

**26th JUDICIAL DISTRICT
INTENSIVE SUPERVISION COURT**

DUI TREATMENT COURT

PROGRAM

POLICY AND PROCEDURE

MANUAL

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I. INTRODUCTION

A. MISSION STATEMENT

The mission of the 26th Judicial District Intensive Supervision Court DUI Treatment Court Program is to promote treatment, recovery, education, and a change in the attitude of high-risk DUI offenders to reduce recidivism, crime, and the cost of the criminal justice system with the support of the general public and for the benefit of the community. The Court will leverage its partnerships and authority to rehabilitate the participants with intensive supervision, evaluation, and treatment to bring about personal responsibility, accountability, and productive citizenship.

B. GOALS AND OBJECTIVES

The DUI Treatment Court Program primary goals and objectives are:

GOAL I: Reduce costs

Objectives

- Provide an alternative to long-term incarceration for offenders who match the eligibility criteria and reduce the substantial costs associated with that incarceration.
- In choosing this alternative we will save taxpayer dollars and court and prison costs will be decreased as well as lightening the burden on the criminal justice system to handle violent and other serious cases.
- Quickly screen defendants for eligibility and start participation promptly.

GOAL II: Promote long term recovery of participants

Objectives

- Provide community based therapeutic treatment and other supportive services based on the individualized needs of each participant supported

through a comprehensive program of supervision, monitoring, and other elements such as rewards and sanctions.

- The DUI Treatment Court Program implements a new alternative for rehabilitation and recovery not currently available to offenders.

GOAL III: Reduce and eliminate use of alcohol and controlled substances, related criminal activity, and recidivism rates

Objectives

- Mandate intensive substance abuse treatment and close judicial supervision and mentoring of all participants.
- Frequent, random, observed testing will be performed as well as intensive supervision with curfew checks and field visits.
- Impose immediate sanctions for non-compliance as well as positive reinforcement and rapid response to success.
- Focus on rehabilitation and recovery while requiring personal accountability to break the cycle of addiction.

GOAL IV: Facilitate development to generate responsible, productive citizens

Objectives

- Provide a system of care network through effective collaboration with the criminal justice, health care treatment, and social service systems.
- Require community service work, education, job training, and employment, underlining the significance of becoming an industrious member of the community.
- Each participant must submit a paper highlighting the pitfalls and successes of their journey of recovery along with a plan for meeting the challenges ahead in their continuing journey of recovery. This paper will be completed in the last phase and is a requirement for program completion.

C. TEN GUIDING PRINCIPLES FOR DWI COURTS

GUIDING PRINCIPLE #1: Determine the Population

Targeting is the process of identifying a subset of the DWI offender population for inclusion in the DWI Court program. This is a complex task given that DWI Courts, in comparison to traditional DUI Treatment Court Programs, accept only one type of offender: the hardcore impaired driver. The DWI court target population, therefore, must be clearly defined, with eligibility criteria clearly documented.

GUIDING PRINCIPLE #2: Perform a Clinical Assessment

A clinically competent and objective assessment of the impaired-driving offender must address a number of bio-psychosocial domains including alcohol use severity and drug involvement, the level of needed care, medical and mental health status, extent of social support systems, and individual motivation to change. Without clearly identifying a client's needs, strengths, and resources along each of these important bio-psychosocial domains, the clinician will have considerable difficulty in developing a clinically sound treatment plan.

GUIDING PRINCIPLE #3: Develop the Treatment Plan

Substance dependence is a chronic, relapsing condition that can be effectively treated with the right type and length of treatment regimen. In addition to having a substance abuse problem, a significant proportion of the DWI population also suffers from a variety of co-occurring mental health disorders. Therefore, DWI Courts must carefully select and implement treatment strategies demonstrated through research to be effective with the hardcore impaired driver to ensure long-term success.

GUIDING PRINCIPLE #4: Supervise the Offender

Driving while impaired presents a significant danger to the public. Increased supervision and monitoring by the court, probation department, and treatment provider must occur as part of a coordinated strategy to intervene with hardcore DWI offenders and to protect against future impaired driving.

GUIDING PRINCIPLE #5: Forge Agency, Organization, and Community Partnerships

Partnerships are an essential component of the DWI Court model as they enhance credibility, bolster support, and broaden available resources. Because the DWI Court model is built on and dependent upon a strong team approach, both within the court and beyond, the court should solicit the cooperation of other agencies, as well as community organizations to form a partnership in support of the goals of the DWI Court program.

GUIDING PRINCIPLE #6: Take a Judicial Leadership Role

Judges are a vital part of the DWI Court team. As leader of this team, the judge's role is paramount to the success of the DWI Court program. The judge must be committed to the sobriety of program participants, possess exceptional knowledge and skill in behavioral science, own recognizable leadership skills as well as the capability to motivate team members and elicit buy-in from various stakeholders. The selection of the judge to lead the DWI Court team, therefore, is of utmost importance.

GUIDING PRINCIPLE #7: Develop Case Management Strategies

Case management, the series of inter-related functions that provides for a coordinated team strategy and seamless collaboration across the treatment and justice systems, is essential for an integrated and effective DWI Court program.

GUIDING PRINCIPLE #8: Address Transportation Issues

Though nearly every state revokes or suspends a person's driving license upon conviction for an impaired driving offense, the loss of driving privileges poses a significant issue for those individuals involved in a DWI Court program. In many cases, the participant solves the transportation problem created by the loss of their driver's license by driving anyway and taking a chance that he or she will not be caught. With this knowledge, the court must caution the participant against taking such chances in the future and to alter their attitude about driving without a license.

GUIDING PRINCIPLE #9: Evaluate the Program

To convince stakeholders about the power and efficacy of DWI Court, program planners must design a DWI Court evaluation model capable of documenting behavioral change and linking that change to the program's existence. A credible evaluation is the only mechanism for mapping the road to program success or failure. To prove whether a program is efficient and effective requires the assistance of a competent evaluator, an understanding of and control over all relevant variables that can systematically contribute to behavioral change, and a commitment from the DWI Court team to rigorously abide by the rules of the evaluation design.

GUIDING PRINCIPLE #10: Ensure a Sustainable Program

The foundation for sustainability is laid, to a considerable degree, by careful and strategic planning. Such planning includes considerations of structure and scale, organization and participation and, of course, funding. Becoming an integral and proven approach to the DWI problem in the community however is the ultimate key to sustainability.

II. PROGRAM ORGANIZATION AND STRUCTURE

A. STRUCTURE/MODEL

The 26th Judicial District Intensive Supervision Court DUI Treatment Court Program is a post-plea, post-sentence model offered to eligible offenders charged with a repeat DUI offense. Participants must meet the eligibility requirements for entry into the DUI Treatment Court Program (as defined under the section “Eligibility Criteria”) and must have a verifiable history of substance abuse. Procedurally, offenders may be referred to the DUI Treatment Court Program as a condition of an initial sentence through a negotiated plea agreement between the Commonwealth and the Defense Attorney or as a treatment strategy for offenders charged with a violation of the conditions of their probation.

Eligible offenders who are accepted into the DUI Treatment Court Program are placed on special conditions of probation that appropriately support the goals of recovery and rehabilitation for program participants. Placed under the supervision of the Judge assigned to the DUI Treatment Court Program, enrollees consent to participate in a structured, five (5) phase program that involves treatment, random drug testing, breath analysis, case management sessions, electronic monitoring, and other program-related requirements. Once enrolled, DUI Treatment Court Program participants should anticipate that they will remain enrolled in the program for at least 16 months. Program participants are subject to all of the conditions of probation recommended by the DUI Treatment Court Team and approved by the DUI Treatment Court Judge.

The 26th Judicial District Intensive Supervision Court DUI Treatment Court Program is an offender-focused rehabilitation model that recognizes the powerful influence of substance abuse as a driver of behavior. Recognizing that recovery from addiction is vital to community safety and individual accountability, the Intensive Supervision Court leverages four characteristics of its DUI Treatment Court Program as its foundation for participant support toward recovery.

- Unique involvement of the DUI Treatment Court Judge
- A non-adversarial, collaborative approach to treatment
- Recognition, rewards, and positive reinforcement for progress
- Rapid imposition of negative sanctions as incentives to promote compliance and to modify negative behaviors

To promote the interests of the offender, and the community in which he/she lives, the Intensive Supervision Court provides an alternative to traditional case processing and disposition that emphasizes the value of:

- Collaborative treatment planning and case management
- Dedicated leadership and professional resources who are well-informed on the cycle of alcohol/drug abuse and its consequences
- Positive reinforcement and the rapid response to success
- Graduated sanctions as vital to the support and reinforcement of the adopted treatment interventions
- Long-term treatment and sanctioning models that have a reasonable tolerance for relapse that is consistent with the recovery process
- Integrating treatment planning with judicial decision-making

B. TARGET POPULATION

The 26th Judicial District Intensive Supervision Court DUI Treatment Court Program targets non-violent offenders where there is a reasonable assumption that the offender's criminal activity is connected directly to the ongoing, chronic, habitual abuse of substances. Absent an interruption in their cycle of addiction, it is likely the criteria-eligible offenders will continue to commit crime, reenter the criminal justice system, and be exposed to long-term incarceration or other negative consequences that often result from traditional, less resource-intensive approaches to case disposition.

Typically, offenders enrolled in the DUI Treatment Court Program will have social histories hallmarked by prior contacts with law enforcement, previous exposure to

alcohol and drug treatment systems, and a history of relapse into substance abuse. The target offenders will require and respond to a more intensive focus on treatment, monitoring, and judicial intervention that hallmark DUI Treatment Court Programs.

Through effective intervention into the cycle of addiction, the DUI Treatment Court Program transitions participants from addicted persons to productive citizens, capable of meeting the challenges of recovery and adult life in a complex society.

C. INTENSIVE SUPERVISION COURT

DUI Treatment Court Team Roles and Responsibilities

- Common Pleas Judge
- Magisterial District Judge
- Prosecutor
- Public Defender
- Probation and Parole Officer
- Case Manager/Treatment Coordinator
- Law Enforcement Representative
- Victim Witness Coordinator
- Court Programs and Development Director

All team members will

- Attend and actively participate in staffing
- Attend status hearings
- Remain accessible to each participant
- Provide possible referrals for Intensive Supervision Court
- Recommend appropriate sanctions and incentives
- Be a community advocate for effectiveness of the program
- Be actively involved in the ongoing development of the Program
- Provide guidance and supervision of DUI Treatment Court Program participants

DUI Treatment Court Judges

- Preside over courtroom proceedings
- Explain legal rights, options, program requirements at orientation and confirm them with each participant as they enter the program
- Impose appropriate incentives and sanctions
- Establish a rehabilitative relationship with each participant through intensive interaction during court appearances
- Review treatment progress and address it directly with the participant in Court, considering the recommendations of the DUI Treatment Court Team
- Ensure compliance with the DUI Treatment Court Program rules by participants
- Provide encouragement and motivation to each DUI Treatment Court Program participant

Prosecutor

- Make eligibility determinations and contacts collaborative agencies for input
- Make determinations for terminations and new charges that balance community needs and therapeutic outcomes
- Responsible for who is recommended for consideration into the program
- Ensure compliance with state law
- Negotiate and complete plea agreements

Public Defender

- Discuss pros and cons with potential participant
- Review cases for potential legal issues
- Advocate for fair process
- Advises potential participants and current participants of their rights

Probation Officer

- Case management and community supervision of each participant
- Referral to community resources

- Field visits/curfew checks
- Drug tests
- Maintain ongoing communication and sharing of information with Court Programs and Development Director
- Coordinate with law enforcement
- Collateral contacts
- Identify potential participants for diversion from Revocation
- Imposition of sanctions and rewards
- Update DUI Treatment Court Team on progress of each participant
- CRN evaluation

Case Manager

- Conduct assessments with clients and gather all relevant treatment information
- Facilitate evaluations, treatment referrals, preparing service plans, and coordinating treatment
- Meet with participants on a regular basis
- Maintain confidentiality protection
- Advocate for pro-social activities
- Update DUI Treatment Court Team on progress of each participant
- Ensure signing of all confidential releases required for communication with DUI Treatment Court Team
- Maintain ongoing communication and sharing of information with Court Programs and Development Director

Law Enforcement

- Assist in field visits and checks on participants
- Report any violations
- Conduct random drug and alcohol testing before Intensive Supervision Court hearings
- Follow up on warrants issued by the Court

- Provide eligibility feedback during initial screening process

Victim Witness Coordinator

- Advocate for victims of D.U.I. offenders in Treatment Court as it relates to restitution and impact statements
- Liaison between Team and MADD, SADD, and local D.U.I. Coordinators
- Development of Victim Impact Panels

Court Programs & Development Director

- Manage the daily operations of the Intensive Supervision Court
- Screen and evaluate potential participants for eligibility, explain program details, and meet with as necessary
- Create and maintain a system of organization that keeps track of all participants
- Create and maintain a data collection system to monitor client compliance, identify trends, and provide a basis for evaluation
- Coordinates community service opportunities, develops community resources, monitors quality assurance
- Create and maintain ongoing log of incentives and sanctions given to each participant and assures consistency in that each participant is treated as an individual
- Collects information and ensures each member of the DUI Treatment Court Team is informed
- Facilitate team/staff meetings
- Participates in the preparation and submission of grant applications
- Attend and participate in meetings and committees as the Intensive Supervision Court representative
- Create and tailor each required document to the needs of the Intensive Supervision Court
- Develop and maintain eligibility standards, operating procedures, and rules for the Intensive Supervision Court

III. ENTRY AND ASSESSMENT

A. ELIGIBILITY CRITERIA

Participation in the DUI Treatment Court Program shall be permitted at the discretion of the District Attorney. A defendant who otherwise may be eligible for participation may be denied access into the program by the District Attorney based upon factors including, but not limited to: a significant felony or non-felony criminal history; significant number of counts in current cases; evidence that the defendant is not amendable to treatment; whether defendant has adequate social support structures to make success likely. The District Attorney will give great weight to the wishes of victims and law enforcement.

Admission to the DUI Treatment Court Program is made on a case by case basis. Clients must have an identifiable substance abuse problem and be able to acknowledge his/her substance abuse has contributed to his/her criminal conduct and subsequently needs help.

Offenders entering the DUI Treatment Court Program must meet the following eligibility criteria:

- A resident of the 26th Judicial District;
- DUI offenses to include Tier 1, 3rd and subsequent offenses, Tier 2, 3rd and subsequent offenses, Tier 3, 2nd and 3rd offenses;
- Tier 3, 4th offenses considered on a case by case basis;
- No current charges or prior convictions for violent offenses;
- Sanctioned and approved by the District Attorney for referral to the DUI Treatment Court Program as part of a binding plea agreement or referred as a condition of a violation of probation providing the underlying offense was a DUI;
- Willing and able to consent to enter the DUI Treatment Court Program;
- Assessed as having a serious substance abuse disorder (particularly addictions) based upon Pennsylvania Client Placement Criteria;

- Physically, emotionally, and mentally capable of participating in Intensive Supervision Courts program and activities;
- Subject to at least 2 years of probation;
- Must be willing to admit offense(s) with which he/she has been charged;
- No defendant engaged in active informant work with any police or investigative agency;
- No history of homicide/manslaughter;
- No holds from other jurisdictions

B. REFERRALS AND SCREENING

Referrals to the DUI Treatment Court Program may originate from the following sources:

- Law Enforcement
- District Attorney
- Public Defender
- Probation and Parole
- DUI Treatment Court Team
- Treatment Providers

The goal is to process a case from preliminary hearing to placement in the DUI Treatment Court Program in 30 to 45 days. Research has shown the earlier the intervention with a drug/alcohol addicted offender, the greater the likelihood of interruption of the drug/alcohol related behavior. The potential candidate may be given information regarding the DUI Treatment Court Program by any of the above sources. A formal referral should be sent to the Court Programs and Development Director. The candidate will meet with the Court Programs and Development Director for the initial screening and to complete the application process. The referral and application will be passed on to the District Attorney's Office and there will be a review of qualifying/disqualifying factors. If the District Attorney deems the candidate eligible, the probation department will conduct a criminal record check,

sentence guideline form, and an abbreviated pre-sentence report. If the candidate does not meet the eligibility criteria, a denial letter will be prepared by the District Attorney's Office and forwarded to the candidate, the defense counsel, and the Court Programs and Development Director.

If the candidate is approved for further processing for the DUI Treatment Court Program, they will be responsible for obtaining a CRN evaluation as soon as possible. Once the CRN evaluation is completed, the candidate will be referred to Columbia Montour Snyder Union Base Service Unit (CMSU) for a drug and alcohol assessment. The completed drug/alcohol assessment will be returned to the Court Programs and Development Director. Once the evaluation is complete the matter will be scheduled for staffing with the DUI Treatment Court Team. The Team will vote on acceptance. Final decisions are based on the sole discretion of the DUI Treatment Court Judge. If the application is denied, the District Attorney will notify the applicant. Defense Counsel for the applicant may request reconsideration and may request to speak with the Team.

C. ADMISSION

If accepted into the DUI Treatment Court Program the defendant will meet with Defense Counsel and Court Programs and Development Director to review the specific conditions of the program and sign appropriate forms. If the defendant accepts the conditions of the program, he/she will be scheduled to appear at the next Status Hearing. In addition to completing the standard colloquy, the defendant and Defense Counsel will complete a DUI Treatment Court Colloquy, which specifies general DUI Treatment Court Program conditions. All further proceedings will be non-adversarial.

D. GUILTY PLEA AND SENTENCING

The DUI Treatment Court Program participant will appear when scheduled. The participant will enter a guilty plea and be sentenced to a period of incarceration and a term of Intermediate Punishment. Each participant is required to actively participate in the five (5) phase program for a minimum of 16 months. Phase I will begin once the participant is released from incarceration. Additionally, if the defendant is referred to inpatient treatment, Phase I will commence after completion of said treatment. The participant will enter Phase I and be placed on electronic monitoring. The case manager will advise the participant of treatment requirements. The participant will then be advised when to appear for the next Status Hearing. After completion of the DUI Treatment Court Program, any remaining supervision period will be transferred to a standard probation caseload.

E. FILES

Intensive Supervision Court Files are separate and distinct from court, probation, and District Attorney files. All Intensive Supervision Court files are **confidential** and not open to the public. All files shall be under the sole discretion of the Intensive Supervision Court DUI Treatment Court Team. No department or person, outside of the Intensive Supervision Court will have access to the files.

IV. PROGRAM COMPONENTS

A. PHASES OF THE DUI TREATMENT COURT PROGRAM

The DUI Treatment Court Program consists of five (5) phases. The first four (4) phases are a minimum of three (3) months and the fourth phase is a minimum of four (4) months, for a total minimum of sixteen (16) months. The DUI Treatment Court Team, upon application of the participant, shall determine when promotion to the next phase is appropriate. If the participant is serving a sentence or referred to inpatient treatment upon acceptance into the program, the individual will begin

appearances with the Intensive Supervision Court immediately after release, but the time spent in jail or inpatient treatment **does not** count toward phase advancement.

PHASE I (STABILIZATION)

(Minimum of three (3) months)

Treatment Requirements:

- Attend all treatment sessions
- Meet with Case Manager as required
- Five (5) self-help meetings weekly
- Find a sponsor

Supervision Requirements

- Electronic Monitoring and House Arrest
- Minimum of one (1) weekly meeting
- Random Drug Testing – minimum of one (1) weekly – each participant must call the Court Programs and Development Director Monday – Friday (except days scheduled to appear in court) to learn if they need to report for a urinalysis or any other drug testing
- Comply with curfews
- Daily journal/log
- Court requirements: weekly appearances
- Community service

Sponsor Requirements

- Three (3) years clean
- No supervision/probation

Phase Advancement Requirements

- Physical
- Approved temporary sponsor
- Approved Phase Advancement Application

PHASE II (RECOVERY)

(Minimum of three (3) months)

Treatment Requirements

- Attend all required treatment sessions
- Meetings with Case Manager as required
- Five (5) self-help meetings weekly
- Sponsor

Supervision Requirements

- Electronic Monitoring and House Arrest (if applicable)
- Alcohol monitoring
- Minimum of one (1) weekly meetings
- Random Drug Testing – minimum of one (1) weekly
- Comply with curfews
- Journal
- Court requirements: weekly appearances
- Obtain employment
- Continuing education/job training/GED
- Monthly payments on costs, fines, and restitution
- Meeting financial obligations
- Stay healthy/exercise

Phase Advancement Requirements

- Approved Sponsor
- Participate in Victim Impact Panel
- Financial review and credit counseling
- Employment
- Approved Phase Advancement Application

PHASE III (TRANSITION)

(Minimum of three (3) months)

Treatment Requirements

- Attend all treatment sessions
- Meetings with Case Manager as required
- Five (5) self-help meetings weekly
- Sponsor

Supervision Requirements

- Electronic Monitoring and House Arrest (if applicable)
- Minimum of one (1) weekly meeting
- Random Drug Testing – minimum of one (1) weekly
- Comply with curfews
- Journal
- Court requirements: bi-weekly appearances
- Employment
- Continuing education/job training/GED
- Monthly payments on costs, fines, and restitution
- Meeting financial obligations
- Stay healthy/exercise

Phase Advancement Requirements

- Employment
- Approved Phase Advancement Application

PHASE IV (PRE-RELEASE)

(Minimum of ninety (90) days)

Treatment Requirements

- Attend all treatment sessions
- Meetings with case manager as required
- Five (5) self-help meetings weekly
- Sponsor

Supervision Requirements

- Electronic Monitoring and House Arrest (if applicable)
- Minimum of one (1) meeting bi-weekly
- Random Drug Testing – minimum of one (1) weekly
- Comply with curfews
- Journal
- Court requirements: every three weeks
- Employment
- Continuing education/job training/GED
- Monthly payments on costs, fines, and restitution
- Meeting financial obligations
- Stay healthy/exercise

Phase Advancement Requirements

- GED (if applicable)
- Driver's license (if applicable)
- Employment
- Approved Phase Advancement Application

PHASE V (SUPPORT)

(Minimum of one hundred twenty (120) days)

Treatment Requirements

- Treatment
- Meetings with Case Manager as required
- Five (5) self-help meetings weekly
- Speak at two Alcohol Highway Safety Classes
- Sponsor

Supervision Requirements

- Minimum of one (1) every three weeks
- Random Drug Testing – minimum of one (1) weekly
- Comply with curfews

- Court requirements: monthly appearances
- Employment
- Continuing education/job training
- Big brother/sister to new DUI Treatment Court Program participant
- Monthly payments on costs, fines, and restitution
- Meeting financial obligations
- Stay healthy/exercise

Commencement Requirements

- Full-time employment
- DUI Treatment Court Program costs to date
- Reflective essay
- Specific plans for after-care and continuing sobriety and recovery
- Treatment completed
- 120 days clean

B. AFTERCARE

The aftercare phase consists of a joint plan that includes expectations from the Drug Treatment Court Team and aspects important to participants and families to assist the participant in living a clean and sober lifestyle. The goal of the Aftercare Phase is to allow the participant to utilize the supports and skills they developed to maintain a healthy, positive, and productive lifestyle. The participant will work with the Probation Officer and Case Manager to design a plan that assists in living a clean and sober lifestyle based on what they experienced in drug court. An Aftercare Planning Meeting will be scheduled when the participant completes all the requirements of the Drug Treatment Court and before graduation. The meeting will be an opportunity for the participant to present the Aftercare Plan to the Team. The Aftercare Plan goes into effect once it has been approved and the participant is ready to graduate. The Aftercare Plan is a minimum of 180 days and must include participation in a Relapse Prevention Group.

Additional Comments

- Sanctions may be imposed at any level of the program, as deemed necessary by the DUI Treatment Court Judge
- As a client of the DUI Treatment Court Program, participant's individual phases may be extended to address violations or as a sanction, as determined by the DUI Treatment Court Team.

C. RULES OF THE INTENSIVE SUPERVISION COURT

- The participant **MUST TELL THE TRUTH.**
- The participant will appear in court on all scheduled dates, on time, and dressed appropriately.
- The participant must attend all required meetings and appointments.
- The participant will ask permission from the DUI Treatment Court Team before he/she changes address, changes or disconnects his/her telephone number, or changes his/her employment.
- The participant will submit urine samples for testing upon request by the Court, probation officer, case manager, and/or the Court Programs and Development Director as directed. If the participant misses a test or refuses to submit a urine sample, it will count as a positive test.
- The participant will agree to sign any and all releases necessary to monitor his/her progress in the DUI Treatment Court Program.
- The participant will not possess, use, distribute, sell, or have under his/her control any drug or drug paraphernalia, except as authorized by a lawful prescription.
- The participant will not possess or consume alcohol.
- The participant will not knowingly associate with persons using or possessing controlled substances except in the context of treatment.

- The participant will not live with a convicted felon, unless approved by the DUI Treatment Court Team.
- The participant will not violate any law, and understands that if he/she engages in any criminal act, he/she may be prosecuted for any new charge and the new charge may be the basis for his/her exclusion or expulsion from the DUI Treatment Court Program.

D. INCENTIVES

While individuals are participating in the DUI Treatment Court Program, the participants may be given incentives to reinforce positive behaviors.

An incentive, or reward, is an acknowledgement by the DUI Treatment Court Team that a participant has reached a milestone, accomplished a specific goal, or otherwise exhibited positive behavior or change. It is important to acknowledge achievements and progress in some tangible way. Receiving rewards helps participants build self-esteem and sets the stage for continued progress. When participants consistently and positively participate in the DUI Treatment Court Program they may receive incentives for maintaining sobriety and abiding by the conditions of the DUI Treatment Court Program.

There are many possible incentives/rewards that can be granted for each particular achievement or milestone. Since every case is different, the Team decides which reward is most appropriate for each case. In some situations, the Team may grant more than one reward.

E. VIOLATIONS/SANCTIONS

A violation is a negative behavior or action that contradicts the rules, policies, or recommendations of the DUI Treatment Court Program including, but not limited to, dishonesty, new criminal charges, missing an appointment, failure to call in, and any other behavior deemed detrimental to the participant or the DUI Treatment Court Program.

Any violations of the DUI Treatment Court Program rules, policies, or recommendations will result in the immediate imposition of sanctions, as determined by the DUI Treatment Court Judge and/or the DUI Treatment Court Team. The DUI Treatment Court Team will individualize sanctions as deemed appropriate.

F. DISMISSAL FROM THE DUI TREATMENT COURT PROGRAM

Participants can be dismissed from the DUI Treatment Court Program 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 the DUI Treatment Court Program.

If a participant is recommended for removal by the Team from the DUI Treatment Court Program, the participant will be informed of this decision by the DUI 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 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 the new sentence.

G. STAFFING AND STATUS HEARINGS

The DUI Treatment Court Team meets prior to each status hearing to review the progress of each participant, outside the presence of the participants.

The case manager and the probation officer will provide the Team progress reports on each participant. The progress report informs the Team of the participant's compliance in all DUI Treatment Court Program areas since the last hearing. Based on these reports and any additional information brought to the meeting, Team members assess a participant's progress and discuss any potential treatment or programmatic interventions. It is during these meetings that team members discuss, debate, and potentially disagree with the direction of the intervention and team decisions but present a unified position during the Status Hearing. Rewards and sanctions will be given as appropriate.

Team discussions will be conducted with a goal of reaching consensus on action to be taken for each participant. Taking into consideration the recommendations of the Team, the Judge has the final authority on all decisions.

Status hearings for each DUI Treatment Court Program participant will be held throughout their involvement in the Intensive Supervision Court. The Judge, Court Programs and Development Director, Probation Officer, Case Manager, Law Enforcement Representative, District Attorney, and Public Defender will be present to review the participant's progress, and will make comments and suggestions for changes in their supervision/treatment plan. The Judge will discuss the participant's progress and provide him/her with an opportunity to address problems and concerns.

V. PROTOCOLS

A. TREATMENT

The treatment protocol provides for intensive therapeutic interventions for alcohol or drug (AOD) dependent persons enrolled in the DUI Treatment Court Program. The treatment model is outpatient. However, where indicated, participants may be referred to and required to successfully complete a residential treatment program or, if necessary, during the outpatient program. The program will also develop procedures for those who have co-occurring disorders where the AOD dependence

masks the symptoms of the serious mental illness(es). Having a co-occurring mental health disorder will not disqualify an individual from participating in the DUI Treatment Court Program, if they are capable of full and active participation in every element of the DUI Treatment Court Program.

Consistent with the Drug Court model, treatment begins with a thorough and complete assessment of an offender's history and level of involvement with alcohol and other drugs. Based on this assessment, the treatment provider will develop a treatment plan.

B. SUPERVISION

Supervision is a shared responsibility among all members of the DUI Treatment Court Team achieved through effective collaboration, decision-making, and rapid response to conditions that may lead to relapse or further criminal activity by program participants. Unique to the DUI Court Treatment model is the active personal involvement of the DUI Treatment Court Judge at the Status Hearings with each of the program participants. However, the primary responsibility for day-to-day supervision of program participants rests with the probation officer and case manager. Working in collaboration with the DUI Treatment Court Team, the probation officer and case manager will meet as directed with each participant.

C. TESTING

Effective drug testing must be random, frequent, and observed. DUI Treatment Court Program participants are randomly tested for drugs/alcohol at a minimum of twice per week. Drug/alcohol testing is authorized and/or performed by multiple individuals and agencies, including the probation officer, case manager, treatment counselor, Sheriff's Department, local law enforcement, and the Court Programs and Development Director.

Visual inspections and physical searches of clients will be conducted in order to maintain the integrity of the testing procedure. Clients may be required to remove outer clothing and wash hands prior to providing a urine sample. Urine samples will be tested using on-site testing device. 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.

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

Random urinalysis drug testing can be done seven days a week. Each participant In Phase I thru Phase III is required to call the Court Programs and Development Director Monday through Friday. The only exception is participants are not required to call on the days that they must appear for a status hearing.

D. MEDICATIONS/SUPPLEMENTS

Due to the high potential of narcotic medications to interfere with treatment and recovery efforts, the DUI Treatment Court Program prohibits the use of all addictive medications. This includes a policy of prohibiting the use of narcotic pain medications, (Vicodin, Percocet, Oxycontin, etc.) muscle relaxers (Flexoril, etc); sleep aids (Soma, Ambien, etc.) caffeine pills and the use of narcotic anxiolytic/benzodiazepine medications (Xanax, Klonopin, Valium, etc.). Offenders seeking entry into the DUI Treatment Court Program are expected to consult with their treating physician and/or psychiatrist to seek non-addictive medications with no abuse potential. Exceptions to this policy are made only in rare occasions, with the case of documented medical emergency treatment by a primary care physician. Participants who habitually seek exceptions to this policy are subject to increased sanctions and/or termination.

Additionally, no participant of the DUI Treatment Court Program may take any dietary supplements or vitamins as they may contain substances that would alter the normal color of urine or cause a false positive drug test for illegal substances. This includes but is not limited to specific vitamins, multivitamins, weight loss aids, or any other dietary supplement. The consumption of poppy seeds is strictly prohibited while in the program. Lastly, salvia, morning glory seeds, or any other such mood altering or hallucinogenic substance is strictly prohibited.

All offenders are subject to alcohol testing. Because these tests are sensitive it has become necessary to restrict the use of certain alcohol-containing products. It is the responsibility of the offender to limit their exposure to the products and substances that contain ethyl alcohol (cough syrups, non-alcoholic beer/wine, food, and other ingestible products that contain ethyl alcohol, mouthwash, breath strips, and hand sanitizers, hygiene products, solvents, and lacquers.) It is also their responsibility to read product labels and to know what is contained in the products before using and consuming.

VI. ETHICS AND CONFIDENTIALITY

Drug/DUI courts transition the roles of every member of the DUI Treatment Court Team from their traditional separation and independence to a collaborative effort focused on the recovery of drug court participants. Judges become part of a collaborative decision-making team that includes treatment providers, court personnel, attorneys and other law enforcement agents. Prosecutors and defense counsel coordinate their efforts in new ways to achieve a participant's recovery from alcohol or drug addiction, muting their traditional adversarial relationship. Typical courtroom decorum where lawyer-advocates speak on behalf of their clients may give way to direct conversations between the judge and defendant. Defendants become "participants" and may actively engage in discussions on their progress, or lack of progress, with a broader range of "actors" in the criminal justice system. Substance abuse treatment professionals actively engage with the Court and other members of the team far earlier than is the case in more traditional

referrals from the court for treatment and monitoring. These and other transitions in the professional roles of judges, lawyers, treatment professionals, and other law enforcement agents are crucial to the drug court model.

That transition from traditional roles however, requires that drug/DUI courts be consciously aware of ethical and confidentiality considerations to ensure that those who enroll in the program are confident that each member of the DUI Treatment Court Team maintains the highest standards of ethical conduct. Drug/DUI courts, forging new models of collaboration and information exchange, do not redefine the ethical standards of each profession involved in the drug court process. Properly understood, canons of ethics strengthen the drug court model by promoting each member of the team as a unique contributor to the recovery process.

As in any other criminal case, each member of the DUI Treatment Court Team has a specifically defined role. Although the roles of the judge, prosecutor, defense attorney, treatment personnel and other law enforcement agents promote a unified interest in participant recovery and program success, they have not abandoned their roles as advocates for their respective disciplines. Rather, in the context of the drug court, that advocacy role broadens to reflect the benefit(s) that may accrue to the drug court participant, and the community, in the event the participant successfully graduates from the program and recovers from alcohol and/or other drug dependence.

Most often, the ethical issues related to drug court practices involve the *non-adversarial* nature of the proceedings. It is important to note that *non-adversarial* does not equate to *non-advocacy*. Rather, each member of the DUI Treatment Court Team best represents his or her professional responsibilities by advocating a perspective that is consistent with their professional interests as members of a team who contribute equally, through the lens of their respective professions, to the outcome of recovery for every participant in the program. In the context of a drug court, the traditional concepts of the attorneys as “courtroom opponents,” or “opposing counsel,” give way to a common commitment to the best interests of the participant toward ending his or her addictive behaviors.

Similarly, although the DUI Treatment Court Judge will have more intimate and direct involvement with program participants, their counsel, and the other members of the DUI Treatment Court Team, the Judge maintains his or her traditional role as an impartial, independent decision-maker who is advised by other professionals on his or her options to foster compliance with the terms and conditions of probation, and to strengthen to each participants' capacity to engage in the drug court process and graduate from the program.

Substance abuse treatment professionals, operating from a medical, rather than a legal, model, most often interact with probation and corrections officials through the process of reporting compliance with the conditions of probation, or other sanctions, imposed by the court. As members of a collaborative team, case managers will be actively engaged in direct discussions with the DUI Treatment Court Judge, attorneys, and other members of the DUI Treatment Court Team and may have a more active role in guiding the treatment decisions at the front-end of the treatment and referral process than is the case in more traditional courts. As a result, due diligence must be taken to ensure compliance with confidentiality requirements as the traditional insulation of treatment providers from the arena of the courtroom gives way to an active, advisory role to the judge on treatment options that most closely meet the goal of recovery for each participant.

To enhance awareness of the ethical standards and confidentiality requirements for every member of the team, and to be clear on the ethical dimensions involved in a drug court practice, the 26th Judicial District Intensive Supervision Court will:

- Promote and foster the duties of professional competence and due diligence from every member of the DUI Treatment Court Team;
- Maintain, recognize, respect, and value and distinct roles of every member of the team;

- Foster a spirit of collaboration where every member of the team is expected to exercise independent professional judgment and render candid advice on how best to meet the treatment goals and expected outcomes for each participant in the program;
- Add value to the drug court process by promoting authentic advocacy that is consistent with the professional responsibilities of each member of the DUI Treatment Court Team;
- Ensure that every member of the team is fully aware of the drug court model, how it operates, and be able to articulate its risks and benefits to program participants and to the community;
- Promote competency and knowledge on professional ethics and confidentiality and how they may be consistently applied in a drug court setting;
- Ensure that program participants are fully informed on the drug court process, that they give voluntary, informed consent to participate in the DUI Treatment Court Program, and that they are aware of the risks and benefits that are involved with their participation in the program;
- Require that program participants sign appropriate Waivers of Confidentiality that demonstrate that the participant provides informed consent on the consequences of that waiver, that it is given voluntarily, and that he or she has had the opportunity to discuss the terms and conditions of that Waiver with counsel;
- Provide on-going education on the ethical and confidentiality dimensions of drug courts by directing members of the team to current research and writing that address the issues of ethics and confidentiality in drug courts.
- Hold information discussed during pretrial interviews, assessment, team staffing meetings, drug court status hearings and treatment sessions in confidence.
- No results or statements made by participants during Intensive Supervision Court proceedings shall be admissible against participants other than in Intensive Supervision Court proceedings to prove a violation of the Intensive Supervision Court rules or to establish grounds for termination of a defendant from the DUI Treatment Court Program.

VII. APPENDIX

A. Referral Form

B. Guilty Plea Colloquy

C. Consent for Disclosure

D. Application

E. Participation Agreement

F. Entry Process Flow Chart

G. Phases Flow Chart

**26th Judicial District Intensive Supervision Court
DUI Treatment Court Program Referral Form**

This form must be completed by the District Attorney/Assistant District Attorney and Public Defender/Defense Counsel.

Last	First	MI	
Street	City	State	Zip
Home Telephone #	Cell Phone #		
Criminal Case #	Current Charges		

Date of Birth: ___ / ___ / ___

Social Security #: ___ - ___ - ___

OTN: _____

District Justice: _____

CR#: _____

Offense Grade: _____

STEP ONE: Presumptive Qualifying Characteristics

- An individual charged with DUI offenses to include Tier 1, 3rd and subsequent offenses, Tier 2, 3rd and subsequent offenses, and Tier 3, 2nd and 3rd offenses. Tier 3, 4th offenses considered on a case by case basis.
- The individual states to the police or Magisterial District Judge that he/she was an alcohol/drug user at the time of arrest.
- The individual's family, friends, attorney, or probation officer, etc. indicated that he/she is a alcohol/drug user.
- The individual tests positive for alcohol/drug use at the time of arrest.
- Other: _____

STEP TWO: Disqualifying Characteristics

Any item checked below disqualifies the individual unless the District Attorney and Intensive Supervision Court Team determine them to be eligible outside the guidelines and lists the reasons below.

- The individual is not a resident of Columbia/Montour County, Pennsylvania.
- The individual is precluded by Pennsylvania Sentencing Guidelines.
- The individual is charged with 3 or more Felony counts.
- The individual is currently under the supervision of the PA State Parole Board.
- The individual has another charge pending on which he/she would be deemed ineligible.
- The applicant has past convictions or current charges involving an offense deemed violent by the District Attorney.
- Other: _____

TO AVOID DELAYS IN THE PROCESSING: ALL CANDIDATES FOR DUI TREATMENT COURT WILL BE REQUIRED TO HAVE A CRN EVALUATION COMPLETED PRIOR TO THEIR ASSESSMENT WITH CMSU. PLEASE HAVE THE APPLICANT SCHEDULE THE EVALUATION AS SOON AS POSSIBLE. ALSO, PLEASE HAVE THE CANDIDATE FILL OUT ALL OF THE NECESSARY FORMS FOR WORK RELEASE BEFORE SENTENCING, IF ELIGIBLE.

ATTORNEY SIGNATURES needed for referral only and only as to (dis)qualifying characteristics.

District Attorney

Date

Public Defender/Defense Counsel

Date

FOR DRUG AND ALCOHOL CASE MANAGER USE ONLY:

Client was seen on _____ (date) at:

___ CMSU

___ Columbia County Prison

___ Montour County Prison

___ Other _____

Client **does** meet addiction criteria and is recommended for treatment at:

Admission Date and time: _____

Client **does not** meet addiction criteria due to: _____

Case Manager Signature

Date

FOR DUI TREATMENT COURT TEAM USE ONLY:

_____ ELIGIBLE

_____ ELIGIBLE OUTSIDE GUIDELINES DUE TO: _____

_____ INELIGIBLE DUE TO: _____

DATE: ____ / ____ / ____

COLUMBIA MONTOUR DUI TREATMENT COURT PROGRAM APPLICATION FOR ADMISSION

The following application for the Columbia/Montour County Intensive Supervision Court is a binding legal contract. Although final acceptance into the program will be determined by a majority vote of the Intensive Supervision Court Team, the information you supply in this application will be verified for truth and accuracy. Please be thoughtful in your responses.

Applicant First Name	Applicant Last Name	Applicant Middle Name
Attorney's Name	Attorney's Address	Attorney's Phone #
District Court	CR #	Common Please Docket #

The following questions assess your eligibility for admission to the Columbia/Montour Intensive Supervision Court. Please answer by marking an X with complete accuracy and truth.

#	Admission Criteria Questions	Yes	No
1	Are you a current resident of Columbia or Montour county?	<input type="checkbox"/>	<input type="checkbox"/>
2	Have you used illegal drugs in the past year?	<input type="checkbox"/>	<input type="checkbox"/>
3	Do you have a current charge(s) pending for DUI?	<input type="checkbox"/>	<input type="checkbox"/>
4	Have you ever been convicted of a DUI? (Include ARD)?	<input type="checkbox"/>	<input type="checkbox"/>
5	Do you have a current charge(s) pending for DUI with a BAC of .16 or higher?	<input type="checkbox"/>	<input type="checkbox"/>
6	Do you have two or more lifetime DUI convictions?	<input type="checkbox"/>	<input type="checkbox"/>
7	Do you currently possess a valid Pennsylvania State Drivers License?	<input type="checkbox"/>	<input type="checkbox"/>
8	Have you ever <i>been convicted</i> of a "violent" crime or a "crime with a weapon", as defined by the Pennsylvania Crimes Code, in or outside of Pennsylvania?	<input type="checkbox"/>	<input type="checkbox"/>
9	Have you ever attended any residential or out-patient alcohol/other drug treatment?	<input type="checkbox"/>	<input type="checkbox"/>
10	Have you ever "quit" treatment or been discharged unsuccessfully?	<input type="checkbox"/>	<input type="checkbox"/>
11	Have you ever received a psychiatric diagnosis?	<input type="checkbox"/>	<input type="checkbox"/>
12	Are you currently taking any psychiatric / behavior modifying medications	<input type="checkbox"/>	<input type="checkbox"/>
13	Do you believe your legal problems are directly related to their use of alcohol and/or other drugs?	<input type="checkbox"/>	<input type="checkbox"/>
14	Are you a military veteran?	<input type="checkbox"/>	<input type="checkbox"/>
15	Have you had a CRN evaluation completed for your current DUI offense?	<input type="checkbox"/>	<input type="checkbox"/>

I understand that I have a right to a speedy trial, and that pursuant to Pennsylvania Rule of Criminal Procedure 600, the Pennsylvania Constitution, and the U.S. Constitution, the Commonwealth must bring my case to trial within 365 days from the date of the filing of the criminal complaint charging me if I am not in jail (within 180 days if I am in jail) and that if my case is not brought to trial with 365 days (or 180 days if applicable) from the filing of the criminal complaint, I can ask the Court to dismiss all charges against me. I hereby waive my right to a speedy trial.

_____ **(initials)**

Demographic Information

Gender: Male <input type="checkbox"/> Female <input type="checkbox"/>		Date of Birth:	Age:	
Race: White <input type="checkbox"/> African American <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian <input type="checkbox"/> American Indian <input type="checkbox"/> Other <input type="checkbox"/>			Social Security #:	
Religion: Christian <input type="checkbox"/> Methodist <input type="checkbox"/> Presbyterian <input type="checkbox"/> Jewish <input type="checkbox"/> Catholic <input type="checkbox"/> Protestant <input type="checkbox"/> Baptist <input type="checkbox"/> Muslim <input type="checkbox"/> No Religion <input type="checkbox"/> Other <input type="checkbox"/>				
Current home address:			Home Phone #:	
Names of people who are living at home address:				
Length of time at home address:		Home address at time of arrest:		
Applicants current location & address:				

Domestic Information

Marital status: Never married <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/> Widowed <input type="checkbox"/> Live-in relationship <input type="checkbox"/>				
Number of children: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4+ <input type="checkbox"/>		Legal custody: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4+ <input type="checkbox"/>		Physical custody: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4+ <input type="checkbox"/>
Current Children Services Involvement: Yes <input type="checkbox"/> No <input type="checkbox"/>		Case manager:		Phone #:

Financial Information

Income source: None <input type="checkbox"/> Wages <input type="checkbox"/> Commission <input type="checkbox"/> Disability <input type="checkbox"/> Welfare <input type="checkbox"/> Trust <input type="checkbox"/> Family <input type="checkbox"/> Domestic <input type="checkbox"/> Other <input type="checkbox"/>				
Public assistance: (Current) None <input type="checkbox"/> Section 8 Housing <input type="checkbox"/> Food Stamps <input type="checkbox"/> Utilities <input type="checkbox"/> Transportation <input type="checkbox"/> Medical <input type="checkbox"/> Public Defender <input type="checkbox"/> Other <input type="checkbox"/>				
Public assistance: (Past) None <input type="checkbox"/> Section 8 Housing <input type="checkbox"/> Food Stamps <input type="checkbox"/> Utilities <input type="checkbox"/> Transportation <input type="checkbox"/> Medical <input type="checkbox"/> Public Defender <input type="checkbox"/> Other <input type="checkbox"/>				
Monthly income amount: None <input type="checkbox"/> \$1.00 - 300.00 <input type="checkbox"/> \$301.00 - \$500.00 <input type="checkbox"/> \$501.00 - 1,000 <input type="checkbox"/> \$1,001.00 - 1500.00 <input type="checkbox"/> \$1,501.00 and above <input type="checkbox"/>				
Court ordered monthly payments: Child support <input type="checkbox"/> Alimony <input type="checkbox"/> Fines <input type="checkbox"/> Restitution <input type="checkbox"/> Other <input type="checkbox"/> Committed relationship <input type="checkbox"/>				
Monthly Bills/Payments: No debt <input type="checkbox"/> \$1.00 - 300.00 <input type="checkbox"/> \$301.00 - \$500.00 <input type="checkbox"/> \$501.00 - 1,000 <input type="checkbox"/> \$1,001 - 1500 <input type="checkbox"/> \$1,501 and above <input type="checkbox"/>				
Current total debt: No debt <input type="checkbox"/> \$1.00 - \$1,000 <input type="checkbox"/> \$1,000 - \$5,000 <input type="checkbox"/> \$5,001 - 10,000 <input type="checkbox"/> \$10,001 - 20,000 <input type="checkbox"/> \$20,001 and above <input type="checkbox"/>				
Current Legal Representation: Private Attorney <input type="checkbox"/> Public Defender <input type="checkbox"/> No Current Legal Representation <input type="checkbox"/>				

Vocational Information

Employment status: Full Time <input type="checkbox"/> Part Time <input type="checkbox"/> Retired <input type="checkbox"/> Laid Off <input type="checkbox"/> Seasonal <input type="checkbox"/> Homemaker <input type="checkbox"/> Disabled <input type="checkbox"/> Unemployed <input type="checkbox"/>				
Employer name:		Employer address:		
Employment duties / responsibilities:			Employer phone #:	
Length of time at current employment: Less than 1 year <input type="checkbox"/> 1-2 years <input type="checkbox"/> 3-5 years <input type="checkbox"/> 5 - 10 years <input type="checkbox"/> 10 plus years <input type="checkbox"/>				

Education/Training Status

Last grade completed: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> Beyond <input type="checkbox"/>				
Degree: NA <input type="checkbox"/> GED <input type="checkbox"/> H.S. Diploma <input type="checkbox"/> Associate <input type="checkbox"/> Bachelor <input type="checkbox"/> Masters <input type="checkbox"/> Doctorate <input type="checkbox"/> Other <input type="checkbox"/>				
Specialized skills:		Certificates/licenses / #'s:		

Health Information

Current medical condition(s):		Physical disability(s) /chronic illness(s):		
Primary care physician / Phone #:		Medical specialist / Phone #:		
List non-psychiatric medications:				
Medical insurance plan:		Subscriber name:		
Member number:		Customer service number:		

Current Legal Status

Probation Officer:	Phone:
Formal Arraignment: Pending <input type="checkbox"/> Completed <input type="checkbox"/>	Date:

CHARGES / EVENTS LEADING TO TREATMENT COURT APPLICATION

CHARGE(s)	DATE(s)	AOD INVOLVEMENT
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

Describe the legal event / circumstances that lead to your application for Intensive Supervision Court:

Behavioral Health Information

Psychiatric Disorder(s): None Depressive Bi-Polar Anxiety Mood Psychotic Eating Personality Retardation Other

Psychiatric Medications:

Psychiatrist: _____ Phone#: _____

Psychiatric Treatment

Practitioner/Facility	Location	Dates of TX

Comments / Notes (Official Use Only)

Alcohol / Other Drug Use History (lifetime use)		
Wine: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Cocaine: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Seroquel: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>
Liquor: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Crack: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Quaalude: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>
Beer: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Meth: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Suboxone: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>
Heroin: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Adderal: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	LSD: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>
Oxycontin: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Marijuana: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Mescaline: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>
Vicodin: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Hashish: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Mushrooms: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>
Percocet: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Xanax: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	MDMA: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>
Darvicet: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Valium: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Ketamine: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>
Dilaudid: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Klonopin: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	PCP: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>
Morphine: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Ativan: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Inhalants: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>
Methadone: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Ultram: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Steroids: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>
Fentanyl: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	Ambien: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>	OTC Meds: Never <input type="checkbox"/> Infrequent <input type="checkbox"/> Frequent <input type="checkbox"/>

Alcohol / Other Drug Treatment History		
Practitioner/Facility	Location	Dates of TX

Authorization of Application	
Applicant:	Date:
Court Programs and Development Director:	Date:

Application Processing Dates - Official Use Only	
Application Received:	Application Vote / Date: /
Application copied to District Attorney:	Applicant AOD Assessment Date:
Application copied to Probation Officer(s):	Applicant Sentencing Date:
Application Reviewed by TX Court Team:	Applicant Program Start Date:

**CONSENT FOR DISCLOSURE OF CONFIDENTIAL SUBSTANCE ABUSE
TREATMENT INFORMATION:
DUI TREATMENT COURT PROGRAM REFERRAL**

I, _____, hereby consent to communication between CMSU Drug and Alcohol Services, the DUI Treatment Court Team, the Columbia County District Attorney's Office, Montour County District Attorney's Office, Defense Counsel: _____, Columbia County Probation, Montour County Probation, and _____ (other referring agency).

The purpose and need for this disclosure is to inform the Court and other above-name parties of my eligibility and/or acceptability for substance abuse treatment services and my treatment attendance, prognosis, compliance, and progress in accordance with the DUI Treatment Court monitoring criteria. I further authorize the release of my medical record information to the above entities for this same purpose. I understand that the information released may be released by the recipient and may no longer be protected by HIPAA (Federal regulations).

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the DUI Treatment Court case named above, such as discontinuation of all court (probation, parole, intermediate punishment) supervision upon successful completion of DUI Treatment Court Program requirements or upon sentencing for violating the terms of my DUI Treatment Court Program involvement.

I understand that any disclosure made is bound by Part 2 Title 42 of the Code of Federal Regulations and 4 PA Code: 255.5(b) which governs the confidentiality of substance abuse patient/client records. The Federal Rules prohibit any further disclosure of this information unless further disclosure is expressly permitted by written consent of the person to whom it pertains or otherwise permitted by 42 C.F.R. Part 2. The Federal rules restrict any use of information to criminally investigate or prosecute any drug or alcohol abuse client.

_____ My evaluation, testing, diagnosis, and treatment for alcoholism and/or drug abuse or (initials) dependence may be released to the recipients noted on the signed authorization.

_____ My evaluation, testing, diagnosis, or treatment concerning my mental health and/or (initials) rehabilitation information may be released to the recipients noted on the signed authorization.

_____ My testing, diagnosis, or treatment for HIV/AIDS may be released to the recipients (initials) noted on this signed authorization.

Date

Defendant

Date

Witness

- (5) I understand that by agreeing to enter the DUI Treatment Court Program, I am surrendering my rights to:
- (A) a jury trial;
 - (B) to confront and cross-examine Commonwealth witnesses;
 - (C) to file pre and post-trial motions;
 - (D) to raise any legal or factual defense to the current criminal charges;
 - (E) to file an appeal-except as to those issues specified in the standard written Guilty Plea Colloquy
- (6) I also agree to:
- (A) I will report regularly, in person, or in writing, as instructed by my probation officer and abide the verbal or written instructions of my probation officer. I will abide by all the prescribed rules, regulations, and conditions of the Columbia/Montour County Adult Probation/Parole Office and the DUI Treatment Court Program.
 - (B) I will obtain permission from my probation officer before changing my approved residence. I understand that while I am in the DUI Treatment Court Program I may not reside outside of Columbia/Montour County.
 - (C) I will be of good behavior and will comply with all municipal, state, and federal criminal laws, as well as the provisions of the vehicle code and liquor code. I will notify my probation officer immediately of any arrests or investigations by law enforcement agencies. Also, I will immediately advise all law enforcement agencies with which I come in contact that I am under the supervision of the Columbia/Montour County Adult Probation/Parole Office. I will act respectfully towards them at all times, regardless of whether I am a victim, a witness, or am being investigated or arrested.
 - (D) I will make an effort to obtain and maintain bona-fide employment to support my dependents and myself. I will obtain permission prior to changing my employment. If I lose my employment I will immediately notify my probation officer and cooperate with any effort he or she may make to help me obtain employment.
 - (E) I will not travel outside of Columbia/Montour County without permission from my probation officer. I will obtain permission from my probation officer before leaving my home overnight.
 - (F) I will attend and successfully take part in a Drug and Alcohol Treatment Program and fully cooperate with all recommendations until released by the treatment staff and my probation officer. Also, I will attend self-help meetings as directed by each Phase.
 - (G) I will appear in Court as required.
 - (H) I will pay all costs, fines, restitution, and supervision fees imposed by the Court. I understand that failure to do this constitutes a violation of my DUI Treatment Court Program.

- (I) I will not consume alcohol or any substance containing alcohol. I will not consume, possess, or have in my place of residence any alcoholic beverages. I may not frequent any establishment, whose primary business is the sale of alcoholic beverages, including bars, fire companies, and social clubs.
- (J) I will not consume, possess, or have in my place of residence any controlled substance (illegal drugs) or any drug paraphernalia.
- (K) I will not abuse any over the counter or prescription medication. I will not take any prescription medication if it has not been prescribed to me by a licensed physician and approved by the DUI Treatment Court Team. Directions for ingestion of the product, if approved, must be strictly followed. I understand that if I am on prescribed medication, I am not to give/sell any of the medication to anyone. I will notify all medical/dental professionals that I am not allowed to consume or possess any addictive medication or any narcotics and I will provide my probation officer verification that I did so.
- (L) I will permit extension of my treatment as the Court determines appropriate to allow successful completion of the requirements.
- (M) I will not engage in any assaultive behavior which threatens or presents a clear and present danger to others. I will immediately notify police and file a report if I am a victim of an assaultive behavior.
- (N) I understand I must abide by all policy and procedures of the DUI Treatment Court Program. Also, I understand I must abide by all policy and procedure changes that may occur in the DUI Treatment Court Program.
- (O) I understand that if I abscond from the DUI Treatment Court Program a Bench Warrant will be issued for my arrest. I am aware that persons taken into custody on the authority of a Bench Warrant issued by a Court may, in certain circumstances, be entitled to a hearing within seventy-two (72) hours. Wishing to assure that, should I become subject to a Bench Warrant, I will appear before the DUI Treatment Court Judge, I hereby knowingly and voluntarily waive my rights to a Bench Warrant Hearing within seventy-two (72) hours.
- (P) I waive extradition to the Commonwealth of Pennsylvania from any jurisdiction in or outside of the United States of America where I may be found.
- (Q) I agree to abide by curfew restrictions and to comply with the Court's order in every respect. I understand that the curfew restrictions may be monitored by telephone calls or personal visits, day or night. I also agree to provide a urine or other sample or breath test immediately. **I UNDERSTAND AND AGREE THAT IF I OTHERWISE LEGALLY CONTEST OR APPEAL ANY TEST OR MONITOR RESULT, THAT ACTION COULD CONSTITUTE GROUNDS FOR IMMEDIATE REMOVAL FROM THE PROGRAM.**

- (R) I consent to the search of my person or residence upon reasonable suspicion that I have or am violating any term or condition of the DUI Treatment Court Program. I understand that if I have any questions concerning this waiver, I will discuss this with my private attorney, Public Defender, a Court appointed attorney if I request one or the Court if I am not represented by an attorney before being admitted to the Program.
- (S) I understand that if I am removed from the Program and sentenced, I am not entitled to any sentence credits except actual time spent in custody in jail. I understand that if I have any questions concerning sentencing, I will discuss this with my private attorney, Public Defender, a Court appointed attorney if I request one or the Court if I am not represented by an attorney before being admitted to the Program.
- (T) I understand that, in addition to any Program requirements set forth in the DUI Treatment Court application or colloquy, I must successfully complete any treatment program and any other term or condition imposed by the DUI Treatment Court Judge. **I UNDERSTAND AND AGREE THAT I MAY NOT FILE A LEGAL CHALLENGE OR APPEAL ANY CONDITION OR SANCTION IMPOSED BY THE COURT IN THIS PROGRAM.**
- (U) I will comply with the following special conditions:

I have read and understand the above statement and my obligations and the rights I am surrendering. I am knowingly and voluntarily entering into this program.

Date

Defendant

ATTORNEY CERTIFICATION

I, _____, am the attorney for the defendant in the above case, who expressed a desire to enter the DUI Treatment Court Program, and do hereby certify that I have thoroughly explained the DUI Treatment Court Program phases, conditions, and requirements, including each paragraph of the DUI Treatment Court Colloquy, to the defendant. I believe the defendant fully understands the DUI Treatment Court Colloquy. I have thoroughly discussed the facts and circumstances surrounding the filing of the charges against the defendant and I have thoroughly explained each element of each crime as well as all possible defenses to each charge to which the defendant has expressed a desire to enter a plea.

If the defendant enters a plea, I know of no reason why such a plea would not be made as a knowing, understanding, intelligent and voluntary act. Further, I know of no reason why the plea would not be valid and binding. If the plea is nolo contendere, I have fully explained the consequences and effect thereof.

Date

Defense Counsel

**Columbia County Adult Probation and Parole Department
DUI Treatment Court Participation Agreement**

Name: _____

Case #: _____

I understand that I have been accepted to participate in the Columbia/Montour County DUI Treatment Court Program. I understand that participation in DUI Treatment Court involves a minimum time commitment of 16 months, and may include an aftercare term of probation consisting of up to an additional 6 months. I will be under the supervision of the DUI Treatment Court Judge and the Columbia County Adult Probation/Parole Department/Montour County Adult Probation Department. I understand that if I am terminated from the program, I may be sentenced in accordance with the plea agreement or, if there is no plea agreement, in accordance with the allowable sentence authorized by law. I understand that I must consent to the following:

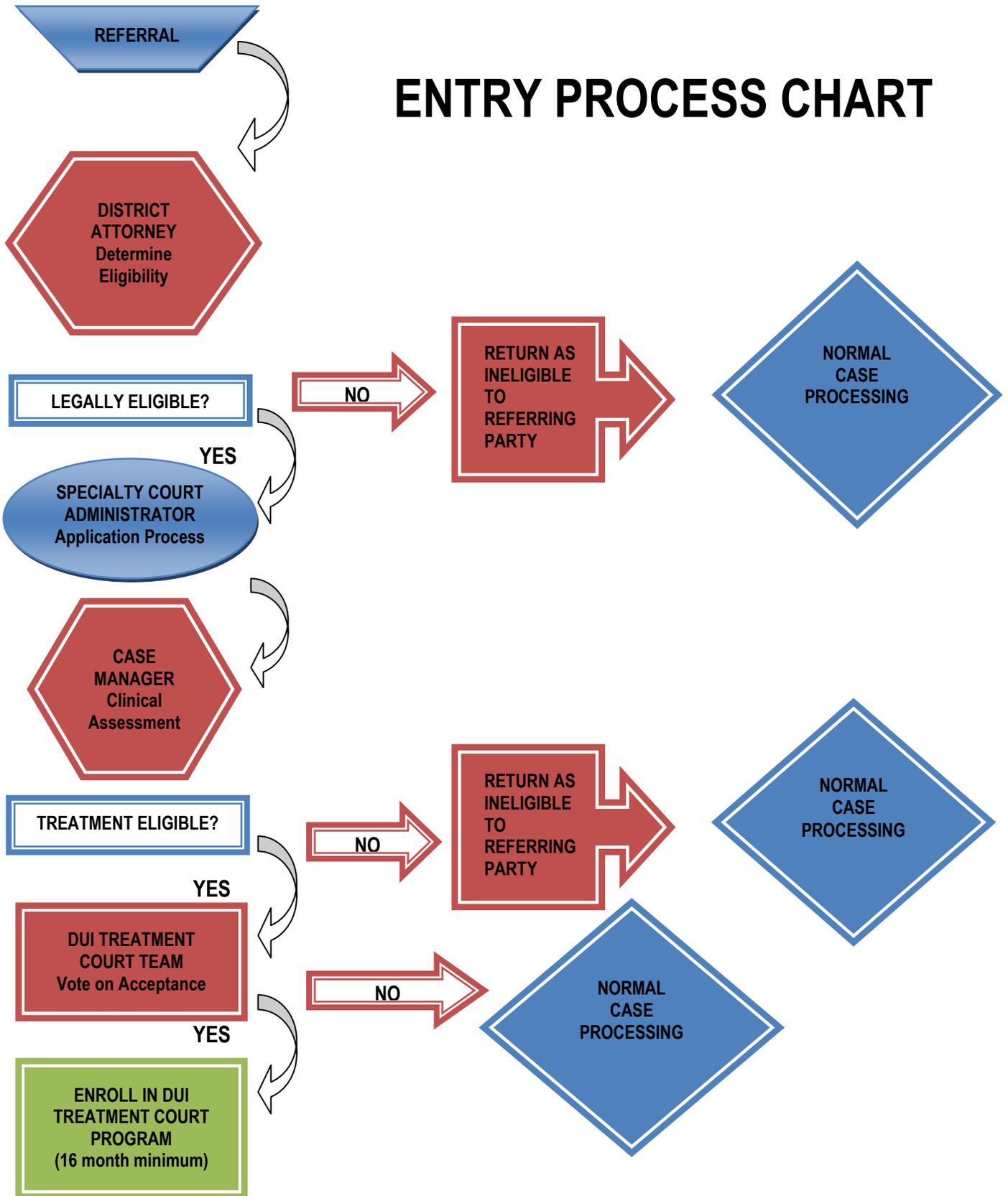
1. I agree to participate in alcohol and/or other drug treatment as directed by the court, including self help meetings (such as AA/NA) as set forth in my treatment plan, and that I will provide verification of attendance. I understand that compliance with treatment recommendations is mandatory.
2. I agree to cooperate with the DUI Treatment Court Team, probation staff, and treatment providers. I also understand that honesty is the most important principle of the program and agree to be honest in all discussions with those individuals. Failing to be honest may justify my termination from the program.
3. I agree to be respectful to the DUI Treatment Court Team at all times including during all conversations, status hearings, and court proceedings. I further agree to be respectful of the other participants during court proceedings and status hearings conducted by the DUI Treatment Court.
4. I agree to attend all treatment meetings, court dates and other scheduled appointments, and I will be on time. I understand that a failure to appear for a court date or any other breach of this agreement will result in the issuance of a bench warrant, I am responsible for transportation in order to fulfill the terms of the DUI Treatment Court Program.
5. I agree to sign any and all consent forms waiving confidentiality of any medical, mental health treatment or social service records. I further agree to sign any and all releases which will allow the DUI Treatment Court Team to review diagnostic and treatment information. If I withdraw my consent, I understand that I will be terminated from the DUI Treatment Court program.
6. I agree that in order to achieve and maintain sobriety, I need to have a permanent and stable residence that supports a sober lifestyle. I understand that I must request permission from the DUI Treatment Court Team or Probation Officer prior to moving or changing my residence.
7. I agree that during the early phases of treatment and recovery, I may be precluded from working or from gaining employment. I further understand that within the time directed by the DUI Treatment Court Team, I will seek employment, job training and/or further education as approved by the DUI Treatment Court Team, and that failure to do so may result in sanctions or termination.
8. I agree to remain in my residence during the hours specified in my case plan. In the event of an emergency, I will notify my Probation Officer immediately, or as soon as possible.
9. I understand that I shall not use, possess, or associate with any person(s) who use or possess any controlled substance or illegal drugs such as: marijuana, heroin, cocaine (powder, base or "crack"), methamphetamine, PCP, LSD, any form of bath salts or synthetic drugs. I will not

eat foods containing poppy seeds. I will adhere to the strict policy on drug use as outlined in my DUI Treatment Court Handbook.

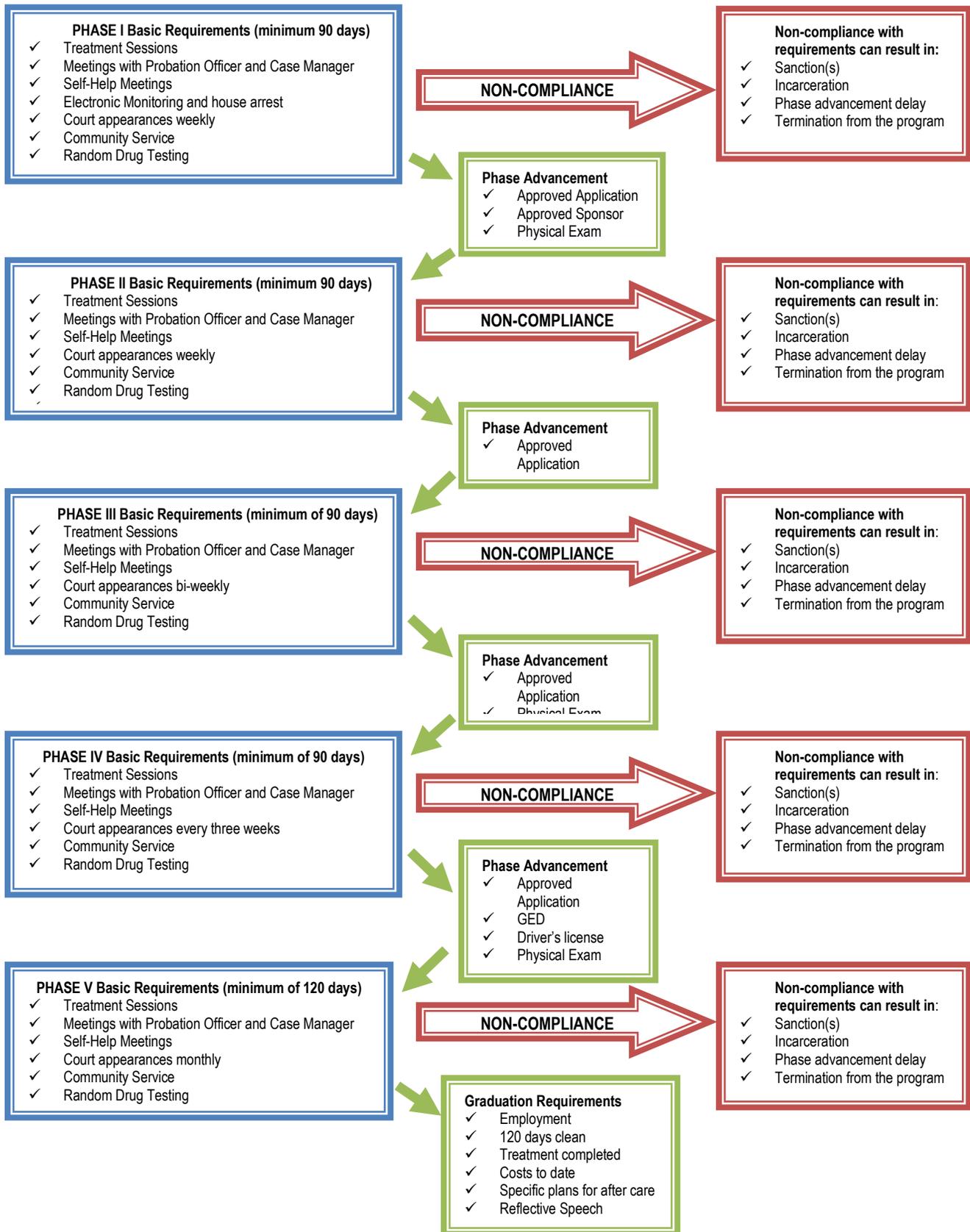
10. I agree that I will not use or possess alcoholic beverages, nor enter establishments that derive their principal income from the sale of alcoholic beverages. I will not use non-alcoholic beer and/or wine.
11. I understand that I shall inform my DUI Treatment Court Probation Officer of any over-the-counter medications that I am using, or may be using, and the medications must be non-addictive and not contain alcohol (i.e. mouthwash, cough syrup, etc.). I am responsible for verifying with a pharmacy or medical professional that these medications are non-addictive and do not contain alcohol. I understand that using mood-altering medications prescribed or not, could exclude me from participation in the DUI Treatment Court Program.
12. I understand I am responsible for informing and providing documentation of all prescription medications I am taking, or may take. I am also responsible for notifying my DUI Treatment Court Probation Officer if there are any changes to any and all prescriptions.
13. I understand that I will be subject to random chemical testing (usually a urine test) to assist the courts and treatment providers in evaluating my progress. I understand that a positive test for alcohol or any illegal substance will result in a sanction by the Court. I understand I may be terminated from the DUI Treatment Court Program based on my failure to be candid with the court about my drug/alcohol use.
14. I agree to abide by the Columbia/Montour County Drug Testing Policy and that I shall call the Adult Probation Office to report each morning between the hours of 8am-9am. This call will be to determine if it is my day to report to the office for drug testing and is a requirement of my participation in the DUI Treatment Court Program.
15. I agree to participate in the DUI Treatment Court Program until successfully discharged from all phases of the program including in-patient and out-patient treatment.
16. I agree to participate in any educational, treatment, or rehabilitation program ordered by the DUI Treatment Court to help maintain my sobriety and maintain a law-abiding lifestyle.
17. I agree to perform Community Service each week as instructed by the DUI Treatment Court and/or Probation Officer.
18. I agree to abide by the rules and regulations of probation supervision, and any special conditions ordered by the court including community service.
19. I will pay any fees or fines as directed by the court and will have an opportunity to “earn down” some fees for excellent program participation.
20. I agree to inform the DUI Treatment Court Probation Officer and treatment provider of any new arrests, summons or any other situation that may impact my probation.
21. I agree that I am subject, at any time, to a search conducted by a representative of the DUI Treatment Court, which includes any law enforcement representative or Sheriff, without a warrant, of my person, place of residence, vehicle or other personal or real property.
22. I agree that I will provide a urine sample or breath test to my Probation Officer, Sheriff’s Department, or any law enforcement officer at any given time when instructed. I understand that I may be asked to provide such a sample 24 hours a day, 7 days a week.
23. I agree that my participation in the DUI Treatment Court Program shall be terminated if I fail to make satisfactory progress toward completion of the program.
24. I agree that my participation in the DUI Treatment Court Program may be terminated if I am rearrested, test positive for drugs or alcohol, or fail to meet any of my court ordered obligations.
25. I understand that the Court can impose sanctions, including county jail time, rather than terminate my participation in the program. I understand that sanctions may be increased and may include termination from the program.

COLUMBIA MONTOUR DUI TREATMENT COURT PROGRAM

ENTRY PROCESS CHART



DUI TREATMENT COURT PROGRAM PROCESS



We, the undersigned, hereby adopt and approve of this DUI Treatment Court Program Policy and Procedure Manual as the incorporating document of the 26th Judicial District Intensive Supervision DUI Treatment Court Program.

Adopted on _____, 2012.

Honorable Thomas A. James, Jr.
President Judge

Honorable J. Peter Winther
Senior Magisterial District Judge

Thomas Leipold, Esquire
Columbia County District Attorney

Rebecca Warren, Esquire
Montour County District Attorney

Leslie Bryden, Esquire
Columbia County Public Defender

Robert Marks, Jr., Esquire
Montour County Public Defender

Tim Chamberlain
Columbia County Sheriff

Clair R. Heath
Montour County Chief Deputy Sheriff

Jose Joga
Columbia County Probation Officer

James Miller
Montour County Chief Probation Officer

Jen Dormer
CMSU Case Manager Supervisor

Barbara Warunek
Court Programs and Development Director