

**ERIE COUNTY  
TREATMENT COURT  
POLICY AND  
PROCEDURES  
MANUAL**

**ERIE COUNTY COURT  
OF COMMON PLEAS  
ERIE, PENNSYLVANIA**

**MARCH 2002**

## GOALS

The goals of the Erie County Treatment Court are:

1. Provide comprehensive treatment programs to address the myriad of problems associated with drug use and mental illness with offenders who are involved with the Court System.
2. Improve level of holistic functioning for the individual.
3. Reduce recidivism, relapse, and decompensation.
4. Reduce docket/jail overcrowding.
5. Reduce psychiatric hospital admissions.

## VISION

The Erie County Treatment Court provides intensive treatment supervision and comprehensive judicial monitoring of offenders whose crimes are related to their mental illness and/or drug abuse. The Treatment Court provides appropriate and varying levels of comprehensive treatment to all participants including vocational, educational, life skills training, and other appropriate services to address issues which contribute to mental illness, drug abuse/dependency and criminal behavior. Ultimately, a Treatment Court participant becomes a productive, responsible citizen and the community becomes a safer place to live.

Erie County Treatment Court realizes unique problems and challenges presented in working with the seriously mentally ill and substance abusing offender. Treatment rehabilitation strategies must be "reality based". Therefore, Treatment Court recognizes that:

1. The seriously mentally ill and the drug dependent individual are most vulnerable to successful intervention when they are in the crisis of initial arrest/incarceration.
2. Preventing gaps in communication and insuring offender accountability are of critical importance, so Court supervision must be coordinated and comprehensive.
3. Mental Illness and addiction to drugs are debilitating conditions and life long conditions, so treatment must be long term and comprehensive.
4. Mental illness and addiction seldom exist in isolation from other serious

problems which undermines rehabilitation, so treatment must include integration of other available services and resources such as psychiatric/psychological assessments, drug and alcohol assessments, case management, job training/job placement, housing, medication monitoring, and other resources.

5. Relapse and intermittent progress are part of the recovery process so progressive sanctions/incentives must be an integral part of the Treatment Court's strategy.
6. Co-existing disorders are common between both of the mentally ill and substance abusing populations. Both populations will be screened and receive appropriate services.

Erie County Treatment Court supports and has adopted the 10 Key Treatment/ Drug Court components as adopted by the National Association of Drug Court Professionals:

1. Treatment Court integrates alcohol, mental health and other services with Justice System case processing.
2. Using a non adversarial approach, prosecution and defense counsel promote public safety while protecting participants due process rights.
3. Eligible participants are identified **early** and **promptly** placed in the Treatment Court Program.
4. Treatment Court provides access to a continuum of alcohol/drug, mental health and other related treatment and rehabilitative services.
5. Absences monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs Treatment Court responses to participant's compliance.
7. Ongoing judicial interaction with each Treatment Court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective Treatment Court planning, implementation and operation.

10. Developing partnerships among Treatment Courts, public agencies and Community-based organizations generates local support and enhances Treatment Court effectiveness.

## ELIGIBILITY

Screening for entrance into Erie County Treatment Court will be available to those defendants who are pre-trial detainees at the Erie County Prison or are out on bond awaiting a preliminary hearing or a trial for a criminal offense. **Defendants must meet both legal and clinical criteria in order to be eligible for Treatment Court.**

## LEGAL CRITERIA

All persons considered for the Treatment Court Program are evaluated for eligibility based on the following criteria:

1. Prior criminal history which does not evidence repeated recidivism (either felony or misdemeanor), and an ability to abide by Probationary requirements.
2. No more than two prior felony convictions or a significant history of misdemeanor convictions.
3. No past or present drug offenses for which a mandatory minimum sentence is mandated (any case involving PWID, Unlawful Delivery of a Manufacture of a Controlled Substance that does not involve a **mandatory minimum sentence**) will be examined with extreme scrutiny by the District Attorney's Office and only approved for the Treatment Court Program in the most extraordinary circumstances.
4. No current supervision by the Pennsylvania Board of Probation and Parole or the Erie County Adult Probation/Parole Department. At the time of application, the defendant cannot already be on supervision with one of these agencies.
5. No prior convictions including previous juvenile adjudications for any of the following:
  - a) 3121 - Rape
  - b) 3122.1 - Statutory Sexual Assault
  - c) 3123 - Involuntary Deviate Sexual Intercourse
  - d) 3124.1 - Sexual Assault
  - e) 3125 - Aggravated Indecent Assault
  - f) 3126 - Indecent Assault
  - g) 3127 - Indecent exposure
  - h) 2702 - Aggravated Assault With a Weapon
  - i) No prior violent felony convictions

- j) No prior firearms convictions
- 6. The defendant must be 18 years old and a resident of Erie County.
- 7. No current or pending charges for Driving Under the Influence of Alcohol or Controlled Substance for the Drug Court component. DUI are accepted for the Mental Health component as long as they meet the clinical criteria.
- 8. The defendant cannot be currently charged with any of the excluded offenses listed above.

Important note for Drug Court participants (Level I and II PA. Sentencing Guidelines) that are funded through the Department of Justice, Drug Court Program Office, please note the following two additional restrictions due to Federal requirements:

- 1. A violent offender is a person who is charged with or convicted of an offense, during the course of which offense or conduct;
  - a. The person carried, possessed or used a firearm or dangerous weapon.
  - b. There occurred the death of, or serious bodily injury to, any person or
  - c. There occurred the use of force against the person of another, without regard to whether any of the circumstances described in sub-paragraph a., b., or c., is an element of the offense or conduct of which or for which the person is charged or convicted.

OR

- 2. Has one or more prior convictions for felony crime of violence involving the use or attempted use of force against a person with the intent to cause death of serious bodily harm.

## **CLINICAL CRITERIA**

All persons considered for the Treatment Court Program are evaluated for eligibility based on the following criteria;

- 1. For the Mental Health component, the individual must have a recent diagnosis of a serious mental illness. They are: schizophrenia, bi-polar, major depression, borderline personality disorder, schizo/affective disorder. This must be verified by a recent psychological/psychiatric evaluation.
- 2. Drug/Alcohol component: an assessment is mandatory that will be conducted by the Drug Court Case Manager. Assessment used is the Addiction Severity

Index (ASI) and the Pennsylvania Client Placement Criteria (PCPC). A dependency on abuse pattern must be present and a need for immediate treatment indicated. The level of care required for treatment would be based on the PCPC criteria.

## **REFERRALS**

Treatment Court referrals can come from a wide variety of sources. For example, the District Attorney's Office, the Public Defender's Office, private attorneys, District Justices, the defendant, family/friends of the defendant, the police, presentence investigators of the Probation Department, Case Managers, advocates, prison counselors or the prison interdisciplinary team.

**See attached Erie County Treatment Court client flow chart.**

## **ENTRANCE PROCESS**

At the initial Treatment Court process, the appropriate Case Manager will provide the Court with a case management plan/treatment plan. The Court will make the final determination as to whether the offender will be accepted into the program. All defendants have a right to be represented by counsel at this stage. If accepted, the Court will have the defendant sign the release conditions outlining the requirements for satisfactory participation in the Treatment Court. The defendant will then be provided with a notice to appear for a regular progress hearing to be scheduled the week following entry into the program. Treatment Court participants will continue to make regular court appearances as determined through the various three phases.

## **PROGRAM COMPONENTS**

All Treatment Court individuals will be required to abide by the release conditions in terms of the Case Management plan which include the requirements for compliance with the individual's treatment program. Defendants will be required to:

1. Participate in a treatment program as often as required by the provider.
2. Report to the Treatment Court Probation Officer and Case Manager as often as required.
3. Submit to urine samples and/or breath testing as often as required.
4. Attend the required support groups as required by the treatment program/or Court.
5. Appear in Court for progress hearings as required by the Court.

## **TEAM STAFFING**

The Treatment Court Team shall meet prior to progress hearings. At the staffings, the Team will discuss the progress of the offenders scheduled to appear in Court. Problem areas will be discussed and alterations in the case management plan (options) will be considered. The Team will also discuss any potential new cases scheduled for entry into the program.

This process should insure that all Team Members recommendations are clear and consistent.

## **PROGRESS HEARINGS**

Judicial Progress Hearings will be held weekly in Open Court to monitor the offender's participation and progress and alter case management plans as needed. An offender's satisfactory progress will result in reduction and frequency of progress hearings as determined by the Treatment Court Team. The offender should have counsel present at any hearings, however, hearings will not be delayed due to unavailability of counsel.

## **DRUG TESTING**

Drug Testing is an important component of Treatment Court. Drug testing is usually conducted by urinalysis on a regular and/or a random basis.

In Phase I of Treatment Court, the offender is tested two times a week. One test will be a regular scheduled test before a progress hearing, the other will be random. Testing occurs either at the treatment provider, or at the site of the vendor selected by the Treatment Court. In Phase II of Treatment Court, drug testing occurs two times a week, both random. In Phase III of Treatment Court, drug testing occurs once a week, again randomly.

Drug testing results are reviewed by the Drug Court Team before each judicial progress hearing. Incentives for drug free samples are provided. Sanctions occur for positive urine analysis or missed drug testing or individuals who are unable to provide a urine sample when requested or who attempt to provide an adulterated sample.

Policies and procedures of the agency or vendor who conducts the drug testing must be strictly adhered to by that agency or vendor. Only properly trained staff may conduct drug testing.

Treatment Court participants who contest drug testing results, can request another confirmation of that sample by another drug testing method done at a clinical laboratory.

## **Sanctions and incentives are used to encourage progress.**

### **SANCTIONS**

The Erie County Treatment Court recognizes that relapse and decompensation is part of the recovery process. Successful intervention in general is a long term process and the Court anticipates that a significant number of participants may relapse or decompensate. Sanctions are one means of addressing this.

Offenders who fail to comply with program requirements (supervision, treatment, urinalysis, etc.) will be held accountable through the impositions of graduated sanctions. Sanctions demonstrate that there are immediate consequences to inappropriate behavior/non-compliance and may include (but not limited to):

1. Warning and admonishment from the bench in open court
2. Increased supervision and treatment requirements
3. Increased urinalysis
4. Demotion to an earlier treatment phase
5. Community Service/fine
6. Electronic Monitoring/Intensive supervision
7. Shock incarceration-jail confinement
8. Increased participation fee
9. Termination from the program via revocation or reinstatement of regular court processing

### **INCENTIVES**

During the progress hearings, participants who have achieved the treatment levels and exhibited drug free and responsible behavior will be rewarded and encouraged by the Court via a series of incentives including (but not limited to):

1. Applause
2. Verbal accolades
3. Advancement into the next treatment level
4. Decreased supervision and treatment requirements
5. Award of achievement symbols - gift certificates, YMCA passes, etc.

### **PROGRAM LENGTH**

The expected length of participation in the Erie County Treatment Court will be a minimum of twelve (12) months. Length of participation will vary depending upon the individual's criminal offense, individual's participation and progress in each treatment phase.

See attached treatment Phases, Phase I, Phase II, Phase III for principle goals and methods.

## **GRADUATION**

Participants who have achieved program goals and completed all three (3) phases will be eligible to graduate. Graduation ceremonies shall take place in Open Court or at some other arranged site.

## **TERMINATION**

Treatment Court participants who refuse to comply with the release conditions will be terminated and revoked from the Treatment Court Program. Termination from the program will be determined only by the Treatment Court Judge with appropriate input from the treatment providers, appropriate case managers, Probation Officer, Assistant District Attorney, and Public Defender who are assigned to the Treatment Court.

Individuals who have already graduated from Treatment Court may reapply if they decompensate, relapse, or reoffend. Admission is at the discretion of the Treatment Court Team as long as the individual meets the legal eligibility criteria. The Treatment Court Judge will make this final decision as to whether or not the previously graduated offender will be accepted back into the program.

# ERIE COUNTY TREATMENT COURT PROGRAM TREATMENT PHASES

PHASE I	PHASE II	PHASE III
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PRINCIPLE GOALS	PRINCIPLE METHODS	PRINCIPLE GOALS	PRINCIPLE METHODS	PRINCIPLE GOALS	PRINCIPLE METHODS
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<ul style="list-style-type: none"> <li>• Discontinue use of drugs</li> <li>• Stabilize physical health</li> <li>• Begin job interview and secure employment</li> </ul> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;"><b>AVERAGE DURATION</b></p> <p style="text-align: center;"><b>2 TO 3 MONTHS</b></p>	<ul style="list-style-type: none"> <li>• Urinalysis two times per week</li> <li>• Psychosocial and physical assessment</li> <li>• Individual and group counseling</li> <li>• Develop treatment plan</li> <li>• Support groups</li> <li>• Assessment of job skills</li> <li>• Assessment of education</li> <li>• Court fees and fines must be current</li> </ul>	<ul style="list-style-type: none"> <li>• Remain drug free</li> <li>• Maintain employment</li> <li>• Begin GED education if needed</li> </ul> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;"><b>AVERAGE DURATION</b></p> <p style="text-align: center;"><b>3 TO 6 MONTHS</b></p>	<ul style="list-style-type: none"> <li>• Urinalysis two times per week</li> <li>• Continued individual and group counseling</li> <li>• Update treatment plan</li> <li>• Assessment future goals and need for further education</li> <li>• Support groups</li> <li>• Court fees and fines must be current</li> </ul>	<ul style="list-style-type: none"> <li>• Remain drug free</li> <li>• Secure GED or higher</li> <li>• Accept drug free lifestyle</li> </ul> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;"><b>AVERAGE DURATION</b></p> <p style="text-align: center;"><b>3 TO 5 MONTHS</b></p>	<ul style="list-style-type: none"> <li>• Urinalysis one per week</li> <li>• Continued individual and group counseling</li> <li>• Update treatment plan</li> <li>• Maintain employment</li> <li>• GED or education classes if needed</li> <li>• Support groups</li> <li>• Court fees and fines must be current</li> </ul>
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Court progress hearings weekly with possible sanctions for non compliance	Court progress hearing bi-weekly with possible sanctions for non compliance	Court progress hearings monthly with possible sanctions for non compliance
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# ERIE COUNTY TREATMENT COURT CLIENT FLOW CHART-FEBRUARY 2002

