

Hybrid Court Program Protocols



Policy & Procedure Manual

Mission: Macon County will operate an evidence-based, fiscally responsible Hybrid Court Program which promotes public safety and reduces recidivism of addicted defendants through intensive judicial supervision and treatment.

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Program History

A drug court program was first established in Macon County circa 1997. Unfortunately, the program became unsustainable and was phased out circa 2007 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 the 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.

Court Model

The Macon County Hybrid Court Program has been created in accordance with the policies and procedures set forth in the Illinois Drug Court Treatment Act, 730 ILCS 166/1 et seq.

This is a pre- and post-adjudicatory program serving drug and DUI defendants. Post-adjudicatory participants enter the program as a condition of probation. Pre-adjudicatory participants plead guilty to at least one offense. Judgment and sentencing are deferred, and no conviction is entered upon successful completion of the program.

Target Population

The Macon County Hybrid Court program's target population is high risk/high needs offenders who reside in Macon County, Ill., who have a current nonviolent felony offense and a DSM-IV-TR 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 may be placed at the top of any referral list.

I. Macon County Hybrid Court Team

Judge: The Hybrid Court judge is the lead partner of the team and presides at all team staffings and Hybrid Court sessions. The judge provides leadership, authority, and management skills to enable the hybrid court to operate effectively. The judge encourages and reinforces participants' progress and successes or discourages and deters participants' non-compliance and failures.

Specialty Courts Administrator: The specialty courts administrator is responsible for overseeing the Hybrid Court program under the direction of the Hybrid Court judge and the director of court services. The administrator provides programmatic information to all those involved in the facilitation of the program to ensure its monitoring and evaluation. Other responsibilities include coordinating continuing education for staff and stakeholders, seeking outside funding sources, chairing meetings of the Hybrid Court team and the Hybrid Court steering committee, and leading community outreach initiatives.

Prosecutor: The prosecutor will review new cases and then determine which are appropriate for referral to the Hybrid Court. Also, the prosecutor, or his/her designee, shall investigate any allegation of violation of Hybrid Court directives and assesses the appropriateness of continued Hybrid Court participation. If he/she deems it appropriate, he/she may seek termination from Hybrid Court.

Defense Counsel: The defense attorney meets with each potential participant whose case has been referred to Hybrid Court to explain drug court rules and expectations, the potential participant's legal rights and how those rights are affected by participation in drug court. Upon entry of an order of transfer to Hybrid Court, an assistant public defender shall appear in court and serve as a resource for any participant who otherwise has retained private counsel. Said assistant public defender shall also continue as counsel for any participant that is represented by the public defender's office and shall so serve in that capacity until the potential participant is terminated – successfully or unsuccessfully.

Probation Officer: The probation officer (PO) monitors participants' progress through the program including monetary obligations, activities, employment status, living arrangements, etc. The PO will report observations of home visits, drug tests and monitoring at staff meetings and record the data.

Law Enforcement Representative: The jail superintendent or assistant superintendent will attend staffings and report on participants being held in the jail.

Treatment Provider: The Hybrid Court community-based substance abuse treatment provider, Heritage Behavioral Health Center (HBHC), ensures defendants are placed in treatment that is determined by individual needs and availability of services. The treatment provider will report on participants' weekly progress in any assigned programs and groups.

Defendant: It is the role of the defendant (also referred to in this document as participant or client) to comply with all Hybrid Court and treatment provider fees, regulations, rules and drug screens.

II. Eligibility Policy

Each defendant must meet defined eligibility criteria. The Hybrid Court team will act in accordance with the referenced Drug Court Treatment Act and additional criteria to determine eligibility of Macon County Hybrid Court referrals. Hybrid Court staff should be knowledgeable and understand all eligibility criteria.

(730 ILCS 166/20) Drug Court Treatment Act - Eligibility

(a) A defendant may be admitted into a Hybrid Court program only upon the agreement of the prosecutor and the defendant and with the approval of the court.

(b) A defendant shall be excluded from a Hybrid Court program if any of one of the following apply:

- (1) The crime is a crime of violence as set forth in clause (4) of this subsection (b).
- (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, or any offense involving the discharge of a firearm.
- (5) The defendant has previously completed or has been discharged from a Hybrid Court program.

Additional factors which may affect eligibility are determined on a case-by-case basis, and my include, but are not limited to:

- Must be a Macon County resident at the time of the referral and remain as such until the completion of the program.
- Must have a current nonviolent felony case in Macon County.
- Diagnosed with Alcohol or other Drug Dependence.
- DUI Court participants must have at least one prior DUI and have completed assessment indicating Significant Risk or higher.
- Must be 18 years old or older at the time of the arrest.

The following Circumstances will be considered on a case by case basis:

- Violation of Probation (VOP) cases
- Victim Consent/Restitution
- Possession with Intent to deliver
- Current offense

Extenuating circumstances may be reviewed at the discretion of the State's Attorney and Coordinator with final acceptance/denial coming from the State's Attorney Office.

III. Referral/Screening/Assessment Policy

Referral Policy – Referrals to the Hybrid Court program are sent directly to the specialty courts administrator. The administrator will review the demographic information as well as local criminal history prior to assigning the case to a PO for eligibility screening.

Screening Policy – Screening procedures consist of assessments performed by Macon County Court Services and the treatment provider.

1. **Macon County Court Services:** The PO meets with the candidate and conducts an initial interview, gathering adequate information to complete the eligibility check-list, complete the Illinois Pre-screen Instrument (IPI) and complete the Level of Service Inventory-Revised (LSI-R) within five (5) business days of receipt of the referral of the case. For DUI court clients, the Hard Core Drunk Driving Checklist will also be administered, and the probation officer will also inform the client that they must complete a DUI assessment that complies with regulations set forth by local rule and DASA before being considered for the program.
2. **Heritage Behavioral Health Center:** for Hybrid Court referrals, HBHC will perform a complete mental health assessment within five (5) business days of receipt of the referral of the case.

Staffing Sheet

1. **Specialty Courts Administrator:** Upon receipt of a new referral, the specialty courts administrator will create a Staffing Sheet in the group accessible Dropbox folder. The administrator will enter the demographic and personal information in the ‘Defendant Information’ section.
2. **Probation Officer** will enter information regarding the LSI-R score, including the top three domains, as well as any other case notes pertinent to the client in the ‘Probation Department’ section.
3. **Heritage Behavioral Health Center:** Will enter information gained from the Mental Health Assessment and any other pertinent case notes in the ‘Heritage Behavioral Health Center’ section.
4. **Any team member:** Can enter any other information – police report(s), etc. – in the ‘Additional Information/Attachments’ section.
5. Once all the information has been entered on the Staffing Sheet, the specialty courts administrator will forward the document(s) to the Hybrid Court Team with the other weekly staffing documents.

The candidate is informed that he/she will be notified by the defense attorney as to the issue of eligibility to participate in the program.

IV. Restitution Policy

All participants who owe restitution must complete payment of the established amount prior to graduation. The restitution protocol is as follows:

1. Prior to program acceptance, the State's Attorney's Office shall determine if restitution will be required and shall notify the defense attorney and the PO of the exact amount of restitution required.
2. Prior to program acceptance, the defense attorney shall notify the potential participant that restitution is required and the potential participant shall agree to pay restitution as part of Hybrid Court.
 - A. All attempts will be made to receive payment prior to Hybrid Court acceptance, although inability to pay up front will not limit program acceptance.
3. If a dispute arises between the participant and the State's Attorney's Office as to the amount of restitution owed, the matter shall be submitted to the Hybrid Court team for immediate resolution. If a consensus cannot not be reached, the sentencing judge shall set the amount of restitution to be paid by the client. If necessary, a hearing will be held.
4. Upon notification of the determined restitution amount, the PO and the participant shall establish a payment plan to be administered by the Macon County Circuit Clerk's Office.
 - A. The PO shall monitor payments and inform the Hybrid Court team of payment progress during staffing status reports.
5. Graduation from the Hybrid Court program shall not occur until restitution has been paid in full by the participant or excused by the State's Attorney's Office.
 - A. The State's Attorney's Office shall retain the exclusive right to excuse the payment of restitution and ask the court to enter a judgment against the participant.
 - B. The State's Attorney's Office shall consider, among other things, in deciding whether to excuse the payment of restitution and enter judgment on restitution:
 1. The victim's position on restitution;
 2. The participant's financial situation;
 3. The recommendations of the Hybrid Court team.

V. Acceptance Orientation Policy

Each defendant accepted into the program completes a pre-acceptance orientation prior to acceptance, and an in-court orientation at the acceptance proceeding.

Pre-Acceptance Orientation: The defense attorney will meet with the participant prior to the in-court acceptance, and include the following:

- The defense attorney and the client shall review the participation agreement and confirm that the participant understands the program rules and expectations.
- Each potential participant will observe two sessions of court prior to finalizing their decision.

In-Court Acceptance: Shall be conducted by the sentencing judge and include the following:

- Acceptance of the negotiated plea
- Entry of sentencing order
- Entry of Hybrid Court consent
- Next status date set in the Drug Court courtroom

VI. Individual Treatment Plan Policy

Each defendant and Treatment Provider shall develop an Individual Treatment Plan (ITP) within 10 business days of program entry and provide a copy to the Hybrid Court.

- The ITP shall be developed with input from the defendant and will reflect the defendant's needs and preferences for treatment.
- The ITP shall identify the need of any ancillary services.
- A current copy of the ITP shall be provided to the Hybrid Court upon request.

VII. Confidentiality Policy

A waiver of confidentiality (authorization for release of information) and consent is required for participation in the Hybrid Court. A defendant cannot waive consent for disclosure once active in the Hybrid Court. Consent is no longer valid upon case closure.

- The Hybrid Court team adheres to HIPAA Privacy and Security Policies and Procedure.(45 CFR Parts 160 and 164)
- All parties involved in the Hybrid Court agreement will abide by applicable confidentiality regulations, including, but not limited to, Federal Regulations governing the confidentiality of alcohol and drug abuse patient records, 42 CFR Part 2, 45 CFR Parts 160 and 164, and any applicable Illinois State Laws which relate to the confidentiality of mental health, alcohol and drug abuse client records.
- Known violations shall be reported to the resident circuit judge and to any other entity as required by law. Violations will not be tolerated.

Limits of Confidentiality

Information from case files may be shared with individuals or organizations as specified under the following conditions:

- Information may be gathered about program participants and shared with the Hybrid Court team only upon receipt of signed “release” forms.
- Identifying information of program participants may be used in data collection, agency publications or promotional materials only upon written consent.
- Hybrid Court clinical staff members are mandatory reporters and must disclose information indicating that a participant may be dangerous to or intends to harm his/herself or others.

VIII. Substance Abuse Treatment Policy

The Macon County Hybrid Court program shall follow the guidelines stated in The Drug Court Treatment Act along with the determined additional requirements listed below.

A. 730 ILCS 166/30:

Section 30. Substance abuse treatment.

(a) The Drug Court program shall maintain a network of substance abuse treatment programs representing a continuum of graduated substance abuse treatment options commensurate with the needs of defendants.

(b) Any substance abuse treatment program to which defendants are referred must meet all of the rules and governing programs in Parts 2030 and 2060 of Title 77 of the Illinois Administrative Code.

(c) The Drug Court program may, at its discretion, employ additional services or interventions, as it deems necessary on a case by case basis.

B. Additional Treatment Requirements:

- Detox services will be provided via HBHC for individuals in custody of Macon County Jail (if deemed medically necessary)
- Treatment recommendations must be based on the ASAM Levels of Care.
- Treatment Providers must use verifiable evidence-based practices.
- HBHC must commit to having a staff person present for all client staffings and court appearances.
- The Hybrid Court team will make determinations for placement in treatment facilities; treatment placement will be determined by:
 - LSI-R results, as scored by Macon County Probation and Court Services probation officer
 - Full mental health assessment performed by Heritage Behavioral Health Center
 - Patient Placement Criteria-2 (PPC-2)
 - Available resources
- Additional parameters to consider when determining placement in treatment facilities:
 - Whether treatment facilities are in or out of any insurance network of the client
 - The needs of the client
 - The readiness of the client

IX. Drug Testing Policy

Participants of the Macon County Hybrid Court program are required to follow all rules and procedures as set forth by the Macon County Probation Department in regards to drug testing.

Drug tests are used as a continuous assessment and diagnostic tool; to reinforce and validate recovery and abstinence; as an intervention tool; and as a deterrent to drug use. There are a minimum number of random test(s) set for each phase of the program.

If a participant has a positive test at any time throughout the drug court program, the Judge, based on recommendations from the Hybrid Court team, may impose appropriate sanctions, including incarceration.

The following are the protocols for drug testing:

1. Any member of the drug court team may request a random drug test at any time. Such random test can be by mouth swab, urine sample or blood sample, at the request of the drug court team member. The client is required to submit to such random testing.
2. If at any time a person is suspected of drinking alcohol or taking other drugs, the following protocol will be observed:
 - A. The client will be offered a chance to sign a Drug/Alcohol Use Statement of Admission.
 - B. If the client denies use, the client will be given a drug test.
3. For all testing, the Macon County Probation Department will hold copies of all documentation.

X. Community Supervision Policy

Macon County's Hybrid Court is a four-phase program, with the designated probation officer being the primary person responsible for supervising the progress of the participants. The probation officer will communicate the progress of clients in the program scheduled to appear in court that week. In addition to the probation officer, the clinical designee of Heritage Behavioral Health Center will also report on the progress of clients scheduled to appear in court that week. Specific points of supervision are outlined in the Supervision Guidelines below.

Should a Hybrid Court participant require residential treatment at a facility other than Heritage Behavioral Health Center, the designated probation officer will (attempt to) maintain weekly telephone contact with the case manager at the treatment facility. The probation officer will report findings at the weekly Hybrid Court team staffings. At least one week prior to the clients release from residential treatment, the Hybrid Court team, under the recommendations and suggestions of Heritage Behavioral Health Center, will determine a post-residential treatment aftercare program.

If the participant is assigned to treatment at Heritage Behavioral Health Center – whether residential or outpatient – the clinical staff representative of Heritage will provide updates to the Hybrid Court team at staffings.

HYBRID COURT SUPERVISION GUIDLINES

Phase One: Introduction to Treatment

- Treatment modality will be determined by Heritage Behavioral Health Center
- Regular attendance in treatment group(s) and/or individual session(s)
- Active participation and successful completion of treatment
- Attendance at probation appointments
- Level of Supervision
 - Three (3) contacts per week, with two (2) being face-to-face
 - Random drug screens which will be observed
 - Weekly court appearances
- Community service
- Maintain at least 14 consecutive days of sobriety to be considered for Phase Two
- Participation of at least 30 days in Phase One

Phase Two: Skills/Sustainability

- Treatment modality will be determined by Heritage Behavioral Health Center
- Regular attendance in treatment group(s) and/or individual session(s)
- Active participation and successful completion of treatment
- Attendance at probation appointments
- Level of Supervision
 - Two (2) contacts per week, with one (1) being face-to-face
 - Random drug screens which will be observed
 - Court appearances every two (2) weeks
- Community service
- Maintain at least 30 consecutive days of sobriety
- Participation of four to six months in Phase Two

Phase Three: Maintenance of Recovery

- Treatment modality will be determined by Heritage Behavioral Health Center
- Regular attendance in treatment group(s) and/or individual session(s)
- Active participation and successful completion of treatment
- Attendance at probation appointments
- Level of Supervision
 - Two (2) contacts per month, with one (1) being face-to-face
 - Random drug screens which will be observed
 - Court appearances every four (4) weeks
- Community service
- Maintain at least 45 consecutive days of sobriety
- Participation of three to five months in Phase Three

Phase Four: Continuing Care

- Regular attendance in treatment group(s) and/or individual session(s)
- Active participation and successful completion of treatment
- Attendance at probation appointments
- Level of Supervision
 - One (1) face-to-face contact per month
- Random drug screens which will be observed

- Complete MRT to be considered for graduation
- Complete 80 hours of community service to be considered for graduation
- Maintain at least 60 consecutive days of sobriety
- Participation of four to six months in Phase Four

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

After Hours/Weekend – Any contact with Hybrid Court participants that is outside the normal work hours of probation and court services will be determined on the individual needs of each client.

XI. Violation, Termination, Discharge Policy

The Hybrid Court Program shall follow the violation, termination and discharge guidelines and procedures as stated in The Drug Court Treatment Act as well as conditions determined by the Hybrid Court Team:

As stated in 730 ILCS 166/35:

Section 35. Violation; termination; discharge.

(a) If the court finds from the evidence presented including but not limited to the reports or proffers of proof from the drug court professionals that:

- (1) the defendant is not performing satisfactorily in the assigned program;
- (2) the defendant is not benefitting from education, treatment, or rehabilitation;
- (3) the defendant has engaged in criminal conduct rendering him or her unsuitable for the program; or
- (4) the defendant has otherwise violated the terms and conditions of the program or his or her sentence or is for any reason unable to participate;

(a) the court may impose reasonable sanctions under prior written agreement of the defendant, including but not limited to imprisonment or dismissal of the defendant from the program and the court may reinstate criminal proceedings against him or her or proceed under Section 5-6-4 of the Unified Code of Corrections [730 ILCS 5/5-6-4] for a violation of probation, conditional discharge, or supervision hearing.

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

The following conduct will not be tolerated, and will provide grounds for 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 [730 ILCS 166/20(b)].

XII. Commencement Policy

All participants must attend commencement ceremonies. Before the commencement is official, the Hybrid Court Team will review the participant's graduation application and staff the case. It is at this point that the legal agreements made pending completion shall be reviewed and acted upon accordingly.

- Each participant will be required to fill out a brief Hybrid Court Exit Survey upon completion.

XIII. After Hours/Emergency Response Policy

The PO is to inform all participants to call 911 in case of medical emergencies and the Macon County Crisis Line at (217) 362.6262 in case of mental health or substance abuse related concerns. If possible, the participant is also directed to leave a message for the appropriate Hybrid Court team member. If a Hybrid Court team member receives an emergency call, he/she will direct the caller to the proper emergency personnel. Office hours for Macon County Probation and Court Services are:
8:30 am – 4:30 pm (Monday – Friday); closed on government holidays.

XIV. Other

Status Hearings

Status Hearings are held at the discretion of the judge.

Staffing

The Hybrid Court team will meet at least one hour prior status hearings.

Data Collection and Program Outcomes Policy

The Specialty Courts Administrator shall collect and maintain program data and provide monthly and quarterly reports. All statistical data shall be entered into the Probation and Court Services case management system by the PO.

Fees

The participant is required to pay a standard probation fee of \$25.00 per month in addition to restitution and any other fines, fees or court costs that the participant may be required to pay. The fee shall be assessed during the first month that the participant enters the program, and every month thereafter until the participant successfully completes the program or is unsuccessfully terminated from the program. The probation fee shall be assessed regardless of whether the participant enters the program under the deferred judgment option or under the non-deferred judgment option. The participant's bond money may be applied toward the payment of the probation fee in the same manner as it may be applied to pay other fines, fees and costs.

Capacity

The Hybrid Court capacity will be determined by the resources available to Macon County Probation and Court Services.

XV. Appendix

A. Drug Court Treatment Act - Public Act 92-0058

AN ACT concerning drug treatment.

Be it enacted by the People of the State of Illinois represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Drug Court Treatment Act.

Section 5. Purposes. The General Assembly recognizes that the use and abuse of drugs has a dramatic effect on the criminal justice system in the State of Illinois. There is a critical need for a criminal justice system program that will reduce the incidence of drug use, drug addiction, and crimes committed as a result of drug use and drug addiction. It is the intent of the General Assembly to create specialized drug courts with the necessary flexibility to meet the drug problems in the State of Illinois.

Section 10. Definitions. As used in this Act: "Drug Court ", "Drug Court program", or "program" means an immediate and highly structured judicial intervention process for substance abuse treatment of eligible defendants that brings together substance abuse professionals, local social programs, and intensive judicial monitoring in accordance with the nationally recommended 10 key components of drug courts. "Hybrid Court professional" means a judge, prosecutor, defense attorney, probation officer, or treatment provider involved with the drug court program. "Pre-adjudicatory Hybrid Court program" means a program that allows the defendant, with the consent of the prosecution, to expedite the defendant's criminal case before conviction or before filing of a criminal case and requires successful completion of the Hybrid Court program as part of the agreement. "Post-adjudicatory Hybrid Court program" means a program in which the defendant has admitted guilt or has been found guilty and agrees, along with the prosecution, to enter a drug court program as part of the defendant's sentence. "Combination drug court program" means a Hybrid Court program that includes a pre-adjudicatory Hybrid Court program and a post-adjudicatory Hybrid Court program.

Section 15. Authorization. The Chief Judge of each judicial circuit may establish a drug court program including the format under which it operates under this Act.

Section 20. Eligibility.

(a) A defendant may be admitted into a Drug Court program only upon the agreement of the prosecutor and the defendant and with the approval of the court.

(b) A defendant shall be excluded from a drug court program if any of one of the following apply:

(1) The crime is a crime of violence as set forth in clause (4) of this subsection (b).

(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, or any offense involving the discharge of a firearm.

(5) The defendant has previously completed or has been discharged from a Hybrid Court program.

Section 25. Procedure.

(a) The court shall order an eligibility screening and an assessment of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois Courts. An assessment need not be ordered if the court finds a valid assessment related to the present charge pending against the defendant has been completed within the previous 60 days.

(b) The judge shall inform the defendant that if the defendant fails to meet the conditions of the Drug Court program, eligibility to participate in the program may be revoked and the defendant may be sentenced or the prosecution continued as provided in the Unified Code of Corrections for the crime charged.

(c) The defendant shall execute a written agreement as to his or her participation in the program and shall agree to all of the terms and conditions of the program, including but not limited to the possibility of sanctions or incarceration for failing to abide or comply with the terms of the program.

(d) In addition to any conditions authorized under the Pretrial Services Act and Section 5-6-3 of the Unified Code of Corrections, the court may order the defendant to complete substance abuse treatment in an outpatient, inpatient, residential, or jail-based custodial treatment program. Any period of time a defendant shall serve in a jail-based treatment program may not be reduced by the accumulation of good time or other credits and may be for a period of up to 120 days.

(e) The drug court program shall include a regimen of graduated requirements and rewards and sanctions, including but not limited to: fines, fees, costs, restitution, incarceration of up to 180 days, individual and group therapy, drug analysis testing, close monitoring by the court at a minimum of once every 30 days and supervision of progress, educational or vocational counseling as appropriate, and other requirements necessary to fulfill the Drug Court program.

Section 30. Substance abuse treatment.

(a) The Drug Court program shall maintain a network of substance abuse treatment programs representing a continuum of graduated substance abuse treatment options commensurate with the needs of defendants.

(b) Any substance abuse treatment program to which defendants are referred must meet all of the rules and governing programs in Parts 2030 and 2060 of Title 77 of the Illinois Administrative Code.

(c) The Drug Court program may, at its discretion, employ additional services or interventions, as it deems necessary on a case by case basis.

Section 35. Violation; termination; discharge.

(a) If the court finds from the evidence presented including but not limited to the reports or proffers of proof from the drug court professionals that:

(1) the defendant is not performing satisfactorily in the assigned program;

(2) the defendant is not benefitting from education, treatment, or rehabilitation;

- (3) the defendant has engaged in criminal conduct rendering him or her unsuitable for the program; or
- (4) the defendant has otherwise violated the terms and conditions of the program or his or her sentence or is for any reason unable to participate;
- (a) the court may impose reasonable sanctions under prior written agreement of the defendant, including but not limited to imprisonment or dismissal of the defendant from the program and the court may reinstate criminal proceedings against him or her or proceed under Section 5-6-4 of the Unified Code of Corrections for a violation of probation, conditional discharge, or supervision hearing.
- (b) Upon successful completion of the terms and conditions of the program, the court may dismiss the original charges against the defendant or successfully terminate the defendant's sentence or otherwise discharge him or her from any further proceedings against him or her in the original prosecution.

Passed in the General Assembly April 25, 2001.

Approved July 12, 2001.

Effective January 01, 2002.

B. Drug Court Treatment Act – Amendment - Public Act 096-0776

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Hybrid Court Treatment Act is amended by changing Section 15 as follows:

(730 ILCS 166/15)

Sec. 15. Authorization.

(a) The Chief Judge of each judicial circuit ~~must~~ may establish a drug court program including the format under which it operates under this Act.

(b) Whenever the county boards of 2 or more counties within the same judicial circuit shall determine that a single drug court program would best serve those counties, the county board of each such county shall adopt a resolution to the effect that there shall be a single drug court program serving those counties, and shall provide a copy of the resolution to the Chief Judge of the judicial circuit. Upon receipt of those resolutions, the Chief Judge shall establish or, in the case of an existing drug court program, re-organize a single Hybrid Court program to serve those counties.

(c) Upon petition of the county board by the State's Attorney, the court may, for good cause shown of financial hardship or lack of necessary resources, enter an order delaying the implementation of the requirements of subsection (a) of this Section for an individual county, for a period not to exceed 2 years.

(Source:P.A.92-58,eff.1-1-02.)

C. SANCTION TABLE

VIOLATION	POSSIBLE SANCTION(S)
<p>Level 1</p> <ul style="list-style-type: none"> • Failure to notify the Hybrid Court of changes in address/contact • Failure to notify the Hybrid Court of law enforcement contact • Failure to progress on employment, education or community service requirements • Failure to comply with UA's/screens • Failure to progress on restitution or court costs payment plan • Absence or tardiness to treatment or groups • Lack of cooperation – home visits, treatment sessions or Hybrid Court visits • Inappropriate behavior as determined by the Hybrid Court team 	<ul style="list-style-type: none"> • Verbal reprimand • Delay in phase promotion • Repeated violations of Level 1 expectations may result in Level 2 sanctions • Increased UA's • Fines • Apology letters, essays or other assignments • Behavior contract • Watch recovery videos • Book report • Further restrictions on curfew and associations • Curfew checks • Court observation • Increased court appearances • Community service hours
<p>Level 2</p> <ul style="list-style-type: none"> • Missed Hybrid Court appearance(s) • Missed PO appointment • Repeated absences or tardiness to treatment or groups • Any missed appointments • Travel out of state without permission • Positive UA's or screens • Failure to pay fines, fees or restitution as ordered • New minor offense • Non-compliance with any Hybrid Court Expectation 	<ul style="list-style-type: none"> • In addition to any Level 1 sanction, • Increased monitoring – judicial or PO • Repeated violations of Level 2 expectations may result in Level 3 sanctions • Ban on certain activities • Restriction of travel • Warrant
<p>Level 3</p> <ul style="list-style-type: none"> • Does not maintain Macon County residency or absconding • New exclusionary offense • Repeated positive UA's or screens • Possession of a weapon or firearm • Continued failure to pay fines or fees • Continued non-compliance with treatment or program requirements • Continued non-compliance with Hybrid Court orders 	<ul style="list-style-type: none"> • In addition to any Level 1 or 2 sanction, • Increased court appearances • Phase demotion • Electronic monitoring • House arrest • Detention or jail • Program discharge