

**17<sup>th</sup> JUDICIAL DISTRICT**  
**D.U.I. TREATMENT COURT POLICY**  
**& PROCEDURE MANUAL**

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### Forms

# **17<sup>TH</sup> JUDICIAL DISTRICT D.U.I. TREATMENT COURT POLICY & PROCEDURE MANUAL**

## **Mission Statement**

The mission of the D.U.I. Treatment Court of the 17<sup>th</sup> Judicial District of Pennsylvania is to reduce recidivism by facilitating treatment and rehabilitation, and to provide increased supervision to the criminal substance abuser as opposed to simply warehousing them. Our goal is to return individuals to the community who are clean and sober, with an improved quality of life, and who are better equipped to maintain their sobriety, thereby improving the lives of all of us.

## **Eligibility**

The 17<sup>th</sup> Judicial District D.U.I. Treatment Court will be a post plea program. The D.U.I. Treatment Court will screen and assess D.U.I. offenders. The offenders must agree to placement in D.U.I. Treatment Court and be residents of the 17<sup>th</sup> Judicial District. Additional eligibility criteria include the following:

1. Non-violent offender
2. D.U.I. offenses to include Tier 1, 3<sup>rd</sup> and subsequent offenses,  
Tier 2, 3<sup>rd</sup> and subsequent offenses, Tier 3, 2<sup>nd</sup> and 3<sup>rd</sup> offenses
3. Moderate to severe substance dependence

An individual with multiple pending cases will not be automatically excluded from consideration for placement in D.U.I. Treatment Court. Offenders facing parole or probation revocation for substance use related violations are also eligible for placement into D.U.I. Treatment Court provided the underlying offense was a D.U.I.

## **Referral and Screening**

It is the goal of the D.U.I. Treatment Court to process a case from preliminary hearing to placement in the D.U.I. Treatment Court within 30 to 45 days. Research has shown that the earlier the intervention with a drug addicted offender, the greater likelihood of interruption of the drug related behavior.

Referrals for D.U.I. Treatment Court may come from the police, District Attorneys, Magisterial District Judges, Judges, Probation Departments, treatment providers, victims, and defense counsel. The intake point for D.U.I. Treatment Court will be at the preliminary hearing. There will be a cursory review of qualifying/disqualifying factors completed by the District Attorney's Office. A referral will be made to the Treatment Court Coordinator ("the Coordinator"). The defendant will be provided with a Treatment Court application for completion and submission to the Coordinator within 72 hours after the preliminary hearing.

The Probation Department will conduct a criminal record check and prepare a Sentence Guideline Form, abbreviated pre-sentence report, and a notice to the District Attorney's Office regarding further consideration of placement into D.U.I. Treatment Court. If the defendant does not meet criteria for D.U.I. Treatment Court, a denial letter will be prepared and forwarded to the District Attorney's Office, the defendant, and defense counsel.

If the defendant is approved for further processing for D.U.I. Treatment Court, they will be referred to CMSU for a drug and alcohol assessment within 72 hours of meeting with the Probation Department. The completed drug/alcohol assessment will be

returned to the Probation Department within 72 hours for inclusion with the abbreviated pre-sentence report.

Once the evaluation is complete, the matter will be scheduled for staffing with the D.U.I. Treatment Court Team (“the Team”). The Team consists of personnel from the following offices: District Attorney, Magisterial District Judge, Public Defender, Probation, CMSU, CJAB Coordinator, and the President Judge or his/her designee. A member of the local law enforcement community will also be included on the team. The Team will vote on acceptance. In case of a tie, the D.U.I. Treatment Court Judge (“the Judge”) will decide admission. If the application is denied, the Coordinator will notify the applicant. Counsel for the applicant may request reconsideration and may request to be present to speak with the Team.

### **Admission to D.U.I. Treatment Court**

If approved for D.U.I. Treatment Court, the defendant will be advised of the specific conditions of the program. If the defendant accepts the conditions of the program, he/she will be scheduled for guilty plea and sentencing during the next scheduled D.U.I. Treatment Court session. In addition to completing the standard guilty plea colloquy, the defendant, defense counsel, and the District Attorney will complete a D.U.I. Treatment Court Colloquy, which specifies general D.U.I. Treatment Court conditions and contains a continuing confidentiality clause. The information disclosed will not be used by the District Attorney in subsequent criminal proceedings once the plea has been accepted. All further proceedings will be non-adversarial.

## **Guilty Plea and Sentencing**

The D.U.I. Treatment Court participant will appear when scheduled for D.U.I. Treatment Court. The participant will enter a guilty plea and be sentenced to a term of Intermediate Punishment. During the first year of Intermediate Punishment, the participant will be required to actively participate in D.U.I. Treatment Court. The period of Intermediate Punishment will be followed by probation supervision. Upon sentencing, the participant will enter Phase I of the D.U.I. Treatment Court Program and will be placed on electronic monitoring and/or SleepTime/SCRAM. The D.U.I. Treatment Court Coordinator (“the Coordinator”) and/or probation officers will advise the participant of treatment requirements. The participant will then be advised when to appear for the next status hearing.

## **Status Hearings**

Status Hearings for each D.U.I. Treatment Court participant will be held throughout their involvement in D.U.I. Treatment Court. The Judge, probation officer, District Attorney, defense counsel, and CMSU Case Manager will be present to review the participant’s progress and will make comments and suggestions for changes in the supervision/treatment plan. The Judge will discuss the participant’s progress and provide him/her with the opportunity to address problems or concerns. At the end of each status hearing, the participant will be given notice of his/her next required D.U.I. Treatment Court appearance.

## **Drug Testing Procedure**

Effective drug testing must be random. Urine collections are to be witnessed by a member of the County Probation Department. Clients will be required to remove outer clothing and wash their hands prior to providing a urine sample. Visual inspection and physical searches of clients will be conducted by Probation staff in order to maintain the integrity of the testing procedure. The visual inspection and physical search will be conducted prior to the sample being obtained.

Urine samples will be tested using an on-site testing device approved by the County Chief Probation Officers. Samples requiring additional testing will be sent to the laboratories under contract with the County Probation Offices. All chain of custody procedures will be followed as per contracting agency regulations. Probation staff will maintain a visual line-of-sight of all samples until collection/chain of custody procedures are completed.

Dilution, adulteration or substitution of a urine sample is not permitted. Attempts to circumvent urine testing procedures can result in expulsion from Treatment Court.

### **D.U.I. Court Phases**

During Phase I each participant will be required to attend status hearings every week. The Judge will inquire of the participant regarding their progress, and then may hear from the Coordinator, probation officers, and the D.U.I. Treatment Court Case Manager. The Team will make comments and suggest treatment and/or sanctions. The

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Judge is responsible for encouraging, rewarding, or sanctioning the participant, and changing any conditions or treatment plans.

**Phase I: (4 months)**

Weekly Court appearances

Random urine screens

Attendance at recommended treatment

Attendance at self-help meetings (5 per week)

Obtain stable housing

Obtain employment/community service (with team approval

upon 45 days clean) - Exception can be made with team

approval for those who have employment upon entry into

D.U.I. Treatment Court

Begin payment of D.U.I. Treatment Court fees

Minimum of 2 weekly probation contacts

EMHA/GPS/Sleeptime/Sweatpatch/SCRAM

Scheduled case management appointments

Upon successful completion of Phase I, the participant will be moved to Phase II.

During Phase II, the participant will report for D.U.I. Treatment Court every other week.

**Phase II: (4 months)**

Bi-weekly Court appearances

Random urine screens

Attendance at recommended treatment

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Attendance at self-help meetings

90 days clean/sober

Maintain stable housing

Begin employment search/secure employment or  
job/educational training

Removal from EMHA/GPS

Continue payment of D.U.I. Court fees

2 weekly probation contacts

Continue in Sleeptime/SCRAM (as determined by team)

Scheduled case management appointments

Participate in Victim Impact Panel

After successfully completing Phase II, the participant will enter Phase III. Court appearances will be reduced to once a month.

**Phase III: (4 months)**

Monthly Court appearance

Random urine screens

Continue in recommended treatment

Job training

120 days clean/sober in order to move to graduation

Secure employment or means of financial support

Maintain stable housing

Drug-free urine screens

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Continued payment of fees

Weekly probation contacts (can be reduced with team approval)

Scheduled case management appointments

Removal from SleepTime/SCRAM

Attendance at Self-Help meetings

Participants who successfully complete all three phases of the D.U.I. Treatment Court Program will be scheduled for graduation. A graduation ceremony will be held, and each graduate will receive a certificate of completion.

**Mandatory Requirements for Graduation from D.U.I. Treatment Court**

Treatment compliant

Stable housing

No pending legal matters

Employment or viable income

Drug/alcohol free urine

**Treatment Court Rewards System**

Treatment Court participants will be eligible to receive rewards for compliance with program rules. Attendance at counseling, case management appointments, probation appointments, status hearings, community service work assignments, and meeting other program goals will create opportunities to receive rewards.

Rewards can come in a variety of forms to include but not limited to applause, gift cards, movie tickets, clothing, coffee mugs, certificates, reduction in hearings, reduction in drug testing, and other small tokens of appreciation.

The Court will recognize the 100% Club on a weekly basis. Membership in the 100% Club will be dictated by perfect attendance at mandated meetings, counseling appointments, community service assignments, case management appointments, probation appointments, and other scheduled meetings. Participants will be required to pass all drug testing requirements. Perfect compliance with program rules on a week to week basis will enable participants to pull a popsicle stick from a bowl/basket. Sticks will be marked with inspirational quotes as well as other markings that will dictate the opportunity to select from an additional basket for other rewards.

At the end of each month, participants who have 100% compliance with all program rules will have their names placed into a basket for a drawing to be completed by the Treatment Court Judge, with the opportunity for additional rewards for compliance with program rules.

### **Sanctions for Noncompliance**

D.U.I. Treatment Court participants are expected to comply with all recommended aspects of treatment and supervision. Failure to comply will result in sanctions, which can include a drop back in phase, placement on electronic monitoring, additional drug testing, additional D.U.I. Treatment Court appearances, additional community service, imposition of a curfew, increased levels of treatment, and

incarceration. The approved Sanction Policy will be provided to all participants upon entry into D.U.I. Treatment Court. The adopted Sanction Policy is included as an addendum to this manual.

### **Dismissal From Treatment Court**

Participants can be dismissed from Treatment Court for violation of program rules including, but not limited to, new offenses, technical violations, continued drug/alcohol use, attempting to circumvent drug testing procedures, and failure to successfully complete treatment. Every effort will be made to meet the treatment/program needs of each participant thereby limiting the potential for expulsion from Treatment Court.

If a participant is recommended for removal from Treatment Court, they will be informed of this decision by the Treatment Court Judge during a regularly scheduled Status Hearing. If not already in custody, the participant may be detained in the county jail with the filing of a detainer from the supervising adult probation officer. The probation officer will then begin the revocation process with the filing of a petition to revoke the Intermediate Punishment Sentence. Appropriate Gagnon I and Gagnon II Hearings will be scheduled. Upon program violations being established by a preponderance of the evidence at a Gagnon II Hearing, a new sentence will be imposed. The original sentence guideline form and D.U.I. Treatment Court Colloquy will be reviewed prior to sentencing for use as a guide in the imposition of a new sentence.

### **Treatment Court Community Service Requirement**

Treatment Court participants will be required to complete community service as a

component of Treatment Court. The following sets forth community service requirements.

1. Participants will be assigned 40 hours of community service upon entry into treatment court. Assigned hours must be completed within the first 45 days of entry into PHASE I.
2. After completion of 40 hours of community service, participants who are working less than 20 hours per week will be required to complete 60 hours of community service on a monthly basis.
3. Participants working 20-34 hours per week in part-time employment will be required to complete 10 hours of monthly community service.
4. Participants working full time hours, a minimum of 35 hours per week, will not be required to complete a monthly community service assignment.
5. Community service hours can also be assigned as a sanction for noncompliance with Drug Treatment Court rules.
6. Community service hours will be tracked on time sheets provided by the supervising probation officer.
7. Treatment Court participants will be required to participate in any special/ annual community service projects as deemed appropriate by the Treatment Court Judge.

### **Program Management**

The Team will meet quarterly to discuss the need to modify the program requirements, policies, and philosophies of this program. The Coordinator will analyze

the program's effectiveness and report to the Team. All participating agencies will devote effort to maintaining a flexible program with highly structured rehabilitative components.

D.U.I. Treatment Court proceedings should be kept confidential. No information disclosed shall be the basis of prosecution of new crimes and no participant shall be required to testify to any information discussed or disclosed during a D.U.I. Treatment Court hearing. None of the proceedings, with the exception of the guilty plea, sentencing, and probation/parole violation hearings will be held on the record.

### **Treatment/Case Management**

The Columbia Montour Snyder Union Service System ("CMSU") has designated a case manager to participate in D.U.I. Treatment Court. The case manager will be an employee of and be supervised by CMSU. CMSU will also be responsible for assessment/referral to appropriate level of care services and intensive case management. Case management will be dictated by CMSU and the participating treatment provider. Case management will continue after graduation from D.U.I. Treatment Court, as deemed necessary by CMSU.

### **Assessment and Evaluation**

CMSU will assess applicants for D.U.I. Treatment Court. The determination as to whether or not a defendant meets the Pennsylvania Client Placement Criteria ("PCPC") for substance abuse treatment will be made by CMSU. The PCPC is a set of guidelines designed by drug and alcohol professionals used to determine the most appropriate

treatment setting for an individual. These guidelines encompass admission, continued stay, and discharge/referral criteria. The PCPC is intended to promote a broad continuum of care, which places the person in need of treatment in the least intrusive and medically safest setting, while providing the best opportunity to use health care resources. The PCPC includes four levels of care and nine types of services.

**Level 1**

- 1a. Outpatient
- 1b. Intensive Outpatient

**Level 2**

- 2a. Partial Hospitalization
- 2b. Halfway House

**Level 3**

- 3a. Medically monitored detox
- 3b. Medically monitored short term residential
- 3c. Medically monitored long term residential

**Level 4**

- 4a. Medically managed inpatient detox
- 4b. Medically managed residential

Upon request, CMSU will provide a list of contracted service providers.

**D.U.I Treatment Court Staff Responsibilities**

### **D.U.I. Treatment Court Judge**

The D.U.I. Treatment Court Judge provides supervision of the program and heads the D.U.I. Treatment Court Team. The Judge works closely with team members.

### **District Attorney**

The District Attorney or her/his designee screens applicants for eligibility, serves on the D.U.I. Treatment Court Team, attends D.U.I. Treatment Court sessions and is actively involved in ongoing development of D.U.I. Treatment Court. In addition, the District Attorney is responsible for recommending or not recommending consideration for participation in the program

### **Public Defender/Defense Counsel**

The Public Defender/Defense Counsel attends D.U.I. Treatment Court sessions, serves on the D.U.I. Treatment Court Team, advises participants of their rights at the proceedings, and is actively involved in ongoing development of the D.U.I. Treatment Court.

### **Probation Officers**

The probation officers are members of the D.U.I. Treatment Court Team and actively oversee the supervision of all participants. They are responsible for the day-to-day activities of the participants, and shall consult with the D.U.I. Treatment Court Judge if problems arise between status hearings.

### **Case Manager**

The Case Manager is an employee of and supervised by CMSU. The case manager is a member of the D.U.I. Treatment Court Team and works closely with the adult probation officer, team members, and treatment providers. The case manager will meet with clients and treatment providers on a regular basis, and will be responsible for facilitating evaluations, making treatment referrals, preparing service plans, and coordinating treatment.

### **Treatment Court Coordinator**

The Treatment Court Coordinator is a member of the D.U.I. Treatment Court Team. This individual will participate in the development and maintenance of eligibility standards, operating procedures, and rules for the D.U.I. Treatment Court. The Treatment Court Coordinator will develop strategies to maintain funding for the program, review ancillary service contracts, and monitor program certification and operating procedures. The Treatment Court Coordinator will be responsible for data collection to monitor participant compliance and provide a basis for evaluation of the D.U.I. Treatment Court.

### **Law Enforcement**

The law enforcement designee is a member of the D.U.I. Treatment Court Team. This team member recognizes the role of Treatment Court in reducing repeat D.U.I./Drug offenses. The law enforcement team member will serve as a conduit to local

and State Police regarding Treatment Court eligibility standards and operating procedures. Participant compliance with Court conditions is essential in order to maintain continual law enforcement support.

### **Victim/Witness Coordinator**

The Victim/Witness Coordinator is a member of the D.U.I. Treatment Court Team. Their role will be to serve as an advocate for victims of D.U.I. offenders in Treatment Court as it relates to restitution and impact statements. In addition to advocating for victims, the coordinator will serve as a liaison between the team and MADD, SADD, and local D.U.I. Coordinators. Victim/Witness Coordinators will assist in the development of Victim Impact Panels for both counties. All D.U.I. offenders in Treatment Court will participate in a Victim Impact Panel during Phase II of Treatment Court.

### **Criminal Justice Advisory Board Coordinator (CJAB)**

The CJAB Coordinator is a member of the Treatment Court Team. This individual will assist in developing strategies to maintain funding for the Treatment Court. The CJAB Coordinator will serve as a liaison to the Criminal Justice Advisory Boards in Snyder and Union Counties regarding the operating procedures of the Treatment Court.

## **Treatment Court Team – Participant Relationships**

The relationship between team members and participants will be professional, with all interactions based on adopted County standards of professional conduct. Team members will always maintain professional and objective personal conduct between himself/herself and the participant and the participant's family and close associates. Team members should have a personal concern for Treatment Court participants. Team members will always maintain personal concern within the bounds of their professional responsibilities, so as to safeguard the welfare of the participants both during and after enrollment in Treatment Court. Team members are prohibited from developing personal obligations with participants including: sexual or romantic relationships, employment of participants or engaging in business relationships with participants who are active in Treatment Court. The relationships with participants should never include behaviors on the part of the team member which would be abusive or damaging to the participant. Team members must disclose pre-existing social ties or relationships with a participant prior to the individual's placement into Treatment Court.

# FORMS