

17th JUDICIAL DISTRICT

DRUG TREATMENT COURT

POLICY/PROCEDURE MANUAL

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17TH JUDICIAL DISTRICT DRUG TREATMENT COURT POLICY & PROCEDURE MANUAL

Mission Statement

The mission of the Drug Treatment Court of the 17th 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 17th Judicial District Drug Treatment Court will be a post plea program. The Drug Treatment Court will screen and assess misdemeanor and felony offenders, provided the crimes are drug-related and/or addiction driven. The offenders must agree to placement in Drug Treatment Court and be residents of the 17th Judicial District. Offenders charged with or convicted of violent offenses, as defined by federal and state law, including sex offenses are excluded from participation in Drug Treatment Court.

The following offenses are excluded from consideration:

Homicide

Burglary (F1)

Robbery

Kidnapping

Aggravated Assault

Weapon Possession in the commission of an offense

Sexual offenses

Arson

Simple Assault

Recklessly Endangering Another Person

Kidnapping – Unlawful Restraint

False Imprisonment

Terroristic Threats

Riot

Stalking Witness/Intimidation

Ethnic Intimidation

Causing/Risking Catastrophe

Escape

Fleeing or Attempting to Elude Police Officer

An individual with multiple pending cases will not be automatically excluded from consideration for placement in Drug Treatment Court. Offenders facing parole or probation revocation for drug-related violations are also eligible for placement into Drug Treatment Court.

Referral and Screening

It is the goal of the Drug Treatment Court to process a case from preliminary

hearing to placement in the Drug Treatment Court within 30 to 45 days. Research has shown the earlier the intervention with a drug addicted offender, the greater likelihood of interruption of the drug related behavior.

Referrals for Drug 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 Drug 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 Drug Treatment Court Coordinator ("the Coordinator"). The defendant will be provided with a Drug Treatment Court application for completion and submission to the Coordinator within 72 hours after the preliminary hearing.

The Coordinator and/or probation officer will complete a Risk and Needs Triage (RANT). This assessment tool will be used to insure that the defendants applying for Drug Treatment Court are appropriate for placement. Research has shown that Drug Treatment Court is best suited for high risk/high needs offenders. Completion of the RANT will occur within 72 hours of receipt of the Drug Treatment Court application.

The Probation Department will conduct a criminal record check, sentence, guideline form, abbreviated pre-sentence report, and a notice to the District Attorney's Office regarding further consideration of placement into Drug Treatment Court. If the defendant does not meet criteria for Drug 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 Drug Treatment Court, they will be referred to Columbia, Montour, Snyder, Union Base Service Unit (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 Drug 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. The Team will vote on acceptance. In case of a tie, the Drug Treatment Court Judge (“the Judge”) will decide admission. If the application is denied, the District Attorney will notify the applicant. Counsel for the applicant may request reconsideration and may request to be present to speak with the Team.

Admission to Drug Treatment Court

If approved for Drug 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 Drug Treatment Court session. In addition to completing the standard guilty plea colloquy, the defendant, defense counsel, and the District Attorney will complete a Drug Treatment Court Colloquy, which specifies general Drug 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 Drug Treatment Court participant will appear when scheduled for Drug Treatment Court. The participant will enter a guilty plea at the beginning of Drug Treatment Court. The Drug Treatment Court participant will be sentenced to a term of Intermediate Punishment. During the first year of Intermediate Punishment, the participant will be required to actively participate in Drug Treatment Court. Upon sentencing, the participant will enter Phase I of the Drug Treatment Court Program and will be placed on electronic monitoring. The Drug 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. After completion of Drug Treatment Court, the participant’s remaining supervision will be transferred to a standard probation caseload.

Status Hearings

Status Hearings for each Drug Treatment Court participant will be held throughout their involvement in Drug 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 Drug 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. Visual inspection and physical searches 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.

Drug Court Phases

During Phase I, each participant will be required to attend status hearings every week. The Judge will inquire of the participant regarding his/her 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 Judge is responsible for encouraging, rewarding, or sanctioning the participant as well as changing any conditions or treatment plans.

Phase I: (4 months)

Weekly Court appearances

Random urine screens on court days

Attendance at recommended treatment

Attendance at self-help meetings (5 per week)

Obtain stable housing

Begin mandated 40 hours community service

Begin employment search (with team approval)

Begin payment of Drug Treatment Court fees

Minimum of 2 weekly probation contacts

Minimum of 2 weekly random urine screens

EMHA/GPS/Sleep Time/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 status hearings every other week.

Phase II: (4 months)

Bi-weekly Court appearances, with random urine screen

Attendance at recommended treatment

Attendance at self-help meetings

90 days clean

Maintain stable housing

Secure/maintain employment or job/educational training

Removal from EMHA/GPS

Continue payment of Drug Treatment Court fees

2 weekly probation contacts

2 weekly random urine screens (this can be reduced after 45 days drug free)

Scheduled case management appointments

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

Phase III: (4 months)

Monthly Court appearance

Continue in recommended treatment

Job training

120 days clean in order to move to graduation

Secure/maintain employment or means of financial support

Maintain stable housing

Drug-free urine screens

Continued payment of fees

Weekly probation contacts

Minimum of 2 urine screens weekly (this can be reduced with Team approval)

Monthly case management appointments

Participants who successfully complete all three phases of the Drug 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 Drug 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 including 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 receive additional rewards.

At the end of each month, clients 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. This will provide an opportunity for additional rewards for compliance with program rules.

Sanctions for Noncompliance

Drug 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, phase extension, electronic monitoring, additional drug testing, additional Drug Treatment Court appearances, community service, imposition of a curfew, increased levels of treatment, and incarceration.

Dismissal From Drug 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 dismissal from Treatment Court.

If a participant is recommended for removal from Treatment Court, the participant 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 confirmed at a Gagnon II hearing, a new sentence will be imposed. The original sentencing guideline form 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 program philosophy, requirements, and policies. 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.

Drug 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 Drug 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 Drug 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 Drug Treatment Court, as deemed necessary by CMSU.

Assessment and Evaluation

CMSU will assess applicants for Drug 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.

Drug Treatment Court Staff Responsibilities

Drug Treatment Court Judge

The Drug Treatment Court Judge provides supervision of the program and heads the Drug 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 Drug Treatment Court Team, attends Drug Treatment Court sessions and is actively involved in ongoing development of Drug 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 Drug Treatment Court sessions, serves on the Drug Treatment Court Team, advises participants of their rights at the proceedings, and is actively involved in ongoing development of the Drug Treatment Court.

Probation Officers

The probation officers are members of the Drug 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 Drug 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 Drug Treatment Court Team and works closely with the adult probation officer, team members, and treatment providers. The case manager will meet with participants and treatment providers on a regular basis, and will be responsible for facilitating evaluations, making treatment referrals, preparing service plans, and coordinating treatment.

Drug Treatment Court Coordinator

The Drug Treatment Court Coordinator is a member of the Drug Treatment Court Team. This individual will participate in the development and maintenance of eligibility standards, operating procedures, and rules for the Drug Treatment Court. The Drug 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 Drug 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 participant 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 clients or engaging in business relationships with clients who are active in Treatment Court. The relationship 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.