

DEKALB COUNTY MENTAL HEALTH COURT



Policy and Procedures

23rd Judicial Circuit
DeKalb County Courthouse
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DeKalb County Mental Health Court
POLICIES AND PROCEDURES MANUAL
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I. INTRODUCTION

Mental Health Courts have been created to provide intensive supervision to eligible defendants charged with a felony as a direct result of their mental illness. Mental Health Courts improve communities by successfully getting offenders clean and sober, and utilizing treatment to reduce symptoms of mental health diagnoses, thus reducing crime in the community. Mental Health Courts provide a non-traditional approach to non-violent criminal offenders who are addicted to drugs, rather than focusing only on the crimes they commit and the punishments they receive. Mental Health Courts use a combination of accountability and treatment to support and compel offenders to change their lives. Mental Health Courts are dependent upon creating a non-adversarial courtroom atmosphere where the Judge and Court Staff work together toward a common goal of breaking the cycle of criminal behavior. It takes innovation, teamwork, and strong judicial leadership to achieve success when addressing drug-using offenders in a community.

The DeKalb County Mental Health Court Program is a Post Plea-Pre-Sentencing program that provides eligible defendants the opportunity to receive mental health and drug treatment in exchange for either having their conviction dismissed, avoiding prison or jail sentence, or having the felony amended to misdemeanor charges. Eligible defendants can elect to participate in the program or proceed with traditional court processing. After choosing to participate in the program, defendants come under the court's supervision and are required to attend treatment sessions, undergo random drug and alcohol testing, and appear before the Mental Health Court Judge on a regular basis.

There are five phases of the Mental Health Court with each consisting of different expectations to be followed by the defendant. If the defendants meet the requirements of each of the five phases, they graduate from the program and the charges may be dismissed, the prison or jail sentence reduced, or the felony charges amended to misdemeanor charges. All defendants will know at the beginning of Mental Health Court what the sentence will be if they successfully complete the program or if they are terminated. If Mental Health Court defendants fail to make progress, they will be terminated from the program and sentenced pursuant to their agreement.

In an effort to fully engage and motivate defendants in treatment, they will be required to pay fees based on a sliding fee scale. It is believed that the DeKalb County Mental Health Court will be cost effective due to the defendants' financial participation and the correction to the defendants' lifestyle, which will reduce future use of the Court.

II. MISSION STATEMENT

The mission of the DeKalb County Mental Health Court is to reduce recidivism for non-violent, moderate to high risk offenders who have a diagnosed mental illness by combining effective treatment and intensive judicial supervision in a therapeutic court

setting which uses accountability, support, and individualized treatment plans to encourage offenders to change their lives.

III. COMPLIANCE

The DeKalb County Mental Health Court shall be established and operate in compliance with the *Problem-Solving Court Standards* adopted by the Illinois Supreme Court as well as federal confidentiality statutes and regulations.

IV. CONFIDENTIALITY

All information pertaining to DeKalb County Mental Health Court participants is strictly confidential. Any information viewed by DeKalb County Mental Health Court personnel or providers is not to be shared with any outside party. Records shall be open to inspection by any judge pursuant to order of the court, but shall not be a public record.

DeKalb County Mental Health Court participants shall be required to sign release forms so that relevant information may be shared with appropriate agencies. If a participant refuses to sign the necessary releases, he/she may be ruled ineligible for the DeKalb County Mental Health Court Program.

All probation files, presentence investigations, computer notes and case notes are considered to be confidential information and are not to be released except by court order or client release of information.

All DeKalb County Mental Health Court material will be protected by federal law, specifically section 543 of the Public Health Service Act, 42 U.S.C. 290dd-2, and its implementing regulation, 42 C.F.R Part 2 (confidentiality of substance abuse records) and the Illinois Mental Health and Development Disabilities Confidentiality Act, 740 ILCS 110/1 *et seq.* (confidentiality of mental health treatment records).

Evaluators, researchers, or personnel from other courts visiting the Mental Health Court staffings and Court hearings are required to sign a confidentiality agreement that is kept on file in the Mental Health Court Office.

V. GOALS

The DeKalb County Mental Health Court program strives to meet the following goals:

- To promote public safety by reducing recidivism;
- To provide an alternative to incarceration for substance using non-violent offenders by intervening with the authority of the Court in order to effect appropriate treatment and education;
- To reduce long-term criminal justice costs by reducing the amount of incarceration time for substance using non-violent offenders;

- To reduce or eliminate offenders' dependency on drugs and to reduce the level of drug related criminal activity.

VI. ELIGIBILITY CRITERIA

The following serve as the eligibility criteria for the DeKalb County Mental Health Court:

- (a) The defendant receives approval from the Court.
- (b) The defendant voluntarily agrees to participate.
- (c) The defendant must have a severe mental illness diagnosis
- (d) The defendant must be assessed as moderate to high risk using a validated risk assessment tool
- (e) The defendant must be 18 years of age or older.
- (f) The defendant must be a DeKalb County resident.
- (g) The defendant must be a United States citizen or legal resident.
- (h) The defendant must have a pending felony or pending petition to revoke.
- (i) Defendants will not be excluded from Mental Health Court based on their gender, race, nationality, ethnicity, limited English proficiency, disability, socio-economic status or sexual orientation.

VII. EXCLUSIONARY CRITERIA

A defendant shall be excluded from the DeKalb County Mental Health Court if any one of the following apply:

- (a) The crime is a crime of violence as set forth in the following clause:
 - i. The defendant has been convicted of a crime of violence within the past 10 years excluding incarceration time. As used in this Section, "crime of violence" means: 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.
- (b) Notwithstanding subsection (VI, a), the defendant may be admitted into a Mental Health Court program only upon the agreement of the prosecutor if:
 - (1) the defendant is charged with a Class 2 or greater felony violation of:
 - (A) Section 401, 401.1, 405, or 405.2 of the Illinois Controlled Substances Act [720 ILCS 570/401, 720 ILCS 570/401.1, 720 ILCS 570/405 or 720 ILCS 570/405.2];
 - (B) Section 5, 5.1, or 5.2 of the Cannabis Control Act [720 ILCS 550/5, 720 ILCS 550/5.1 or 720 ILCS 550/5.2];
 - (C) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or 65 of the Methamphetamine Control and Community Protection Act [720 ILCS 646/15, 720 ILCS 646/20, 720 ILCS 646/25, 720 ILCS 646/30, 720 ILCS 646/35, 720 ILCS 646/40, 720 ILCS 646/45, 720 ILCS 646/50, 720 ILCS 646/55, 720 ILCS 646/56 or 720 ILCS 646/65].

- (c) The defendant has previously, on 3 or more occasions, either completed a Mental Health Court program, been discharged from a Mental Health Court program, or been terminated from a Mental Health Court program.
- (d) The defendant denies his or her use of or addiction to drugs and there is evidence of use.

VIII. MENTAL HEALTH COURT MODEL

The DeKalb County Mental Health Court has adopted a *Post Plea-Pre-Sentence Program*. In the model selected by the DeKalb County Mental Health Court Planning Team, the defendant will plead guilty and sentencing is done at a later date. The defendant will know what the sentence will be at the time of plea. Sentencing will occur when he/she successfully graduates from Mental Health Court. If the defendant does not successfully graduate from Mental Health Court, he or she will also know the sentence that will be received.

IX. ENTRY PROCESS

1. The defendant, the defendant's attorney, or other appropriate community member will request a referral expressing the defendant's interest to enter Mental Health Court. The defendant is to complete the referral form and provide it to the Mental Health Court Coordinator for review.
2. After the referral form is completed, the defendant's case is continued to the next regularly scheduled Mental Health Court session. The defendant will observe Mental Health Court to determine if he/she wants to voluntarily participate in the program.

If the defendant is interested in Mental Health Court, his/her attorney will inform the Mental Health Court Coordinator. If the defendant is not interested, the defendant will be sent back to traditional adjudication process.

3. The Mental Health Court Coordinator reviews all eligibility criteria with defendant and explains the program. The Mental Health Court Coordinator administers the following risk assessments to determine the defendant's risk level: The K6+ Self-Administered Assessment; the Kessler Psychological Distress Scale (K10); the Mental Health Screening Form-III (MHSF-III); AOD Abuse Screening Instrument; TCU Criminal Thinking Scales (TCU CTS); TCU Drug Screen II; SOCRATES 8D; University of Rhode Island Change Assessment (URICA) Scale; Drug Use Screening Inventory (revised) (DUSI-R); and RANT. The defendant signs releases for disclosure of information to all members of the Mental Health Court Team will run a LEADS search.
4. The results of LEADS and risk assessments are sent to the Mental Health Court Team who discuss the defendant's eligibility and determines initial acceptance for Mental Health Court.

If the Mental Health Court Team rejects the defendant for Mental Health Court, the defendant's case is referred to traditional adjudication process. The defendant and attorney are informed that the defendant is not a candidate for Mental Health Court.

If the Mental Health Court Team indicates initial acceptance of the defendant to Mental Health Court, the defendant or his/her attorney is notified by the Mental Health Court Coordinator.

5. If the Mental Health Court Team indicates initial acceptance and the defendant made bail, the defendant is referred to the Mental Health Counselor, who does a comprehensive assessment using the Global Appraisal of Individual Needs – Q3 (GAIN-Q3), the DeKalb County Mental Health Court Diagnostic Assessment, and the Adult Needs and Strengths Assessment (ANSA). The Mental Health Counselor then sends the report to the Mental Health Court as soon as possible.
6. All information (including the comprehensive assessment report and Mental Health evaluation) on defendant is given to the Mental Health Court Team who again discuss the defendant's eligibility before the judge ultimately determines final acceptance or rejection to the program based on the defendant being considered to fall between moderate to high risk/high needs.
7. The defendant appears with their lawyer before the Judge in Mental Health Court and is informed about acceptance or rejection.

If the defendant is accepted to Mental Health Court, the Judge informs the defendant about his/her waiver of rights and the defendant signs a Consent to Participate on the record in open court, the defendant enters Plea and is informed of the sentence if they graduate from Mental Health Court and the defendant signs the Plea Agreement.

If the defendant is rejected, his/her case is referred to traditional adjudication process. The defendant and attorney are told the defendant is not a candidate for Mental Health Court.

8. Participants who the Judge and Mental Health Court Team assess to be at risk prior to admission to a residential setting will be placed in jail until a bed opens. This may take place before the formal plea. This is limited to high risk and high need individuals when there is no other housing option. Participants who must be free of drugs prior to going to residential safe setting per order of residential setting will be placed in jail until a bed is available. Participants who are considered to be at high risk prior to admission to a residential setting may be required to begin an Intensive Outpatient Program (IOP) until a bed becomes available at a residential setting.

X. CASE MANAGEMENT AND SUPERVISION

The Mental Health Court Team meets every Monday for regular staffings to discuss participants' behavior that week. The team will discuss responses to participants' behavior which will be shared with the participants during the next status review hearing. Status review hearings will be held on Mondays after the team staffing. The status review hearings will be conducted in order to monitor participants' performance and progress and encourage positive behavior and decrease negative or unproductive behavior.

Participants are expected to attend all scheduled status review hearings according to the phase of the program that they are in. During Phase 1, participants will be expected to attend status review hearings every week. As participants advance in phases, they will be required to attend status review hearings less frequently. Participants are expected to be on time for each status review hearing and call in advance if they will be unable to attend. They may be given a sanction for missing a status review hearing or being late, depending on the circumstance and their explanation.

Mental Health Court participants must agree to submit to random drug tests when requested to do so by the Mental Health Court Team. Participants are required to call the Test Day Software daily to learn if they must submit a drug test that day. If a participant refuses to provide a specimen or does not call, they will be considered to have a positive drug test. There are no excuses for missed drug screens. Positive drug tests will be discussed at the next staffing to determine responses/possible sanctions.

XI. PHASES FOR DEKALB COUNTY MENTAL HEALTH COURT:

PHASE I: Minimum of 90 days

1. Orientation to Mental Health Court and development of Case Management Plan;
2. Develop individual treatment plan with treatment provider and hand it into court;
3. Follow all recommendations of the counselor, as directed;
4. Individual counseling, and psychiatric services, as recommended by treatment provider at least once a week;
5. Group counseling sessions at least three times a week following the recommendations of the treatment program;
6. Maintain compliance with taking prescribed medications;
7. Participate in a self-help sobriety group based on recommendation of treatment provider and provide verification to court, if applicable;
8. Have a sponsor or temporary sponsor and provide verification of sponsor to the court, if applicable;
9. Frequent and random drug testing at least a minimum of two times a week;
10. Court appearances weekly;
11. Call the Test Day System to find out testing schedule before 8:30 am;
12. Start seeking employment or vocational training, if appropriate;
13. Consistent, on time attendance at all required treatment and Status Review Hearings;
14. End relationships with non-family drug using associates;

15. Keep a daily journal and hand in the journal to the Mental Health Court staff at every Court visit;
16. After four clean drops have 30 days of consecutive clean drops;
17. Fill out ***Phase I to II Form*** and write a letter addressed to the court requesting to advance to Phase II and give all required forms to the DeKalb County Mental Health Court staff.

*The Mental Health Court Team can ask the participant to apply for early advancement during any of the 5 phases.

Requirements for advancement to Phase II:

1. No positive drug test results for 14 consecutive days following four clean drops;
2. Documented attendance at a self-help sobriety group, if applicable;
3. Achievement of coping and/or problem solving skills as reported by treatment provider;
4. Maintain compliance with medications as prescribed;
5. Follow all recommendations made by counselor regarding treatment and psychiatric care;
6. Have a sponsor or at least a temporary sponsor from the attended self-help sobriety group, if applicable;
7. Employed or positive response to vocational/educational goals, if appropriate;
8. Submission of ***Petition to Move to Another Phase*** and ***Relapse Prevention Plan*** to the DeKalb County Mental Health Court Team asking to be promoted to Phase II;
9. Participants who successfully complete a residential program may submit their Phase II materials upon successful completion of the residential program;
10. Write a letter addressed to the court requesting to advance to Phase II and give the required materials to the Mental Health Court staff.

PHASE II: Minimum of 90 days

1. Update and review treatment plan with treatment provider and hand it into Court;
2. Individual or group counseling, and psychiatric services, as determined by the treatment provider at least three times per week;
3. Follow all recommendations of the counselor as directed;
4. Continue to take medications as prescribed;
5. Continue to consistently attend a self-help sobriety group as recommended by treatment provider, if applicable;
6. Secure employment or begin vocational education/rehabilitation if requested and appropriate;
7. Frequent and random drug tests at least two times a week;
8. Court appearances at least two times a month;
9. Keep a daily journal and hand in the journal to the Mental Health Court staff at every Court visit;
10. Hand in all required materials to go from Phase II to Phase III and give the materials to the DeKalb County Mental Health Court staff;

11. Call the Test Day System each day to find out testing schedule before 8:30 am.

Requirements for advancement to Phase III:

1. No positive drug tests within the last 30 days;
2. Employed or attending school/vocational training with positive feedback from the school;
3. Achievement of coping and problem solving skills as reported by treatment provider;
4. Documentation provided to the Court of involvement in treatment, and/or psychiatric services;
5. Continued medication compliance;
6. Follow all recommendations of the counselor, as directed;
7. No unexpected absences from treatment or scheduled services;
8. Call the Test Day System each day to find out testing schedule before 8:30 am;
9. Submission of *Petition to Move to Another Phase* and *Relapse Prevention Plan* to the DeKalb County Mental Health Court Team asking to be promoted to Phase III.
10. Write a letter addressed to the court requesting to advance to Phase III and give the required materials to the Mental Health Court staff.

PHASE III: Minimum of 90 days

1. Update and review treatment plan with treatment provider and hand it into the Court;
2. Group or individual counseling, and psychiatric services, as recommended by treatment provider at least two times a week;
3. Continue to consistently attend a self-help sobriety group as recommended by treatment provider, if appropriate;
4. Secure employment or enroll in vocational education/rehabilitation if requested as appropriate;
5. Frequent and random drug tests at least two times a week;
6. Court appearances at least two to three times a month;
7. Start paying for treatment based on a sliding scale;
8. Keep a daily journal and hand in the journal to the Mental Health Court staff at every Court visit;
9. Call the Test Day System each day to find out testing schedule before 8:30 am;
10. Hand in all required materials to go from Phase III to Phase IV and give the materials to the DeKalb County Mental Health Court staff.

Requirements for advancement to Phase IV:

1. No positive drug tests within the last 45 days;
2. Employed or attending school/vocational training with positive feedback from the school if requested and appropriate;
3. Achievement of coping and problem solving skills as reported by treatment provider;

4. Documentation provided to the Court of involvement in treatment, and/or psychiatric services;
5. Continuing to take prescribed medications as directed;
6. Documentation provided to the Court of involvement in self-help sobriety group, if applicable;
7. Actively making payments for restitution, Court costs or treatment fees where applicable;
8. No unexpected absences from treatment or scheduled services;
9. Submission of the *Petition to Move to Another Phase* to the DeKalb County Mental Health Court Team asking to be promoted to Phase IV.
10. Submission of *Relapse Prevention Plan*.
11. Submission of *Financial Obligations Sheet*.
12. Write a letter addressed to the court requesting to advance to Phase IV and give the required materials to the Mental Health Court staff.

PHASE IV: Minimum of 90 days

1. Update and review treatment plan with treatment provider and hand it into the court;
2. Group or individual counseling, and psychiatric services, as recommended by treatment provider at least one time a week;
3. Continue to consistently attend a self-help sobriety group as recommended by treatment provider, if applicable;
4. Maintain compliance with prescribed medications;
5. Secure employment or enroll in vocational education/rehabilitation, if appropriate;
6. Frequent and random drug tests at least one time a week;
7. Court appearances at least one time a month;
8. Make payments for treatment based on a sliding scale;
9. Keep a daily journal and hand in the journal to the Mental Health Court staff at every Court visit;

Requirements for advancement to Phase V:

1. No positive drug tests within the last 60 days;
2. Employed or attending school/vocational training with positive feedback from the school, if appropriate;
3. Achievement of coping and problem solving skills as reported by treatment provider;
4. Documentation provided to the Court of involvement in treatment, and/or psychiatric services;
5. Maintain compliance with prescribed medications;
6. Documentation provided to the Court of involvement in a self-help sobriety group, if applicable;
7. Actively making payments for restitution, Court costs or treatment fees where applicable;
8. No unexpected absences from treatment or scheduled services;

9. Submission of required materials to the DeKalb County Mental Health Court staff asking to be promoted to Phase V.
10. Submission of *Mental Illness Relapse Prevention & Crisis Intervention Plan*.
11. Submission of *Financial Obligations Sheet*.
12. Write a letter addressed to the court requesting to advance to Phase V and give the required materials to the Mental Health Court staff.
13. Active involvement in the Alumni Association.

PHASE V: Minimum of 90 days

1. Continued care as needed and recommended by counselor;
2. Continued medication compliance as prescribed;
3. Frequent and random drug testing as ordered by Court but at least once a week;
4. Stable employment or enrollment and positive reports from vocational/educational program, if appropriate;
5. Achievement of employment/vocational skills;
6. A minimum of 14 months in Mental Health Court program and 90 days consecutive clean time;
7. Mentoring with treatment counselor's supervision to participants who are in the other phases of program;
8. Attend all required meetings of a self-help sobriety group with documentation to the Court and continue relationship with identified sponsor, if applicable;
9. Court appearances at least 1 time a month;
10. Pay all Mental Health Court fees;
11. Active in the Alumni Association;
12. Development of *Aftercare Plan* submitted to the court;
13. Keep a daily journal and hand in the journal to the Judge at every court visit;
14. Exit interview with Mental Health Court Team;
15. Complete Pre-Commencement Questionnaire;
16. Write a letter addressed to the Court requesting to graduate and give the letter to the DeKalb County Mental Health Court staff;
17. Attend the commencement ceremony.

XII. INCENTIVES AND SANCTIONS

The DeKalb County Mental Health Court Team will help to keep defendants on track by rewarding progress and imposing sanctions on defendants who fail to comply with court orders. The incentives and sanctions are tailored to address the individual's unique history and needs. The team will attempt to develop additional rewards and sanctions which are unique to the individual Mental Health Court participant as necessary. All responses to a participant's behavior will be predictable, fair, consistent and without regard to a person's gender, race, nationality, ethnicity, limited English proficiency, disability, socio-economic status or sexual orientation. The entire Mental Health Court Team will have input in the discussion regarding appropriate responses to a participant's behavior but the final decision will be made by the judge. Participants will be treated with respect and dignity throughout the process of receiving incentives and sanctions. Before a sanction or incentive is given, the judge will advise the participant in open court of the

sanction or incentive and the reason for giving it. The participant will then be allowed to address the court about the sanction or incentive for the court to consider.

Rewards will be awarded as deemed appropriate by the Mental Health Court treatment team. Rewards may be appropriate when an individual has either successfully completed a treatment phase or has been in compliance for a significant period of time. Rewards may include:

- In court praise, encouragement and applause;
- Reduced frequency of status hearings;
- Assignment of Community Service (CRS) hours in lieu of mandatory court fines associated with criminal charges and dollar amounts assigned to each CRS hour to help reduce the court fines. Mental Health Court will determine where the CRS hours will be accomplished and how many hours are appropriate;
- Reduction of pending fines and fees;
- Selecting something from the “goody jar” which has gift certificates to restaurants, clothing stores, etc.;
- Letter of recognition from the court;
- Promotion to next Phase or shorten current Phase;
- Restoration of lost privileges because of relapse or some other infraction;
- Special event in court with donuts and coffee/punch and cookies/special cake;
- Monthly drawing of reward with only the compliant participants in the drawing;
- Set early commencement;
- Certificates of achievement and sign in Mental Health Court acknowledging achievement;
- Designated Person of the Week;
- Special Mental Health Court event such as bowling events or movie afternoon;
- Negative urine drop certificate.

A sanction will be imposed for each violation. Violations may consist of missing treatment appointment(s), failing a drug test, getting arrested for a new charge. All members of the Mental Health Court Team will determine which sanction is appropriate depending on the nature of the violation and the overall compliance of the individual. Before a sanction is imposed on a participant, the participant has the right to a sanction hearing in front of the judge. Participants will be told how long each sanction will last.

Sanctions may include:

- Admonishment from the team;
- Reading/writing assignments;
- Letter of apology to the Court;
- Increase in the number of weekly self-help group meetings;
- Sit in the Courtroom for the entire morning or day, writing about their experience, and giving the report to the Court;
- Perform public service work
- Increased frequency of status hearings;
- Increased urinalysis testing;
- Increased counseling or psychiatric services;
- Increased office appointments;

- Increased frequency of contacts with the DeKalb County Mental Health Court staff;
- Extension of duration in DeKalb County Mental Health Court program;
- Electronic Home Monitoring;
- SCRAM (Secure Continuous Remote Alcohol Monitoring);
- Serve a work release sentence;
- Jail for an afternoon, day, weekend, month, etc.;
- Program termination and sentencing.

XIII. BEHAVIORS THAT MAY RESULT IN SANCTION/TERMINATION:

- Dishonesty to Court Personnel and DeKalb County Mental Health Court staff;
- Positive urine test;
- Diluted urine sample submitted;
- Failure to submit urine sample;
- Unexcused absence and/or absences from counseling session or support group;
- Failure to follow treatment conduct rules;
- Failure to make reasonable progress in treatment;
- Failure to attend self-help group per treatment plan recommendation;
- Willful failure to pay fees;
- Failure to attend scheduled status hearings without just cause;
- Curfew violation;
- Arrest for new offense;
- Failure to comply with Court, DeKalb County Mental Health Court staff and/or treatment provider's recommendations;
- Leaving the jurisdiction without just cause;
- Any type of formal or informal gambling;
- Possession or delivery of drugs on treatment site;
- Violent or abusive behavior at treatment site, program site, or other place of contact or participation.

Immediate and consistent consequences for non-compliance are an important part of the Mental Health Court concept. In the event of non-compliance, the offender may be required by the Mental Health Court Staff to appear in court prior to his/her scheduled court date.

*The Judge has the option of administratively dismissing the participant due to a variety of conditions after a hearing has been convened to discuss violations.

XIV. COURTROOM BEHAVIORS AND RULES

All individuals participating in the DeKalb County Mental Health Court Program will obey the following rules:

1. When addressing the judge, the participant shall approach the bench with the utmost respect for the position.

2. Participants will attend all scheduled Court appearances, be on time and be immediately seated in the courtroom.
3. Participants will not talk in the courtroom during Mental Health Court proceedings.
4. Participants will not bring food or drink into the courthouse, the courtroom, probation office or to treatment provider meetings.
5. The participant will not lean against the Judge's bench but stand appropriately and speak clearly enough that the Judge and other team members and participants can hear the responses to the Court.
6. The participant will remain in the Courtroom until he/she is dismissed by the Judge.
7. In the event of an emergency, the participant may be excused from Court or allowed to leave prior to Court being dismissed. In cases of work related emergencies, a written request must be submitted from the employer to the Mental Health Court staff. Mental Health Court Staff will present the request to the team at staffing and the judge will advise the participant of approval or denial.
8. In the event of a non-work related emergency, the participant will present a short handwritten statement of the emergency to the treatment provider when possible. Otherwise, the treatment provider must be informed verbally (ex: illness, family emergencies, etc.). The treatment provider will present the request to the team at staffing and the Judge will advise the participant of approval or denial.
9. If a participant does not appear on his/her regularly scheduled court date and is not excused from court, the Judge may request a no bond warrant be issued against the participant.
10. If a participant should come in contact with any form of law enforcement, it is their responsibility to report such contact to the Court and treatment counselor as soon as possible and inform law enforcement they are in Mental Health Court.
11. If the participant does move within the county, he/she will turn in a new address with all phone numbers to the DeKalb County Mental Health Court Staff.
12. Participants cannot leave DeKalb County or the state of Illinois without the approval of DeKalb County Mental Health Court Team. The participant must make the request the Monday before court before the anticipated trip out of the county or state. Requested permission to leave the county must be in writing and given to the Mental Health Court staff to present to the DeKalb County Mental Health Court Team during staffing. Necessary information includes: address and phone number where participant will be traveling to; date and time of departure and return; and the purpose of the request to travel. The participant will be required to complete a urinalysis test immediately prior to leaving and after returning to DeKalb County.
13. If the participant is moving within DeKalb County area, he/she is required to advise the Mental Health Court Staff and get approval of the court before the move.
14. Participants are expected to remain in the county until completion of the Mental Health Court program.
15. The participant will maintain gainful employment and maintain that employment as long as he/she is physically able to do so. If employment should change, the

Court must be notified. If the participant is not employed he/she can maintain full-time student status or a combination of the two to meet this requirement.

16. The participant agrees not to consume, purchase or possess alcoholic beverages or illegal drugs, nor visit places where alcohol or illegal drugs are sold, dispensed, or used. This includes patronizing places such as bars, liquor stores, taverns, clubs, parties or places where alcohol is the main item for sale or consumption.
17. The participant will not possess any dangerous weapon of any kind, including but not limited to firearms and knives.
18. The participant will not misuse any prescription medications.
19. The participants will dress appropriately for court as follows:
 - No tank tops, muscle shirts, crop-tops, or shirts with obscene words or pictures
 - No sagging (for example pants or shorts that hang below the waist).
 - No unbuttoned shirts.
 - No hats, caps or bandanas.
 - No gang attire or colors of any kind.
 - No phones or personal electronic devices utilized in the courtroom.
 - No shorts, even in the summertime.

If the participant wears any of the above to the courtroom, they will be sent home and it will be counted as a Court absence and appropriate sanctions will be imposed. Mental Health Court participants are not to associate with non-family known gang members or individuals who are using or selling drugs. Mental Health Court participants should avoid being in geographic settings where drug activity is known to occur or drugs are being used by others.

XV. PROGRAM OUTCOMES FOR PARTICIPANTS

There are four ways a participant may be discharged or terminated from the DeKalb County Mental Health Court program:

- 1) **Successful:** The participant completes all the program requirements.
- 2) **Neutral:** The participant does not violate program requirements necessitating an unsuccessful discharge, but is unable to successfully complete program requirements to qualify for a successful discharge. For example, the participant has or develops a serious medical or mental health condition, disability, or any other factor that may prevent the participant from meeting the requirements.
- 3) **Unsuccessful:** The participant is terminated from the DeKalb County Mental Health Court program due to a violation of program requirements.
- 4) **Voluntary Withdrawal:** The participant shall in all circumstances be permitted to withdraw in accordance with the DeKalb County Mental Health Court procedures.

SUCCESSFUL AND NEUTRAL DISCHARGE

Successful and neutral discharge shall be made by the DeKalb County Mental Health Court Team collaboratively.

When participants meet the requirements of each of the five phases of Mental Health Court, they graduate from the program and the charges may be dismissed, the prison or jail sentence reduced, or the felony charges amended to misdemeanor charges.

When participants successfully complete the DeKalb County Mental Health Court program, he/she is celebrated for their success with a graduation ceremony. Family members of the participant graduating are invited to attend the ceremony. Current participants in the Mental Health Court program are also expected to attend the ceremony to show their support. The graduation ceremonies are held in the courtroom. The DeKalb County Mental Health Court judge will preside over the graduation. The graduating participant will be given the opportunity to describe the impact of the Mental Health Court program on his/her life. Each graduate will receive a certificate stating he/she successfully completed the program.

A participant may be neutrally discharged from the DeKalb County Mental Health Court Program if he/she has been substantially compliant with the Mental Health Court program rules but the DeKalb County Mental Health Court Team has determined that the participant's progress toward successfully completion is improbable after the participant and the Mental Health Court team has exhausted reasonable efforts to help them successfully complete the program.

A participant will be provided a discharge plan prior to being successfully or neutrally discharged from the program. The discharge plan will provide the participant with recommendations for continued treatment, educational/employment/vocational training and resources for the recommendations given.

UNSUCCESSFUL DISCHARGE

Prior to unsuccessful discharge from the DeKalb County Mental Health Court program, a participant shall be served with a petition to be terminated from the Mental Health Court program or to revoke his/her probation. The petition shall set forth the claimed violations of the Mental Health Court program requirements or probation, together with the relief sought. The DeKalb County Mental Health Court Judge shall ensure that all participants who become subject to proceedings that could result in unsuccessful discharge from the Mental Health Court program are advised of and accorded the rights set forth in Supreme Court Rule 402A, including but not limited to, the right to counsel and a hearing.

In accordance with Supreme Court Rule 402A(a), a PSC judge shall not accept an admission to a violation, or a stipulation that the evidence is sufficient to establish a program or probation violation, without first addressing the participant personally in open court, and informing the participant of and determining that the participant understands the following:

- 1) The specific allegations in the petition;
- 2) That the participant has the right to a hearing with defense counsel present, and the right to appointed counsel if the participant is indigent;

- 3) That at the hearing, the participant has the right to confront and cross-examine adverse witnesses and to present witnesses and evidence in his or her behalf;
- 4) That at the hearing, the State must prove the alleged violation by a preponderance of the evidence;
- 5) That by admitting to a violation, or by stipulating that the evidence is sufficient to establish a program or probation violation, there will not be a hearing on the petition, so that by admitting to a violation, or by stipulating that the evidence is sufficient, the participant waives the right to a hearing and the right to confront and cross-examine adverse witnesses, and the right to present witnesses and evidence in his or her behalf; and
- 6) The sentencing range for the underlying offense for which the participant is subject to prosecution or sentencing.

In accordance with Supreme Court Rules 402(b) and (c), a PSC judge shall not accept any admission to a violation, or any stipulation that the evidence is sufficient to establish a program or probation violation, without first determining that the participant's admission or stipulation is voluntary, and that there is a factual basis for the admission or stipulation.

In accordance with Supreme Court Rule 402(d), a PSC judge shall not participate in plea discussions with respect to a petition to terminate the participant from the PSC or to revoke probation without first complying with Supreme Court Rules 402(d), (e) and (f).

Once a petition to terminate a participant from the DeKalb County Mental Health Court Program or to revoke probation has been filed, the presiding judge may allow the participant, with the consent of both the participant (with advice of his or her counsel) and the State, to remain in the Mental Health Court program with hearing on the petition deferred. The State may thereafter dismiss the petition if the participant makes satisfactory improvement in compliance with the Mental Health Court program requirements. If the participant fails to make satisfactory improvement, the State may elect to set the petition for hearing.

At a hearing on a petition to terminate a participant from the DeKalb County Mental Health Court Program or to revoke probation, the presiding judge cannot consider any information learned through team staffing, status review hearings or otherwise, unless newly received in evidence at the hearing.

The Mental Health Court judge should disqualify himself in a proceeding on a petition to terminate a participant from the Mental Health Court or to revoke probation under the circumstances listed in Supreme Court Rule 63C.

A participant has the right to move for substitution of the Mental Health Court judge pursuant to section 114-5(d) of the Code of Criminal Procedure of 1963 (725 ILCS 5/114-5(d)) for purposes of a hearing on a petition to terminate a participant from a PSC or to revoke probation.

A participant being considered for unsuccessful termination from the DeKalb County Mental Health Court Program shall be afforded the same due process rights that are afforded to probationers and parolees in revocation hearings. The requirements of due process will be satisfied by providing a participant with written notice of claimed program or probation violations and by complying with Supreme Court Rule 402A. For limited English proficient participants, any petition to terminate the participant from the PSC or to revoke the participant's probation will need to be translated, either in written form by a translator or in spoken form by a live interpreter.

Due process in the context of a PSC also requires that the judge presiding over a hearing on a petition to terminate a participant from a PSC or to revoke probation be neutral and detached. Through participation in team staffing and status review hearings, a PSC judge may have become aware of information that forms the basis, in whole or in part, for a petition to terminate a participant from a PSC. This alone does not require recusal of the PSC judge. However, consistent with Supreme Court Rule 63C, if the PSC judge's impartiality might reasonably be questioned, the PSC judge should disqualify himself or herself and refer the matter to another judge pursuant to section 114-5(d) of the Code of Criminal Procedure for purposes of a hearing on a petition to terminate a participant from a PSC or to revoke probation.

VOLUNTARY WITHDRAWAL

A participant shall have the right to withdraw from the DeKalb County Mental Health Court Program. However, there may be consequences for doing so. Prior to allowing the participant to withdraw, the Mental Health Court judge shall:

- 1) Ensure that the participant has the right to consult with counsel;
- 2) Determine in open court that the withdrawal is made voluntarily and knowingly;
and
- 3) Admonish the participant in open court as to the consequences, actual or potential, which will result from withdrawal.

The DeKalb County Mental Health Court Program is a pre-adjudicatory PSC in which participants are required to plead guilty prior to entry in the Mental Health Court program, with conviction deferred. If a participant voluntarily withdraws from the program, he/she will be sentenced to the previously agreed upon sentence per the plea agreement.

The DeKalb County Mental Health Court Judge will assure that any voluntary withdrawal is made knowingly and voluntarily, with particular attention given to determining that the participant's decision is not negatively influenced by mental illness or course of treatment for mental illness or substance abuse.

XVI. MENTAL HEALTH COURT GRADUATION

Participants will be honored at a graduation ceremony when the following is accomplished:

1. Continued sobriety for at least 90 consecutive days;
2. Completion of treatment program;
3. All Mental Health Court fees paid;
4. Obtained stable employment or enrolled in vocational/educational program.

XVII. AFTERCARE PROGRAM

The DeKalb County Mental Health Court program will establish an aftercare program called the Alumni Association. The aftercare program will involve continued contact between the Mental Health Court team members and the graduates of the Mental Health Court program. The graduates will serve as role models to participants who are currently in the program by remaining drug-free. The Alumni Association will meet once per month. The graduates will speak to community and church groups, plan social and recreational events, conduct fund raising activities, serve as ushers at commencement ceremonies, publish a monthly newsletter, and speak to potential future Mental Health Court participants when appropriate. It will be mandatory for Mental Health Court participants who are in Phase IV and V to attend alumni meetings.

XVIII. PROGRAM STANDARDS

1. The Mental Health Court Coordinator (MHCC) will initially administer the DeKalb County Mental Health Court Screening Tools to determine if the prospective participant meets general eligibility requirements and state statute requirements to enter the Mental Health Court program. These tools include the K6+ Self-Administered Assessment; the Kessler Psychological Distress Scale (K10); the Mental Health Screening Form-III (MHSF-III); AOD Abuse Screening Instrument; TCU Criminal Thinking Scales (TCU CTS); TCU Drug Screen II; SOCRATES 8D; University of Rhode Island Change Assessment (URICA) Scale; Drug Use Screening Inventory (revised) (DUSI-R); and RANT.
2. The initial screening will be done by the MHCC using the previously outlined screening tools.
3. The MHCC will also conduct a LEADS search of the individual and JANO. After the screening is conducted and the Mental Health Court Team indicates initial approval for the DeKalb County Mental Health Court, the potential Mental Health Court participant will be referred to the Mental Health Court Counselor for a formal comprehensive assessment and substance abuse evaluation.
4. The comprehensive assessment will consist, at a minimum, of one interview with the prospective participant (2-3 hours), using a Bio-Psycho-Social Assessment. The MHCC will share the written initial screening report with the individual conducting the psychological assessment.
5. The assessment will address each of the ASAM (American Society of Addictions Medicine) criteria as follows: (1) acute intoxication and/or withdrawal potential; (2) biomedical conditions; (3) emotional/behavioral conditions and complications; (4) treatment acceptance or resistance; (5) relapse potential; (6) recovery environment.

6. As deemed appropriate by the Counselor, the assessment will include a psychological and/or psychiatric evaluation to identify co-occurring disorders. If substance abuse is noted, a note will be made regarding the Primary need at that time. If there is substance dependence and minimal mental health needs, the counselor may suggest the applicant be sent to the DeKalb County Drug/DUI Court.
7. As deemed appropriate by the Counselor, the assessment may require an overall health evaluation/communicable diseases assessment. The prospective Mental Health Court participant should be referred to a health care provider to determine if there is a communicable disease.
8. The Psychologist or Counselor will submit to the Court and the DeKalb County Mental Health Court Team the recommended treatment plan based on the assessment that was conducted.
9. After the prospective client's final acceptance into the program by the DeKalb County Mental Health Court Team, the participant is referred to either a residential or Intensive Outpatient (IOP) program based on the submitted treatment plan. Mental Health Court participants will be referred to a residential program based on their individual needs and bed availability. The treatment provider in either the residential or IOP program will continue to engage in ongoing assessment activities related to the needs and behavior of the offender.
10. Participants who the Judge and Team assess to be at risk for homelessness or are a danger to themselves or others prior to admission to the residential treatment setting will be placed in the jail until a residential bed is available.
11. Participants who must be free of drugs prior to going into a residential setting per order of the residential facility will be placed in the jail until a residential bed is available.
12. Treatment providers will be licensed by the state alcohol and drug abuse agency, and will be nationally and/or state accredited if appropriate.
13. The DeKalb County Mental Health Court anticipates negotiated contracts with treatment providers offering residential treatment and outpatient treatment. These contracts include the payment of a percentage of the treatment costs which is paid to the provider upon the entrance of the Mental Health Court participant into the program.

XIX. STANDARDS FOR TREATMENT PROVIDERS

Participants:

Gateway Foundation

Ben Gordon Center through Kish Health Systems

Treatment Component

In order for any Mental Health Court to be effective, the Judge has to rely on treatment providers to assist in developing appropriate rehabilitative treatment. The treatment component is a vital component in Mental Health Court because it helps participants with the cessation of drug use and leads to a reduction in recidivism rates. The DeKalb County Mental Health Court has a multi-phased treatment process which includes the following: Initial assessment and periodical assessment to ensure clients' needs are being met

1. Treatment services are comprehensive;
2. Treatment services are accessible;
3. Funding for treatment is adequate and fair;
4. Treatment services have quality control;
5. Treatment designs and delivery are sensitive and relevant to issues of race, culture, religion, gender, age, ethnicity, and sexual orientation.

XX. DRUG AND ALCOHOL TESTING PROTOCOL

Upon completion of the screening by the DeKalb County Mental Health Court Staff and formal assessment by a licensed clinical psychologist or licensed LPC and certified CADC counselor, all Mental Health Court participants shall be made aware of the following rules. (These are intended as general guidelines and are not to be considered as all inclusive.)

1. Drug testing is to be considered an integral part of this program. Tests are adjunctive in nature rather than punitive. Tests are used:
 - a. as an assessment and diagnostic tool;
 - b. to reinforce and validate successful recovery and abstinence;
 - c. as an intervention and confrontation tool;
 - d. as a deterrent to drug use;
 - e. to provide non-manipulative environment to monitor progress; and
 - f. to assist in determining risk and revocation decisions.
2. Drug testing will take place at the time and location as specified by the Mental Health Court Staff.
3. Participants will be drug tested **frequently and randomly** throughout the entire Mental Health Court program.
4. Individuals choosing to enroll in the Mental Health Court program must agree to inform the Mental Health Court Team of the use of all mood-altering substances including but not limited to narcotics, tranquilizers, sedatives, muscle relaxants, stimulants, opiates, opiate-based medications, benzodiazepines-prescribed or otherwise that may be prescribed by the treating health care professionals when other medical options are not available.
5. Participants will be observed to ensure freedom from errors by an observer of the same gender.
6. If a test is missed, the participant must contact the DeKalb County Mental Health Court staff immediately and be willing to re-test when requested. A missed test may be considered a positive test.
7. If a participant has a positive test in any Mental Health Court phase, the judge, based on recommendations from the DeKalb County Mental Health Court staff, will apply immediate sanctions including time in jail to help the participant stop his or her drug using behavior.
8. A Mental Health Court participant who has an infraction in the days before the court will be automatically scheduled for court that week. The defendant's mental health case manager will notify the defendant of this court date.

Procedure to be followed by Mental Health Court Participant:

1. All Mental Health Court participants are required to check the drug testing schedule each and every day by calling the Test Day System before 8:30am who will inform the participant if they need to test or not and the specific hours of testing as well as location.
2. Any Mental Health Court participant who fails to test as scheduled without the prior approval of the Mental Health Court staff shall be considered to have tested “positive” and will be sanctioned accordingly.
3. The testing system (instant cups) used by the DeKalb County Mental Health Court Program checks for the presence of drugs as well as the presence of chemicals and fluids intended to interfere with drug test results. The testing system provides results in 5 minutes.
4. The Mental Health Court participant must arrive at the Probation Department at the DeKalb County Courthouse to have the drug testing done the day they are informed to come in for testing and during the announced testing times.
5. Mental Health Court participants may be asked to provide a urine sample at any time.
6. The consumption of large quantities of liquids prior to testing may result in the sample being deemed to be “invalid”. “State of the art” scientific lab tests are performed on all samples and attempts to “flush” ones system by excessive fluid intake, or by the use of “commercial cleansing products”, may be considered forms of adulteration and will result in sanctions being imposed against the offending party.
7. Invalid drug screens due to temperature, specific gravity, or creatinine level are considered as positives.
8. All samples will be observed by a staff member of the same sex as the participant. The participant will test in full view of the attending staff member, one at a time. Any attempt to manipulate or adulterate a sample in any way, shape, or form will result in sanctions against the client, up to and including termination from the program. Additionally new felony charges may be filed under 720 ILCS 5/17-28.
9. Participants shall be required to remove any coats or jackets prior to testing. In addition, any long sleeve shirts, blouses, or sweaters must be pushed or rolled up.
10. All participants are required to rinse their hands and thoroughly dry them immediately prior to testing.
11. Upon filling the sample container with urine, the participant will then put the top on the container and dry the container with a paper towel or tissue before handing it to the attending staff member.
12. Prior to testing the Mental Health Court staff will ask the participant what they think the results of the testing will be.
13. Upon completion of testing, the Mental Health Court staff will tell the participant what results were obtained. Results will also be communicated to the DeKalb County Mental Health Court Team and the Judge.
14. If the urine result is positive and the participant denies drug use, the participant may choose to tell the DeKalb County Mental Health Court Staff that they want a confirmatory test done. The Mental Health Court participant will pay the cost

incurred for the confirmation testing (\$15 per drug confirmed) if it is positive. If there is no request for a confirmation test, the participant will be presumed to be guilty of drug use.

15. Participants are responsible for informing their physician that they are in Mental Health Court when seeking health care. Participants are required to furnish verification from their physician for any prescribed medication in advance of testing to reduce the claims of cross-reactions.
16. The Mental Health Court participant must get permission from the DeKalb County Mental Health Court staff before taking over-the-counter drugs (for example cough medication, decongestants, cold remedies).
17. Mental Health Court participants shall be held fully accountable for any and all substances that they put into their bodies. This shall include, but is not limited to, the eating of food containing “poppy seeds”, over the counter medications containing “dextromethorphan”, any item containing “alcohol”, and prescription medications not prescribed to the client. In addition, any medication that is prescribed to the participant must be documented and approved by the Mental Health Court staff prior to its use. (Except in cases of a certifiable medical emergency).
18. Mental Health Court participants will be tested for consuming synthetic cannabinoids which are not permitted in Mental Health Court. Participants will be told the test is being sent out for special testing and have the opportunity to say it will be positive. If they do not admit they are positive and the test comes back positive, a sanction will be applied and the defendant will be charged \$30 for the testing.

XXI. PROGRAM OUTCOMES

The Mental Health Court Coordinator will be responsible for collecting and reporting data to AOIC monthly in order to be in compliance with PSC Standards. The monthly PSC reports will consist of a set of PSC Identifiers and three separate reports: 1. New cases screened in a month; 2. Supervision activity in a month; 3. Case exits in a month. The data will be collected and maintained with Tracker (computer program that includes a Mental Health Court module) daily and weekly. Additional data that will be collected includes: referrals, demographics of referrals, drug of choice, initial recommendation, phase movements, termination level, number of active participants, number of treatment appointments kept/cancelled, number of community engagement activities made, and recidivism rates. The Mental Health Court Team will have an internal review every 6 months to evaluate the program and determine its success and areas that need to be improved. The team will discuss ways in which the program can be improved based on data collected and team members’ input.

XXII. STATISTICAL DATA MONITORING AND REPORTING

The DeKalb County Mental Health Court team will collect data for purposes of evaluating the program and monitoring adherence to best practice standards. The Mental Health Court Coordinator will enter and maintain data on participants daily and weekly.

Data that will be collected daily and weekly includes: number of cases served, compliance rates, hours of community service, graduation rates, unsuccessful discharges, voluntary discharges, successful, and neutral discharges, positive and negative drug tests, sanctions and rewards given, support groups attended, treatment appointments made and failed, criminal charges, and basic demographic information of each participant. The coordinator will submit monthly reports to AOIC that include the following data: set of PSC Identifiers and three separate reports: 1. New cases screened in a month; 2. Supervision activity in a month; 3. Case exits in a month. An internal program review of the program will be conducted with the team members every six months to evaluate the success of the program. The Mental Health Court team plans to hire an independent evaluator every two years to conduct an external program evaluation.

XXIII. ROLES OF THE MENTAL HEALTH COURT TEAM MEMBERS

The designated Judge attends the meetings of the DeKalb County Mental Health Court Team. The DeKalb County Mental Health Court Team is comprised of the Judge, the State's Attorney, the Public Defender, the Director of Probation, a Representative of the Sheriff's Office, Educational and Employment Agencies involved with Mental Health Court participants, the Director of DeKalb County Health Department, and the Mental Health Court Coordinator and/or the above individuals' designate. The Team meets prior to each Mental Health Court session and acts as multi-disciplinary case management team with respect to the individual Mental Health Court participants. To the greatest extent possible, the Judge considers the discussion and recommendations of the Mental Health Court Team members. Each member shares information regarding participants, participates in weekly staff meetings and court status hearings, provides training to other team members in their discipline, and attends workshops sponsored by the National Association of Mental Health Court Professionals, Illinois Association of Problem Solving Courts, and the Office of Justice Programs.

XXIV. ROLE OF MENTAL HEALTH COURT TEAM

1. Meetings will convene on Mondays and start promptly. There will be no review of what has occurred for people arriving late.
2. Two weeks (14 days) after a psychological assessment has been scheduled the participant will either be accepted or rejected into Mental Health Court. If the participant does not keep the scheduled appointment, then they must reappear at the next court date and determine whether or not they want to do Mental Health Court.
3. After the Mental Health Court Team has accepted an individual into Mental Health Court the plea will be done within one week.
4. All review and signing of plea papers must be completed in Mental Health Court.
5. Due to time limitations of staffing, all team members will keep their comments focused and brief so that all members may contribute to the discussion.

XXV. ROLE OF CHAIR OF MENTAL HEALTH COURT TEAM

Standard: The Coordinator serves as the Chair. To the greatest extent possible the Judge considers the recommendations and discussion provided by the Mental Health Court Team. Ultimately the Judge makes the final decision regarding each defendant's case.

1. Convenes the meetings.
2. Prepares the agenda for each meeting and distributes all materials to Team members on Monday (scanned requests from participants, reports, etc.)
3. Records the decisions of the team on a standard form that assures consistency of team decisions (i.e., date of meeting, team members that are present, the decisions made by the team for each participant, and significant other factors related to the participant).
4. Files decisions of the team in Mental Health Court Office.
5. Prior to each meeting monitors if reports from treatment providers, jail personnel, education/vocational settings have been received and distributed to Team members.
6. Assures that members have materials for the meeting.
7. Assures that any new visitors to the meeting have signed the Confidentiality Statement and it is filed in the Mental Health Court Office.
8. Monitors attendance of members and presents new names to team as vacancies occur.

XXVI. ROLE OF THE JUDGE

1. The Judge is in a unique position to exert effective leadership in the promotion of coordinated drug control efforts.
2. To encourage full commitment to the success of the DeKalb County Mental Health Court, the Judge must allow program staff to participate fully in the design and implementation of the Program.
3. Partnerships should be formed between the Judge, all affected criminal justice agencies and the treatment providers which will allow collaboration in decision-making, sharing of resources and coordination of efforts.
4. The Judge is responsible for maintaining a non-adversarial atmosphere in the DeKalb County Mental Health Court program.
5. The Judge is one of the key motivational factors in convincing the drug offender to seek rehabilitation. Less formal and more frequent Court appearances must be scheduled to allow the Judge to motivate and monitor the offenders.
6. The Judge should conduct Court so all offenders benefit by observation of others as they progress (or fail to progress) in treatment and the Court takes appropriate action.
7. The Judge shall consider input from the Mental Health Court Team before making the final decision.
8. The Judge shall participate in developing an interdisciplinary training plan for team members.
9. The DeKalb County Mental Health Court Judge serves as a program advocate and represents the Program in the community, before government, criminal justice agencies and other public forums.

10. The Judge must preside over the Mental Health Court for a minimum of two years.

Specific Responsibilities of the DeKalb County Mental Health Court Judge:

1. Accepts guilty plea.
2. Advises participants of their rights relative to the guilty pleas.
3. Explains the Mental Health Court program to potential participants.
4. Serves as the authority figure for the program.
5. Reinforces treatment.
6. Converses individually with each participant as he/she appears before the Court.
7. Establishes a mentor relationship with participants.
8. Gives praise and encouragement for compliance with program.
9. Orders sanctions for noncompliance.
10. Provides guidance for the Mental Health Court Team.
11. Attends conferences and trainings as required by Mental Health Court grants or other funding.

XXVII. ROLE OF THE STATE'S ATTORNEY

1. Evaluates potential candidates for Mental Health Court by contacting police involved in the case and victims, and by making a recommendation for Mental Health Court admission or rejection to the Mental Health Court Coordinator in a timely manner.
2. Meets with potential participants that may have a referral from the State's Attorney's Office.
3. Attends Court Team staffing to provide input on referrals and discuss recommendations for sanctions and incentives.
4. Provides insight on the offense/incident reports to the team.
5. Assists in staff determination of appropriate sanctions and/or termination from the program.
6. Meets with participants that are discharged from the program unsuccessfully, providing reporting instructions to court.
7. Participates in continuing professional education programs.
8. Maintains membership in appropriate professional organizations related to Mental Health Court.
9. The State's Attorney agrees to serve on the Mental Health Court Team for a minimum of one year.

Specific Responsibilities of the State's Attorney:

1. Assess potential participants reviewing criminal histories and screening report from the Mental Health Court Coordinator.
2. Meets with defense attorneys who want to discuss admission of client to Mental Health Court.
3. Contacts arresting officers and victims to discuss offender's application to Mental Health Court in terms of being a drug dealer or active in a gang. .
4. Attends all Mental Health Court Team meetings.
5. Makes recommendations to the Court on sentencing or deferment.

6. Files necessary legal paperwork with the Court.
7. Refrains from filing additional charges based on information discovered during a Mental Health Court staffing and hearing except for in rare circumstances where the participant commits a crime deemed necessary by State's Attorney for prosecution.
8. Attends conferences and trainings as required by Mental Health Court grants or other funding.
9. Advocates in the community for the effectiveness of the program.

XXVIII. ROLE OF THE PUBLIC DEFENDER

1. Attends Court team staffing to provide input on referrals and discuss recommendations for sanctions and incentives.
2. Meets with individual participants, several days prior to Mental Health Court, slated for admission into the program to discuss admission paperwork, answers legal questions, explains the sanction program, and reviews the courtroom rules and other participant responsibilities to the Court.
3. Assists in staff determination of appropriate sanctions and/or termination from the program.
4. Participates in Participant Reviews for commencement.
5. Participates in continuing professional education programs.
6. Maintains membership in appropriate professional organizations related to Mental Health Courts.
7. The Public Defender agrees to serve on the Mental Health Court Team for a minimum of one year.

Specific Responsibilities of the Public Defender:

1. Explains the Mental Health Court program in-depth to participants-including program requirements, participants' responsibilities, and the legal rights affected by entering the program.
2. Helps participants fill out required paperwork.
3. Meets with the State's Attorney to work out a sentencing or deferment agreement.
4. Consults with participants on legal and treatment options.
5. Attends all Mental Health Court Team meetings.
6. Encourages participants to be honest with the Judge and treatment providers.
7. Monitors sanctions imposed to insure that they are within the Mental Health Court program guidelines.
8. Represents participants in Mental Health Court hearings.
9. Advocates in the community for the effectiveness of the program.

XXIX. ROLE OF THE MENTAL HEALTH COURT COUNSELOR

1. Conducts the intake assessment for Intensive Outpatient (IOP) counseling if it is an agency requirement.
2. Develops the treatment plan, based on the intake assessment, for one-on-one counseling and group therapy.
3. Incorporates evidence based practices in counseling role.
4. Utilizes evidence based treatment practices.

5. Regularly participates in trainings, webinars, events and other educational opportunities on topics that are essential to the effective planning, implementation and operation of the Mental Health Court.
6. Includes in the treatment plan both the treatment goals and further documentation of the conditions under which treatment is to be discontinued.
7. Makes treatment recommendations to the Team regarding the need for a higher or lower level of care, within the guidelines of Mental Health Court procedures and guidelines.
8. Reviews participant's goals and treatment plans every 30 days initially then every 60 days.
9. Provides all members of the Team with a written report the day before the Monday staffing.
10. Attends Court Team staffings to provide input on referrals and discuss the participant's performance in counseling.
11. Assists in staff determination of appropriate sanctions and/or termination from the program.
12. Participates in interviews of participants prior to commencement.
13. Visits Mental Health Court participants who are at the DeKalb County Jail upon request of the coordinator.
14. Maintains membership in appropriate professional organizations related to substance abuse.
15. Maintains professional license(s), certifications and malpractice insurance.
16. The Mental Health Court Counselor agrees to serve on the Mental Health Court Team for a minimum of one year.

Specific Responsibilities of the Substance Abuse Counselor:

1. Arranges to meet with all participants referred for Mental Health Court and does an Intake Assessment.
2. Designs a treatment plan for each participant based on the Intake Assessment, initial screening by coordinator, and comprehensive assessment.
3. Meets with the Coordinator every week to discuss any issues with participants.
4. Arranges to meet with participants who are housed out-of-county (i.e. half-way houses) after Court.
5. Visits participants in the jail whom the coordinator requests be seen.
6. Reports participants who miss appointments as soon as possible to Mental Health Court Staff .
7. Leads evidence based group sessions for Mental Health Court participants.
8. Attends all Team meetings and Court sessions.
9. Reviews each participant's phase request.
10. Prepares weekly report to be distributed to the Team each Monday.
11. Attends appropriate professionals meetings related to addiction based on availability of funds.

XXX. ROLE OF THE MENTAL HEALTH COURT COORDINATOR

1. Reviews docket with the DeKalb County Mental Health Court team and Judge to determine action recommended on a case.
2. Initiates Court tracking system.

3. Initiates sanctions on cases where defendants fail to comply with program requirements as determined by the DeKalb County Mental Health Court team and Judge.
4. Develops and maintains informational databases to keep management informed on Program activities.
5. Manages court's pending caseload.
6. Arranges for Court appointed interpreters for participant's not proficient in English or who are hearing impaired.
7. Monitors collection rate for program fees.
8. Coordinates activities of other DeKalb County Mental Health Court team and program staff, as authorized by the Judge.
9. Insures that all policies and procedures for the Court are carried out by Court employees.
10. Represents the DeKalb County Mental Health Court program on various matters before other county offices and Courts of other jurisdictions, as authorized by the Judge.
11. Prepares necessary reports, data, graphs, and other appropriate documentation as needed for review and presentations to the Judicial/Legislative Committee of the DeKalb County Board.
12. Prepares specialized reports to ensure cases are accurately reported in court statistics.
13. Maintains schedules, statistics and other matters for the bench, bar and the general public.
14. Gathers and analyzes statistical data for program evaluation and recommend changes as needed.
15. Acquires and maintains resource material relevant to Court business in general and for the DeKalb County Mental Health Court in particular.
16. Participates in continuing professional education programs related to Mental Health Courts.
17. Maintains membership in appropriate professional organizations related to Mental Health Courts.
18. Attends the DeKalb County Mental Health Court team staffings to discuss new referrals and provides input on recommendations for sanctions and incentives.
19. Replies to inquiries from the public and press on the DeKalb County Mental Health Court, under the direction of the Judge.
20. Prepares and recommends changes to the Mental Health Court procedure.
21. Evaluates various court forms and makes design changes as needed.
22. Prepares requests for payment of monies for treatment per approved contracts with treatment providers.
23. Provides information to the Presiding Judge of DeKalb County related to the Mental Health Court budget and operation of the court for the DeKalb County Board.
24. Prepares new and continuing grant applications as required.
25. Orders and purchases supplies and equipment, according to county procedures.
26. Assists with yearly service provider contracts and requests for proposals, according to county purchasing procedures.
27. Assists with federal and state audits.

28. Oversees, writes, and files data collection surveys, quarterly data reports, making sure they are properly signed and filed on time with the proper agency.

Specific Responsibilities of the Mental Health Court Coordinator:

1. Reviews arrests daily for possible Mental Health Court candidates and attends bond call.
2. Interviews, screens, and gathers demographic information on offenders whose charges qualify for the Mental Health Court program.
3. Explains the Mental Health Court program to interested offenders.
4. Notifies the State's Attorney's Office of offenders who meet basic eligibility requirements.
5. Submits criminal history and screening reports to the State's Attorney's Office for review.
6. Refers participants to Waubensee Community College and/or DeKalb County Department of Employment and Education (KCDEE) for life skills training, assessment of education level, and enrollment in educational courses.
7. Refers participants to Illinois employment agency for assessment of work skills, vocational training, and placement in employment settings.
8. Reviews treatment program to ensure accountability and quality of service.
9. Prepares written text for Mental Health Court manuals, staff job descriptions, operational procedures, community awareness education materials, press releases, and funding requests.
10. Prepares annual budget for the presiding Judge and any necessary budget amendments.
11. Provides input to the performance evaluation of non-management DeKalb County Mental Health Court staff.
12. Meets with DeKalb County Mental Health Court Judge at least once a week.
13. Maintains general knowledge on addiction.
14. Serves as a liaison for building community linkages.
15. Educates the public about the DeKalb County Mental Health Court and effectiveness of the Court.
16. Assists with the organization and preparation of Mental Health Court related events and meetings.
17. Enters sanctions and incentives on each participant into the Information Management System.
18. Coordinates assessment appointments between the Court and the treatment providers.
19. Coordinates Mental Health Court Commencement (before/after pictures, hiring caterer, set up and clean up).
20. Coordinates drug testing, assures that the message on the phone is updated each evening.

XXXI. ROLE OF THE SHERIFF'S REPRESENTATIVE

1. Runs county arrest history and LEADS checks on potential Mental Health Court candidates.

2. Assists in tracking and follow-up of defendant's re-arrest or police contact.
3. Assists with verifying and serving outstanding warrants.
4. Assists with address verification.
5. Participates in staffing which is conducted prior to Mental Health Court.
6. Maintains appropriate Department of Corrections file and statistics on participants.
7. Assists in identification of substance abusing inmates who could be eligible for Mental Health Court.
8. Contacts the Mental Health Court Coordinator when eligible Mental Health Court inmates are identified.
9. Acts as spokesperson to peer professionals and community leaders.
10. Acts as a liaison between the DeKalb County Sheriff's Office and DeKalb County Jail.

XXXII. ROLE OF THE CASE MANAGER/PROBATION OFFICER

1. Available to conduct random and frequent drug testing.
2. Attendance at Mental Health Court Staffing.
3. Attendance at Mental Health Court.
4. Availability to provide urine testing on the weekends at surprise visits to Mental Health Court participant's homes.
5. Availability to attend Mental Health Court meetings and training as required. Annual Association of Problem Solving Courts and National Association of Mental Health Court Professionals yearly meeting if funds are available.
6. Availability to provide investigation of Mental Health Court participants as requested by the Mental Health Court staff, team or Judge.
7. Assists the Mental Health Court Coordinator in visiting participants who are at the jail to review the Participant Handbook prior to a plea in court.
8. Assists the Mental Health Court Coordinator in entering data in the data base.
9. Availability to visit new clinical sites with the Mental Health Court Coordinator.
10. Assists the Mental Health Court team in the refinement of eligibility criteria.
11. Verifies and corroborates information from clients.
12. Assesses client motivation for change and readiness for treatment using motivational interviewing practices.
13. Enhances client's motivation for positive change and treatment using motivational interviewing practices and case planning.
14. Conducts regularly scheduled home visits and office appointments with clients.
15. Identifies dispositional, situational and systemic impediments to client changes and develops strategies with Mental Health Court team to overcome the impediments.
16. Recommends sanctions and rewards to foster public safety and encourage positive changes in the client.
17. Monitors client progress with treatment and other court-ordered services.

Specific Responsibilities of the Case Manager/Probation Officer:

1. Assist the Mental Health Court Coordinator (MHCC) in intake.
2. Assist the Mental Health Court Coordinator in visits to jail to interview potential Mental Health Court participants.
3. Assist the MHCC in reviewing the Participant Handbook for participants admitted to Mental Health Court.

4. Assist Mental Health Court Coordinator with testing urine specimens and mailing samples out for confirmation tests.
5. Complete and file all appropriate Court and program paperwork confirming and verifying interview information for accuracy and refer potential participants for assessments following screening and feedback from State's Attorney.
6. Assist the Mental Health Court Coordinator in contacting other agencies, courts, police, and prosecutors to gather and evaluate data to determine the participant's needs.
7. Provide information gathered during intake to treatment providers at the time of the referral.
8. Assist Coordinator in the case management of participants in the program to ensure program compliance.
9. Contribute to written information disseminated to Team prior to staffing (i.e., Tables and Agenda).
10. Enter weekly progress notes into computer program.
11. Make case notes in file and electronic database as appropriate.
12. Maintain a current and working knowledge of community and social services and referral procedures.
13. Periodically re-assess Mental Health Court participants and update service plans and goals.
14. Assist the Mental Health Court Coordinator and meet with Mental Health Court participants at least once a week to monitor progress in the program and to insure they are following the court-ordered conditions and for counseling, as needed.
15. Assist Court in the collection of fees.
16. Attend at Mental Health Court staffing.
17. Attend all Mental Health Court sessions.

XXXIII. PROGRAM SUSTAINABILITY

The DeKalb County Mental Health Court team's plan for long-term sustainability includes applying for available grant opportunities. The Mental Health Court team will also ask the county for funds and The DeKalb County Drug/DUI COURT fundraising foundation (501 C 3) will be utilized in an effort to raise funds every year. The team will invite press to graduation ceremonies and invite journalists to events in order to inform the community of the program's success. The team will seek out available funding with organizations/institutions in the community who are invested in the safety of the community and success of the program. The team will demonstrate how their support impacts public safety and economic development, etc.

The team will build partnerships with treatment providers in the community and negotiate contracts for providing treatment for participants in the Mental Health Court program. A budget has been developed and will be regularly reviewed and modified to ensure efficient and affordable resources are by used.