

MISSION STATEMENT

The mission of the Lehigh County Drug Treatment Court is to ensure public safety through the facilitation of a judicially-supervised intensive substance abuse/mental health treatment program that encompasses individualized intensive treatment, intensive probation supervision, case management, and related services to the chemically-involved offender.

The Lehigh County Drug Treatment Court provides a coordinated interdisciplinary approach to treating addiction that also addresses the underlying barriers that interfere with the recovery process, ultimately empowering the offender to develop pro-social bonds with the community while maintaining a chemical and crime-free lifestyle.

TEAM MEMBERS

Court of Common Pleas

The Honorable Douglas G. Reichley, Administrative Judge

Treatment Court Coordinator

Michael Zagorski, Adult Probation Supervisor

Treatment Court Probation Officer

Anthony Stinemire, PO I

Public Defender Client Advocate

Travis Pezzuto

Public Defender

Kathryn Smith, Deputy Public Defender

District Attorney

Joseph Stauffer, Chief Deputy District Attorney

V. Paul Bernadino, Chief Deputy District Attorney

Law Enforcement Representative

Bryan Weber, Lehigh County Sheriff's Office

Matt Tretter, Lehigh County District Attorney's Office

Drug and Alcohol County Authority

Joe Martellucci

Courtney Payano

Treatment Court Case Worker

Ashley Johnson-Carter

Rainie Campagna

Case Management Coordinator

Sarah Falwell

Treatment Provider Representative

Brian Graham

Lehigh County Jail

Mike Salter

Pre Trial Services

Maureen McManus

PROGRAM OVERVIEW

The Lehigh County Drug Treatment Court is a non-adversarial alternative to the traditional methods utilized in addressing participants who are struggling with substance abuse disorders. This program identifies, evaluates, and provides both intensive supervision and treatment services to those whose criminal offending is related to an underlying substance abuse disorder. Caseload capacity is 25 individuals per probation officer assigned to the program. The Lehigh County Drug Treatment Court is modeled under the paradigm of the ten key components of treatment courts.

Eligible participants are admitted into one of the Treatment Court program tracks following a plea approved by the Court, sentencing, or an admission of violation(s) of Probation/Parole supervision.

Admission into the program includes mandatory participation in an individualized treatment plan and regular attendance in Drug Court. Positive progress through the program phases will determine program length but a participant can expect to be in the program for at least 12 months depending on how quickly one moves through the phases.

The Lehigh County Drug Treatment Court team consists of a Judge, District Attorney, Public Defender/Public Defender Social Worker, Coordinator/Probation Supervisor, Probation Officer, Lehigh Single County Authority, Case Manager, Treatment Providers, and Law Enforcement Representative(s).

The team meets bi-weekly to discuss the progress of program participants and to formulate a plan to enable each participant to have a successful outcome in the Drug Treatment Court Program. During these meetings, team members will share information on participants' progress, phase completions, sanctions and incentives, and graduation from the program. Additionally, the Treatment Court team will review pending applications for admission to the program.

Administrative meetings are held quarterly to review policy and procedures, the memorandum of understanding (MOU), and develop new program strategies.

DRUG TREATMENT COURT TEAM ROLES AND RESPONSIBILITIES

- **Judge**
 - The Drug Treatment Court Judge's role is to provide leadership and direction to the team, judicial supervision of participants, directs the weekly status conferences, *and* attend trainings when needed.
 - The Judge is the final arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. The judge makes these decisions after taking into consideration the input of other Drug Court Team members and discussing the matter with the participant and the participant's legal representative. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.
 - After collaboration with the team, the judge can administer graduated sanctions or therapeutic responses. This is designed to increase participant accountability and enhance the likelihood of long-term success in treatment and recovery.
- **District Attorney**
 - Reviews Pre-Screening Forms for legal eligibility. This will include a review of an applicant's Pre-Screening Form, criminal history, criminal complaint and police reports for the current offense, and consultation with victims.
 - Approves Program Track I eligibility based on established criteria.
 - Pre-screens Program Track II and III eligibility.
 - Member of the Drug Treatment Court team and participates in all team meetings to review potential applicants and discuss the progress of program participants including phase completions, implementing sanctions and incentives.
 - Attends court sessions, graduation, and trainings when needed.
 - If a participant is re-arrested, the DA investigates the new criminal charges and assists in assessing appropriateness of continued participation in the program.
- **Public Defender/Social Worker – Defense Counsel**
 - The Assistant Public Defender/Defense Counsel's role is to represent and advise the participant in all court proceedings and to ensure the participant's constitutional and civil rights are protected.
 - The Public Defender is a member of the Drug Treatment Court team and participates in all team meetings to review potential applicants and discuss the progress of program participants including phase completions, implementing sanctions and

- incentives, and attends court sessions, graduation, and up to 6 hours of PSC trainings per year.
- The Public Defender Social Worker attends all team meetings and provides support services to the program participant as it relates to housing and other health and human service-related needs.
 - **Treatment Court Coordinator**
 - Oversees the overall function of the program including budgetary issues, grant writing, statistics, administrative documentation of program policy and procedures, concerns related to treatment provisions, and serves as a liaison to government and community organizations.
 - Reviews all referrals for initial eligibility and coordinates the assessment process.
 - Organizes all information obtained during the referral process to be presented to the team and gathers relevant information for the bi-weekly status meetings.
 - Attends all graduations, court sessions, and trainings when needed.
 - **Probation Officer**
 - Provides intensive supervision and upholds the program standards while holding the participant accountable in meeting their goals.
 - The Probation Supervisor oversees the probation officer and assists in addressing any supervision issues.
 - Responsible for meeting with the participant in the field, communicating with community-based organizations, overseeing payments of costs, fines, and restitution, and collaborating with treatment providers.
 - Participates in bi-weekly status hearings to apprise the court of the participant's progress in the program, collects data for PAJCIS, and attends all court sessions, graduations, and trainings when needed.
 - **Treatment Service Provider/Case Manager**
 - Provides treatment services based upon evidence-based practices and the clinically recommended level of care for the program participant.
 - Treatment Service Provider works closely with the probation officer and the court to provide bi-weekly updates on the participant's progress, keeping the court informed of all challenges and/or concerns that have been identified and successes that have been achieved.
 - The case manager is a member of the Drug Treatment Court team and participates in all team meetings to review potential applicants and discuss the progress of program

- participants including phase completions, implementing sanctions and incentives, and graduation.
- The case manager serves as the primary point of contact between the treatment providers and the court. The case manager will provide the bi- weekly treatment updates to the Drug Treatment Court team and participates in all status hearings, court sessions, graduations, and assists with data collection for PAJCIS.
 - **Drug and Alcohol County Authority**
 - Assists in coordinating the drug and alcohol assessment, treatment services, and locating funding sources for treatment.
 - Member of the Drug Treatment Court team and participates in all team meetings.
 - Oversees the duties of the treatment providers and the case manager (CM) and verifies proper licensing of all treatment providers.
 - **Law Enforcement (LE)**
 - The Deputy Sheriff and District Attorney County Detective serve as a liaison between the program and law enforcement agencies. The liaison may also assist with background investigations of participants and follow-up on warrants issued by the Court.
 - The liaison is responsible for the dissemination of information to law enforcement agencies that come in contact with drug court participants to ensure reasonable and appropriate measures are implemented when checking the participants for compliance with the program rules.
 - The LE Representative is a member of the Drug Treatment Court Team and participates in all team meetings and court sessions.

LEHIGH COUNTY'S DRUG TREATMENT COURT PROGRAM

HAS THREE (3) TRACKS

1. ELIGIBILITY

The Lehigh County Drug Treatment Program provides services to eligible individuals without regard to race, color, sex, gender identity or expression, sexual orientation, age, religion, national origin, political affiliation, disability, familial status, military service, religious, community, or social affiliations.

An applicant must meet eligibility requirements:

- Be at least 18 years of age
- Have an active pending criminal case in Lehigh County and/or a pending parole/probation violation within Lehigh County
- Be a resident of Lehigh County for the duration of the Drug Treatment Court Program
- Have a clinical diagnosis of Substance Use Disorder

2. DISQUALIFYING CRITERIA/OFFENSES

In screening individuals, the District Attorney will automatically exclude the following:

- Individuals who are eligible for Accelerated Rehabilitative Disposition (ARD)
- Individuals with pending charges, or a prior conviction of the following offenses:
 - *Violent crimes such as:*
 - Criminal Homicide
 - Involuntary Manslaughter
 - Homicide by Vehicle
 - Aggravated Assault
 - Aggravated Assault by Vehicle
 - Homicide by Vehicle DUI
 - Arson
 - Robbery
 - Robbery of a Motor Vehicle
 - Aggravated Assault by Vehicle DUI
 - Kidnapping
 - Assault by Prisoner
 - Victim Intimidation
 - Cruelty to Animals
 - *Sexual crimes such as:*
 - Rape

- Incest
 - Aggravated Indecent Assault
 - Indecent Assault
 - Involuntary Deviant Sexual Assault
 - Statutory Sexual Assault
 - Sexual Abuse of Children
 - Sexual Exploitation of Children
 - Internet Child Pornography
 - Megan’s Law violations
 - Corruption of Minor
 - *Attempt/Solicitation/Conspiracy to Commit any of the above listed offenses*
 - *DUI alcohol – related offenses.*
- Individuals who are currently charged with, or who have a history of, any other violent offense or crimes involving personal injury or property damage, a pending Protection from Abuse order, or any history of criminal gang involvement may be admitted to Drug Treatment Court at the discretion of the Team based in part on input from a victim of a crime or a PFA petitioner.
 - For applicants charged with crimes of violence any offense involving a firearm, a conviction for a prohibited offensive weapon, or a history of violence including Protection From Abuse (PFA) orders, any consideration will include a review of prior criminal history.
 - If the current charge is Simple Assault and based on an alleged incident of domestic violence, the victim will be consulted about the offender’s admission into the Drug Treatment Court Program.
 - If the current charge is Burglary or Theft, the victim will be consulted about the offender’s admission into the Drug Treatment Court Program.
 - Individuals charged with Driving Under the Influence – Drug related (3d offense or higher, middle tier, or 2d offense, highest tier) may be admitted into Drug Treatment Court at the discretion of the Team. If the current charge is DUI (Drug Related) involving an accident, the victim will be consulted about the participant’s admission into the program. If approved for admission into the program, the sentence imposed will include any mandatory minimum period of incarceration (to be served on house arrest with electronic monitoring) and a statutory maximum sentence based upon the offense grading as required by law.

- Individuals who are currently charged with, or who have a history of Possession with Intent to Deliver may be admitted into Drug Treatment Court based on the type of controlled substance and amount involved in the applicable offense.

If an applicant has a diagnosis of a Serious Mental Illness (SMI), that person may be referred to Team MISA/SPORE or other specialty programming.

3. RECONSIDERATION POLICY

For purposes of admission into the Drug Court Program generally, the Treatment Court Team will review reconsiderations on a case-by-case basis.

- A party to the offender's case (attorney, probation officer, pre-trial services, treatment provider, etc.) may submit a request for reconsideration.
- All requests must be submitted in writing.
- The request must include supportive reasoning for reconsideration – i.e. mitigating circumstances pertaining to the crime, psychiatric/psychological reports that were not previously available, or other relevant information in written format.

An offender will only be eligible for Track 1 of the Drug Treatment Court Program upon agreement of the DA. Reconsideration requests for eligibility for this track will be reviewed and determined by the DA.

Reconsideration Requests can be downloaded at the Lehigh County website home page under the Criminal Court/Drug Treatment Court tab or picked up at the Adult Probation Office. Completed Reconsideration Requests should be submitted to the Adult Probation Office. The DA will review all requests for reconsideration as to eligibility to the Treatment Court Team. Request for Reconsideration shall be discussed at the next Drug Court Team meeting.

APPLICATION PROCESS

All Procedures set forth in the Application Process are flexible and subject to modification by the Treatment Team as deemed necessary or for good cause. Applicants/Defense Attorneys are strongly encouraged to begin the application process at the earliest stage of the criminal case.

1. PRELIMINARY HEARING

- All Magisterial District Justice Offices and Courtroom 1C shall have copies of the Pre-Screening Form, Pre-Screen Form Instructions, and Treatment Court General Information available upon request.

2. PRE-SCREENING FORM AND DRUG TREATMENT COURT APPLICATION

- This form must be completed by the applicant/defense attorney.
- Completed Forms must be submitted to:
 - Lehigh County Adult Probation Department
Attn: Drug Court
Lehigh County Courthouse, Room G09
455 W. Hamilton St.
Allentown, PA 18101
or by email to *michaelzagorski@lehighcounty.org*
- The Coordinator will send the pre-screening form to the DA's Office for review along with the criminal complaint, any relevant police reports, criminal history, and/or victim/police input.
- Within 28 days of receipt of the Pre-Screening Form, the DA will notify the Coordinator whether or not the applicant is preliminarily eligible, and the Coordinator shall notify the applicant and/or defense attorney of the applicant's preliminary eligibility for DTC.
- Preliminary eligibility does NOT mean that the offender is accepted into the Drug Court Program.
- Preliminary Eligibility applies only to legal criteria that must be satisfied before the offender will be considered for the Drug Treatment Court Program.
- The DA will notify the Treatment Team Coordinator of preliminary eligibility status and shall forward a copy of the Form along with any other relevant preliminary information to the Coordinator.
- Once an applicant is determined to be preliminarily eligible, the applicant must submit the Drug Treatment Court Application to the Drug Treatment Court Coordinator. This can be emailed to: *MichaelZagorski@lehighcounty.org* or dropped off in-person to: Adult Probation, Lehigh County Courthouse, 455 W. Hamilton St (Room G09), Allentown, PA 18101.

- Upon being deemed eligible for the program, the applicant must undergo a risk assessment as well as other evaluations to determine whether or not he/she will be accepted by the Treatment Team into the Drug Court Program.
- Reconsideration - If the applicant is determined to be ineligible based on established criteria or the initial review, the applicant and/or defense attorney may submit a request for reconsideration using the procedure set forth in this Policy Manual.
- Reconsideration must be submitted within 14 days of receipt of notification of rejection.
- If no reconsideration is submitted within 14 days, the Probation Department shall inform the treatment team and the applicant's case shall proceed before the Court of Common Pleas Judge assigned the applicant's case.
- On the date of the applicant's scheduled formal arraignment, or any other scheduled proceeding in the Court of Common Pleas after the applicant has submitted his Pre-Screening Form, the applicant shall request a continuance of his/her case, if:
 - the applicant has not yet been notified by the Probation Department as to preliminary eligibility; or
 - the applicant has submitted a timely request for reconsideration but has not yet been notified as to the determination of this request.
- The assigned Judge shall grant the request and schedule applicant's case for a status date no less than 30 days from that date.

3. RULE 600 WAIVER

- The applicant must waive Rule 600 - Prompt Trial
- This waiver form must be submitted with the Pre-Screen Form.
- The Rule 600 waiver shall be filed with the Clerk of Judicial Records at the time of Formal Arraignment or at the first scheduled court date after approval of the participant's Drug Treatment Court application.

4. RISK ASSESSMENT AND EVALUATIONS

- Upon notification of preliminary eligibility by the DA, the applicant/defense attorney will be contacted by the Treatment Team Coordinator.
- The Treatment Team Coordinator shall make arrangements with the applicant/defense attorney to complete the Formal Application for entry into the Drug Court Program.
- This includes Risk Assessment, Substance Abuse Evaluation, and a Mental Health Evaluation if needed.

- On the date of the applicant's scheduled formal arraignment, or any other scheduled proceeding in the Court of Common Pleas after the applicant has begun the formal application process, the applicant shall request a continuance of his/her case, if:
 - the applicant's formal application process is ongoing,
 - the applicant has not received notification as to his/her acceptance/rejection of his/her formal application,
 - the applicant has submitted a timely request for reconsideration but has not yet been notified as to the determination of this request,
- The assigned Judge shall grant the request and schedule applicant's case for a status date no less than 30 days from that date.

5. ACCEPTANCE INTO DRUG COURT PROGRAM

- Results of the Assessments and Evaluations shall be discussed with the Drug Treatment Court Team at the next meeting following completion of the assessments and evaluations.
- At that time, the Team will determine whether or not the applicant shall be accepted into the Drug Treatment Court Program.
- The DA shall determine whether the applicant is eligible for Track I of the Program.
- The Treatment Team Coordinator shall notify the applicant and/or defense attorney of acceptance into the Program along with Track designation.
- If the applicant is designated Track II and would like to be reconsidered by the DA for acceptance into Track I, the applicant should follow the Reconsideration Policy set forth herein.
- Upon acceptance of the offender into the Drug Court Treatment Program, the Treatment Team Coordinator shall notify the Drug Court Judge.
- The Drug Court Judge shall then notify Court Administration and the case shall be (re)assigned to Drug Court.
- Immediately upon acceptance into the Drug Court Program, the Participant will have their case reassigned to the Drug Court Judge. The Participant and their attorney shall appear in Drug Court on the next available date as determined by the Treatment Team.

TRACKS AND PHASES OF THE PROGRAM

THE PROGRAM

- **Treatment**

- The probation officer works with treatment clinicians to ensure a collaborative therapeutic approach for the program participant. This enables the team to develop treatment strategies and identifies issues impacting the participant's recovery.
- Treatment needs are established through a clinical assessment conducted prior to admission to the program. The program recognizes that substance use disorders are biopsychosocial in nature. Assessments are comprehensive and multidimensional to determine the level of care and service needs of the participant. Needs are reviewed on a weekly basis and adjusted throughout the program.
- The American Society of Addiction Medicine (ASAM) instrument is utilized to determine the appropriate level of care. The full continuum of treatment modalities available include detoxification, in-patient, halfway house, and out-patient services. Individual and group therapies are employed as a means of treating the whole addict and not just the addiction. Funding for treatment is provided by private insurance, Single County Authority (SCA) funding, private pay or Medical Assistance. Confidentiality is maintained except where the continuum of care principle requires that information is shared.
- Participants are required to engage in pro-social activities involving a home group and a sponsor to aid in a pathway to recovery.

- **Supervision**

- Upon admission into the Drug Treatment Court Program, the participant will be required to sign the rules of the program.
- Frequent contact with the probation officer helps to foster a feeling of inclusion, assess participant attitudes, and monitor compliance with the Drug Treatment Court Program rules. As the participant transitions through the phases of the program, contact with the probation officer will become less frequent, but will not fall below minimum program standards.
- This supervision style is designed to promote continuity and stability while creating a one-on-one relationship with the participant. The probation officer caseload is limited to a workable size so that the officer can effectively supervise offenders at all phases of the program. Supervision may be increased and decreased based upon the participant's compliance and current risk and needs.

- In order to eliminate participant triangulation or manipulation, there is on-going communication between the supervising probation officer and the treatment provider. This is critical to establishing participant accountability and responsibility.
- **Judicial Supervision**
 - Court appearances are an essential part in keeping the participant focused on the goal of long-term sobriety. Frequent contact and supervision by the Treatment Court Judge ensures the participant is closely monitored and afforded the necessary services to be successful.
 - Judicial supervision increases or decreases based upon the participant's performance in the program.
- **Testing and Accountability**
 - All participants are required to submit to random drug and alcohol testing throughout their participation in Drug Treatment Court.
 - Urinalysis testing will be conducted by Adult Probation staff, case managers, treatment providers, or county contracted urinalysis testing facilities.
 - Urinalysis testing will be conducted utilizing a randomized process, which includes but is not limited to computer randomization, PIN #s, or probation officer randomization. Participants will be advised as to how testing will occur on a case-by-case basis.
 - Participants will either call a testing facility each evening after 9 pm to determine if their PIN # has been called for testing the following calendar day, or participants will be placed in a web-based randomized testing process whereby they will receive a notification advising them to report for testing, or the probation officer will contact the participant randomly to report for testing.
 - Each program is designed and intended to meet participant's needs while ensuring that testing remains randomized. Participants will be provided with specific directions as to where to report for urinalysis testing.
 - If the participant fails to appear or submit a sample, and/or dilutes or tampers with a sample it will be considered a positive test for program purposes.
 - All positive tests will be sent to the lab for confirmation and could result in sanctions being imposed.
 - The program has a zero-tolerance policy of attempting to submit an adulterated or a fake urinalysis sample.

- **Community Service**
 - As part of the Drug Treatment Court Program, if unemployed, or as a sanction, participants may be assigned community service hours. This is their opportunity to give back to the community while remaining a productive member of society.
 - Community service sites must be approved by the Drug Treatment Court Probation officer. Participants must track all community service hours on a community service log (Form O). Hours submitted will be verified. Any hours completed at an unapproved location will not be counted.

DIVERSION, STANDARD, AND RECOVERY TRACKS

TRACK I – DIVERSION/POST PLEA

- The Track I program is designed to meet the needs of eligible participants who are Level I or II offenders as set forth in Pennsylvania’s Sentencing Guidelines based on their prior record score and current charges.
 - The goal of Track I is to give the participant the opportunity to work toward resolution of the charges if he/she adheres to all conditions set forth by the Court and successfully completes their individualized program.
 - The participant must enter a plea approved by the District Attorney or his designee (“DA”). Sentencing is deferred with a signed Waiver and Written Plea Colloquy.
 - Upon successful completion, the participant will be afforded the opportunity to withdraw his/her plea and if originally charged with felony offenses, enter a plea to lesser charges. If the original charges were misdemeanors, the charges will be dismissed.
 - Track I eligibility is discretionary with the District Attorney’s Office.
 - If the DA does not find an offender appropriate for Track I, the applicant may be accepted into Track II by the Drug Treatment Court Team.
- **Participants shall enter a plea to DA approved charges.**
 - The plea shall be on the record and written.
 - The written guilty plea colloquy shall include the Colloquy Addendum for Track I-Diversion. The written colloquy and addendum shall be included in the record.
 - The Judge shall order “sentencing deferred for the duration of participation in the Drug Treatment Court Program.”
 - Waiver of Rule 704 (Time of Sentencing) is included in the colloquy Addendum.
 - The Judge shall order the participant to be placed under Adult Probation Supervision for imposition of drug court conditions and management of his or her case.

- **Upon graduation from Drug Court:**

- The original Guilty plea shall be withdrawn.
- The charges to which the offender pled guilty shall be reduced and/or dismissed.
- Felony charges shall be reduced to misdemeanor charges.
- Misdemeanor charges dismissed and automatically expunged.
- If original charge(s) was a Felony, the participant will immediately enter a new plea to the new charges and be sentenced to either Time Served or a new term of probation (for restitution or any other costs to be paid)
- If a participant is on a payment plan, judge has discretion to extend drug court and conditions for additional 6 months so a participant D may show consistent payment.
- Prior to the entry of the Plea, nothing precludes the parties from negotiating the charges and grading of charges to which the offender shall initially plead and amending the Information at the time of the Plea.
- Participants admitted to Track I will be assessed \$50 per month in supervision fees for the duration of their participation in the program.

TRACK II – STANDARD

- Track II is intended for Level 3 or 4 Offenders as set forth in Pennsylvania's Sentencing Guidelines, based on their prior record score and current charges, or those who have not been admitted into Track I.
- Track II provides offenders with the opportunity to participate in the Drug Treatment Court Program as an alternative to incarceration.
- The participant must enter a plea approved by the Court to an appropriate offense approved by the DA, and will immediately be sentenced to Drug Treatment Court. The length of community supervision must be for at least 12 months (not including any period of incarceration). If a sentence of house arrest is imposed, the sentence must be Probation with Restrictive Conditions for a length of time as set by the judge.
- Upon successful completion, the participant will be afforded the opportunity to have early termination of supervision.
- Drug Related DUI Cases accepted into Track II are subject to a mandatory sentence or county probation with restrictive sanctions as required by law.
- Participants shall plead to DA approved charges.
- The plea shall be on the record and written
- The written plea colloquy shall include the Colloquy Addendum for Track II-Standard. The written colloquy and addendum shall be included in the record.

- The Judge shall immediately sentence the defendant to a length of community supervision of at least 12 months (not including any period of incarceration).
- If a sentence of house arrest will be imposed, the sentence must be Probation with Restrictive Conditions.
- The sentencing order shall “place the participant under Adult Probation Supervision for imposition of drug treatment court conditions and management of their case.
- **Upon graduation from Drug Court:**
 - The participant will be afforded the opportunity to have their supervision terminated.
 - If on a payment plan, judge has discretion to extend drug court and conditions for additional 6 months so a participant may show consistent payment.
 - Prior to Entry of the Plea, nothing precludes the parties from negotiating the charges and grading of charges to which the offender shall initially plead and amending the Information at the time of the Plea.

TRACK III – RECOVERY

- Participants deemed eligible for admission to the Recovery Track are those individuals who are already under the supervision of the Lehigh County Adult Probation and Parole Department and have violated their supervision from a previous sentence imposed by the Court.
- It is designed to meet the needs of eligible participants who have been unsuccessful with probation/parole supervision and are in need of more intense and extensive treatment in lieu of incarceration.
- The participant must acknowledge a violation of his/her probation or parole. The participant will be resentenced to a term of county probation with restrictive sanctions and be required to attend and successfully complete the Drug Treatment Court Program.
- Drug Related DUI Cases accepted into Track III are subjected to mandatory sentences of imprisonment or county probation with restrictive sanctions as required by law.
- Participants shall admit any violation(s) of Probation/Parole as determined the Probation/Parole Officer
- Admissions shall be on the record and written
- The written admission colloquy shall include the Colloquy Addendum for Track III- Recovery. The written colloquy and addendum shall be included in the record.
- The Judge shall immediately sentence the defendant to a length of community supervision of at least 12 months (not including any period of incarceration).

- If a sentence of house arrest is imposed, the sentence must be Probation with Restrictive Conditions.
- The sentencing order shall “place the participant under Adult Probation Supervision for imposition of drug treatment court conditions and management of their case.”
- Upon graduation, a participant may be approved for early termination from supervision.

LENGTH AND PHASES OF THE PROGRAM

The Lehigh County Drug Treatment program lasts an average of 12 months.

- The program can be completed in a shorter amount of time or extended beyond with the recommendation of the Drug Treatment Court team and approval of the Treatment Court Judge.
- Reductions or extensions in program length will be based upon the participant's successful progress through the program phases.
- To advance Phases, a participant must demonstrate progress toward completing the requirements of the Program.
- The length of each phase varies based upon program duration.

Phase I	Phase II	Phase III	Phase IV
Drug Court: Bi - Weekly	Drug Court: Attend monthly	Drug Court: Attend every month	Drug Court: Attend every 3 month
PO: Weekly	PO: bi-weekly	PO: Monthly	PO: Every other month
Urine Testing 2 times a week	Urine Testing: 2 times a week	Urine Testing: 1 time a week	Urine Testing: Discretion of PO
Treatment: As recommended	Treatment: As recommended	Treatment: As recommended	Treatment: As recommended
Case Management as recommended	Case Management as recommended	Case Management as recommended	Case Management as recommended
Recovery activities as recommended by Treatment Team	Recovery activities as recommended by Treatment Team	Recovery activities as recommended by Treatment Team	Recovery activities as recommended by Treatment Team
A period of sobriety	Maintain Sobriety Seek employment or education Efforts to pay court costs, fines, and restitution	Maintain Sobriety Seek Employment or education Consistent efforts toward paying court costs, fines, and restitution	Maintain Sobriety Seek Employment or education Stable Residence Regular Payments

PHASE I

- Report to PO weekly, alternating between field and office contact before or after attending Drug Court status hearing
- Drug Court attendance at least every 2 weeks as directed.
- Treatment
- Attend at least 3 recovery related activities weekly including support group meetings
- Employment, vocational training, education, therapeutic community service may be pursued, but it is not required during this phase. Your time must be structured by engaging in approved/constructive activities.
- Urinalysis testing as coordinated through the Treatment Court Team
- Meet with case manager; as determined by PO, case manager/SCA, and treatment provider
- Complete and submit weekly verification forms on time as directed.

To transition to Phase II, participants must demonstrate progress toward sobriety, report for all probation contacts, court appearances, treatment appointments, comply with weekly recovery related activities, and remain arrest free.

PHASE II

- Report to PO bi-weekly
- Attend Drug Court monthly
- Treatment
- Attend recovery related activities coordinated for the participant by the treatment provider and Adult Probation
- Actively seek/obtain employment, attend school or vocational training, participate in therapeutic community service, or participate in other pro-social activities as approved by the court
- Make consistent efforts toward paying restitution, court costs, and fines
- Urinalysis testing as coordinated by the Treatment Professionals
- Meet with cases manager; as determined by PO, case manager/SCA, and treatment provider
- Complete and submit weekly verification forms on time

To transition to Phase III, participants must demonstrate progress toward sobriety, report for all probation contacts, court appearances, treatment appointments, comply with weekly recovery related activities, and remain arrest free.

PHASE III

- Report to PO monthly
- Treatment
- Attend Drug Court monthly
- Urinalysis testing as coordinated through the Treatment Court Team
- Maintain employment, attend school or vocational training, participate in therapeutic community service, or participate in other pro-social activities as approved by the court
- Attend recovery related activities as coordinated for the participant by the treatment provider and Adult Probation
- Make consistent efforts toward paying restitution, court costs, and fines
- Complete and submit weekly verification forms on time (Form N)
- Meet with case manager; as determined by PO, case manager/SCA and treatment provider

To transition to Phase IV, participants must demonstrate progress toward sobriety, report for all probation contacts, court appearances, treatment appointments, comply with weekly recovery related activities, and remain arrest free.

PHASE IV

- Report to PO every other month
- Attend Drug Court every month.
- Maintain employment, attend school or vocational training, participate in therapeutic community service, or participate in other pro-social activities as approved by the court
- Attend recovery related activities as identified for the participant by the treatment provider and Adult Probation
- Urinalysis testing deemed necessary and appropriate by the Treatment Team
- Make consistent efforts toward paying restitution, court costs, and fines
- Meet with case manager; as determined by PO, case manager/SCA, and treatment provider
- Complete weekly and submit weekly verification forms on time (Form N)
- To Graduate, participants must demonstrate progress toward sobriety, report for all probation contacts, court appearances, treatment appointments, comply with weekly recovery related activities, remain arrest free, maintain a stable residence for 3 months, actively working on completing any other court-ordered conditions, and make consistent efforts towards paying on court costs, fines, and restitution.

DRUG TREATMENT COURT POLICY ON MEDICATIONS

The Lehigh County Drug Treatment Court prohibits the use of any narcotic medications, prescription medications at risk for abuse (including but not limited to benzodiazepines, anti-anxiety medications, stimulant medications for the treatment of ADHD, sleeping pills, medical marijuana and muscle relaxers), and some over the counter medications.

- Prior to use the participant must have all prescribed medications, over the counter medications, dietary supplements, and vitamins approved by the probation officer in order to avoid any cross reactions that may result in a positive drug test.
- All participants are advised of these restrictions prior to admission into the Drug Treatment Court Program.
- It is the program participant's responsibility to notify all treating physicians of this restriction and participant's history of addiction. It is critical that treating physicians understand and recognize the participant's addiction issues. The program will work with the physician to meet the needs of the participant while accomplishing the goals of the program.
- There is a zero-tolerance policy for the unauthorized distribution, sharing, and/or consumption of medications.
- Exceptions to this policy are made only in rare circumstances, such as in the case of a documented medical emergency treatment or when there is no other viable medical alternative to treat the condition.
 - Participants who habitually seek exception to this policy are subject to termination.
 - If a prescribing physician recommends that a participant be continuously maintained on prohibited prescriptions in order to sustain a certain quality of life, the participant may be terminated from Drug Treatment Court.
 - Participants using a medication on the prohibited list will be required to sign a medication agreement.
 - Excluding medical emergencies, participants using any medication that has the potential for abuse or dependency will be required to have medications prescribed by one physician and dispensed at one pharmacy.
 - Participants will be required to sign a release of information with the prescribing physician that allows for the Drug Treatment Court team members to communicate with the prescribing physician.
 - The Lehigh County Drug Treatment Court does allow participants to voluntarily elect Medication Assisted Treatment (MAT) as part of their treatment plan, provided it is

- medically recommended by medical professionals, approved by the treatment team, and funding is available through Medicaid, private insurance, the Single County Authority or by private pay.
- The program does not provide direct medical treatment. However, participants who elect MAT as part of their recovery plan must comply with MAT protocols listed in the participant handbook.
 - The program does permit the use of Medical Marijuana to treat any condition permitted under the Medical Marijuana Act (Act 16 of 2016).
 - Participants seeking permission to use Medical Marijuana must provide documentation of an approved medical condition to the Drug Treatment Court Team along with the recommendation documenting the need to treat the condition with Medical Marijuana.
 - Participants seeking permission to use Medical Marijuana to treat a mental health condition or as a form of MAT for Substance Use Disorder must be willing to work towards other evidence-based alternatives to treat these conditions.
 - All participants seeking to use Medical Marijuana will be required to sign an acknowledgement to the above noted terms as well as to acknowledge the dangers associated with Medical Marijuana Use.

TREATMENT PROVIDERS

- Upon admission into the program, the participant will enter and participate in treatment as recommended by their initial clinical assessment.
 - The level of care is determined through the completion of the American Society Addiction Medicine (ASAM) assessment.
 - The treatment plan and level of care is clinically determined by the treatment clinician based upon goals and needs.
 - Program participants are re-assessed on an on-going basis.
 - The participant will be required to fulfill all treatment requirements at one of the Court approved agencies. For a current list, please contact the Coordinator or the Single County Authority.
- The treatment providers contract with private insurance companies for treatment when possible.
 - A participant that does not have private insurance is required to go to the Department of Health and Human Services and apply for Medical Assistance. The participant may also qualify for funding through the SCA or Veterans Benefits.

THE ROLE OF INCENTIVES AND SANCTIONS

The Drug Treatment Court Program utilizes incentives and sanctions in response to participant behaviors.

- Incentives and sanctions are utilized to serve as motivation towards successful completion of the program.
 - Drug Treatment Court may approve various incentives including the reduction in court costs to not only promote a sense of accomplishment for the participant, but also to serve as positive reinforcement for what he or she has achieved thus far.
 - Sanctions are imposed for non-compliant behavior to reinforce accountability and responsibility for the participant's actions, and will occur at a recorded court session.
- The program Incentive Response Model (Form A) and Sanction Response Model (Form B) are determined by a variety of factors including: proximal/distal goals, participant performance, severity of participant behavior, and magnitude of response.

DISCHARGE FROM DRUG TREATMENT COURT

- The Drug Treatment Court Program is voluntary.
- The decision to discharge an offender either voluntarily or involuntarily rests with the Judge to make after consultation with the entire team, and will occur at a recorded court session where the participant will be entitled to be represented by counsel.
- A participant is free to request a voluntary discharge from the program at any time. A participant may also be discharged involuntarily for violation of program rules and regulations and/or for incurring new criminal charge(s).
- A new charge of Driving Under Suspension may be grounds for discharge
- New charges above the summary level either waived by the offender or held for court at the preliminary hearing stage may be grounds for discharge.
- If there is a voluntary or involuntary discharge from the program, the participant's case will be listed for court for the purposes of re-sentencing.

GRADUATION

Graduation from Drug Treatment Court occurs after a participant has been promoted through all the phases and successfully completed the requirements of the program.

- The decision to transition to a new phase and ultimately graduation is made by the entire team and must be approved by the Judge.
- The requirements for graduation include: remain substance free for a minimum of three (3) consecutive months; successful completion of all treatment goals and create an approved relapse prevention plan; employed or involved in a productive daily activity; reside at an approved residence; up to date on costs, fines, restitution, and treatment costs; have not incurred any new arrests; and completed all special conditions of their sentence.

TRAINING

The Lehigh County Drug Treatment Court team is committed to staying current with trends by attending trainings in addiction, recovery, evidence-based practices, supervision, and related topics.

- Team members may attend the annual Pennsylvania Association of Drug Court Professionals (PADCP) and the National Association of Drug Court Professionals (NADCP) conferences to remain current in their knowledge and advances in the treatment of addictions.
- Team members may also attend local trainings (DVAPPTC, PBPP, Magellan Behavioral Health, Institute for Law Enforcement Education, and the Pennsylvania DUI Association) as well as utilize web-based trainings through National Drug Court Institute, National Drug Court Resource Center, and other sources.
- Probation officers require a minimum of 40 hours annually of training in the field.

CONFIDENTIALITY

All information regarding the participant shall be kept confidential unless otherwise ordered by the Court.

- Information disclosed shall not be the basis for prosecution of new crimes, and the participant shall not be required to testify to any information discussed or disclosed during Drug Treatment Court hearings.
- All team members are required to sign the Lehigh County Drug Treatment Court participant status review confidentiality statement, which is retained by the Coordinator.

- The following Court proceedings are held on the record: admission, guilty/nolo plea, sentencing, discharge/termination, Gagnon, and contested sanction hearings.
- Upon admission, the participant is required to sign a consent/waiver authorizing the transfer of information among Drug Treatment Court participating agencies and court-approved observers for the duration of program participation.
- The participant could be denied services under state or federal law if they refuse to consent to a disclosure for purposes of treatment, payment, or health care operations.
- The participant will not be denied services if they refuse to consent to a disclosure for other reasons.
- If a participant refuses to sign a consent to disclosure or attempts to revoke his or her consent prior to the expiration of the signed consent, it is grounds for immediate termination from the Drug Treatment Court Program.
- The Lehigh County Drug Treatment Court consistently adheres to all federal, state, and local laws governing clients Rights, Confidentiality of Information Disclosure Records, Privacy of Protected Health Information (HIPAA) and Confidentiality; and Disclosure of HIV- Related Information.

DATA COLLECTION

The Lehigh County Drug Treatment Court maintains various data systems to measure the program's outcomes.

- Quantitative and qualitative data is compiled and reviewed quarterly and annually.
- Data is utilized to assess program implementation and/or modifications.
- Currently, the program uses the following data systems to assist with data collection/maintenance: Pennsylvania's Problem-Solving Adult and Juvenile Courts Information System, Automon Caseload Explorer, Pennsylvania's Commission on Crime and Delinquency County Intermediate Punishment Program database, the Administrative Office of Pennsylvania Courts, and various excel databases.

Data is maintained on the following: ethnicity, gender, marital status, employment, education, community service, terminations, successful offenders, violations (new arrest and technical), withdrawals, admissions, urinalysis testing, officer contacts/field work, risk and needs evaluations, incarceration days saved, offenders in program phases, drug free birth's, medically assisted treatment, 3-year recidivism rates, and treatment dollars saved.

SUSTAINABILITY AND PARTNERSHIPS

The Lehigh County Drug Treatment Court's funding is provided by:

- Lehigh County Board of Commissioners,
- Lehigh County Adult Probation and Parole Department,
- Pennsylvania Commission on Crime and Delinquency, and
- Administrative Office of Pennsylvania Courts.

The program is dedicated to identifying new resources and options to support the program sustainability by acquiring additional monetary and non-monetary resources. The Lehigh County Drug Treatment Court fosters community partnerships that provide invaluable support and resources to the program.

Partnerships include:

- Lehigh County Adult Probation and Parole Department
- Lehigh County Department of Drug and Alcohol,
- Lehigh County District Attorney's Office,
- Lehigh County Jail,
- Lehigh County Department of Mental Health and Intellectual Disabilities,
- Lehigh County Public Defender's Officer
- Lehigh County Sheriff's Office,
- Magellan Behavioral Health of Pennsylvania,
- National Association of Drug Court Professionals,
- Administrative Office of the Pennsylvania Courts, and
- Treatment Trends.

The Judge, coordinator, or designees may speak at various community, legal, and educational events about the program. The goal is to help others understand the program, connect with possible resources, and express how the program benefits both the community in reducing recidivism and improves the lives of the program participants.

APPENDIX