all releases, and follow all treatment plans, including taking all medications as prescribed.
10. Additional rules may be assigned based on your individual treatment plan.

Participation Agreement

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT OF ILLINOIS
MACON COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
) No. _____
)
_____,)
Participant.)

PARTICIPATION AGREEMENT FOR MACON COUNTY HYBRID COURT PROGRAM (PURSUANT TO 730 ILCS 166/1et seq.)

The participant, having entered a plea of guilty to count(s) _____ in the above-mentioned case, and having been accepted into the Hybrid Court Program (HC), the Court hereby finds that:

_____ Judgment is deferred. Participant is ordered to successfully complete HC. Upon successful completion, the participant's plea of guilty will be vacated, the charges will be dismissed and the case will be closed. Failure to successfully complete the program will result in a conviction being entered and the participant being sentenced according to the Criminal Code. Sentencing end date is initially scheduled for _____.

_____ Judgment is not deferred. Participant is ordered to successfully complete HC. Upon successful completion, participant will be sentenced to time in the program and the case will be closed with a conviction being entered. Failure to successfully complete the program will result in the participant being sentenced according to the Criminal Code. Sentencing end date is initially scheduled for _____.

Participant and the Court agree that all of the following conditions and rules of HC will apply to this case, and participant waives certain rights as contained within this agreement. **(Participant to initial each paragraph below).**

I. General Provisions

- _____ 1. I agree that the HC Program is a minimum of eighteen (18) months in length.
- _____ 2. I agree that I am a Macon County resident, and will live in Macon County throughout my participation in HC.
- _____ 3. I agree to follow all terms and conditions of HC.
- _____ 4. I agree that I will abide by all state, local, and federal criminal statutes during the term of HC.
- _____ 5. I agree that the terms, conditions, rules and procedures of the Macon County HC Program may be changed during the term of my participation, either to comply with the changes in the law or to improve the overall success of the program. Such changes will be provided to me in writing. If I am unwilling to follow such changes, I will be offered the opportunity to voluntarily terminate my participation in HC and be sentenced according to the Illinois Criminal Code and Code of Corrections.
- _____ 6. I agree that my sentencing end date may be extended, without requiring the State to file a Petition to terminate me from HC when it is necessary to give me enough time to successfully complete any term of my treatment program.

II. Assessments and Treatment

- _____ 1. I agree to complete all court-ordered assessments and evaluations, including but not limited to, alcohol and substance abuse treatment assessments and evaluations, psychological evaluations, psychiatric assessments

for medication regimens, and I will sign releases for all assessments and evaluations to be given to the Judge and HC staff.

_____ 2. I agree to participate in and successfully complete all substance abuse treatment programs, psychological therapies, educations programs and vocational training the Judge orders, and will sign releases to permit all providers to communicate with the Judge and HC staff.

_____ 3. I agree to take all medications prescribed for me as prescribed by my treating physician and/or psychiatrist, and will sign releases for my treating physician or psychiatrist to communicate with the Judge and HC staff.

_____ 4. I agree to attend meetings of an approved twelve-step program, such as Alcoholics Anonymous and/or Narcotics Anonymous or an equivalent secular/non-secular support group approved by HC, as often as the HC judge orders me to go.

_____ 5. I agree to attend any other support group the Judge and HC staff determines is appropriate for my circumstances, as often as the Judge orders me to go.

_____ 6. The Hybrid Court reserves the right to make an exception to the exclusive use of the contracted treatment provider when the team decides it is in the best interest of the client (participant) and/or the Hybrid Court to do so.

_____ 7. I understand as a DUI Court client I can complete my 75 hours of treatment at any treatment provider licensed and regulated by the Illinois Department of Human Services, Division of Alcoholism and Substance Abuse.

III. Use of Alcohol, Drugs, and Other Substances and Testing for their Presence

_____ 1. I agree not to use or possess alcohol, any illegal drug, or any synthetic drug including but not limited to synthetic cannabis and bath salts regardless of whether or not it has been specifically identified as a controlled substance.

_____ 2. I agree not to possess or use any prescription drug for which I do not have a valid prescription from a licensed provider to whom I have made full disclosure of my addiction.

_____ 3. I agree not to abuse any over-the-counter medication. I understand that abuse is defined as taking dosages in excess of label guidelines, taking an over-the-counter medication designed for a condition which I do not have, and taking an over-the-counter medication in a manner in which it was not designed to be ingested (such as crushing and inhaling a medication designed to be taken orally with liquids).

_____ 4. I agree not to intentionally inhale or ingest any mood-altering substance such as paints, glues, gasoline, kerosene, aerosol sprays, or any other household or industrial product.

_____ 5. I agree not to intentionally or knowingly remain in the presence of any other individual who is using or possessing any illegal drug or prescription drug in an unauthorized manner or any mood-altering substance as enumerated above.

_____ 6. I agree to submit samples for urine, blood, breath, hair or other approved testing for the presence of alcohol and drugs or intoxicating substances of any kind, as often as ordered by the Judge, up to and including daily.

_____ 7. I agree that if I miss or refuse a test for the presence of alcohol and drugs, this may be considered by the Judge to be a positive result, and I may be given the same sanctions as I could be given for a positive test result. This includes failure to provide a urine specimen after a reasonable waiting period.

_____ 8. I agree that a "dilute" test for the present of alcohol and drugs may be considered by the Judge to be a positive result, and I may be given the same sanctions as I could be given for a positive test result.

_____ 9. I agree to the presumptive admissibility in any proceeding of the results of any positive drug/alcohol tests.

_____ 10. I agree that the Judge may impose immediate sanctions for positive, missed, refused or "dilute" tests, and that those sanctions may include my immediate incarceration in the Macon County Jail. I agree that my incarceration may continue, at the discretion of the Judge, until inpatient treatment becomes available for me.

IV. Cooperation with Judge, Defense Counsel and Drug Court Staff

_____ 1. I agree that I will, if required, attend weekly staff meetings held outside of the courtroom with the Judge and HC professionals to confirm the details of my participation and progress in the program. I understand that I am permitted, but not required, to have my attorney attend any or all of my staff meetings with me, and that no staff meeting will be postponed due to the absence of my attorney. I further agree that an assistant public

defender may attend all staff meetings, even if I have retained private counsel, who will participate in the staff meeting as a member of the HC team and as a friend of the court in the absence of my attorney.

_____ 2. I agree that, if the Court has appointed the Public Defender's Office to represent me in my case, then an assistant public defender will attend all of my staff meetings and continue to represent me, as long as I continue to financially qualify for representation, until my participation in the program is completed and the above-mentioned case is dismissed or a sentence is imposed. However, I still retain the right to hire private counsel or to represent myself in future proceedings as set forth in Section VII of this agreement.

_____ 3. I understand that HC and the staff meetings are conducted in a non-adversarial manner. **I agree that my attorney may disclose confidential communications that I have had with my attorney with the Judge and other members of HC, even if I admit to the commission of a new offense.** If the State files a Petition to terminate my participation in the program, then all further communications with my attorney will remain confidential in accordance with state law and the Illinois Rules of Professional Conduct.

_____ 4. I agree that the staff meetings are intended to be an informal setting designed to assist me in my recovery, and that there will not be a court reporter present.

_____ 5. I agree that failure to attend staff meetings may result in the issuance of a warrant, and that upon my arrest the Judge may impose immediate sanctions, and that those sanctions may include immediate incarceration in the Macon County Jail.

_____ 6. I agree to meet with the HC staff as often as directed.

_____ 7. I agree to permit HC staff to visit me at my residence and employment and anywhere else necessary to perform their duties.

V. Searches of Participant's Person or Property

_____ 1. I agree that HC staff and sworn officers of my participating police department may search my residence, personal property including but not limited to my cellular phone, vehicle, or my person without first obtaining a search warrant.

_____ 2. I understand that the State's Attorney's Office, in its discretion, may choose not to prosecute me for possession of personal-use amounts of illegal substances or drug paraphernalia found during a search conducted under this section. I also understand, however, that the State does not promise to not prosecute me, and may do so when it deems prosecution to be appropriate.

VI. Other Program Requirements

_____ 1. I agree to report any change of address, phone number, employment status, and living conditions to HC professionals within seventy-two (72) hours.

_____ 2. I agree to refrain from possessing a firearm.

_____ 3. I agree to seek and/or maintain employment, complete a job training program, obtain a GED and/or complete other educational or training programs, as ordered by the Judge.

_____ 4. I agree to have no contact directly or indirectly with _____ and/or not go upon or around a property located at _____.

_____ 5. I agree to write an essay or take an online course, as ordered by the Judge.

_____ 6. I agree to comply with a curfew, as ordered by the Judge.

_____ 7. I agree to pay for all treatment and counseling based upon my ability to pay, satisfy all co-pay requirements and cooperate with HC professionals in connection with all claims for insurance reimbursement, if treatment is covered by an insurance policy.

_____ 8. I agree to attend a Victim Impact Panel, as ordered by the Judge.

_____ 9. I agree to participate in a community service work program, as ordered by the Judge.

_____ 10. I agree to pay a HC participation fee in the amount of \$25.00 per month even if I enter the program under the deferred sentencing option even if I successfully complete the program and my case is dismissed.

_____ 10A. I agree to pay a HC participation fee in the amount of \$25.00 per month and the court costs normally assessed for a criminal court case if I enter the program under the agreed probation option.

_____ 11. I agree to pay restitution in the amount of \$_____ to the following person(s):

VII. Violations, Sanctions, and Termination from HC

_____ 1. I agree that the Judge may, without prior notice, receive evidence including but not limited to reports or proffers from the drug court professionals, that:

- a) I am not performing satisfactorily in my assigned programs; or
- b) I am not benefiting from education, treatment, or rehabilitation; or
- c) I have engaged in criminal conduct, whether or not that conduct has resulted in charges against me,

which

_____ makes me unsuitable for the program; or

d) I have otherwise violated the terms and conditions of the program or sentence; or

e) I have for any reason become unable to participate in the program; or

f) I have been charged with a new felony offense in any jurisdiction in which the criminal conduct is alleged to

_____ have occurred after my entry into HC.

_____ 2. I waive the right to be present at the staff meetings between the HC professionals and the Judge during which the above will be presented with the understanding that my interests will be represented by my hired or assigned counsel.

_____ 3. I agree that upon receipt of such evidence, the Judge may impose an immediate reasonable sanction, including jail time, without having to give me prior notice and without the filing of written petition to revoke bail or probation, except when the sanction is termination from the program for a violation under VII 1(a) through (e). The Judge may also impose other sanctions in addition to or instead of jail time for violations. These sanctions include monetary fines, community service work, electronic home monitoring or house arrest, increased staff meetings and community monitoring, increased frequency of drug testing, and any other reasonable sanction designed to ensure my compliance with and progress in HC.

_____ 4. I agree that the total cumulative jail time I may serve as a result of sanctions imposed by the court over the course of my HC participation is limited to 180 actual days. I understand that time I serve on the case before pleading guilty and being ordered to complete the program is not included in the calculation of the 180-day maximum.

_____ 5. I agree that the time spent on electronic home monitoring or on house arrest is not considered jail time and is not included in the calculation of my 180-day maximum incarceration time.

_____ 6. I agree that any time spent in jail on a separate sentence for criminal contempt of court while in HC is not included in the calculation of my 180-day maximum incarceration time on this case.

_____ 7. I agree that when the alleged violation is under VII 1(f), the Judge may involuntarily terminate me from HC, either upon the Court's own motion, or upon the filing of a written request by the State. In such a circumstance, the Court will not be required to hold a hearing to make any findings as to the strength of the proofs of the State's case under the new felony charge.

_____ 8. I agree that when the alleged violation is under VII 1(a) through (e), the Judge will not involuntarily terminate me from HC, unless I have been given notice in writing of the alleged violation(s) and am represented by counsel at a hearing and provided adequate opportunity to defend against the alleged violation(s). At this hearing, hearsay is admissible so long as the court weighs the circumstances of the making of the statement and all other factors to provide sufficient safeguards of reliability. The Judge may immediately revoke my bond upon receiving written notice of the violation provided that a hearing on the violation is held within 14 days. The Judge may agree to a later hearing date if I or my attorney needs additional time to prepare for the hearing, however the Judge does not have to modify my bond status to accommodate any delay in the proceedings. I am entitled to waive my right to a hearing under this paragraph and take a voluntary termination from HC.

_____ 9. I agree that I may at any time, for any reason, request to be voluntarily terminated from participation in the HC program. If my participation in HC is a part of a sentence to probation, a request to voluntarily terminate from HC may constitute a violation of my probation sentence. I have the right to consult with an attorney before making a final decision to make a request to voluntarily terminate participation in HC. I may make the request either in writing or orally.

_____ 10. I agree that if I am terminated from HC, my case will be set for a sentencing hearing under the Criminal Code and Code of Corrections.

_____ 11. I agree that if I am participating in the Macon County HC Program as a condition of a Violation of Probation, I waive the right to request to be sentenced before the Judge who placed me on probation.

_____ 12. I agree that, following voluntary or involuntary termination from HC, I may enter into a negotiated plea to present to the Court, or I may be sentenced under the sentencing provisions of the Criminal Code.

I HEREBY DECLARE THAT I HAVE READ THE ENTIRE HYBRID COURT PARTICIPATION AGREEMENT, THAT I HAVE HAD THE OPPORTUNITY TO CONSULT WITH AN ATTORNEY, THAT I UNDERSTAND ITS PROVISIONS AND AGREE TO THE CONDITIONS CONTAINED HEREIN.

Participant

Date

Defense Counsel

Date

Assistant State's Attorney

Date