

WILL COUNTY VETERANS AND SERVICEMEMBERS COURT
POST - ADJUDICATORY PARTICIPANT CONTRACT
 (with DUI language)

This contract (“Agreement”) is between the Will County State’s Attorney, an Illinois Constitutional Officer (“Prosecutor”); the Presiding Judge of the Will County Veterans and Servicemembers Court, 12th Judicial Circuit, Will County, Joliet, Illinois (“Judge”); _____, (“Participant”) an individual residing at _____ [address] and the attorney of record for the Participant (“Defense Attorney”).

Definitions:

Post-adjudicatory Veterans and Servicemembers Court Program means a program in which the defendant has admitted guilt or has been found guilty and agrees, along with the prosecution, to enter a Veterans and Servicemembers Court program as part of the defendant's sentence. The defendant agrees to enter a plea of guilty on the misdemeanor DUI, that judgment shall stand irrespective of successful completion of the Veteran and Servicemembers Court Program.

The plea(s) of guilty or admission to the above charge(s) having been previously accepted by the Court, sentencing is hereby deferred pending Defendant’s successful completion of Veterans Court. However, the plea of guilty to misdemeanor DUI shall enter immediately and a Judgment of Conviction shall enter. Defendant further understands that the plea of guilty, admission, or agreed sentence herein may not be withdrawn, except as provided by law.

Charge or Sentence Violation	Offense Date	Case #

Purpose: The General Assembly recognizes that Veterans and Active Reserve and National Guard service members have provided or are currently providing an invaluable service to our country. In so doing, some may suffer the effects of, including but not limited to, post traumatic stress disorder, traumatic brain injury, depression and may also suffer drug and alcohol dependency or addiction and co-occurring mental illness and substance abuse problems. As a result of this, some veterans or active duty servicemembers come into contact with the criminal justice system and are charged with felony or misdemeanor offenses. There is a critical need for the criminal justice system to recognize these veterans, provide accountability for their wrongdoing, provide for the safety of the public and provide for the treatment of our veterans. **It is the intent of the General Assembly to create specialized veteran and servicemember courts or programs with the necessary flexibility to meet the specialized problems faced by these veteran and servicemember defendants.**

Eligibility Screening: Participant has completed an eligibility screening by the Will County Health Department

Statutory Exclusions Pursuant to the Veterans and Servicemembers Court Treatment Act (730 ILCS 167/1 et seq.) are Inapplicable to Participant.

- **Exclusionary Convictions.** Participant is not currently charged or has not been convicted of any of the following crimes within the past ten (10) years excluding incarceration time: (1) first degree murder, (2) second degree murder, (3) predatory criminal sexual assault of a child, (4) aggravated criminal sexual assault, (5) criminal sexual assault, (6) armed robbery, (7) aggravated arson, (8) arson, (9) aggravated kidnapping, (10) kidnapping, (11) stalking, (12) aggravated stalking, or (13) any offense involving the discharge of a firearm;
- **Prior Participation Exclusion.** The defendant has not, within three years, completed or been discharged from a Veteran's and Servicemembers Court program.

Prosecutor Agreement and Judge Approval of Participant's Admission. A defendant may be admitted into a Veterans and Servicemembers Court program only upon the agreement of the prosecutor and the defendant and with the approval of the court. Each case is assessed individually with that objective in mind. Pursuant to the conditions set forth in this Agreement, the Prosecutor has agreed and the Judge has approved of the Participant's admission into the Court.

Restitution. Any issues of restitution that may be due to a victim(s) have been resolved by the parties and are contained in this agreement.

Agreement: Participant agrees that this Agreement becomes a condition of his/her bail/bond.

The Will County Veteran's and Servicemembers Court is a court or program with an immediate and highly structured judicial intervention process for substance abuse treatment, mental health, or other assessed treatment needs of eligible veteran and servicemember defendants that brings together substance abuse professionals,

mental health professionals, VA professionals, local social service programs and intensive judicial monitoring in accordance with the nationally recommended 10 key components of drug courts.

THEREFORE, the parties agree as follows:

Defendant is hereby admitted to Veterans Court as set out in this CONTRACT. Further, Defendant hereby acknowledges receipt of a copy of this Contract and a Veterans Court card. **Defendant understands that he or she must not be in possession of drugs or alcohol. Defendant also understands that he or she may not consume drugs or alcohol or be at the same location as a person using or possessing drugs or alcohol.**

1. Defendant's bond remains in full force and effect.
2. Defendant shall not leave the State of Illinois without prior court approval.
3. Defendant must undergo any medical, physiological, psychiatric, drug or alcohol treatment directed by the Court. This condition includes: 1) undergoing any evaluations or assessments deemed appropriate by the Court; 2) signing releases permitting VETERANS COURT staff to acquire appropriate records; 3) following all rules, regulations, and directions of any treatment provider; and 4) paying all assessed fees and costs in relation to treatment.
4. Defendant shall participate fully in a program of substance abuse treatment and counseling prescribed by the Court in accordance with VETERANS COURT. Specifically, Defendant agrees to report as directed to the treatment provider as scheduled and to participate in all activities of the treatment program, including, but not limited to, random urine screening, breathalyzer testing, portable breath testing, continuous alcohol testing, counseling, and such other treatment as may be required until completion of and graduation from VETERANS COURT.

5. Defendant agrees to satisfactorily complete an assessment for a drug treatment program and mental health treatment program as ordered by the Court, which includes, but is not limited to, substance abuse screening assessments, med/psych screening, urine drops, a social history, a criminal history, and meeting with a representative from the Will County Public Defender's Office. Defendant authorizes the exchange of information, including all evaluations, test results, and treatment information, between the Court and all designated treatment providers and related agencies, as is necessary to allow participation in VETERANS COURT. This information may be used by the Court in determining treatment progress and status in VETERANS COURT. In addition, Defendant agrees that any reports generated by treatment providers or hospital records may be presented as evidence, and entered into evidence, at any sanctioning hearing.

6. Defendant understands and agrees that any failure to abide and comply with the recommendations of the treatment program and VETERANS COURT rules can result in an extension of program duration, a sanction as determined by the Court, or the filing of a Petition to Remove from VETERANS COURT, which can result in termination from VETERANS COURT.

7. a) Defendant agrees to immediately advise the Court and treatment provider of any change of address, telephone number, marital status, employment status, living conditions, and other relevant information requested by the Court or treatment provider. Defendant may only reside in a place approved by the Court and may not change residences without obtaining prior approval from the Court. Defendant will be sanctioned for non-compliance.

b) Defendant agrees to inform the Court of any prescription medication or over-the-counter medications. Defendant must also provide his or her case manager with a copy of prescriptions.

8. a) Defendant shall report to probation or other designated drug testing site within 24 hours upon request of VETERANS COURT staff. No response to such request will be deemed a positive drug test and will result in a sanction.

b) Defendant shall not consume alcohol. Defendant accepts that alcohol is a drug and its use is not permitted in VETERANS COURT.

c) Defendant shall not take narcotic pain relievers without prior approval of the Court. Defendant must inform his or her treating physician or dentist that he or she is in VETERANS COURT and may only take non-narcotic pain medication.

d) Defendant shall keep his or her VETERANS COURT card with him or her at all times. It is solely Defendant's responsibility to contact VETERANS COURT staff as necessary; no excuses are accepted.

e) Defendant shall not take medications from anyone.

f) Defendant shall not take his or her old prescriptions.

9. VETERANS COURT will consist of the following phases and VETERANS COURT staff determines when Defendant is subject to change of phases:

a) PRE-CONTRACT: ASSESSMENT

i) Orientation: Explanation of VETERANS COURT goals and necessary requirements for successful completion of VETERANS COURT. Also, rules in which participants must follow during VETERANS COURT.

ii) Initial Assessment: Determination of treatment needs and assigning appropriate level of treatment or treatment modality.

b) PHASE I: TREATMENT

i) Treatment: Various levels/modalities per assessment.

1) Residential Treatment Program, with Court review.

2) Partial/Day Hospital Treatment Program, with weekly Court review or review by other VETERANS COURT personnel.

3) Intensive Outpatient Treatment Program, with weekly court review or review by other VETERANS COURT personnel.

4) Outpatient Treatment Program, with weekly court review or review by VETERANS COURT personnel.

- 5) Psycho-Social Rehabilitative Groups with weekly court review or review by other Veteran's Court personnel.
 - 6) Individual Counseling with weekly court review or review by other Veteran's Court personnel.
- ii) Substance Abuse Monitoring
 - 1) Random Urinalysis
 - 2) Use of SCRAM or Soberlink
 - iii) Required attendance at self-help per treatment plan.
 - 1) Maintain personal journal of attendance; verify if possible.
 - iv) Educational or vocational assessment.
 - v) Employment or seeking employment with verification. The unemployed Defendant will be required to enroll and participate in an educational or vocational program.
 - vi) Supervision: One (1) face-to-face contact per week with probation officer or other VETERANS COURT personnel.

c) PHASE II: CONTINUING CARE

Entry into Phase II of VETERANS COURT is contingent upon the successful completion of individualized treatment plan, as selected in Phase I. Also, other treatment and supervision goals, as outlined in the Phase I treatment and supervision plan, must have been met. The next appropriate level of treatment is selected in Phase II of VETERANS COURT.

- i) Continuation of treatment or transition to next level of care.
- ii) Development of relapse prevention plan if applicable.
- iii) Required attendance at self-help program per treatment/relapse prevention plan.
- iv) Substance Abuse Monitoring
 - 1) Random Urinalysis
 - 2) Use of SCRAM or Soberlink
- v) Continued employment or participation in educational/vocational program
- vi) Supervision: One (1) face-to-face contact per week with probation officer or other VETERANS COURT personnel.

vii) Weekly Court reviews or at other times, as suggested by probation officer or other VETERANS COURT personnel.

d) PHASE III: AFTERCARE

VETERANS COURT participants must have successfully completed the individualized treatment and program goals of the previous phases before entry into Phase III.

- 1) Continuing care of treatment, as needed.
 - i) Review and revision of relapse plans will be available.
 - ii) Attendance in self-help program, per treatment/aftercare plan.
 - iii) Random urinalysis as directed by the Court or VETERANS COURT staff.
 - iv) Continued employment or participation in an educational/vocational program.
 - v) Supervision: Face-to-face contacts, as directed by probation officer or the Court.
 - vii) Completion of 25 hours of community service.
 - viii) Completion of 10 days of jail or an additional 480 hours of community service.
 - ix) Completion of a victim impact panel.

At any time and within any phase of VETERANS COURT, a participant's level of treatment may be adjusted in relation to their success or failure to achieve treatment and/or program goals. Throughout VETERANS COURT, participants will be scheduled for Court appearances.

Participants must complete the treatment and program goals of all phases in order to successfully complete VETERANS COURT. In order to graduate, a participant must spend a minimum of 24 months under contract with VETERANS COURT. Each phase must be completed while the defendant is under a Veterans Court Contract. Any time the defendant has spent prior to the signing of the Veterans Court Contract shall not be considered. Upon completion of VETERANS COURT, participants in the Post-

adjudicatory Veterans and Servicemembers Court will graduate at a status hearing and have their felony DUI charge(s) Nolle Prosequi or where otherwise agreed to the prison sentence commuted, and a judgment of conviction to stand on their misdemeanor DUI Charge(s).

10. Participant shall actively participate in his/her treatment plan and shall follow the direction of any member of the Team, including Designated Treatment Providers, in their administration of the treatment plan. Substantial changes to the treatment plan, including the addition or subtraction of treatments or therapies, may occur from time to time by order of the Judge. Any infraction of this rule may result in sanction, removal, and/or a warrant for the Participant's arrest. Each Participant is unique and the treatment plan can and will change as the Participant's needs change as recommended by the Team and determined and ordered by the Judge.

Examples of Mental Health Treatment Components. Participant's treatment plan may currently include some or all of the following mental health treatment components.

- Regular appointments with a psychiatrist, psychologist, and/or therapist.
- Mental health related courses, programs, or group activities/therapy.
- Intensive or supported case management services.
- Housing: some Participants will be required to live in a particular type of housing or in a particular housing facility, which may offer an array of services for their residents. Participant shall follow all of the housing provider's rules.
- Social services including but not limited to education, vocational, or employment.
- Outpatient, inpatient, residential or jail-based treatment programs.
- Home visits by a case manager or other treatment providers.

Examples of Substance Abuse Treatment Components. Participant's treatment plan may currently include some or all of the following substance abuse treatment components:

- Substance abuse treatment appointments.
- Housing: some Participants will be required to live in a particular type of housing or in a particular housing facility, which may offer an array of services for their residents. Participant shall follow all of the housing provider's rules.
- Outpatient, inpatient, residential, or jail-based treatment programs
- Submission to scheduled, and unscheduled, illegal and prescribed drug and/or alcohol testing (if ordered, the Judge considers a refusal or missed drug and/or alcohol testing to be a positive result, unless excused by the Judge).

11. Participant shall authorize the exchange of all information regarding his/her mental health, physical health, and any substance abuse treatment including all evaluations, test results, and treatment information, between the Team and all designated, and incidental, treatment providers, including but not limited to, psychiatrists, therapists, and counselors as is necessary to allow participation in the Court.

12. Full and frank disclosure during the treatment process by Participant is essential. Participant shall be honest and truthful to the Team and any other associate of the Court.

13. Participant shall not engage in disrespectful behavior towards the Team or any other associate of the Court. This includes but is not limited to verbal, written, and/or physical threats.

14. Participant shall not commit or attempt to commit a crime. Any infraction against this rule may result in sanction, removal, and/or a warrant for the Participant's arrest. Participant shall not possess a firearm or other dangerous weapon as defined in either 720 ILCS 5/24-1 et seq. or 720 ILCS 5/33A-1 et seq. Any infraction against this rule may

result in sanction, removal, and/or a warrant for the Participant's arrest. Participant shall give notice of any law enforcement contact (not just arrest) to the Judge or other member of the Team within 24 hours of the law enforcement contact.

15. Participant shall dress appropriately for Court when appearing in Court in front of the Judge.

16. As a contribution to his or her treatment and rehabilitation, and as a partial offset against the cost of VETERANS AND SERVICEMEMBERS COURT, Defendant shall pay the total sum of \$ 1,560.00 , at a rate of \$20.00 per week, commencing the date this CONTRACT is signed, or from Defendant's bond. In addition, Defendant shall pay the sum of \$ _____ in restitution and \$ _____ as the Court appointed attorney fees, at the rate of \$ _____ per month, commencing _____.

17. Defendant shall report to VETERANS COURT not less than once every thirty (30) days, or as otherwise required in the discretion of the Court, and shall engage in discussion in open court as to his or her progress in VETERANS COURT.

18. Misconduct which will result in a sanction includes, but is not limited to the following:

- a) Positive urine or other drug or alcohol test.
- b) Tampering with submitted sample or testing device.
- c) Failure to submit sample.
- d) Unexcused absence from treatment session.
- e) Unexcused absence from other Court ordered counseling.
- f) Failure to attend self-help group meeting.
- g) Failure to comply with treatment plan recommendation.
- h) Failure to comply with treatment conduct rules.
- i) Failure to comply with courtroom conduct.

- j) Association with people who use or possess drugs or being present when drugs or alcohol are being used by others.
- k) Failure to appear on your regularly scheduled court date without previously being excused by the Court. If you fail to appear, the Judge will issue a warrant for your arrest.
- l) Failure to immediately report contact of any type with law enforcement to the Court and probation.
- m) Leaving the State of Illinois without prior approval of the Court. You must request permission to leave the state in writing and give the request to your probation officer or a member of the VETERANS COURT staff. You will be notified of approval or denial by the Judge.
- n) Failure to pay fees, as ordered.
- o) Failure to keep scheduled appointment with probation officer or other VETERANS COURT personnel.
- p) Commission of a new offense, including traffic violations.
- q) Failure to call or report to probation within twenty-four (24) hours of notification.
- r) Failure to call in for mandatory 24 hour call in system.
- s) Failure to follow the rules of the Will County Adult Detention Facility.

19. Sanctions that may be applied for non-compliance with any rule contained in this CONTRACT and for any non-compliance with the requirements of VETERANS COURT staff, as told to Defendant by VETERANS COURT staff, include, but are not limited to the following:

- a) Admonishment.
- b) Impact incarceration with continuation of treatment.
- c) Increase in frequency of status hearings.
- d) Increase in frequency of drug/alcohol testing.
- e) Alternative means of drug and alcohol monitoring.
- f) Increase in frequency of supervision or case management contacts.
- g) Increased level in treatment modality.

- h) Extended program duration.
- i) Termination from VETERANS AND SERVICEMEMBERS COURT.
- j) Any other sanction deemed reasonable by the Court under the circumstances of the non-compliance.

20. In the event that Defendant is unsuccessful in VETERANS COURT as determined by the Court, or in the event that Defendant voluntarily terminates participation in VETERANS COURT, Defendant in the Post-Adjudicatory Veterans Court shall be subject to immediate sentence on his or her plea of guilty to the above charge(s). In the event that an agreed disposition has been previously accepted by the court, Defendant shall be sentenced in accordance with the disposition. This agreement will not affect dispositions on any other offenses other than those listed above and contemplated by this agreement.

21. At the conclusion of VETERANS COURT, in the event that Defendant has fully performed the terms and conditions hereof, the State's Attorney shall nolle prosequi Defendant's plea to felony DUI, if applicable, and shall enter or allow to stand a judgment of conviction on Defendant's plea to misdemeanor DUI.

22. Defendant understands that admission to VETERANS COURT is allowed only once in a three year period of time from the date of completion or discharge.

23. Defendant hereby acknowledges that he or she has read this CONTRACT and has had all questions regarding this CONTRACT fully and completely answered and understands this CONTRACT in full. In addition, Defendant has discussed this CONTRACT with counsel and had been fully advised regarding the benefits and consequences of entering into this CONTRACT.

24. CONSENT FOR RANDOM URINE OR ORAL SCREENS is hereby incorporated into this CONTRACT.

25. This CONTRACT shall be for a term of _____ and may be extended for operational reasons, extension of treatment and/or conduct of the defendant.

28. Rules applicable to terminate VETERANS COURT participation shall be the same as those for revocation of felony probation.

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

JAMES W. GLASGOW
Will County State's Attorney

Defendant

Assistant State's Attorney

Veterans and Servicemembers Court Judge

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

Defendant's Attorney

CONSENT FOR DISCLOSURE:
CONFIDENTIAL SUBSTANCE ABUSE/MENTAL HEALTH INFORMATION

Client's Name: _____

Date of Birth: _____

Case #: _____

I authorize the use or disclosure of the above named individual's alcohol/substance abuse treatment information as described below:

The following individual(s) or organization(s) are authorized to make the disclosure:

Stepping Stones Recovery Center, 1621 Theodore St., Joliet, IL 60435

Interventions Woodridge, 2221 W. 64th St., Woodridge, IL 60517

Gateway Foundation/ Adult Program, 25480 W.Cedarcrest Ln., Lake Villa, IL 60046

Gateway West 3828 W. Taylor Chicago, IL 60624

Gateway Aurora 400 Mercy Lane, Aurora, IL 60506

Haymarket, 120 N. Sangamon, Chicago, IL 60607

Brandon House, 333 Evergreen, Manteno, IL 60950

Rosecrance Health Network, 3815 Harrison Ave., Rockford, IL 61108

Will County Health Department, 501 Ella Ave., Joliet, IL 60432

Family Guidance 1611 W. Jefferson, Joliet, IL 60435

South Suburban, 1909 Checker Square, East Hazelcrest, IL 60429

Women's Treatment Center, 140 N. Ashland Ave., Chicago, IL 60607

Veterans Affairs Hospitals

Other Representatives as Designated: _____

The type of information to be used or disclosed is as follows (check the appropriate boxes and include other information where indicated):

- Problem list
- Medication list
- Weekly updates on treatment progress
- Treatment history

- Most Recent discharge summary
- Lab reports (please describe the dates/ types of lab test)
- Consultation reports from any staff
- Entire record
- Other (please describe) _____

I understand that the information in my treatment record may include information relating to sexually transmitted disease, acquired immunodeficiency syndrome (AIDS), or human immunodeficiency virus (HIV). It will also include information about behavioral or mental health services, and treatment for alcohol and drug abuse.

The information identified above may be used by or disclosed to the following individuals or organizations: The Veterans Court Team, Judge Alessio Policandriotes or other judge presiding, Veterans Court Coordinator, Representatives of Probation, Public Defender, Will County Health Department/Addictions, State's Attorney's Office.

This information which I am authorizing disclosure will be used for the following:

- My personal records
- Sharing with other treatment providers/Veterans Court Team as needed
- Other (please describe)

I understand that I have a right to revoke this authorization at any time. I understand that if I revoke this authorization, I must do so in writing and present my written revocation to Chief Judge of the Twelfth (12th) Circuit. I understand that the revocation will not apply to information that has already been released in response to this authorization. If I fail to specify an expiration date or event, this authorization will expire upon graduation from Veterans Court, not to exceed eighteen (18) months after contract signing. I understand that once the above information is disclosed, it may be redisclosed by the recipient and the information may be protected by federal privacy laws or regulations.

I understand that authorizing the use or disclosure of the information identified above is voluntary.

Defendant

Date

Witness

CONSENT FOR RANDOM URINE OR ORAL SCREENS

I agree to submit to a random drug and/or alcohol test when requested to do so by any representative of Veterans Court. I further understand that I may be observed by a person of my own sex while providing the urine sample in order to ensure the sample's integrity. I further understand that I will be tested at random while in Veterans Court.

If I refuse to provide a specimen or to undergo any substance test as required by the Court, I will be treated in the same manner as if I had tested positive. At this time my case will be subject to Veterans Court review to determine further action.

Defendant

Date

Witness