

19TH JUDICIAL CIRCUIT COURT
LAKE COUNTY, IL
THERAPEUTIC INTENSIVE MONITORING (TIM)
PROGRAM
DRUG COURT



POLICY AND PROCEDURES MANUAL

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I. **Program Overview:**

Introduction:

Lake County's Therapeutic Intensive Monitoring Drug Court Program (also known as TIM Drug Court), emerged in 2005 out of the acceptance by a steering committee of Lake County officials that a substantial number of high-risk addicted felons engage in a high level of criminal behavior to support their addiction. A steering committee gathered information and reported its results, concluding that Drug Courts nationwide were proven to be effective at breaking the cycle of addiction and crime through an alternative approach involving close judicial intervention, intensive supervision and treatment. The TIM Drug Court program that was approved for implementation targets offenders who have not responded to conventional criminal justice and therapeutic approaches. This is a practice consistent with the well-established Risk Principle of matching the intensity of services to the offender risk level.

The TIM Drug Court team is comprised of committed professionals from the Court, the Court's Adult Probation and Psychological Services Divisions, Lake County Sheriff's Office, Lake County State's Attorney's Office, Lake County Public Defender's Office, and treatment providers from the Lake County Health Department, Nicasa, Gateway, and Haymarket. The team meets weekly prior to court to discuss each defendant's progress in a non-adversarial forum. Attendance and participation in treatment is discussed along with compliance with the conditions of the program. The team also determines how the program's system of incentives and sanctions shall be utilized. Following the team staffing, the TIM Drug Court session is held in open court where each client meets with the judge to review his/her adjustment. If compliant and drug-free, the client is extended appropriate praise, support and recognition from not only the judge, but the team members and other participants as well.

The TIM Drug Court clients proceed through a system of three phases with successively declining frequency of court sessions, drug tests and probation visits, as a reward for good progress. Requirements for graduation include, but are not limited to: completion

of all three phases, negative drug/alcohol tests, attendance at self-help or faith-based community support groups, verification of sponsor contact, development of a relapse prevention plan, acquisition of employment and stable housing, support of dependents (if applicable), demonstrated financial responsibility and compliance with the TIM Drug Court Contract.

Mission Statement:

The mission of the 19th Judicial Circuit Court - Therapeutic Intensive Monitoring-Drug Court Program, is to promote community safety by reducing alcohol and drug abuse and recidivism of high risk addicted offenders and improving their quality of life through a coordinated program involving intensive supervision, judicial interaction, treatment, incentives, and accountability.

Goals/Objectives:

1. **Goal: Reduce drug use and criminal recidivism through the graduation of clients who are drug free and law abiding at program completion.**

Objectives:

- A). Provide 100% of all clients with appropriate substance abuse treatment, recovery and aftercare services within the community.
- B). Increase clients' awareness and access to self-directed aftercare community services for continued post-graduation sobriety and recovery support.
- C). Create positive changes in clients' attitudes and behaviors that lead to a reduction in drug abuse and associated criminal activity.
- D). Increase graduation rate from 50% to 60% with 100% of clients graduating with no new criminal charges, no drug use for at least 6 months and gainful employment.

E). 75% of all graduates remain arrest free from Class A misdemeanor and higher classified offenses for at least two years post-graduation.

2. Goal: Improve the quality of life of high risk addicted offenders and their families.

Objectives:

A). 100% of graduates gainfully employed and with stable housing.

B). All graduates who have minor children have retained or regained custody of them or are responsibly paying child support.

C). Assist all clients in need obtain: medical/dental, and mental health treatment, transportation, housing, educational/vocational services, life skills services and entitlement programs for which they qualify.

II. Program Plan:

Model:

The Lake County TIM Drug Court recognizes and has adopted the 10 Key Components of Effective Drug Courts developed by the National Association of Drug Courts Professionals (NADCP) as follows:

Key Component #1: Drug Courts integrate alcohol and other drug treatment services with justice system case processing.

Key Component #2: Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Key Component #3: Eligible participants are identified early and promptly placed in the Drug Court program.

Key Component #4: Drug Courts provide access to a continuum of alcohol and other drug and related treatment and rehabilitation services.

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing.

Key Component #6: A coordinated strategy governs Drug Court responses to participants' compliance.

Key Component #7: Ongoing judicial interaction with each Drug Court participant is essential.

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9: Continuing interdisciplinary education promotes effective Drug Court planning, implementation, and operations.

Key Component #10: Forging partnerships among Drug Courts, public agencies, and community-based organizations generates local support and enhances Drug Court effectiveness.

The Team and Court:

The Lake County TIM Drug Court program utilizes an integrated, non-adversarial team-based system overseen by a Circuit Judge. The team is comprised of a Coordinator, representatives from the Court's Psychological Services and Probation Divisions, Public Defender's Office, State's Attorney's Office, Lake County Health Department, Lake County Sheriff's Office, as well as treatment providers. The team meets before each Drug Court session typically every Friday from 12:15PM until 1:30PM. All treatment providers are required to provide status reports for clients due in court. These can come either verbally or in written form. The Drug Court Coordinator provides written agendas, status reports, drug/alcohol testing results, a list of pending referrals, written case plans and any other necessary information at each court date.

The team discusses and votes on all new pending cases, and also discusses the adjustment of active clients. At this time, the team will also determine if the imposition of any sanctions or incentives, as established by the TIM Court's Incentives and Sanctions Program, is appropriate. The team ultimately holds participants accountable, but also supports them in their recovery and life changes.

Target Population:

The TIM Drug Court serves residents of Lake County who are charged with non-violent class 2, 3 or 4 felonies, have a history of non-violent behavior, and are classified as drug or alcohol dependent as determined by a GAIN-I assessment tool. Furthermore, clients must be considered high risk offenders as established by the Level of Service Inventory-Revised (LSI-R) assessment tool.

Eligibility:

- Class 2-4 Non-Violent Felony charge (s)
- High Risk but Probation Eligible
- Drug or Alcohol Dependent

- U.S. Citizen/Legal Resident
- At least 18 years of age
- No History of Violence
- Willingness to complete the program
- Lake County resident

Ineligibility:

- Instant offense involved violence or dealing/distribution (or intent) of drugs.
- Convictions for use of firearms or any felony offense committed with a deadly weapon.
- Active warrants or detainers from other jurisdictions.
- Instant offense involved Driving Under the Influence or defendant has significant history of related offenses.
- Non-probationable or class 1 felony offense.

Referral and Entry Process:

The initial application period begins at the pre-trial stage and consists of identification-referral from various referral sources such as assistant state's attorneys, jail officials, probation officers, judges, and defense attorneys. If the defendant wishes to be considered, he/she must sign a Petition for Admission to the Therapeutic Intensive Monitoring Drug (T.I.M.) Court Program (see attached). Once the petition is signed, the initial screener is the Assistant State's Attorney assigned to the TIM Drug Court team. If approved at this stage, the client is subjected to an in depth system of assessment and review involving a full psycho-social evaluation by a licensed psychologist, a criminal history report (Bond Report), an LSI-R and a substance abuse evaluation - the Global Appraisal of Individual Needs (GAIN-I).

Upon completion of the reports a core group representing Probation, the Public Defender's Office, the State's Attorney's Office, and treatment professionals jointly

review the reports and develop a case and treatment plan. The final plan is presented to the whole team for further discussion and a vote of acceptance or rejection. The Court, State's Attorney and Public Defender retain the right of veto until the vote by the entire team. This veto is always to be used sparingly and in practice should never be utilized at the time of the final vote. If accepted, the goal for the defendant to be placed in the program and treatment is within one week.

Program Phases:

The program is one of 30 months, which is divided into 3 phases; however, exceptional performance in the program by a participant may justify early successful graduation if the team is in agreement. The program utilizes intensive treatment and supervision measures, including random home and work visits and frequent drug/alcohol testing. Advancement through phases occurs based on performance and accomplishment of individual goals.

A typical Lake County Drug Court Client roadmap is as follows:

Phase 1 – Residential treatment, followed by halfway house placement and acquisition of a job. After release from residential treatment, contact with probation officials (including drug testing) occurs up to 4 times weekly. Weekly court appearances are also required.

Phase 2 – Oxford House, or similar $\frac{3}{4}$ house or sober living environment, followed by independent living. Contact and drug testing with probation officials occurs 3 times weekly along with twice monthly court appearances.

Phase 3 - Clients live independently. Contact and drug testing with probation officials occur at least once per week along with monthly court appearances.

Alcohol/Drug Testing:

Frequency of drug testing is done according to the phase of the client, as delineated in the previous section. Testing is conducted by the Adult Probation Division, but can also be conducted by the Lake County Sheriff's-Community Based Correctional Center (CBCC) or treatment agencies. The method of drug testing utilized by probation involves an initial DTX Instant Test Stick, which is a presumptive test. All positive presumptive tests are confirmed through the Lake County Coroner's Office utilizing a different methodology. Alcohol testing is conducted with the Alco-Sensor portable breathalyzer. If the initial test indicates the presence of alcohol another test is subsequently conducted as confirmation.

Client Curfew:

All clients are required to comply with a 9:00PM-6:00AM curfew, unless modified. Generally, curfew can be modified to allow clients to attend treatment, work, support meetings or any other reason(s) as determined by the TIM Drug Court Coordinator. Relaxation of curfew is also commonly used as a reward.

Supervision:

Supervision of TIM Drug Court participants is conducted by the Lake County Adult Probation Services Division. Each participant is assigned to the TIM Drug Court Coordinator, who is a sworn probation officer. Frequency of client office visits occur in accordance with program phase schedule and are generally conducted with the Coordinator, or another probation officer in her absence. A Probation Unit Manager or Assistant Director routinely assist the TIM Drug Court Coordinator and are members of the core TIM Drug Court Team.

Home visits, work visits, surveillance, drug/alcohol testing in the field, and curfew checks are routinely and randomly conducted by the Probation Field Supervision unit, also known as the Surveillance Unit.

Incentives and Sanctions:

***Incentives Defined:** A positive consequence that is the direct result of and is a reward for the offender's positive behavior.*

Positive responses, incentives, or rewards to acknowledge desired participant behavior are emphasized over negative sanctions or punishment. A ratio of four positive reinforcements to each punishment is recommended.

***Sanctions Defined:** The imposition of negative consequences in response to undesirable behaviors.*

Sanctions should be, in order of importance: (a) certain, (b) swift, (c) perceived as fair; and, (d) appropriate in magnitude. Sanctions for noncompliance should generally be consistent, but they may need to be individualized as necessary to increase effectiveness for particular participants. When a sanction is individualized, the reason for doing so should be communicated to the participant to lessen the chance that he or she, or his or her peers, will perceive the sanction as unfair.

The Lake County TIM Drug Court Program utilizes a graduated system of Incentives and Sanctions, which is attached.

Intervention Panel:

On occasion, clients will appear to be “stuck” in their advancement in the program or are either verbalizing or exhibiting problematic behavior. In an effort to promptly stop and re-direct this behavior, a unique panel of team members consisting of caseworkers assigned to the client, a probation representative, and the program's licensed clinical psychologist, was developed to provide individualized interventions.

The panel will develop short-term case plans encompassing the proposed interventions, which will be brought to the team at the next staffing for further discussion or modifications. At the request of the court or upon team consensus, the panel will also meet with the participant to process the issues. Please see the Panel Outline attached for more information regarding its purpose, procedures, goals and scope.

Program Graduation Requirements:

- Minimum six months sober immediately prior to graduation, abstaining from all mood-altering chemicals.
- Compliant with prescribed psychiatric medications (if applicable).
- Approval of the TIM Drug Court Team after participant completes a written Exit Interview Questionnaire and “Life Plan” and relapse prevention plan.
- Completion of all phases.
- Employed, enrolled in school full-time or disabled.
- Participating in a recovery support group, including solid sponsor relationship
- Paying child support (if applicable) and other financial obligations.
- Pay restitution in full.
- Living in a safe, stable residence.
- Not facing any new criminal charges

If a majority of the team concurs, any of these requirements can be waived by the judge under special circumstances.

III. **Confidentiality:**

Participating agencies strictly observe clients’ rights to confidentiality in accordance with Title 42 CFR, part 2.32(a) or in compliance with Illinois Mental Health and Developmental Disabilities Act). Each client signs the TIM Drug Court Authorization for Release of Protected Healthcare and Substance Abuse Information (see attached) upon entry into the program.

Additional signed releases of information include the Petition for Admission to the Therapeutic Intensive Monitoring Drug (TIM) Court Program, and the Drug Court Contract and Waiver (see both documents attached).

Note: Care should be taken to prevent the unauthorized disclosure of information regarding participants. Progress reports, drug testing results, and other information regarding a participant and disseminated to the team, must not be placed in a court file that is open to examination by members of the public.

Any non-team member attending a staffing conference must have signed a confidentiality agreement wherein they acknowledge a duty to keep all information on participants totally confidential.

IV. **Team Member Roles and Responsibilities:**

Presiding Judge:

- Chairs all Drug Court team staffings and meetings.
- Supervises client progress through Drug Court based on regular judicial supervision hearings, team input and client behavior.
- Leads the Drug Court team in decision-making; holds the participant accountable for his/her progress by use of sanctions and incentives.

Drug Court Coordinator:

- Responsible for the timely completion of court agendas, program activities, treatment referrals and supervision of participants of the program.
- Facilitates communication, case flow, activities of participating agencies, and monitors the meeting of goals, objectives, and timelines.
- Attends all staffing and judicial supervision hearings.

Prosecutor:

- Gatekeeper/initial screener for access into the Drug Court program.
- Attends all staffing and judicial supervision hearings, represents ongoing public safety perspective in the team decision-making process.
- Interacts in a non-adversarial manner to address revocations, pleas and application of sanctions and incentives.
- If a participant is re-arrested, the prosecutor investigates the new case and assesses the appropriateness of continued participation.

Defense Counsel:

- Initiates referrals to the program
- Advocate for client's legal rights and access to and continued participation in the Drug Court program and treatment.
- Attends all staffing and judicial supervision hearings.
- Interacts in a non-adversarial manner to address revocations, pleas and application of sanctions and incentives.
- Assists with completion of necessary documents to facilitate the treatment and program process.
- Upon entry and plea into the program defense counsel shall always be an attorney in the Lake County Public Defender's Office.

Law Enforcement:

- Attend all staffing and judicial supervision hearings.
- Provide sworn personnel support, as resources permit, to work in partnership with the Drug Court in the supervision and monitoring of Drug Court participants.
- Educates other law enforcement agencies of the operation of Drug Court program and its mission.
- The Law Enforcement Team Member shall be from the Office of the Lake County Sheriff.

Lake County Jail:

- Provide medical staff to provide updates and background information pertaining to medical conditions and medication regimens of program applicants and participants.
- Provide a liaison from the jail to attend staffings to facilitate the custody related directives of the court, and provide transportation to treatment programs for in-custody cases as needed and directed.
- Provide back-up drug/alcohol testing at CBCC on an as needed basis, typically during non-conventional business hours.

Treatment Provider Representatives:

- Develop individualized treatment plans and provide ongoing timely status reports, evaluations and discharge summaries.
- Attend all staffing and judicial supervision hearings.
- Provide team input as to the effective use of incentives and sanctions.

Program Licensed Clinical Psychologist:

- Complete all psychological evaluations on clients as a component of the assessment process and as directed by the judge.
- Attend all Drug Court sub-committee and court staffings.
- Chair all Intervention Panel Meetings.
- Provide individual and group therapy to clients in need.

Adult Probation Services:

- Provide supervision services to all program participants and those being considered for entry, including but not limited to: random drug/alcohol testing, monthly record checks, and office and field visits. Conduct criminal history, social history, agenda and status reports as directed by the Drug Court presiding judge.
- Provide back-up to the functions of the Drug Court Coordinator in his/her absence.
- Maintain all relevant data to the operation of Drug Court.

- Such services will ordinarily be performed by the Unit Manager, other probation officer(s) assigned to the Specialty Courts or the Assistant Director overseeing the Specialty Court Programs.

Recovery Coaches:

- Assist participants in addiction treatment gain access to needed resources, services, or supports that will help them achieve recovery from their substance use disorder.
- Attend all staffing and judicial supervision hearings.
- Provide weekly status reports to the team.
- Oversee the Alumni Group Program.
- Administer GAIN assessments on TIM Drug Court candidates as a component of the assessment process.

Psychological Services Resource Liaison:

- Attend all staffings.
- Coordinate treatment services of TIM Drug Court Clients.
- Monitor quality assurance of contracted treatment providers.
- Investigate new treatment approaches, and agency opportunities

V. **Program Elements:**

Comprehensive Screening and Assessment
Regular court appearances
Frequent, random drug testing
Probation Field Supervision
Detoxification (if necessary)
Residential programs
Intensive outpatient programs
Individual and group counseling
12-step, self-help groups
Acquisition of a sponsor
Relapse prevention programming
Sanctions and incentives
Goal of independent living
Employment/Educational programming
Cognitive Behavioral Therapy
Case Management Services (if necessary)
Psychiatric Service Referrals
Public transportation assistance
Restitution to the victim (s)
Budgeting
Recovery Coach programming
Specialized Behavioral Therapy (if necessary)

VI. **Steering Committee Members**

The Drug Court Program in Lake County and the Therapeutic Intensive Monitoring concept was developed through the collaborative work of a dedicated Steering Committee that worked to implement the program that began in July 2005 with the concurrence of the Circuit Judges of the 19th Judicial Circuit and the support of the Board of Commissioners of Lake County, Illinois. The Steering Committee members were the then Chief Judge Margaret Mullen, then Director of Adult Probation Services Frank Kuzmickus, then Presiding Judge John Phillips, then Deputy Public Defender Joy Gossman, then Director of Lake County Behavioral Health David Shanding and Assistant Director Mike Falk, then Assistant State's Attorney Dan Shanes, then Nicasa Assistant Director John Merwin, and the Resource Coordinator for the 19th Judicial Circuit, Deb Hoem. Their diligent work is acknowledged and appreciated.

VII. **Attachments:**

- Petition for Admission to the Therapeutic Intensive Monitoring Drug (T.I.M.) Court Program
- Incentives and Sanctions
- Intervention Panel Outline
- Post Adjudicatory Drug Court Program Contract and Waiver
- Authorization for Release of Protected Healthcare and Substance Abuse Information

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT,
LAKE COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS)

vs.)

General No. _____

_____))

**PETITION FOR ADMISSION TO THE THERAPEUTIC AND INTENSIVE MONITORING DRUG
(T.I.M.) COURT PROGRAM**

The undersigned petitions the court to be screened for possible admission to its Drug Court Treatment Program and in support thereof states:

1. If accepted into the program I will abide by all of the terms and conditions of the program should I execute the required Drug Court Program Contract and Waiver.
2. I hereby request that the Drug Court Team screen my case and evaluate me for possible admission to the T.I.M. Drug Court Program. I understand that my case, my history, and my prior treatment will be discussed by the Drug Court Team. I authorize the exchange of information, including all evaluations, test results, and treatment information between the Drug Court Team and my prior treatment providers, if any. The information released, however, may not be used by the prosecutor for the filing of further charges against me, nor may any information so released be used against me in the current proceedings.
3. I have discussed my request for possible admission into the program and the program itself with my attorney and understand that my admission into the program will depend on the acceptance of my case by the Drug Court Team and thereafter upon the agreement of all parties, including me, if the court approves.

Dated at Waukegan, Illinois this _____ day of _____, 20____

Respectfully submitted,

Defendant

Incentives and Sanctions:

The following is a general guideline for how Drug Court responds to common positive and negative behavior. The list is not all inclusive and responses are not limited to those listed in correspondence.

Incentives:	
<u>Positive Behavior/Achievements:</u>	<u>Incentives Often Extended:</u>
Completion of treatment program(s) Continued sobriety. Acquisition of a Job Job promotion Completion of PSE Assisting a fellow Drug Court client Chairing/Speaking at a meeting Completing service hours at meetings Attending Drug Court events (i.e. Walks for Recovery, etc.). Payment of court obligations. Completion of GED. School attendance. Consistent honesty Best dressed for Court Etc.	Praise from Judge Phase advancement Fish bowl drawing Gift Card Relaxation of Curfew Passes from treatment program. Graduation from Program Etc.

Sanctions:	
<u>Choices:</u>	<u>Possible Consequences:</u>
<ul style="list-style-type: none">• Positive drug/alcohol test <i>Goal of Sanction: Maintain Sobriety</i>	<ul style="list-style-type: none">• Written Assignment• Loss of clean time• 90 in 90• Curfew restriction• House arrest.• Phase demotion• Treatment change.• Incarceration pending treatment response or as determined by Team• Probation extension• Discharge from program
<ul style="list-style-type: none">• New Arrest <i>Goal of Sanction: Promote a crime free lifestyle</i>	<ul style="list-style-type: none">• Written Assignment• Curfew restriction• House Arrest• Phase Demotion• Incarceration• Probation Extension• Discharge from Program

(continued):

Sanctions:	
<u>Choices:</u>	<u>Possible Consequences:</u>
<ul style="list-style-type: none">• Treatment Non-compliance/unsuccessful discharge <i>Goal of Sanction: Commit to your recovery</i>	<ul style="list-style-type: none">• Increased court attendance• Increased Drug/alcohol testing.• Change in treatment.• Phase demotion• Incarceration• Probation extension• Discharge from program
<ul style="list-style-type: none">• Forging/Altering Meetings slips <i>Goal of Sanction: Work an honest program</i>	<ul style="list-style-type: none">• Written Assignment• Increased reporting/court attendance• Restricted curfew.• Treatment change.• Phase demotion
<ul style="list-style-type: none">• Failure to Attend required meetings <i>Goal of Sanction: Commit to your recovery</i>	<ul style="list-style-type: none">• Written Assignment• Increased reporting/court attendance• Restricted curfew.• Treatment change.• Phase demotion
<ul style="list-style-type: none">• Failure to obtain Sponsor <i>Goal of Sanction: Commit to your recovery</i>	<ul style="list-style-type: none">• Written assignment• Increased reporting/court attendance• Restricted curfew
<ul style="list-style-type: none">• Curfew/Surveillance Violations <i>Goal of Sanction: Compliance with rules</i>	<ul style="list-style-type: none">• Written Assignment• Increased reporting/court attendance• Restricted Curfew• Incarceration (subsequent violations)
<ul style="list-style-type: none">• Missed Probation appointments <i>Goal of Sanction: Respect for others time and Time- management</i>	<ul style="list-style-type: none">• Written Assignment• Increased reporting/court attendance• Restricted Curfew• Incarceration (subsequent violations)
<ul style="list-style-type: none">• Failure to comply with specific court directives <i>Goal of Sanction: Respect for the court and compliance with rules</i>	<ul style="list-style-type: none">• Written Assignment• Increased reporting/court attendance• Restricted Curfew• Incarceration (subsequent violations)
<ul style="list-style-type: none">• Forbidden associations with identified negative influences. <i>Goal of Sanction: Develop a network with pro-social, clean and sober associates.</i>	<ul style="list-style-type: none">• Written assignment.• Increased reporting/court attendance• Curfew restriction• Phase demotion• Incarceration• Discharge from program
<ul style="list-style-type: none">• Willful Failure to pay court obligations as directed. <i>Goal of Sanction: Be responsible for your finances.</i>	<ul style="list-style-type: none">• Budget adjustments• Curfew restriction• Probation extension.
<ul style="list-style-type: none">• Failure to complete assignment on time <i>Goal of Sanction: Good time management habits</i>	<ul style="list-style-type: none">• New assignment• Increased reporting/court attendance• Restricted Curfew

Intervention Panel Outline

GOALS/PURPOSE:

The purpose of the panel is to gather information regarding participants who appear to be having difficulty moving forward with their case plans/stages of change or are having issues with the program or team. The panel can also be used to highlight and reflect on unwanted behaviors demonstrated by the client.

Specific goals of the panel include: a) identify concerns of the team and communicate this with client, b) assist the team in redirecting behavior and improving client's program compliance and/or c) gather information about client's needs. These goals are achieved by the utilization of Motivational Interviewing & Effective Practices in Community Supervision techniques by all members involved.

WHO:

The panel is to include the following participants:

- Psychological services representative: This member should have the ability to identify deficits identified in previously filed psychological materials and help facilitate the panel discussion
- Probation Officer (of identified client): This individual should have familiarity with the client's case history and their existing criminogenic factors. Additionally, the officer should be skilled in interventions supported by EBP.
- Other team member(s): These members should have direct knowledge of the client's case history and the current issue resulting in the need for intervention. These additional members are chosen at the discretion of the judge and are based on the presenting issue. Examples of other team members include the client's recovery coach, case worker, legal representative or therapist.

WHEN:

A panel will be held:

- When initiated by the presiding Drug Court Judge, as needed.
- At 11 am – 12 pm on Wednesdays after small group staffing at the Adult Probation Department.

WHAT: Theoretical framework and philosophy of panel

*Motivational Interviewing (MI)**

Panels will be held for individuals who appear to be having difficulty with their case plan or who appear unable to move forward in stages of change. Motivational Interviewing and skills discussed in the EPICS training will thus be used. A central concept of MI is the identification, examination and resolution of ambivalence about changing behavior. Ambivalence, feeling two ways about behavior change, is seen as a natural part of the change process. The skillful MI practitioner is attuned to client ambivalence and “readiness for change” and thoughtfully utilizes techniques and strategies that are responsive to the client. MI includes three essential elements:

1. MI is a particular kind of conversation about change (counseling, therapy, consultation, method of communication)
2. MI is a collaborative (person-centered, partnership, honors autonomy, not expert-recipient)
3. MI is evocative (seeks to call forth the person’s own motivation and commitment.

MI skills include:

- 1) Open ended questions to get to interviewees agenda, does not invite brief answers, emphasizes interviewees agenda not interviewers and demonstrates interest in speaker.
- 2) Affirmations appreciation, understanding, support, admiration of person, reflective listening is indirectly affirming, tries to affirm both effort and achievement
- 3) Reflections listening and watching speaker’s words, tone, non-verbal cues and reflecting back your perceived meaning as hypothesis. Seemingly simple statements can have a variety of meanings, “Obvious meaning” may not be obvious at all, interviewee gains insight into deeper meaning, interviewee feels compelled to elaborate and disclose more.
- 4) Summarizations bookend three reflections “let me see if I got this right.....”

*<http://www.motivationalinterview.org/Documents/1%20A%20MI%20Definition%20Principles%20&%20Approach%20V4%20012911.pdf>

Effective Practices in Community Supervision (EPICS)

EPICS skills and strategies include the following:

- 1) Effective Disapproval
 - Immediately telling offender that you did not like the types of behavior or speech just exhibited.
 - Explain why you did not like what offender said or did (provide specific reasons).
 - Give the disapproval greater emphasis.

- Encourage the offender to think about why the behavior is undesirable, and what kinds of short and long term consequences will result from continued use of this behavior.
- Discuss and model alternatives pro-social behaviors.

2) Effective use of Authority

- Focus message on behavior not the offender.
- Be direct and specific concerning demands.
- Use a normal voice. Do not yell.
- Specify choice and resulting consequences.
- Give encouraging messages.
- Support words with actions. Follow through.
- Provide respectful guidance toward compliance.
- Look for good things too; don't just monitor for compliance, reward and praise compliance.

Once the panel has been concluded, information can be brought to small group staffing or pre-court staffing to discuss any case plan alterations. The panel should try to avoid making changes to any participants' case plan without benefit of input from small group and entire team at staffing.

CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

**POST-ADJUDICATORY
DRUG COURT PROGRAM
CONTRACT AND WAIVER**

Case # _____

Charge(s) _____

Defendant _____ Date _____

The undersigned defendant, in support of my Petition for Admission to the Therapeutic and Intensive Monitoring (T.I.M.) Drug Court Program, and in consideration of my acceptance into the said program, agrees to the terms, conditions, and waivers set forth herein. I understand and agree that I will follow the rules and conditions of the 19th Judicial Circuit's Drug Court program which are set forth in this contract. I further understand and agree that if I do not comply with the rules and requirements of the program I will be subject to possible sanctions which are stated in this contract, which are authorized under the Illinois Drug Court Treatment Act (730 ILCS 166), and which are contained in the Court's sentencing order placing me on T.I.M. Court probation.

IT IS THEREFORE AGREED, between the above-named defendant, the Lake County State's Attorney, and the Judge of the 19th Judicial Circuit (Lake County) Drug Court as follows:

1. Defendant is entering a negotiated plea of guilty to charges pending against him/her and will be placed on special felony probation entitled "Therapeutic and Intensive Monitoring (T.I.M.) Drug Court Probation." Defendant must successfully

complete this Drug Court program. Defendant understands that the plea of guilty herein may not be withdrawn at anytime, except in the discretion of the Court.

2. The defendant agrees to satisfactorily complete an assessment for a drug treatment program as ordered by the Court which includes, but is not limited to: a med/psych screening, a substance abuse evaluation, urine drops, a social history, and a criminal history. The Defendant authorizes the exchange of information including all evaluations, test results, and treatment information, between the Court and all designated treatment providers as is necessary to allow participation in the Drug Court program. The information provided by the defendant may not be used by the prosecutor for the filing of further charges against the defendant. This information may be used by the Court in determining treatment progress and status in the program. This information may be discussed by the Drug Court Team outside of the defendant's presence and the defendant also consents to discussion of this information and the condition of his/her health in open court while he/she is present if the information pertains to and is relevant to Defendant's Drug Court participation.

3. The defendant will be admitted to the Program until completion and graduation, during which he/she agrees to abide by all rules and conditions of the program as outlined in this agreement, receipt of which is hereby acknowledged by the defendant. The defendant understands that he/she must remain substance free for a minimum of six months, during which the defendant has neither consumed drugs or alcohol or tested positive for drugs or alcohol, immediately prior to completion and graduation from the program. A relapse occurring within the last 120 days of the program is grounds for extension of the program duration and the probation sentence for

up to an additional 12 months. The defendant further understands that during the time that this contract is in effect he/she may not leave the State of Illinois without specific approval of the Court or the T.I.M. Court Coordinator.

4. The defendant shall participate fully in a program of substance abuse treatment and counseling as prescribed, selected and determined by the Drug Court team. The defendant specifically agrees to report as directed to the treatment provider as scheduled and to participate in all activities of the treatment program including random urine screening, counseling, and such other treatment, counseling and after-care as may be required by the Drug Court team until completion and graduation from the program.

5. By the defendant's acceptance of this contract and signature hereon, authorizes the release of and the exchange of information between the Drug Court team and designated treatment providers and related agencies as is necessary to allow participation in all tracks and phases of this program. In addition, the defendant agrees that any reports generated by treatment providers may be presented as evidence, and entered into evidence, at any sanctioning hearing, including any Petition to Revoke Probation.

6. The defendant understands and agrees that any failure to abide and comply with the treatment program can result in an extension of program duration, the filing of a Petition to Revoke Drug Court Probation and a hearing before the Court, which can result in termination from the Program, the lifting of any stayed portion of the probation sentence, including incarceration or imprisonment, if applicable, or re-sentencing if probation is revoked after a hearing.

7. The defendant agrees to keep the Court, the T.I.M. Court Coordinator, Probation Officer and treatment provider advised of any change of address, phone number, marital status, employment status, living conditions, and other relevant information requested by them at any time.

8. Defendant agrees to call or report as often as instructed to do so by the T.I.M. Court Coordinator. Failure to do so could result in a court sanction or revocation of probation.

9. The program will consist of the following phases:

A. Phase I – This is the detoxification, evaluation and initial treatment Phase (including in-patient or out-patient).

B. Phase II – This is the continued treatment phase. Treatment may consist of in-patient, out-patient or a combination of the two types of treatment.

C. Phase III – This is the after care and life skills enhancement phase.

D. Graduation. This marks the Defendants successful completion of the Drug Court treatment program and the Defendant's final, full and complete adoption of a sober, drug-free lifestyle.

10. As a contribution to his/her treatment and rehabilitation and as a partial offset against the cost of the Program, Defendant shall pay the total sum of \$

_____, at the rate of \$_____, per week

commencing_____ . In addition, Defendant shall pay the sum of

\$_____ as court-appointed attorneys fees, and \$300.00 to defray the cost of testing, said amounts to

11. Defendant shall report to the Drug Court initially once per week each Friday afternoon, or as otherwise required in the discretion of the Court, and shall engage in discussions in open court with the Judge as to his/her progress in the treatment program. Defendant shall be subject to sanctions in the discretion of the Court, in the event that it is determined that the defendant has failed to follow the rules of the program:

I. Behaviors that will result in Court sanctioning, include but are not limited to the following:

- A. Positive urine test.
- B. Tampering with submitted sample.
- C. Failure to submit urine sample.
- D. Unexcused absence from treatment session.
- E. Unexcused absence from other Court ordered programs.
- F. Failure to attend self-help group per treatment plan recommendation.
- G. Failure to comply with treatment conduct rules.
- H. Failure to actively participate in treatment.
- I. Failure to pay fees, as ordered.
- J. Failure to keep scheduled appointment with T.I.M. Court Coordinator, Probation Officer, treatment or health care provider, or other Drug Court personnel and support agencies.
- K. Commission of new offense or DUI.
- L. Possession of drugs or alcohol.
- M. Failure to attend scheduled Court appearance without just cause.

- N. Violent, abusive, disrespectful or harassing behavior at treatment site, program site, or other place of contact or participation.
- O. Leaving the jurisdiction, a treatment or residential placement, or place of employment without just cause, failing to reside where approved by the Drug Court Team, leaving or accepting employment, training, or school if such has been required by the Drug Court Team, associating with persons or entities specifically prohibited by the Drug Court Team, or being at places specifically prohibited by the Drug Court Team
- P. Failure to call or report to T.I.M. Court Coordinator or Probation officer within 24 hours of notification.

II. Sanctions that may be applied for non-compliance, include but are not limited to the following:

- A. Admonishment.
- B. Impact incarceration with continuation of treatment.
- C. Increase in frequency of status hearings.
- D. Increase in frequency of urine testing.
- E. Increase in frequency of supervision or case management contacts.
- F. Increased level in treatment modality.
- G. Extended program duration.
- H. Termination from program and filing of petition to revoke probation or the lifting of any stay of imprisonment or incarceration.

- I. Any other sanction deemed reasonable by the Court under the circumstances of the non-compliance, which may include loss of ordinary jail or residential privileges such as telephone access, the receipt or sending of mail, computer, internet or email access, visits, contacts with family and acquaintances, attendance at events, access to libraries and places of recreation..
- J. Curfew
- K. House arrest

11. In the event that Defendant is unsuccessful in the Program as determined by the Court, Defendant shall serve the sentence imposed or a petition to revoke probation will proceed, or any stayed portion of the sentence will be ordered lifted and executed. This agreement will in no way affect dispositions on any other offenses other than those specifically listed above and contemplated by this agreement.

12. At the conclusion of the program, in the event that defendant has fully performed the terms and conditions hereof, portions of the sentence may be commuted or modified.

13. The defendant will be monitored by the Lake County Adult Probation Department for a period of two years after graduation and the defendant agrees to cooperate in such monitoring even though his / her probation may have been terminated. During that period the defendant shall submit to not less than four urinalysis tests to be given randomly, on a quarterly basis, at the discretion of Probation.

14. In the event that any provision of this contract is declared void by operation of law, the remainder of the contract shall remain in full force and effect.

15. The defendant understands that admission into this Program is a one time opportunity which will not be available on future cases.

16. The defendant hereby acknowledges that he/she has read this contract and has had all questions regarding same fully and completely answered, and understands the contract in full. In addition, the defendant has discussed this agreement with counsel and had been fully advised regarding the benefits and consequences of entering into same.

17. The consent for random screening is hereby incorporated into the Drug Court Program Contract. All of the other consents and releases attached to this agreement are made a part of this agreement and specifically incorporated herein.

18. The Defendant's authorization of the exchange of information, includes all evaluations, test results, and treatment information, between the Court, the T.I.M. Court Coordinator and all treatment providers, including medical treatment providers, as is necessary to allow participation in the Drug Court Program. This information may be used by the Court in determining treatment progress, status in the program, and for statistical purposes, but may not be used by the Prosecutor for the filing of further charges against defendant.

19. By the acceptance of this contract and his / her signature hereon, Defendant understands that the Drug Court has a zero tolerance rule and until he / she completes this program there must be an absolute abstention from alcohol and drugs.

20. Defendant understands and agrees that the Court or treatment provider may order him / her to pay for participation in the program and for treatment services. Any fee will be based on ability to pay and availability of insurance or public assistance.

Any failure to complete the program will not excuse the obligation to pay any fees assessed. Defendant agrees to submit all charges and/or fees to his / her insurance carrier.

21. Defendant specifically waives any and all right that he / she has to confidentiality regarding substance abuse treatment and counseling, as well as related medical treatment, and agrees that all such information can be shared between the treators, the Court, consultants to the Drug Court treatment program, attendees approved by the T.I.M. Court Presiding Judge or T.I.M. Court Coordinator to be physically present with the Drug Court Team during their weekly staffings, and all members of the 19th Judicial Circuit Court's Drug Court Team.

22. Defendant understands, agrees and requests that he / she be represented by the Lake County Public Defender's Office hereafter in connection with his treatment and Drug Court Probation. It is agreed that any private counsel that has been heretofore representing him / her may withdraw their appearance from these proceedings with leave of court and he / she consents and agrees to the participation of his appointed counsel in all aspects of his probation and performance under this agreement, including, but not limited to participation and discussion of his case and progress with the Drug Court Team. He / she will contribute to the cost of said representation as hereinbefore set forth. Defendant reserves the right, however, to retain private counsel to represent him / her if there is a petition to revoke filed.

23. Defendant further acknowledges and agrees that:

- A. His / her residence must be in Lake County, Illinois (unless in treatment);

- B. He / she may reside only where approved by the Court, the T.I.M. Court Coordinator, or the Drug Court Team;
- C. He / she must abide by all curfews that can and will be set by the Court, the T.I.M. Court Coordinator or the Drug Court Team during the term of probation and this agreement;
- D. He / she must take all medications prescribed for him / her by a physician or psychiatrist and must take such medications at the times and dosages provided;
- E. He / she may not operate a motor vehicle unless licensed to do so and only then when authorized to do so by the T.I.M. Court Coordinator or probation officer;
- F. He / she will perform public service work at such site as is selected or approved in advance by the T.I.M. Court Coordinator or Probation Officer.
- G. He / She may not have contact with or reside with any person or place deemed by the Drug Court Team to be an impediment to recovery or treatment or deemed to be inappropriate under the existing case history or circumstances, in the Drug Court Team's sole discretion as approved by the Drug Court Judge.
- H. The Drug Court Team may limit, curtail, eliminate and proscribe such privileges that the Defendant would otherwise be entitled to exercise but for his / her participation in the Program, including, but not limited to telephone, mail, email, internet, visitation,

reading, television, cinema, purchases, spending, association with specific people or organizations and the like.

- I. He / She must adhere to the any budgets, payment requirements, or spending limitations that are made by made by the T.I.M. Court Coordinator or Drug Court Team, including any limits or requirements for expenditures, distribution of pay, savings, gifts, and the spending of excess earnings or funds from any source, including disability payments.
- J. He / She will adhere to all reasonable dress expectations and appearance expectations communicated to him / her by the T.I.M. Court Coordinator or the Drug Court Team.
- K. He / She will not accept any employment opportunity unless and until the type, location, and hours of the employment are approved by the T.I.M. Court Coordinator or the Drug Court Team.
- L. He / She will comply with and obey the rules of any treatment facility or residence in which he / she may reside while in the Drug Court Treatment Program.
- M. He / She will comply with all of the other terms and conditions required in the Sentencing Order in his / her case which has been carefully reviewed and entered concurrently with this agreement.

In witness whereof, the respective parties have set forth their signatures, this _____ day of _____, 20 ____.

Michael Nerheim
Lake County State's Attorney

BY:

Defendant

Assistant State's Attorney

Drug Court Judge

I the undersigned, the counsel for the defendant, have fully explained this contract to the defendant and have advised the defendant of all benefits and consequences of entering into same.

Defendant's Attorney

CONSENT FOR RANDOM URINE SCREENS

I agree to submit to a random drug test when requested to do so by any representative of the Program. I further understand that I may be observed by a person of my own sex while providing the sample in order to ensure the sample's integrity. I understand that I will be tested at random while in the Program. In addition, I agree not to contest the results of ordered drug testing as a condition of my entry to the Drug Court Program.

If I refuse to provide a specimen or undergo any substance test as required by the Court, I will be treated in the same manner as if I had tested positive. Furthermore, I will not be allowed to attend the program for that day, and it will be counted as a miss. At this time my case will be subject to clinical review, to determine further action. I understand that falsifying or adulterating a urine sample is a class 4 felony for which I can be prosecuted and that nothing in my agreement would prevent the State's Attorney from filing and prosecuting such charge if I did so.

Defendant

Date

Authorization for Release of Protected Healthcare and Substance Abuse Information

I, _____, Date of Birth, _____, authorize Court Services and its staff of the Nineteenth Judicial Circuit of Illinois, the Lake County State’s Attorney and his staff, the Lake County Public Defender and her staff and any member of the Therapeutic Intensive Monitoring (T.I.M.) Drug Court Team to send and/or receive and/or discuss any and all medical records, mental health records, including but not limited to psychiatric and psychological history/assessments, evaluations, diagnosis, prognosis, treatment plans, discharge summaries, and substance abuse history/assessments, evaluations, treatment plans, and discharge summaries from any and all treatment providers deemed necessary and appropriate by the T.I.M. Court for the purposes of planning the appropriate treatment, determining eligibility for benefits or programs, coordination of services, monitoring and case review.

This authorization is valid until _____

Signature of Client: _____

Signature of Witness: _____

I understand that I may revoke this authorization at any time by providing written notice to the T.I.M. Court, except to the extent that the records have already been released. The revocation of authorization is effective upon receipt by the T.I.M. Court.

____ I withdraw/terminate this authorization, effective _____
Signature: _____ Date: _____

I further understand that any released information may not be re-disclosed to any other person or organization without my written consent. (This is in compliance with Federal Regulations Governing the Confidentiality of Alcohol and Drug Abuse patient records, as noted in 42 CFR, part 2.32(a) or in compliance with Illinois Mental Health and Developmental Disabilities Act).

I further understand that I have the right, upon request, to inspect and/or receive a copy of the medical or substance abuse information to be released and also receive a copy of this authorization.

I further understand that I may refuse to sign this authorization and I understand that my refusal to sign will not affect my ability to obtain treatment, but I may be denied admission into or I may be terminated from the T.I.M. Court program.

I release and discharge the T.I.M. Court team from all legal responsibility and liability for the information released and to the terms of this written consent. I release, discharge, indemnify and hold harmless the T.I.M. Court Team from any liability which may occur as a result of disclosure or dissemination of records or information contained therein resulting from access permitted to the authorized attorney, healthcare or treatment facility, other as specified, or self.

_____ Date _____