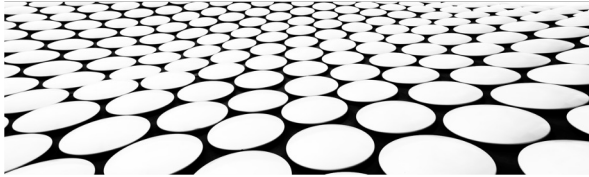


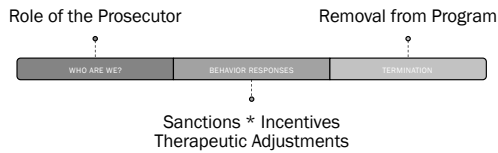
PROSECUTORS

ILLINOIS ASSOCIATION OF PROBLEM-SOLVING COURTS - OCTOBER 2025
MICHELLE O'BRIEN, JD, NATIONAL CENTER FOR STATE COURTS (NCSC)
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3 AREAS OF DISCUSSION



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ROLE OF THE PROSECUTOR (PART 1)

- Refers potential participants for eligibility determination
- Assists with determining legal eligibility which takes into account community safety & victims' rights/concerns
- Assists with executing participant agreements/contracts, waivers, and terms and conditions including restitution and other responsibilities accepted by the participant during plea proceedings
- May assist with resolving other pending legal actions that impact the potential participant's legal status/program eligibility (ex. Contacting other jurisdictions to quash warrant/lift holds)
- Attends **ALL** staffing meetings and status hearings and actively participates in TEAM discussions regarding program entry, program progress, incentives, sanctions, graduation, and termination decisions

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ROLE OF THE PROSECUTOR (PART 2)

- Maintains a non-adversarial approach on the team while pursuing justice, ensuring public safety, and protecting victim's rights
- Attends and provides input at regularly-scheduled policy meetings that include the review of program operations, structure, team building, and functioning
- Assists with community outreach and education
- Promotes the program within the local legal and law enforcement communities
- Attends multidisciplinary team trainings that address responsibility issues
- Is knowledgeable about the drug court model, effective treatment interventions, the national drug court standards, the state problem-solving court standards, mental illness, substance use disorders, alcoholism and pharmacology applied in a therapeutically appropriate manner, medication-assisted treatment (recovery), trauma, veterans' issues, and issues of gender, age, and culture that impact a participant's success

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SANCTIONS * INCENTIVES * TREATMENT ADJUSTMENTS

- Clearly explain all program obligations and expectations in the Participant Handbook
- When imposing a sanction (and incentive), the judge should clearly articulate the reason for doing so
- Participants have a right to be heard
- Graduated Sanctions (and incentives)

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INCENTIVE EXAMPLES

- Goal setting (Proximal or Distal)
- Applause from the team and participants
- Phase/Level Advancement
- Receiving a tangible from the Court (Certificate, Coin, Pen)
- Recognition in front of peers and/or at Court
 - Verbal Praise from the Judge; Tangible Reward (Fishbowl, Reward Cart), Less frequent Court appearances
- Graduation & Successful Completion of the program

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SANCTION EXAMPLES

- More frequent Court appearances
- Serve a Jury Box
- Core Correctional Practices with Probation Officer
- Public Service Work/ Community Service
- Write an apology letter
- Call case near the end of the Court call
- Petitions to Vacate Probation filed
- Jail
- Termination from Program

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THERAPEUTIC ADJUSTMENT EXAMPLES

- Additional Probation programs
- More frequent meetings with counselor/therapist
- One-on-one counseling sessions rather than group
- Re-evaluate Levels of Care
- Behavior Chains/behavioral worksheets
- Journaling
- Additional Probation programs

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TERMINATION FROM PROGRAM

- | | |
|---|---|
| <ul style="list-style-type: none"> ▪ When is it appropriate? <ul style="list-style-type: none"> ▪ Direct Threat to Public Safety? <ul style="list-style-type: none"> ▪ True Public Safety Issues – Actual violence ▪ Repeated behavior that threatens the very integrity of the Court and the program (ex. selling drugs in group; significant fraud on the Court) ▪ How long to keep participants in program? ▪ What's your process for removal? | <p>Checklist (AllRise)</p> <ul style="list-style-type: none"> ▪ What assessments/screens did we do? ▪ Did we utilize: <ul style="list-style-type: none"> ▪ SUD ▪ MAT ▪ Co-morbid mental health ▪ Physical health ▪ Housing ▪ Trauma ▪ Criminal Thinking ▪ Recovery planning and practice |
|---|---|

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TERMINATION FROM PROGRAM

- Responses to behavior
- Changes in Treatment
- Changes in Supervision

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TERMINATION FROM PROGRAM

As a team, ask the following questions:

- Who are they in terms of risk and need?
- Where are they in the program (phase/level)?
- Why did this happen (circumstances)?
- Which behaviors (proximal or distal) are we responding to?
- What is the response choice/magnitude?
- How do we deliver and explain response?

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TERMINATION FROM A TREATMENT COURT

- Termination is a judicial decision after team input,
not a democratic vote

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WHERE TO FIND MORE INFORMATION??

- AOIC Checklist for Prosecutors
 - <http://www.IllinoisCourts.gov/>
- AllRise Best Practices and Standards
 - <https://allrise.org>
- Participant Handbook, Memorandum of Understanding (MOU), PSC Consent to Participate

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ADDITIONAL RESOURCES

- Drug Court Treatment Act
730 ILCS 166/1 *et seq.*
- Mental Health Court Treatment Act
730 ILCS 168/1 *et seq.*
- Veterans and Servicemembers Court Treatment Act
730 ILCS 167/1 *et seq.*

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ADDITIONAL RESOURCES (PART 2)

- Americans with Disabilities Act
42 U.S.C. § 12101 *et seq.*
- Health Insurance Portability and Accountability Act
Pub. L. No. 104-191, 110 Stat. 1936
- Confidentiality of Records
42 U.S.C. § 290dd-2
42 C.F.R., Part 2

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ADDITIONAL RESOURCES (PART 3)

- Mental Health and Developmental Disabilities Confidentiality Act
40 ILCS 110/1 et seq.
- Admissions or Stipulations in Proceedings to Revoke Probation, Conditional Discharge or Supervision
Illinois Supreme Court Rule 402A
- Pleas of Guilty or Stipulations Sufficient to Convict
Illinois Supreme Court Rule 402
- Code of Criminal Procedure of 1963
725 ILCS 5/114-5(d)

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ADDITIONAL RESOURCES (PART 4)

- **Illinois Supreme Court/AOIC Training**
 - Illinois Problem-Solving Court Training Checklist
 - Training and Education Plan Checklist for Team Members by Role

ASAs in other jurisdictions

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CONTACT INFORMATION

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