



**DEKALB COUNTY DUI COURT: C.L.E.A.N. PROGRAM
(CHOOSING LIFE AND ENDING ABUSE NOW)
ADDUNDUM TO POLICY AND PROCEDURE MANUAL**

**16th Judicial Circuit
DeKalb County Courthouse
133 West State Street
Sycamore, Illinois 60178
(815) 895-7224**

11/9/09, Updated 6/1/11

DeKalb County DUI Court: C.L.E.A.N. PROGRAM
(Choosing Life and Ending Abuse Now)
ADDUNDUM TO POLICY AND PROCEDURE MANUAL

TABLE OF CONTENTS

I.	History of DeKalb County Drug Court: C.L.E.A.N. Program	
	Planning Team.....	3
	Naming of Specialized Court.....	3
	Target Population.....	3
	Background.....	4
II.	Guiding Principles of DWI Courts	5
	Standard I	5
	Standard II.....	5
	Standard III.....	5
	Offender Characteristics.....	5
	Offense Characteristics.....	6
	Standard IV.....	7
	Standard V.....	7
	Screening Instruments.....	6
	Standard VI.....	7
	Standard VII.....	7
	SCRAM.....	7
	Standard VIII.....	8
	Stabilization and Treatment Phase I.....	8
	Healthy Living Plan Phase II.....	8
	Giving Back to the Community Phase III.....	8
	Exit Stage Phase IV.....	9
	Standard IX.....	9
	Standard X.....	9
	Standard XI.....	10
III.	Appendix	
	Secure Continuous Remote Alcohol Monitoring (SCRAM).....	11
	Consent for the Release of Confidential Substance Abuse Information...	12
	Participant Contract DeKalb County Drug/DUI Court.....	14
	Breath Alcohol Ignition Interlock Devise (BAIID) Procedures.....	21
	Installation Locations of BAIID.....	23
	Letter on DUI Court to Defense Attorney.....	24
	What Is DUI Court.....	25

I. HISTORY OF DEKALB COUNTY DRUG COURT: C.L.E.A.N. PROGRAM

PLANNING TEAM

The DeKalb County DUI Court Core Planning Team was primarily composed of Judge Robbin Stuckert, State's Attorney Ron Matekaitis, Coordinator Marilyn Stromborg, and Public Defender Regina Harris. State's Attorney Matekaitis was the primary advocate for this specialized court. The core group attended, from 2008 to 2009, several state conferences and obtained relevant reports on establishing a DUI Court and comparing and contrasting drug and DUI Courts.

DUI Court Seminar 2008

Institute of Legal, Legislative and Policy Studies at the University of Illinois at Springfield

Grant from the Illinois Department of Transportation Division of Traffic Safety
Thursday, August 16, University of Illinois at Springfield

DUI & DUI/DRUG Court Foundation Seminar

The Institute for Legal, Legislative and Policy Studies

Tuesday, March 3, 2009

Oakbrook, Illinois

Screening, Assessment and Treatment of DWI Offenders: A Guide for Justice Professionals and Policy Makers

Based on Discussions at the 4th Annual Meeting of the Working Group on DWI System Improvements.

Traffic Injury Research Foundation 2008.

NAMING OF SPECIALIZED COURT

In June 2006 all DeKalb County employees were sent an announcement that there would be a contest to name the new specialized court. Nineteen individuals submitted thirty-six entries. The Drug Court Planning Team evaluated the entries and selected DeKalb County Drug Court: C.L.E.A.N. Program (Choosing Life and Ending Abuse Now) submitted by Ryan Gaines, Court Services and Mike Schulenberg, State's Attorney Office. The winners and name of the court was introduced at a community wide forum held on Wednesday, September 6 at the Legislative Center. The DeKalb County DUI Court was judged to have the same overall name as the Drug Court, i.e. DeKalb County DUI Court: C.L.E.A.N. Program (Choosing Life and Ending Abuse Now).

TARGET POPULATION

The Team determined that the first year of operation of the DUI court would have a maximum of 15 defendants and the long term maximum capacity of the DeKalb County

DUI Court: C.L.E.A.N. Program would be determined after a year of the program. The DeKalb County DUI Court: C.L.E.A.N. Program will be limited to felony cases with at least 2 DUIs. The focus of the court will be abuse of alcohol.

Background:

When the DUI Court was established, the entire Drug Court team was comprised of the following individuals:

Judge	Robbin Stuckert Circuit Judge
State's Attorney Office	Ron Matekaitis State's Attorney Mr. Matekaitis was appointed Judge in Spring 2009 and John Farrell was appointed by the County Board as his replacement.
Public Defender's Office	Regina Harris Public Defender
Court Services	Drug Court Probation Officer Greg Dammann in 2009
Treatment Providers	Dr. Jayne Braden Braden Counseling Counseling representative from Ben Gordon Ben Gordon Center
Law Enforcement	Sgt. Kathie Miller DeKalb County Sheriff's Office Deputy Ray Nelson Deputy Brad Sorensen
Drug Court Coordinator	Marilyn Stromborg Special Court Administrator
Program Evaluator	Dr. John Webster

The DeKalb County Drug Court met on March 11 and February 25, 2009 to develop the DeKalb County DUI Court. Prior to the meeting, the team was given material representing DUI courts from around the country. The team looked at the following DUI Courts: Anchorage Felony DUI Therapeutic Court, Sarastoa County DUI Court, Athens Georgia DUI Court Program, Kootenal County DUI Court in Idaho, Bernalillo County DUI Court in Albuquerque, New Mexico, Marquette County Treatment Court in Michigan, Bakersfield, California DUI Court, Maricopa County DUI Court in Arizona, and Michigan Sobriety Courts. The Team selected eligibility criteria, length of DUI court, requirements to progress in the program, phases that will comprise DUI court, and procedures for entering and leaving DUI court. Present at the planning meetings were the following: Marilyn Stromborg, Drug Court Coordinator, Gregg Dammann, Drug Court Probation Officer, Deputy Ray Nelson, Ron Matekaitis, State's Attorney, Dr. Jayne Braden, and Judge Robbin Stuckert, for the first hour.

On Wednesday, April 8th a presentation was held for defense attorneys and chaired by State's Attorney Ron Matekaitis and the DUI Court Team.

The DUI Court follows the Ten Guiding Principles of DWI Courts as established by the National Association of Drug Court Professionals and the National Drug Court Institute.

STANDARD I.

DUI drug treatment court programs depend upon a comprehensive and inclusive planning process.

The DeKalb County Drug Court met on February 25, 2009 to develop the DeKalb County DUI Court. Prior to the meeting, the team was given material representing DUI courts from around the county. The Team selected eligibility criteria, length of DUI court, requirements to progress in the program, phases that will comprise DUI court, and procedures for entering and leaving DUI court. Present at the planning meeting were the following: Marilyn Stromborg, Drug Court Coordinator, Gregg Dammann, Drug Court Probation Officer, Deputy Ray Nelson, Ron Matekaitis, Dr. Jayne Braden, State's Attorney, Dr. Jayne Braden, and Judge Stuckert, for the first hour.

STANDARD II.

DUI drug treatment court programs offer comprehensive post-conviction substance abuse treatment services designed to prevent recidivism.

Participants are referred to substance abuse treatment facilities throughout northern Illinois for residential treatment. For intensive outpatient, participants will be referred to Ben Gordon Center which is the county mental health agency.

STANDARD III.

DUI Drug treatment court programs have published eligibility criteria that have been collaboratively developed, reviewed and agreed upon by members of the DUI drug treatment court team.

Eligibility Criteria for the DeKalb County DUI Court.

Offender Characteristics

1. Resident of DeKalb County
2. U.S. citizen
3. 21 years or older
4. No prior violent offenses in the last 10 years. The defendant has not been convicted of a crime of violence in 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. No Class X, 1 or 2 drug offenses in the last 10 years
6. Screening tools (i.e., AUDIT, CAGE, SADD, RAPS) which validate the individual has significant issues with alcohol.
7. Living arrangements conducive to staying clean and sober
8. Can meet DUI Court expectations of court appearances, counseling, and supervision.
9. The defendant has not previously completed or has been discharged from a drug court program.

Offense Characteristics

1. Felony DUI (s)
2. No less than 2 prior convictions for DUI
3. Not charged in conjunction with DUI-related death or serious personal injury.
4. Defendant has to come into DUI Court without a Motion to Rescind or Motion to Quash.

STANDARD IV.

DUI treatment court programs incorporate a non-adversarial approach in which the judge, the State’s Attorney and the Public Defender promote public safety while protecting the rights of the participants.

The DeKalb County DUI Team will be comprised of the same team members that comprise the DeKalb County Drug Court Team. This team includes: Judge Stuckert, DUI Court Judge, John Farrell Acting DeKalb County State’s Attorney, Regina Harris DeKalb County Public Defender, Dr. John Webster Evaluator, Greg Dammann Drug Court Probation Officer, Marilyn Stromborg Drug Court Coordinator, Sgt. Christensen and treatment providers from Ben Gordon and Braden Counseling. This team has been effectively working together for the three years in reaching decisions on drug court participants.

STANDARD V.

DUI drug treatment court programs emphasize early identification and placement of eligible participants.

The DeKalb County DUI Court will use the following screening instruments:

- AUDIT-Alcohol assessment
- CAGE-Alcohol assessment
- SADD-Alcohol assessment
- RAPS-Alcohol assessment
- Demographic Interview Sheet
- SOCRATES and University of Rhode Island Change Assessment (URICA) o
measure likelihood of change
- LSR-I (quick screen)—Risk of re-offending
- Criminal Thinking Survey

Each individual who is referred to the DeKalb County DUI Court staff personnel will be interviewed within a week. A formal write-up of the screening will be sent to the State’s

Attorney for his/her right of first refusal. The State's Attorney will report to the Team his/her decision and rationale regarding admission to DUI court as soon as possible.

Following a positive decision from the State's Attorney to allow the applicant to enter DUI court, Braden Counseling or Ben Gordon will be asked to conduct a substance abuse evaluation and state mandated DUI assessment. A copy of the completed substance abuse evaluation and state mandated DUI assessment will be shared with team members for a final vote on whether or not the individual will be admitted to DUI Court.

STANDARD VI

DUI court programs provide access to a comprehensive continuum of treatment, education and rehabilitation services.

Participants in DUI Court are referred for substance abuse treatment programs in DeKalb County or residential programs in northern Illinois. Participants are routinely referred to the Wings to Freedom Program for employment counseling and assistance, as well as assistance in returning to school for vocational training or academic programs. Throughout all phases, participants are expected to attend a self-help program (such as AA).

STANDARD VII

Abstinence is monitored by frequent and other drug testing.

The participant who enters DUI Court will be attached to a SCRAM device. The individual will pay upfront an initial fee of \$150 for coverage for 15 days (\$10 a day). DUI participants will have SCRAM as determined by the DUI Court Team. Participants of DUI Court are responsible for the cost of SCRAM, urine testing, testing with patches, and Electronic Home Monitoring.

Following wearing SCRAM, the participant will enter the testing program of the DeKalb County DUI Court which includes the following:

- If the individual has a valid driver's license a BAIID device will be installed on their automobile.
- Unannounced home visits with testing by Drug Court probation officer
- Random urine and breath analyzer testing

Any positive testing will mandate that the participant appear that week in DUI court. Positive testing can result in: GPS devices, EHM, daily intensive visits by the Drug Court Probation Officer, or jail.

The use of rewards and sanctions will follow what Drug Court has been doing and include all the rewards and sanctions that have been developed, implemented and evaluated by drug court.

STANDARD VIII

A coordinated strategy governs responses from the DUI drug treatment court program to each participant's performance and progress.

The DeKalb County DUI Court will be a minimum of one year. The phases will include the following:

Stabilization and Treatment Phase I: 3 months long

- SCRAM is applied
- Random urine screens
- Meeting with Drug Court Probation Officer as scheduled
- Meeting with Drug Court Staff as scheduled
- Weekly attendance at DUI Court on Friday afternoon
- Obtain sponsor from self-help/AA organization with verification before moving to next phase
- Attendance at a minimum of three self-help/AA meetings with verification a week
- Random home visits by Probation Officer
- Must have 90 days of continuous, consecutive sobriety to move to Phase II
- Substance abuse treatment to be determined by treatment providers with a copy to DUI Court verifying the plan.
- Substance abuse treatment may include residential inpatient or hospitalization if determined necessary by the treatment provider and DUI Team.
- Hand-in request to move to Phase II to DUI court staff

Healthy Living Plan. Phase II: Approximately 3-6 months

- If the individual has a valid driver's license a BAIID device will be installed on their automobile.
- Random urine screens
- Meeting with Drug Court Probation Officer as scheduled
- Meeting with Drug Court Staff as scheduled.
- Attendance at DUI Court twice a month
- Attendance at a minimum of 3 self-help/AA meetings a week with verification
- Random home visits by Probation Officer
- Development of a payment schedule and adherence to this schedule
- Must have 90 days of continuous, consecutive sobriety to move to Phase III
- Adhere to Substance Abuse Treatment Plan following the treatment plan that was submitted to DUI Court.
- Hand-in request to move to Phase III to DUI Court staff
- Relapse Plan is handed into the DUI Court staff along with request to move to Phase IV.

Giving Back to the Community, Phase III. Approximately 3-6 months.

- Random PBTs
- Random urine screens

- Attendance once a month at DUI Court
- Meeting with Drug Court Probation Officer as scheduled
- Meeting with DUI Court staff as scheduled
- Continued attendance at substance abuse treatment as determined by treatment plan
- Must have 90 days of continuous, consecutive sobriety to move into Phase IV.
- Fines and costs are paid as scheduled
- Continued attendance at least 3 self-help/AA meetings a week with verification
- Relapse Plan is handed into the DUI Court staff along with request to move to Phase IV

Exit Stage, Phase IV: Approximately 3-6 months.

- Random PBTs
- Random urine screens
- Attendance once a month at DUI Court
- Meeting with Drug Court Probation Officer as scheduled
- Meeting with DUI Court staff as scheduled
- Continued attendance at substance abuse treatment as determined by treatment plan
- Must have 90 days of continuous, consecutive sobriety to move into Phase IV.
- Fines and costs are paid as scheduled
- Continued attendance at least 3 self-help/AA meetings a week with verification
- Relapse Plan is handed into the DUI Court staff along with request to graduate, graduation survey, and post-program survey tools.
- Must have 90 days of continuous, consecutive sobriety immediately preceding graduation

STANDARD IX

Ongoing judicial interaction with each participant in the DUI court program is essential. The DUI Court participant attends DUI Court every other week during Phase I, twice a month in Phase II and once a month in Phase III and IV. The DUI Court judge is a vital, participating member of the DUI Team staffing that meets every other week prior to DUI Court.

STANDARD X.

The DUI Court program has results that are measured, evaluated, and communicated to the public.

All data from the DUI Court will be entered into the data base system that was originally developed for the drug court. This original data base has been modified for DUI Court. An outside evaluator will continue to conduct a yearly evaluation of all aspects of DUI Court including participant characteristics, court characteristics, screening tools, sanctions, rewards, treatment attendance, and self-help group attendance.

STANDARD XI.

The DUI Court program requires continuing interdisciplinary education, training and program assessment.

Select members of the DeKalb County Drug Court attended a state DUI conference in Springfield, Illinois in 2008. In March 2009 the Team attended a state supported DUI conference at Oak Brook, Illinois to gather more information on DUI courts and to validate team decisions the team had previously made about the development of the DUI court in DeKalb County. These multiple conferences helped the team develop expertise in DUI courts on which to base program decisions.

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,) Case No. _____
PLAINTIFF,)
) Address: _____
) _____
vs)
) Phone No: _____
_____) Date of Birth: _____
DEFENDANT)

**SECURE CONTINUOUS REMOTE ALCOHOL MONITORING (SCRAM)
ORDER**

Defendant, with counsel has agreed to comply with the SCRAM program as a condition of Drug Court, and therefore:

THE ABOVE NAMED DEFENDANT IS HEREBY ORDERED TO:

- 1) Contact by phone ALCOHOL MONITORS OF ILLINOIS, INC. at (815)436-3636 **within 24 hours or on the next business day for installation of the monitoring device.**

Sycamore address is 407 West State Street, Suite 9, Sycamore, Illinois.

- 2) Submit to and complete the Secure Continuous Remote Alcohol Monitoring (SCRAM) program until further notice from this court.
- 3) Pay a \$75.00 installation fee (waived for Drug/DUI court clients only) and a daily fee to be determined by ALCOHOL MONITORS OF ILLINOIS, INC., Defendant to supply all necessary and requested financial information to ALCOHOL MONITORS OF ILLINOIS, INC., failure to provide adequate financial documents will result in a fee not to exceed \$10 per day for said monitoring (for Drug/DUI court clients only).
- 4) Completely abstain from the use of alcohol while in the SCRAM program. Defendant is not to consume or use any substance containing alcohol, or use any of the substances prohibited by the SCRAM Program Rules.
- 5) Defendant is further ordered to not tamper with, obstruct or attempt to defeat the SCRAM bracelet or modem and all equipment is to be used in accordance with the SCRAM Program rules. Tampering, obstructing or attempting to defeat the SCRAM bracelet or modem is viewed as an attempt to hide a drinking event and could result in a violation of this order.
- 6) Comply with all terms and conditions necessary to comply with this Order.

IT IS FURTHER ORDERED that Alcohol Monitors of Illinois report immediately to this Court any violation by said defendant of any aforementioned SCRAM program rules.

Judge

Date

J:\DRUG COURT FILE TO USE\Documents for drug court\Court room forms

CONSENT FOR THE RELEASE OF CONFIDENTIAL SUBSTANCE ABUSE
INFORMATION, DEKALB COUNTY DRUG/DUI COURT C.L.E.A.N. PROGRAM
(CHOOSING LIFE AND ENDING ABUSE NOW)
IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS

I, _____, Date of Birth _____, hereby consent to and authorize communication amongst the DeKalb County Drug/DUI Court Program, and Drug/DUI Court Judge, DeKalb County Circuit Judge, and the drug/DUI court team which at any time may consist of representatives from the DeKalb County State's Attorney Office, the Public Defender's Office, Court Services, the county law enforcement agencies, DeKalb County Jail, and substance abuse treatment providers utilized by the drug/DUI court, and the drug/DUI court evaluator.

The information may be exchanged verbally, electronically, and/or written.

The purpose of, and need for, this disclosure is to inform the court and all other named parties of my eligibility and/or acceptability for substance abuse treatment services and my treatment attendance, prognosis, compliance and progress in accordance with the drug/DUI court program's monitoring criteria. I understand that the information in my treatment record may include information related to sexually transmitted disease, acquired immunodeficiency syndrome (AIDS), human immunodeficiency virus (HIV), and Hepatitis. It will also include information about behavioral or mental health services, and treatment for substance abuse.

Disclosure of this confidential information may be made only as necessary for, and pertinent to, hearings and/or reports concerning my current charges.

_____ I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the drug/DUI court program for the current charge. This includes, being declared unacceptable for the program, discontinuation of all court and/or probation supervision upon my successful completion of the drug/DUI court requirements OR upon sentencing for violating the terms of my drug/DUI court involvement.

_____ I understand that my records are protected under 42 U.S.C. 290dd-2, the Federal Confidentiality Regulation (42 CFR Part 2) and the Mental Health and Developmental Disabilities Confidentiality Act of Illinois and cannot be disclosed without written consent unless otherwise provided for in the regulations. I further understand that disclosure includes the right of the recipient to inspect and receive copies of the information to be disclosed.

_____ I understand that this written consent is not revocable while my case is pending unless there is a substantial change in my criminal justice status and that this authorization shall expire automatically without my express revocation **18 months** from the date of authorization indicated below.

_____ It has been explained to me that if I refuse to consent to this release of information, I may become ineligible to participate in Drug/DUI Court.

Client Signature

Date

Witness Signature

Date

PARTICIPANT CONTRACT, DEKALB COUNTY DRUG/DUI COURT: C.L.E.A.N.
PROGRAM (CHOOSING LIFE AND ENDING ABUSE NOW)
IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS

PARTICIPANT CONTRACT

1) I, _____,
with a birth date of _____, and an address of _____

have entered a guilty plea in:

Charge _____	Case No. _____
Charge _____	Case No. _____
Charge _____	Case No. _____

to wit; I understand that by entering into the DeKalb County Drug/DUI Court:
C.L.E.A.N. Program (Choosing Life and Ending Abuse Now) Participant Contract,
I am bound by its terms.

General Provisions:

2) I agree that I am a DeKalb County resident, and will live in DeKalb County
throughout the drug court program, unless the Judge and Drug/DUI Court Team
gives me permission to live outside of DeKalb County.

3) I agree not to leave the state of Illinois without obtaining permission from the
Judge and Drug/DUI Court Team. I understand that I must make a written request
to leave the state 10 days before the anticipated trip and have a urine/breath test
immediately after returning to DeKalb County.

4) I understand that in the event of a work related emergency, I must present the
request to the Drug/DUI Court Team and the judge will advise me of approval or
denial to be excused from treatment or court date.

5) I understand in the event of a non-work related emergency, I must present a
short handwritten statement of the emergency to the treatment provider when
possible. The treatment provider will present the request to the Drug/DUI Court
Team and the Judge will advise me of approval or denial.

6) I understand that the validity of this contract is conditioned upon my eligibility for the Drug/DUI Court Program. If at any time after the execution of this agreement and in any phase of the Drug/DUI Court Program, it is determined that I am, in fact, ineligible to continue in the program, I may be immediately terminated from the program and proceed directly to sentencing on my guilty plea. I will not be allowed to withdraw my previously entered plea of guilty unless my ineligibility is based on facts or information which should have been known to the prosecutor prior to Drug/DUI Court admission, or upon Constitutional grounds.

7) I may not participate in Drug/DUI Court if I am currently an affiliated gang member. Therefore, I affirm that I am not a gang member.

8) I understand that if I enter this program and fail to complete it, I may be barred from future participation.

9) I understand that I may not possess any weapons while I am in Drug/DUI Court. I will dispose of any and all weapons in my possession, and disclose the presence of any weapons possessed by anyone else in my household. Failure to dispose and/or disclose may result in termination from Drug/DUI Court and possible prosecution for any illegal possession of any weapon.

10) I agree to inform any law enforcement officer that I come in contact that I am in Drug/DUI Court.

11) For the purposes of regular Drug/DUI Court review hearings, I agree to waive my right to have my attorney of record present. I understand that my case may be discussed without my attorney or the prosecutor present.

12) Upon my successful completion of the Drug/DUI Court program, the State's Attorney office may make a motion to dismiss the Drug/DUI Court case(s), or the pertinent charges as previously agreed upon unless there is objection from the court.

Assessments and Treatment:

1) I agree to execute the Consent for Disclosure of Confidential Substance Abuse Information. I understand that any information obtained from this release will be kept apart from the Court file.

2) I understand that my individual course of treatment may include residential treatment, intensive outpatient, one-on-one counseling, education, acupuncture (voluntary program), and/or self-improvement courses such as anger management, parenting or relationship counseling.

3) I understand that my treatment plan may be modified by the treatment provider of the DeKalb County Drug/DUI Court Team as circumstances arise, and I agree to comply with the requirements of any such modifications. _____

4) I agree to participate in and successfully complete all substance abuse treatment programs, psychological therapies, educational programs and vocational training the Judge and Drug/DUI Court Team orders, and will sign releases to permit all providers to communicate with the Judge and Drug/DUI Court staff. _____

5) I agree if ordered by the Drug/DUI Court to wear a SCRAM bracelet and/or install a BAID device in my car to monitor any alcohol use. I understand that DUI Court will assist me in payment of SCRAM based on my tax returns or pay stub from work. _____

6) I will inform all treating physicians that I am a recovering addict, and may not take narcotic or addictive medications or drugs or any medication containing alcohol. If a treatment physician wishes to treat me with narcotic or addictive medications or drugs or medication containing alcohol, I must disclose this to my treatment provider and get specific permission from the Drug/DUI Court Team to take such medication. _____

7) I agree to take all medications prescribed for me by my treating physician and/or psychiatrist, and will sign releases for my treatment physician or psychiatrist to communicate with the Judge and Drug/DUI Court staff. _____

8) I agree to attend a self-help sobriety group as often as the Judge and Drug/DUI Court Team orders me to go. _____

9) I agree to abide by electronic home monitoring or house arrest if ordered by the Judge and the Drug/DUI Court Team. _____

10) I agree that I will not withdraw from any treatment provider (residential or IOP) without prior approval of my treatment provider and the Drug/DUI Court Team. If I leave without permission of drug court a non bond warrant will be issued for my arrest. _____

Use of Drugs and Other Substances and Testing for Their Presence:

1) I understand that I will be tested for the presence of drugs or alcohol in my system on a random basis according to procedures established by the Drug/DUI Court Team and/or treatment provider. I understand that I will be given a location and time to report for my drug test. I understand that it is my responsibility to report to the assigned location at the time given for the test. I understand that if I

am late for a test, or miss a test, it will be considered “dirty” and I may be sanctioned. _____

2) I understand that substituting, altering, diluting or trying in any way to change my body fluids for purposes of testing could be grounds for immediate termination from drug/DUI court. _____

3) I understand a “diluted” urine test will be interrupted as a positive test. _____

4) I understand that I may dispute positive test results, but that re-testing will be at my expense, and that I may face more severe sanctions for a re-test that is still positive. If I am unable to pay for the confirmation test and the court pays for it, a positive result will result in more severe sanctions that if I had paid for the confirmation test. _____

5) I understand that participating in Drug/DUI Court requires me to be drug free at all times. I will not possess drugs (including marijuana), alcohol, or drug paraphernalia. I will not associate with people who use or possess drugs, nor will I be present while drugs are being used by others. _____

6) I agree to be drug and alcohol tested at any time by a police officer, probation officer, treatment provider, case manager, drug court staff, or at the request of the court or any agency designated by the court. _____

7) I agree to be responsible for what goes into my body that may affect drug test results. Before taking medication of any kind, I will check with the pharmacist to ensure that it is non-narcotic, non-addictive and contains no alcohol. I will get permission for any and all medications, prescribed or over-the-counter, with my treatment provider and/or with the Drug/DUI Court Team. _____

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

9) I agree to furnish the Drug/DUI Court Team verification from my physician for any prescribed medication in advance of testing to reduce the claims of cross-reactions. I understand that any medication that is prescribed must be documented and approved by my substance abuse treatment provider prior to its use. (Except in cases of a certifiable medical emergency). _____

10) I agree not to eat foods containing “poppy seeds”, any item containing “alcohol”, and prescription medications not prescribed to the client.

Cooperation with Judge and Drug Court Staff:

1) I agree to follow all the Courtroom Behavior and Rules that are listed in the Participant Handbook that I was given.

2) I understand that during the entire course of the Drug/DUI Court program, I will be required to attend court sessions, treatment sessions, submit to random drug/alcohol testing, remain clean and sober, and law-abiding. I agree to abide by the rules and regulations imposed by the Drug/DUI Court Team. I understand that if I do not abide by these rules and regulations, I may be sanctioned or terminated from the program.

3) I understand that if I miss a court date without prior permission from the Drug /DUI Court staff a warrant for my arrest may be issued.

4) I understand that participation in the DeKalb County DRUG COURT program involves a minimum time commitment of fourteen months, and an aftercare component consisting of up to an additional six months. I understand that in order to be successfully discharged, I must have a minimum of 12 consecutive months immediately prior to discharge during which I have not used any prohibited substances.

5) I agree to meet with the DeKalb County Drug/DUI Court staff as often as directed.

6) I agree to permit Drug/DUI Court staff to visit me at my residence and employment and anywhere else necessary to perform their duties.

7) I understand that during the early phases of treatment recovery, I may be precluded from working or from gaining employment. I further understand that within the time directed by the Drug/DUI Court Team, I will seek employment, job training and/or further education as approved by the Drug/DUI Court Team, and that failure to do so may result in sanctions or termination.

8) I agree to keep the Drug Court Team, treatment provider and law enforcement liaison, if any, advised of my current address and phone number at all times and whenever changed. My place of residence is subject to Drug/DUI Court approval, and I will not leave the DeKalb County without prior approval from the Judge and Drug/DUI Court Team.

Searches of Defendant’s Person or Property:

1) As a condition of participation in this program, I agree to the search of my person, property, place of residence, vehicle or personal effects at any time with or without a warrant, and with or without reasonable cause, when required by a Drug/DUI Court staff, probation officer, case manager or other law enforcement officer when accompanying Drug Court staff.

Other Program Requirements:

1) I agree to pay a portion of the costs of assessment, treatment, education, vocational training, and Drug/DUI Court staff monitoring based upon my ability to pay such costs. Such payment shall be in cash, cashier’s check or money order to the Circuit Clerk’s Office.

2) I agree to pay court costs, fine, and/or restitution as ordered by the Judge and Drug/DUI Court Team.

3) I agree to participate in community service work program, as ordered by the Judge and Drug/DUI Court Team.

4) I agree to participate in a speakers program if ordered by the Judge and Drug/DUI Court Team.

5) I agree not to have any new body tattoos or piercing while in the Drug/DUI Court program.

6) I agree not to be in any business where selling alcohol is its primary purpose.

Violations, Sanctions and Termination from the DeKalb County Drug Court:

1) I understand that sanctions may include time in custody, increased treatment episodes, increased testing, community service and such other sanctions as listed in the Participant Handbook I have been given and as may be deemed appropriate by the Drug/DUI Court Team.

2) I agree that the Judge may, without prior notice, receive evidence including but not limited to reports from the drug court professionals and staff, that:

- a) I am not performing satisfactorily in my assigned program; or
- b) I am not benefiting from education, treatment or rehabilitation; or

- c) I have engaged in criminal conduct, whether or not that conduct has resulted in charges against me, which makes me unsuitable for the program; or
- d) I have otherwise violated the terms and conditions of the program or sentence; or
- e) I have for any reason become unable to participate in the program; or
- f) I have been charged with a new felony offense in any jurisdiction in which the criminal conduct is alleged to have occurred after my entry into the DeKalb County Drug/DUI Court. _____

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

Participant's Signature _____
Date

Attorney for Participant _____
Date

State's Attorney _____
Date

Drug/DUI Court Judge _____
Date

Approved 9/14/2006, Revised 6/20/07, Revised 6/9/09
Original to Court File; copy to Drug Court staff; copy to attorney; copy to participant

Breath Alcohol Ignition Interlock Device (BAIID) Procedures

Once a person has been court ordered to have a BAIID installed onto their vehicle, there are two possible procedures to follow. One if the driver is being issued a Monitoring Device Driving Permit (MDDP) or a Restricted Driving Permit (RDP) and the second if the person has a valid driver's license.

For those with a MDDP or RDP:

All court information will need to be sent to the Illinois Secretary of State's office regarding the MDDP or RDP. Once the person has meet all of the requirements of the Secretary of State, the person is then eligible to have the BAIID installed. The BAIID supplier will then need to be called and a copy of the MDDP or RDP faxed to their office. The supplier will then begin the process of setting up for a local vendor to install the devise.

For those with a valid driver's license:

The BAIID supplier needs to be called and the court order faxed to their office. They will then begin the process of setting up for a local vendor to install the devise.

There are currently two BAIID suppliers that have local vendors:

Supplier;

Consumer Safety Technology Information 877-777-5020

Local Vendor;

Brad Manning Ford
402 Manning Drive
DeKalb, IL

Supplier;

Alco-Test, Inc 800-622-2526

Local Vendor;

Urban Tanks
436 E. Lincoln Highway
DeKalb, IL

The following information needs to be collected by the supplier before setting up an installation appointment:

Personal identifiers; full name of person being ordered to BAIID, address, phone numbers (up to three may be necessary, home, cell, work, etc.), date of birth, Social Security Number, driver's license number.

Vehicle information; registered owners name, vehicle make, model, year, color, VIN and license plate number.

If the data collected is to be sent to a specific person or department, they will need to know this as well (this data can be most easily sent by email as the reports become

extremely lengthy). The local vendors are only contracted to install the system and to download information, they are not the initial contact to arrange installation.

Breath Alcohol Ignition Interlock Device (BAIID) Installation locations

Consumer Safety Technology Information

10520 Hickman Road, Suite F

Des Moines, IA

877-777-5020

Local contact for installation

402 Manning Drive

DeKalb, IL

815-756-6325

(Brad Manning Ford, contact the Service Manager)

Alco-Test, Inc

5475 NW Beaver Drive

Johnson, IA

800-622-2526

Local contact for installation

436 E. Lincoln Highway

DeKalb, IL

815-754-9000

(Urban Tanks, contact Mike or Ray)

Summer 2009

Dear Defense Attorney:

The DeKalb County **DUI** Court: C.L.E.A.N. Program (Choosing Life and Ending Abuse Now) has developed eligibility criteria for admission into this specialized court. The DeKalb County **DUI** Court also adheres to the disqualification criteria that have been established by state law for drug courts.

The DeKalb County **DUI** Court C.L.E.A.N. Program (Choosing Life and Ending Abuse Now) has adopted a **Post Plea-Pre-Sentence Program with Deferred Sentencing**. The defendant will plead guilty and sentencing is done when the guilty plea is made. The defendant will know what the sentence will be when he/she successfully graduates from **DUI** court. If the defendant does not successfully graduate from **DUI** court, he/she will have a re-sentencing hearing.

To facilitate interactions with your clients and admission of qualified applicants to **DUI** court, the eligibility and disqualification criteria and the process of gaining your client's admission to drug court are detailed.

ELIGIBILITY CRITERIA FOR DUI COURT

The following serve as the eligibility criteria for the DeKalb County **DUI** Court: C.L.E.A.N. Program:

- Only defendants who apply for admission to the DeKalb County **DUI** Court will be considered for admission.
- A defendant must admit to a substance abuse problem and agree to immediate cessation of current alcohol use.
- The defendant must be 18 years of age or older.
- No applicant will be admitted without the agreement of the prosecution and the approval of the DeKalb County **DUI** Court Team.
- The defendant must be a DeKalb County resident.
- The defendant must be a United States citizen or legal resident.
- The defendant must have felony **DUI** charges pending.
- The defendant must have no less than 2 prior convictions for DUI.

- The defendant must not be charged in conjunction with a **DUI**-related death or serious personal injury.
- The defendant has to come into **DUI** Court without a Motion to Rescind or Motion to Quash.
- The defendant must resolve all out-of-county cases.
- All DeKalb County cases must be included in the agreement.
- The defendant must have no serious or persistent mental illnesses which prohibit participation in substance abuse treatment.
- The defendant must be in a living arrangement conducive to staying clean and sober.
- The defendant must have transportation.
- The defendant must plead guilty and be sentenced to **DUI** court.

The above criteria applies to all pending cases at the time **DUI** court is instituted.

DISQUALIFICATION CRITERIA

The following are criteria that exclude a defendant from the DeKalb County **DUI** Court: C.L.E.A.N. Program **absent a waiver from the State's Attorney Office:**

- The defendant has a class 2 or higher drug offense.
- The defendant has an offense that is a non-probation eligible offense.
- If the defendant's only charge(s) are alcohol offenses that affect the license including DWLR (Driving While License was Revoked) and DWLS (Driving While License was Suspended).

730 ILCS 166/20 (Drug Court Treatment Act) mandates the following criteria shall exclude a defendant if:

- (1) The crime is a crime of violence,
- (2) The defendant denies his use of or addiction to drugs,
 - (a) The defendant does not demonstrate a willingness to participate in a treatment program,
 - (b) The defendant has been convicted of a crime of violence in 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, and

(3) The defendant has previously completed or has been discharged from a **DUI** court program.

PROCESS OF ADMISSION TO DRUG COURT

1. Contact the **DUI** Court Coordinator (DCC) either in person at the 2nd floor of the DeKalb County Courthouse or call at 815-895-7224 or mstromborg@dekalbcounty.org about your client.
2. The **DUI** Court Coordinator will initially administer the DeKalb County **DUI** Court (DCDC) Screening Tool to determine if the prospective participant meets general eligibility requirements and state statute requirements to enter the drug court program. If the participant is found to be eligible, the DCDC will then administer the following validated and reliable instruments to the prospective participant: SOCRATES Tool (Readiness to Change), the following alcohol assessment tools AUDIT, CAGE, SADD, RAPS (determination of alcohol abuse problem), and the LSI-R (chance of re-offending). The DCDC will also do a criminal background check. There is no charge for this initial screening.
3. After the screening is conducted and the State's Attorney indicates approval for the DeKalb County **DUI** Court, the potential **DUI** court participant will be referred to a licensed and certified substance abuse counselor (CADC) for a formal assessment of substance abuse. The cost of this formal assessment is paid by the DeKalb County **DUI** Court.

4. The Counselor will submit to the Court and the DeKalb County **DUI** Court Team the recommended treatment plan based on the formal assessment that was conducted.
5. After the prospective client's acceptance into the program by the DeKalb County **DUI** Court Team, the participant is referred to either a residential or the Ben Gordon Intensive Outpatient (IOP) program based on the submitted treatment plan. The cost of the residential treatment program is paid by the DCDC.
6. If the defendant is not accepted into **DUI** court their case referred to the traditional adjudication process.

Applications for **DUI Court are being accepted**

*Attached is an information sheet on the DeKalb County **DUI** Court: C.L.E.A.N. Program (Choosing Life and Ending Abuse Now) that can be given to a client that you feel qualifies.*

Any questions? Contact Marilyn Stromborg, JD, Phone: 815-895-7224, 2nd Floor DeKalb County Courthouse or Regina Harris, Public Defender, 815-899-0760.

DeKalb County **DUI** Court: C.L.E.A.N. Program (Choosing Life and Ending Abuse Now)

WHAT IS **DUI** COURT?

The DeKalb County **DUI** Court: C.L.E.A.N. Program was developed to help you address issues of addiction and recovery. You must be committed and willing to change your current lifestyle and habits.

Your journey to recovery will begin with a screening done by the DUI Court Coordinator. If the State's Attorney approves your case for **DUI** Court, you will be referred to a substance abuse counselor who will do a formal assessment to determine your level of addiction and appropriate substance abuse treatment. Treatment is intended to help you. Initially, you will have a **DUI** Court Status every week before the **DUI** Court judge unless you are in residential treatment facility. Your progress, or lack progress, with court orders, treatment and abstinence will be reviewed each week by the **DUI** Court Team.

Responsibility and accountability are two of the most important parts of the DeKalb County **DUI** Court: C.L.E.A.N. Program. It is as important to meet with **DUI** Court staff and to keep all other appointments as it is to make your court appearances. When you first enter **DUI** Court, you will be attached to a SCRAM device which continuously monitors alcohol use.

Once the SCRAM device is removed, you will be expected to randomly submit to a Breathalyzer test and/or urine drops and/or application of a "patch". If you have a valid driver's license a BAIID (Breath Alcohol Ignition Interlock Device) will be installed on your automobile. Failure to do a Breathalyzer test and/or urine drop and/or application of a "patch" is counted as a dirty test for which you will be held accountable. Honesty is major part of recovery. It is vital that you report any type

of use of alcohol and/or drugs (including prescription and over-the-counter medication).

You will be held accountable and sanctions may be imposed for noncompliance including: writing an essay, more frequent drops, more frequent drug court office visits or court dates, sitting in the jury box, more intensified treatment, outside meetings, public service work, jail sentence, work release or Electronic Home Confinement. Failure to comply could also result in the filing a Petition to Revoke and termination from **DUI** court.

If you successfully comply with the conditions of **DUI** Court, you will have: fewer court appearances, fewer office visits, fewer treatment sessions and/or fewer Breathalyzer testing/urine drops. Fines and fees, public service work and a jail sentence that may be reduced or canceled.

To become a **DUI** Court Graduate you must: complete your substance abuse treatment, be clean for at least a year following treatment, be arrest free for a year and be engaged in a gainful activity such as school, employment, job search or job training.

Approved 5/18/09

File: DUI Court file/

