

# LEHIGH COUNTY DRUG TREATMENT COURT – PRE-SCREENING FORM INSTRUCTIONS

## **Preliminary Criteria – all candidates must meet ALL of the following criteria to be considered for the Drug Treatment Court:**

- At least 18 years of age
  - An active pending criminal case in Lehigh County and/or a pending probation violation within Lehigh County
  - A resident of Lehigh County
  - Current history of substance use/abuse
  - Is not disqualified based on the criteria and/or offenses listed in Part B of these instructions.
1. If you or the offender believes they may be an eligible candidate for the Drug Treatment Court Program complete the PRE-SCREENING FORM.
- The purpose of the PRE-SCREENING FORM is to assist in identifying those who meet preliminary eligibility requirements *prior* to formal submission to the Drug Treatment Court Team to determine candidacy for admission to the Drug Treatment Court Program.
    - The Pre-Screening Form is **ONLY** the first step. Other requirements must also be satisfied before an offender can be formally accepted into the Drug Treatment Court Program.
      - This includes the results of the Ohio Risk Assessment Screening (ORAS)
      - The results of the comprehensive drug and alcohol assessment
      - The recommendation of the Drug Treatment Court Team
  - The Pre-Screening Form will be reviewed by the District Attorney’s office to determine preliminary eligibility of the offender. The District Attorney’s Office will have 14 days to review the pre-screening request.
    - The District Attorney’s Office will review the Criminal Complaint charging the offender for the current arrest as well as the offender’s criminal history.
    - Any offender who does not meet the preliminary eligibility criteria based on the responses on the Initial Screening Form, will be disqualified as a candidate and will not be further assessed for entry into the program unless the offender qualifies for reconsideration. The Lehigh County District Attorney’s Office must approve any candidate for Track I consideration.
    - *Please note the Reconsideration Policy for certain disqualifying criteria or offenses.*
      - *If an Offender is otherwise eligible except for one of the disqualifying offenses, and the disqualifying offense is one that is subject to reconsideration, the offender should still submit the PRE-SCREENING FORM to the District Attorney’s Office for preliminary review.*
      - *After receipt and review of the PRE-SCREENING FORM, the District Attorney’s Office will notify the offender if they are eligible for reconsideration.*
2. Submit the completed Pre-Screening Form to: Drop off or emailed preferred

Lehigh County Adult Probation Department  
Attn: Drug Treatment Court  
Lehigh County Courthouse, Room G09  
455 W. Hamilton St.  
Allentown, PA 18101

Or Email: [michaelzagorski@lehighcounty.org](mailto:michaelzagorski@lehighcounty.org)

If the offender meets pre-screening eligibility, the offender and/or defense counsel will be notified and provided with the formal application for the program. Adult Probation and Drug and Alcohol will have 14 days from receipt of the formal application to interview and assess the offender.

### **PART A**

1. The applicant must be at least 18 years of age to be considered for the Drug Treatment Court Program.
2. The applicant must be a resident of Lehigh County for the duration of the Drug Treatment Court Program.
3. The applicant must have a pending criminal case and/or a pending probation violation in Lehigh County.
4. Eligible Drug Treatment Court participants must have a clinical diagnosis of Substance Use Disorder.
5. Eligible participants must be identified as moderate or high-risk on the ORAS and moderate or high-need on the Drug and Alcohol Assessment.
6. Eligible participants must be approved by the Drug Treatment Court team.

### **PART B**

#### **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.

## **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

Completed Reconsideration Requests should be submitted to: Drop off or emailed preferred

Lehigh County Adult Probation Department  
 Attn: Drug Treatment Court  
 Lehigh County Courthouse, Room G09  
 455 W. Hamilton St.  
 Allentown, PA 18101

Or Email: [michaelzagorski@lehighcounty.org](mailto:michaelzagorski@lehighcounty.org)