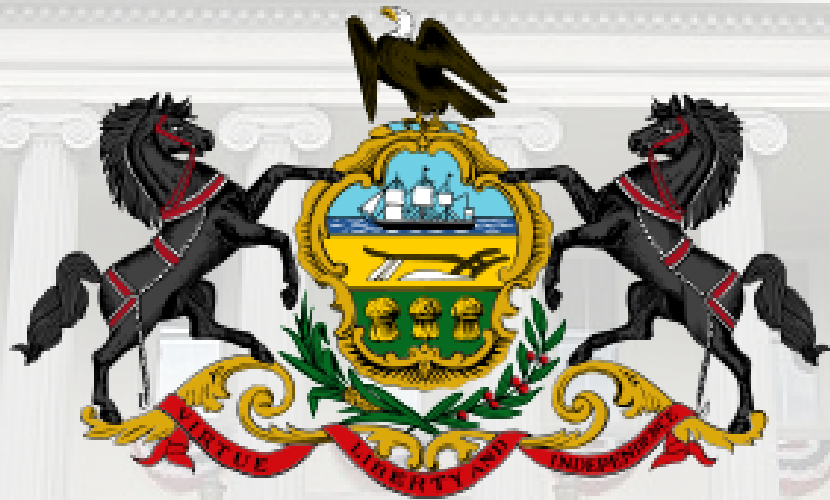


# **LAWRENCE COUNTY TREATMENT COURT**



## **POLICIES & PROCEDURES MANUAL**

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# LAWRENCE COUNTY TREATMENT COURT POLICIES & PROCEDURES MANUAL

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*Revised: January 2024*

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## PROGRAM OVERVIEW

### MISSION STATEMENT

It is the goal of the Lawrence County Court of Common Pleas Adult Treatment Court Program (“LCTCP”) to help individuals achieve a life free from addiction and dependence on mind-altering substances, and to stabilize individuals suffering from mental health disorders. The Judge and the Treatment Court Team are here to guide and assist participants, but the final responsibility relies upon the participant themselves.

### ABOUT THE PROGRAM

The Lawrence County Treatment Court started in 2012, with the admission of one participant. The mission of the LCTCP is to advance public safety, reduce recidivism, lower costs to our community, and improve individual and community health by providing intensive, integrated, evidence-based court supervision and comprehensive treatment services for drug addicted individuals and/or individuals suffering from mental health issues.

The program’s multi-disciplinary approach utilizes a team concept made up of the Judge, Coordinator, Probation Officer, Assistant District Attorney, Assistant Public Defender, drug & alcohol case manager, and several mental health professionals. It is a five-phase program and the intensity of services decrease as the participants move through the program. In each phase, participants must comply with routine court appearances, appointments – including office and home visits - treatment requirements, and random drug testing. Intensive supervision is a critical component to provide support and monitoring while assisting participants in reaching their goals.

Treatment for participants may consist of: assessment and treatment planning, individual and/or group counseling, and regular attendance at community based self-help support meetings. Assistance with meeting individual participant needs, such as education, life skills, parenting, financial, and employment issues, is provided when applicable.

Since its inception, the LCTCP has changed and evolved to meet the national and state standards for Treatment Court Programs, and follows the Ten Key Components and Best Practice Standards established by the National Association of Drug Court Professionals (NADCP).

## GOALS & OBJECTIVES

The Lawrence County Treatment Court is intended to utilize comprehensive and individualized treatment services on a cost-effective basis for a higher success rate of recovery and maintained focus of wellness. The Treatment Court goals are:

- Improve treatment outcomes for individuals with a substance use disorder and individuals with mental health issues.
- Develop and implement a comprehensive treatment plan that is specific to the treatment needs of each program participant.
- Reduce recidivism among Treatment Court participants and promote public safety through intensive court supervision.
- Reduce costs to the community by providing an alternative to long-term incarceration for offenders who successfully graduate from the Treatment Court program.
- Engage the community in the recovery and stabilization process through education and awareness of the cycle of drug dependence and mental health instability and the role of the Treatment Court in providing a public safety solution.
- Provide ancillary and collateral services to equip the participant with the necessary resources to recovery, maintain wellness, and become a productive member of their community.

## TREATMENT COURT STEERING COMMITTEE

Representatives from the following departments meet yearly to discuss and implement program modifications:

- President Judge of the Lawrence County Court of Common Pleas
- Adult Probation & Parole Department
- Lawrence County District Attorney
- Lawrence County Public Defender
- Lawrence County Drug & Alcohol Commission

## TREATMENT COURT TEAM

### CORE TEAM MEMBERS

**Honorable Dominick Motto**

*President Judge*

Lawrence County Court of Common Pleas

**Marc Zingaro**

*Supervisor & Treatment Court Coordinator*

Lawrence County Adult Probation

**Sarah McCowin**

*Treatment Court Community Supervision Officer*

Lawrence County Adult Probation

**Attorney Luanne Parkonen**

*Assistant District Attorney*

Lawrence County District Attorney's Office

**Attorney Darrell Haerberle**

*Assistant Public Defender*

Lawrence County Public Defender's Office

**Vickie Thompson**

*Case Management Specialist*

Lawrence County Drug & Alcohol Commission

### MENTAL HEALTH SERVICES

**Cathy Clover, M.A.**

*Independent Licensed Psychologist*

Clover Psychological Association

**Rebecca Antonelli**

*Complex Care Coordinator*

Lawrence County Mental Health & Developmental Services

### VETERANS SERVICES

**Christina Lucas**

*Veterans Justice Outreach Coordinator*

United States Department of Veteran's Affairs

**Jesse Putnam**

*Veterans Mentor Coordinator*

Lawrence County Department of Veteran's Affairs

## ELIGIBILITY & DISCHARGE CRITERIA

### PROGRAM MODEL

The Lawrence County Treatment Court Program is a post-plea/pre-sentence court. Applicants may also qualify if they are facing a probation or parole violation on an existing sentence.

### TARGET POPULATION

The Lawrence County Treatment Court targets high-risk/high-needs, non-violent offenders when there is a reasonable assumption that the offender's criminal activity is connected directly to the ongoing, chronic, and habitual use of substances and/or the ongoing instability of a mental health disorder. Without intervention, it is likely that criteria-eligible offenders will continue to commit crime, re-enter the criminal justice system, and be exposed to long-term incarceration or other negative consequences that often result from traditional, less resource-intensive approach to case disposition.

Typically, individuals enrolled in Treatment Court will have social histories hallmarked by prior contacts with law enforcement, previous exposure to drug & alcohol or mental health treatments, and a history of relapse. The Lawrence County Treatment Court program targets offenders who require more intensive focus on treatment, monitoring, and judicial intervention.

Through effective interventions through drug & alcohol and mental health treatment, the Treatment Court program strives to transition program participants from addicted and unstable persons to productive citizens capable of meeting daily life challenges and stressors.

### ELIGIBILITY CRITERIA

Lawrence County Adult Treatment Court will review the offenses pertaining to each referral made to the program. The following guidelines are in place with regard to ineligible offenses:

- ✗ Murder and Manslaughter **will not** be considered under any circumstance.
- ✗ Sex Offenses **will not** be considered under any circumstance.
- ✗ Felony crimes of violence (i.e. aggravated assault, kidnapping, arson, robbery) **will not** be considered.
- ✗ Extensive criminal history with numerous felony convictions **may** exclude an individual from eligibility.
- ✗ More than three (3) felony counts in the instant case(s) **may** exclude an individual from eligibility.
- ✗ No other pending charges, or open cases, which contain offenses which would deem an individual ineligible.
- ✗ ARD eligible individuals **will not** be considered.
- ✗ New DUI offenses are **not eligible** - due to mandatory sentencing requirements.
  - ✓ An offender with multiple DUI convictions (3 or more) applying based upon revocation cases **may** be considered.
- ✗ An offender who has presented a medical or mental health diagnosis which does not allow for functional participation in the Treatment Court Program will be **ineligible** to participate.
- ✗ Offenders with a history of violence will be deemed **ineligible** for the Treatment Court Program.
- ✗ Prior felony drug convictions or pending charges for possession with intent to deliver, etc. are **ineligible** for the Treatment Court Program.

### VICTIMS OF CRIME

The Lawrence County Adult Treatment Court values the opinions of crime victims. Victims of crime will be consulted for their opinion regarding the diversion of offenders into the Treatment Court Program at the discretion of the District Attorney's Office.

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## OTHER FACTORS IN DETERMINING ELIGIBILITY

The Lawrence County Treatment Court, in determining an applicant's eligibility, will consider the prior criminal record. If an applicant has a **prior** conviction involving an excluding offense, this will not result in an immediate dismissal of the referral, but may be considering an exclusionary factor when making a determination for eligibility. The final eligibility determination shall be at the discretion of the Lawrence County District Attorney upon review of recommendations by the Treatment Court Team and the presiding Treatment Court Judge.

The following criteria have been established to identify persons who may qualify for admission to the Lawrence County Court of Common Pleas Adult Treatment Court Program:

- The applicant has a verifiable history of severe substance abuse and/or a recently diagnosed (within the last 2 years) major mental health diagnosis (as defined by DSM-V);
- A Lawrence County resident, age 18 years or older;
- Non-violent criminal history;
- The applicant meets the high-risk/high-needs criteria as determined by a validated risk/needs assessment tool;
- The applicant voluntarily agrees to participate in, and be subject to rules, regulations and sanctions of Treatment Court; and
- Technical parole/probation violators are eligible as long as the above criteria are met.

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## DISCHARGE CRITERIA

Enrollment and participation in the Lawrence County Treatment Court program is an opportunity for offenders to overcome obstacles that they have faced in their life which has led up to their criminal behaviors. Through successful completion of the program, offenders will live more productive and stable lives, however, not all participants are able to successfully do so for various reasons.

The following are some examples of circumstances that may lead to discharge – this list is *not* all-inclusive:

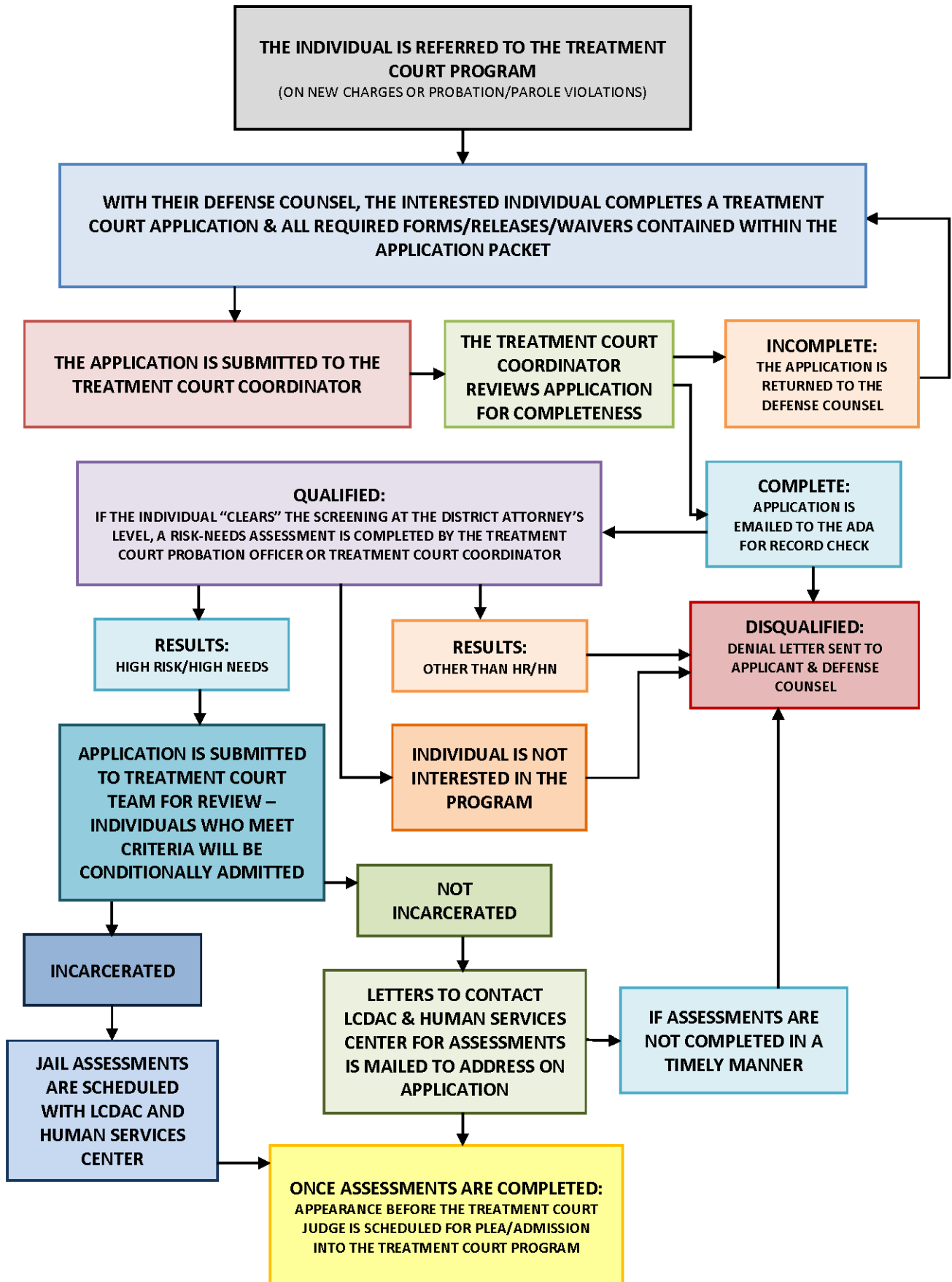
- Committing a new violent crime, or the Team becoming aware of behavior that is violent or threatening to the safety of others as defined by the standards of the Bureau of Justice Assistance (BJA).
- Co-occurring disordered individuals whose mental illness is so severe to prevent active and full participation in the Treatment Court program.
- A demonstrated lack of capacity of willingness to engage in treatment or comply with the program requirements
- Continued criminal activity while in the program.
- Acts of violence while under the supervision of the program, which includes any violence or threats of violence, in the participant's home, place of work, or at treatment centers/providers.
- The participant wishes to voluntarily remove themselves from the program.

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## VOLUNTARY WITHDRAWAL

Participation in the Treatment Court program is entirely **voluntary**, and participants may voluntarily withdraw at any time by completing a *Voluntary Withdraw Colloquy*. This form can be obtained from the Treatment Court Coordinator, Treatment Court Probation Officer, or on the Treatment Court webpage. When voluntarily withdrawing from the program, the guilty plea entered at the time of admission into the program will stand, and a sentencing recommendation or probation/parole violation recommendation will be submitted to the Judge by the Assistant District Attorney.

## APPLICATION & ADMISSION PROCESS



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## APPLICATION REQUIREMENTS

When a defendant indicates interest in the Treatment Court program, the source of referral should initiate the application process. Referrals may be made by: Police Officers, District Justices, District Attorney, Defense Counsel, Adult Probation Officers, or Judges.

The application process should be completed by the defense counsel for the defendant. When submitting an application for the Treatment Court program, the following documents must be included in the application packet & completed in their entirety:

- Treatment Court Application
- Release for Lawrence County Drug & Alcohol for the Treatment Court Team
- Release for Lawrence County Drug & Alcohol for the Lawrence County Jail
- Release of Information for the Human Services Center
- Release of Information for Clover Psychological Association
- Release of Information for the US Department of Veterans Affairs

The most updated & complete application packets may be obtained by visiting the Lawrence County Adult Probation website, or by contacting the Treatment Court Coordinator at (724) 614-1113.

Failure to complete the necessary forms may delay the review and/or acceptance of the applicant into the program. After all documents are received, the Treatment Court Team will review for eligibility. If eligible, the applicant will be assessed by Lawrence County Drug & Alcohol and screen for mental health need. After the assessment and screening, the applicant will be scheduled to be sworn into the Lawrence County Treatment Court.

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## ADMISSION REQUIREMENTS

If an applicant is not incarcerated, is the responsibility of the defense counsel to notify the applicant of their date and time to be sworn into the Treatment Court Program. If an individual is incarcerated, the appropriate arrangements will be made for transportation from Lawrence County Jail to the Court of Common Pleas on the day the applicant is scheduled to be sworn-in to the program. At the time of admission, defense counsel must have the following forms completed by the applicant:

- All appropriate colloquies
- Participant Contract

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## ADJUDICATION PROCESS

Treatment Court applicants cleared for admission are admitted into the program once they execute proper guilty plea and/or probation/parole revocation colloquies. For offenders entering with new criminal charges, a binding guilty plea is entered on all counts included in the information(s). For offenders that are entering on probation/parole violations, they admit to the violations contained within the petition to revoke. In both instances, sentencing is deferred until completion or unsuccessful discharge from the program.

Offenders who are unsuccessfully discharged from the program will go before the Treatment Court Judge for sentencing on any new cases and/or will be scheduled for a revocation hearing for probation/parole violations. Sentencing recommendations will be established and presented by the District Attorney's Office in accordance with sentencing guidelines, prior record score, and offense gravity scores.

Individuals who enter the Treatment Court Program on the basis of new criminal charges, and successfully complete the Program in its entirety are eligible to have their cases nolle prossed and expunged once all court costs, fines, and restitution is paid in full. Individuals who complete the program on probation/parole revocations are not eligible to have their cases expunged, due to there already being a prior conviction on these cases. The incentive to complete the program in these situations is (a) a lesser period of jail time on their violations; (b) termination of their remaining supervision at the completion of the program; or, (c) improved quality of life.



## DUE PROCESS CONSIDERATIONS

The following policies and procedures have been established to preserve the due process rights of applicants and participants in the Lawrence County Adult Treatment Court Program.

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### INITIAL APPLICATION

An applicant to the Treatment Court Program is required to waive their preliminary hearing and submit an application for consideration to the Treatment Court Program. In the event that the application is denied, the defendant will have the right to remand their case for a preliminary hearing, or upon the District Attorney's rejection of the application, the defendant may move forward in their case by filing a Habeas Corpus Petition.

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### VIOLATIONS & SANCTIONS

When a participant violates a condition of the Treatment Court Program and is facing termination or possible jail sanction, their Treatment Court Officer will provide the participant with a Treatment Court Notice of Violation form on which the specific violation(s) will be indicated. The participant will have the opportunity to sign the form either admitting or denying the alleged violation. If the participant denies the alleged violation(s), a Violation/Sanction Hearing will be scheduled for the next Treatment Court date. The Violation/Sanction Hearing may be continued based upon the availability of the participant's counsel, if they are not represented by the Public Defender.

Once the Violation/Sanction Hearing date has been scheduled, the participant's Treatment Court Officer will provide participant with the *Treatment Court Notice of Violation/Sanction Hearing*. This notice will inform the participant of the date/time of the hearing and his/her rights. The participant will sign the form, acknowledging receipt, and signed copies of the form will be distributed to the participant, Defense Attorney, District Attorney, Treatment Court Coordinator, and the probation file. The hearing will take place on the record.

The participant is hereby given notice that a finding of a violation by the Treatment Court Judge after a full hearing may result in the removal of the participant in the Treatment Court Program. Further, in that participation in the Treatment Court program is based upon a voluntary choice by the participant, the participant specifically waives any right of appeal or review of the Treatment Court Judge's final ruling.

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### TERMINATION

Upon scheduling a Termination Hearing Date, the Treatment Court Officer will serve the participant with the notice of hearing using the *Treatment Court Notice of Termination Hearing* form. The participant will sign in acknowledgement of service and signed copies will be distributed to the participant, Defense Attorney, District Attorney, Treatment Court Coordinator, and the probation file.

Since in that original participation into the Treatment Court Program is voluntary, the participant specifically waives any right of appeal or review of the decision of the Treatment Court Judge.

## PROGRAM TRACKS

The Treatment Court Program uses a collaborative approach to treatment and rehabilitation and realizes that individuals may have entered into the justice system with varying disorders that need treatment. The Treatment Court program is divided into three (3) separate tracks to best meet the needs of the individual participant. While the requirements are generally the same, the intensity of supervision, programming, and ancillary services may differ, depending on the individual.

The application process is the same, regardless of the underlying diagnosis. Once participants are screened and admitted into the program, the Treatment Court team will place them in the appropriate supervision track.

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### SUBSTANCE USE DISORDER (SUD) TREATMENT TRACK

Participants who are admitted into the program whose primary diagnosis is substance use disorder will be entered into the drug treatment track. The substance use disorder track requires intensive supervision based on frequent, random drug testing, court appearances, and implements a tightly structured treatment process and recovery services. The high level of intensive supervision allows for prompt responses to behaviors and the ability to impose appropriate service adjustments.

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### MENTAL HEALTH TREATMENT TRACK

For individuals who have a major mental health diagnosis (as defined by the DSM-V) AND whose primary reason for being justice involved is due to this diagnosis will be placed in the mental health treatment track. This track generally has the same requirements as the substance use disorder track, but the main focus is on the mental health stability and wellbeing of the participant, with less focus on substance use disorder treatment and programming. This track is also appropriate for those individuals who are strictly justice involved due to their mental health diagnosis and may have no substance use history. Individuals in this track may not be as intensively supervised as those in the substance use disorder track and will be evaluated for appropriate treatment services.

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### VETERANS TRACK

In January 2022, the Lawrence County Treatment Court Program expanded to include a Veterans Track. Individuals who meet the eligibility criteria and who have served as a member of the Armed Forces for the United States may be eligible for a specialized Veterans track. Through participation in the Veterans Track, eligible veterans have access to a comprehensive treatment plan through the Department of Veterans Affairs and/or community providers to meet their individual needs and address underlying problems often caused by post-traumatic stress disorders. The Veteran participant will be matched with a Veteran mentor, who has completed training on what it means to be a mentor and understands confidentiality; they are paired by the Veteran Mentor Coordinator.

Any individuals who have served time in the Armed Forces may be eligible for participation in the Veterans track. We do not adhere to the federal guidelines or Department of Veterans Affairs definitions for Veterans status, but rather look at the time spent in the military and reason for discharge. Documentation surrounding enlistment, time served, and discharge status are obtained by the VJO Coordinator and/or the Lawrence County Veterans Office. Individuals who are not suitable for the Veterans track may be eligible participate in one of our other two tracks.

## PHASES

Treatment Court participants are required to engage in a five-phase treatment model designed to transition the offender to living a stable life. Each phase of the program has specific elements and program criteria that must be completed prior to advancing phases. The probation officer will discuss these requirements in more detail at the start of each phase. The following requirements are not exhaustive and additional requirements may be imposed on an as-needed basis. The timeframes/frequencies in the below charts are to be used as guidelines only. Discretion to change the frequency of appointments remains with the Treatment Court Team.

<b>Phase 1 – Acute Stabilization</b>			<b>Minimum Length: 60 days</b>	<b>Sobriety Time: 14 consecutive days</b>
Court Frequency:	Weekly	Case Management:	As scheduled	<input type="checkbox"/> Develop a case plan
Probation Reports:	1x/week	Recovery Support:	As scheduled	<input type="checkbox"/> Obtain mental health assessment
Home Visits:	Monthly	Participant Group:	Monthly	<input type="checkbox"/> Obtain medical assessment/physical
Random drug testing		Adhere to treatment recommendations		<input type="checkbox"/> Address housing needs
Comply with supervision		Start to change people, places, & things		<input type="checkbox"/> Develop transportation plan
<b>Phase 2 – Clinical Stabilization</b>			<b>Minimum Length: 90 days</b>	<b>Sobriety Time: 30 consecutive days</b>
Court Frequency:	Weekly	Case Management:	As scheduled	<input type="checkbox"/> Update case plan
Probation Reports:	1x/week	Recovery Support:	As scheduled	<input type="checkbox"/> Start Community Giveback Project
Home Visits:	Monthly	Participant Group:	Monthly	<input type="checkbox"/> Begin criminal thinking program
Random drug testing		Engage with treatment programming		<input type="checkbox"/> Address medical needs
Comply with supervision		Recovery capital assessment		<input type="checkbox"/> Focus on peer support groups
<b>Phase 3 – Prosocial Habilitation</b>			<b>Minimum Length: 90 days</b>	<b>Sobriety Time: 45 consecutive days</b>
Court Frequency:	Bi-weekly	Case Management:	As scheduled	<input type="checkbox"/> Update case plan
Probation Reports:	Every other week	Recovery Support:	As scheduled	<input type="checkbox"/> Gain employment/schooling
Home Visits:	Monthly	Participant Group:	Monthly	<input type="checkbox"/> Continue Community Giveback
Random drug testing		Engage with treatment		<input type="checkbox"/> Establish a prosocial activity
Comply with supervision		Start building a recovery support system		<input type="checkbox"/> Continue criminal thinking program
Demonstrate continued changing of people, places, and things				<input type="checkbox"/> Sign a payment plan with APO
<b>Phase 4 – Adaptive Habilitation</b>			<b>Minimum Length: 90 days</b>	<b>Sobriety Time: 60 consecutive days</b>
Court Frequency:	Monthly	Case Management:	As scheduled	<input type="checkbox"/> Update case plan
Probation Reports:	Every 3 weeks	Recovery Support:	As scheduled	<input type="checkbox"/> Maintain employment/schooling
Home Visits:	Monthly	Participant Group:	Monthly	<input type="checkbox"/> Finish Community Giveback Project
Random drug testing		Engage with treatment		<input type="checkbox"/> Maintain prosocial activity
Comply with supervision		Utilize recovery support system		<input type="checkbox"/> Continue criminal thinking program
Demonstrate continued changing of people, places, and things				<input type="checkbox"/> Remain compliant w/ payment plan
<b>Phase 5 – Continuing Care</b>			<b>Minimum Length: 6 months</b>	<b>Sobriety Time: 90 consecutive days</b>
Court Frequency:	Monthly	Case management:	As needed	<input type="checkbox"/> Establish continuing care plan
Probation Reports:	1x/month	Recovery Support:	As needed	<input type="checkbox"/> Maintain employment/schooling
Home Visits:	Monthly	Participant Group:	Every other month	<input type="checkbox"/> Maintain prosocial activities
Random drug testing		Complete treatment requirements		<input type="checkbox"/> Complete criminal thinking program
Comply with supervision		Maintain recovery support network		<input type="checkbox"/> Remain compliant w/ payment plan
Demonstrate continued changing of people, places, and things				<input type="checkbox"/> Submit graduation application

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## PHASE ADVANCEMENT

In order to advance phases, participants must complete an *Application for Phase Advancement*, which is given to them by the Treatment Court Probation Officer when appropriate. The *Application for Phase Advancement* is then present to the Treatment Court Team for review and final decision. If the application is approved, the Participant will be phased up at the next court session, barring any significant infractions in that period of time. Participants must be compliant with Phase requirements and payment plan (if required) in order to advance.

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## GRADUATION CRITERIA

Participants must meet the following minimum criteria in order to successfully complete the Treatment Court program:

- Successful completion of all program requirements.
- Compliance with payment plan established with the Adult Probation Office.
- Continued sobriety during the final phase of the Treatment Court program.
- No missed court dates, treatment sessions, case management appointments, or Participant Groups within the last Phase of the program.
- A positive recommendation by the Treatment Court Team members.
- Completion of an aftercare plan with case manager.
- Completion of a graduation application.

When an individual is considered eligible for graduation, the Treatment Court Officer will provide the participant with an *Application for Graduation*. This application, similar to those required for Phase Advancements, will consist of a series of questions regarding the participation within the program and the progress the individual has made. The application also consists of a writing prompt, for which the participant will use to write a speech for their graduation ceremony to present to the other participants and guests.

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## EXIT INTERVIEWS

Upon completion of the Treatment Court program, whether successful or unsuccessful, the Treatment Court Coordinator will conduct an exit interview with the participant. The interview will be documented; however, the participant's identity will remain anonymous. The interview will consist of questions that will help the team review the Program's effectiveness. Participants are urged to provide honest feedback during this interview, and their answers will not have any bearing on their case.

## **INCENTIVES, SANCTIONS, & SERVICE ADJUSTMENTS**

At each status hearing, participants may be subject to incentives, sanctions, supervision responses, or therapeutic responses based on their performance and program compliance for the reporting period. The Treatment Court Team uses these tools to treat the whole person and motivate participants to change.

### **INCENTIVES & SANCTIONS**

Incentives are used as a means to increase engagement, reinforce prosocial behavior, and development of new skills. Incentives are meant to help participants understand what positive behaviors looks like and promote engagement in the program and in treatment. Some target behaviors that are reinforced through incentives can include: showing up, timeliness, honesty, negative drug screens, phase promotion, treatment progress, sobriety milestones, helping others, recovery support achievements, and prosocial achievements. Incentives may include, but are not limited to: fishbowl drawing, gift cards, certificates, weekly All-Star list, entries into a quarterly drawing, and judicial accolades.

Sanctions are utilized to decrease or stop undesired behaviors. Participants are educated upon admission to the program of the consequences for noncompliant behavior. Non-compliance is addressed in court with the appropriate graduated sanctions. Sanctions increase in severity or failure to abstain from drug use, attend required treatment, absconding, or by failure to comply with supervision and/or program rules. Sanctions are distributed according to proximal and distal behaviors. Failure to engage in proximal behaviors received more intensive sanction than failure to engage in distal behaviors. Sanctions may include, but are not limited to: community services hours, curfew, and house arrest. Incarceration can be used as a sanction in response to serious infractions, illegal activity, or continued non-compliance that has not been corrected with other mechanisms available to the Team.

### **SERVICE ADJUSTMENTS**

Formerly known as therapeutic responses and supervision responses, service adjustments address the underlying case for a certain behavior, treat the behavior, and aim to teach new skills. They are designed to help participants understand the need to change, how to change, and how to learn new behaviors. It is important to note that therapeutic responses are NOT therapy/counseling. Therapeutic responses can be utilized as a response to both positive and negative behaviors, and may include, but are not limited to: Clinical re-assessment, level of care change based on clinical assessment, essays, oral presentations, thinking report, behavior chain, homework, volunteer hours. Supervision (also known as monitoring) provides crucial information about client behavior and progress and includes supervision by probation and case management as a means to hold participants accountable. These responses can be implemented in response to positive and negative behaviors. Supervision responses can include but are not limited to: increase or decrease in court appearances, home or office visits with probation, and/or drug testing. It can also include GPS monitoring/house arrest and implementation of curfew in response to negative behavior.

## **SUPERVISION PROTOCOL**

Supervision is a shared responsibility among all members of the Treatment Court Team, which is 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 Treatment Court model is the active, personal involvement of the Treatment Court Judge on a weekly basis with each of the program participants.

The primary responsibility for day-to-day supervision of program participants rests upon the Treatment Court Probation Officer. The Probation Officer will develop and individualized supervision plan with each participant enrolled in the program. Working in collaboration with the Treatment Court Team, the probation officer will meet with each participant on a regularly scheduled basis and report his/her status at the weekly Treatment Court Team meeting. The Probation Officer will be responsible for random drug testing, monitoring compliance with phase requirements, as well as submitting weekly reports for review at team meetings.

All members of the Treatment Court Team will keep the Probation Officer informed of any conditions that might negatively impact the capacity or ability of the Treatment Court Program to successfully monitor and supervise participants.

## ASSESSMENT & TREATMENT PROTOCOL

Consistent with the Treatment Court model and Best Practice Standards, treatment begins with a thorough and complete assessment of an applicant's history and level of involvement with drugs and/or alcohol as well as mental health.

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### DRUG & ALCOHOL ASSESSMENT & TREATMENT

Once a Treatment Court applicant is cleared by the District Attorney's Office for admission into the program based on their charges and criminal history, the Treatment Court Case Manager at Lawrence County Drug & Alcohol Commission (LCDAC) will meet with the applicant for a substance use assessment. If the applicant is incarcerated, an assessment will be scheduled by the case manager through communication with Lawrence County Corrections. If an applicant is not incarcerated, a letter notifying them to contact LCDAC case manager for an assessment is sent. They must contact the case manager to schedule an assessment within seven (7) days of the date on the letter.

At the time of the assessment the case manager will complete the mandatory Department of Drug & Alcohol Programs Assessment Tool. Based on this assessment, the case manager will use the American Society of Addiction Medicine (ASAM) criteria to make a recommendation for placement in treatment and appropriate level of care. In addition to setting up the appropriate treatment for the participant, the case manager also addresses non-treatment needs with the participant, this includes, but is not limited to: transportation, employment, and housing. Treatment Court participants are also scheduled to meet with a Recovery Support Coach during the early phases of the program, for additional support.

Substance abuse treatment is provided by several collaborating agencies that provide intensive outpatient, outpatient, individual, family, and relapse prevention services to Treatment Court Participants. Participants in need of residential treatment will remain on a hold status for Treatment Court status hearings until discharge from the treatment program. Regular progress notes will be provided to the Treatment Court Judge during the participant's residential treatment stay. In the event that the participant does not wish to return to the Lawrence County community, supervision may be transferred to another Treatment Court Program, if available, in the receiving county.

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### MENTAL HEALTH ASSESSMENT & TREATMENT

All participants, regardless of mental health history, are required to obtain mental health screenings and/or assessments to determine an appropriate level of care to address any mental health issues. Information specific to the required screenings and/or assessments will be provided to participants on an individual basis. Individuals whose screenings show a need for further assessment or those who indicate a past mental health history will be referred for a psychiatric evaluation by a licensed psychiatrist. Mental health services, including but not limited to medication management, psychotherapy, blended case management, psychiatric rehab, and partial hospitalization programs will be reviewed and assessed on an individual basis.

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### VETERANS ASSESSMENT & TREATMENT

Individuals who are placed in the Veterans Track will be reviewed by the Veterans Justice Outreach Coordinator for appropriate services that are available through the Department of Veterans Affairs and/or in the community.

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### COMPLIANCE WITH TREATMENT RECOMMENDATIONS

Treatment Court participants are required to comply with any recommended course of treatment throughout their participation in the Treatment Court program. If they decline a recommended level of care, they may go before the Treatment Court Judge for a review hearing to determine if they are appropriate to remain in the program or be denied entry into the Lawrence County Treatment Court Program if their application is still pending.

## ANCILLARY SERVICES

In addition to substance abuse and mental health treatment, there are a myriad of other services available for Treatment Court Participants. Referrals will be made to such agencies, as deemed appropriate. Treatment Court Participants are expected to comply and participate in the following programming during their time in the program. Additional services may be imposed on an individual, as-needed basis.

### PARTICIPANT GROUP

Participant Group is a group for Treatment Court participants and alumni that is run by the case manager from Lawrence County Drug & Alcohol. Content for the group varies from month-to-month and may include various activities in the community or practical lessons for life skills.

### MORAL RECONATION THERAPY (MRT)

Moral Reconciliation Therapy is a criminal thinking program established for individuals involved in the criminal justice system. The term "moral" refers to moral reasoning based on Kohlberg's levels of cognitive reasoning. The word "reconciliation" comes from the psychological terms "conative" and "conation," both of which refer to the process of making conscious decisions. MRT is a cognitive-behavioral treatment system that leads to enhanced moral reasoning, better decision making, and more appropriate behavior.

### PEER SUPPORT MEETINGS

Community-based peer support meetings have been proven to be a key component in the recovery process. Participants in the Lawrence County Treatment Court program are expected to attend meetings when deemed appropriate. Participants may choose whichever meeting and structure is appropriate for them, including but not limited to: Alcoholic Anonymous (AA), Narcotics Anonymous (NA), Celebrate Recovery, Smart Recovery etc. Specific frequency of attendance will be determined by the D&A Case Manager, who will notify the Team of the requirement established for each individual. Participants are required to complete the *Meetings Log* in its entirety for each meeting attended and submit them to their probation officer on a weekly basis.

## MEDICATION & MEDICATED ASSISTED TREATMENT

The Lawrence County Treatment Court **prohibits** the use of addictive medications or substances by participants during their involvement with the program. This includes, but is not limited to the use of the following:

- Narcotic pain medications (i.e. Vicodin, Percocet, OxyContin, etc.)
- Muscle relaxers & sleep aids (i.e. Flexeril, Soma, Ambien, etc.)
- Narcotic anxiolytic/benzodiazepine medications (i.e. Xanax, Neurontin, Klonopin, etc.)
- Stimulants (i.e. caffeine pills, Adderall, Dexedrine, etc.)
- Any over-the-counter medication that contains alcohol (i.e. cough medicine)

The use of any prescription or physician-authorized substances will be reviewed on a case-by-case basis within the Treatment Court Program, and may require additional assessments, reviews, or screenings by medical and/or mental health professionals to determine suitability for the interested individual. Participants are advised to disclose all prescriptions and authorized substances in advance to your Treatment Court Probation Officer or Case Management Specialist in order to avoid any disruption or delays to the treatment program. Participants taking prescription medications must provide proof from the prescribing doctor that the medication is necessary for treatment. If the participant fails to provide this information, positive tests, regardless of legal prescription, will be sanctioned in the same manner as all positive tests. The participant must provide complete medical information with the name of the medication, how administered, milligrams, amounts, and times of administration, and a copy of the prescriber information upon admission or at any time during participation the Treatment Court Program.

## DRUG TESTING PROTOCOL

Frequent, random drug screening is a critical component to the Treatment Court Program. Participants may be tested on scheduled appointment dates, prior to Treatment Court status hearings, or they may be called in randomly through phone call, text message, or the color-coded drug testing system.

Non-compliance with testing such as failure to report, failure to produce a urine sample, or adulterated samples are counted a positive screen, and reported to the Treatment Court Judge. Refusal to submit to drug testing is considered a positive result. Confirmed adulterated drug screens result in a Treatment Court Review Hearing and possible termination from the program. Adulterated drug screens may also result in charges being filed with the Lawrence County Sheriff's Department and prosecuted to the fullest extent of the law.

To promote the validity of the sample, all urine collection will be observed by a staff member of the same biological gender. The observer will give specific instructions to the participant on how to give the urine sample.

The participant will be screened for several drugs of abuse, including alcohol and prescription medication. Results of all drug screens are recorded at the time of testing. Denied positive results are confirmed through laboratory testing. All costs of laboratory confirmed drug screens are the responsibility of the participant.

Participants taking prescription medications must provide proof from the prescribing doctor that the medication is necessary for treatment. If the participant fails to provide this information, positive tests, regardless of legal prescription, will be sanctioned in the same manner as all positive tests. The participant must provide complete medical information with the name of the medication, how administered, milligrams, amounts, and times of administration, and a copy of the prescriber information upon admission or at any time during participation the Treatment Court Program.

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### RANDOM DRUG TESTING

Lawrence County Treatment Court uses a color-coded system for random drug testing, which is assigned based off the current phase in the program. Specific information regarding random drug testing is provided to participants at their intake appointment and is also found in the Participant Handbook.



## TEAM MEETINGS & STATUS HEARINGS

### TEAM MEETINGS

The Treatment Court Team meets on a weekly basis, as permitted by the Court schedule, prior to Treatment Court Status Hearings. The purpose of the meetings is to discuss each participant's progress. The discussion includes, but is not limited to: drug test results, attendance with scheduled appointments, participation and cooperation with treatment and ancillary services, employment, and/or any other requirements that may have been imposed. In addition, any violations or compliance issues will be noted, and sanction/incentives will be determined. The Team also reviews any pending applicants and discusses eligibility of those individuals. Team Members are also free to bring any other questions or issues to the table that they may have pertaining to another aspect of the Treatment Court Program.

### STATUS HEARINGS

Status Hearings are held on a weekly basis, as permitted by the Court schedule, following the Treatment Court Team Meetings. During these hearings, the Treatment Court Judge speaks with each individual participant about any changes, updates, issues, or concerns since their last court meeting with the Judge. During these court proceedings, sanctions & incentives may be imposed, as deemed appropriate. Status Hearings are held in open court, and all participants are present in the courtroom during the Judge's discussion.

## ETHICS & CONFIDENTIALITY

### ETHICAL CONSIDERATIONS

Treatment Courts transition the roles of every member of the Team from their traditional separation and independence to a collaborative effort focused on the recovery and stabilization of participants. Judges become part of a collaborative decision-making team that includes prosecutors, defense counsel, law enforcement, and treatment professionals. Prosecutors and defense counsel coordinate their efforts in new ways to achieve a participant's success, muting their traditional adversarial relationship. Defendants become participants and may actively engage in discussions on their progress, or lack thereof, with a broader range of individuals in the criminal justice system. Substance abuse and mental health 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, probation, and treatment professionals are crucial to the Treatment Court model. The transition from these traditional roles, however, requires that Treatment Court be consciously aware of ethical and confidentiality considerations to ensure that those who enroll in the program are confident that each member of the Team maintains the highest standards of ethical conduct. Most often, the ethical issues related to Treatment 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 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 multi-disciplinary team, who contribute equally, through the lens of their respective professions.

### RELEASES OF INFORMATION

To participate in the program, Treatment Court participants are required to sign a release of information authorizing the exchange of mental health, criminal, employment, and education records. Additional individual treatment releases may be signed prior to the start of substance abuse treatment. Participants will sign a waiver of confidentiality and be informed of their confidentiality rights upon admission into the program. Waivers will be updated during program participation as needed. Refusal to sign releases of information will result in termination from the Treatment Court Program.

Federal regulations have been interpreted to allow Treatment Court staff, judges, prosecutors, and defense attorneys who have received confidential information regarding a participant's substance abuse, treatment compliance, and progress to use that information in courtroom discussions, since such discussions constitute the "performance of their official duties" and are related to the action – the participant's court-mandated treatment – for which consent for the exchange of information was given.

## **PARTICIPANT RIGHTS & GRIEVANCE PROCEDURE**

When a participant has a complaint, or feels their rights are being violated as a result of their participation in the Lawrence County Treatment Court Program, they may initiate the following grievance procedure: submit a complaint, in writing, to the Treatment Court Coordinator, Lawrence County Adult Probation & Parole Department, 430 Court Street, New Castle, PA 16101.

## **DATA COLLECTION**

Data pertaining to Treatment Court Participants is collected in the Problem-Solving Adult & Juvenile Courts Information System – or PAJCIS. The specialized software categorizes and captures performance data for individual programs in each Treatment Court in the Commonwealth of Pennsylvania.

## **FEES & FISCAL MANAGEMENT**

There is a one-time Treatment Court Program fee of \$600 to participate in the program. In addition to this, standard court costs, fines, and restitution are assessed, as well as a \$25/month administrative fee. When directed by the Treatment Court Officer, participants will enter into a payment plan to pay these costs, fines, & restitution. Compliance with a payment plan is a requirement for graduation.

Participants are further responsible for payment of any positive drug tests and fees associated with laboratory confirmation that is returned positive. Further, missed drug tests will be deemed a positive and participants will be charged accordingly. In addition, should house arrest with electronic monitoring be required, the participant shall be responsible for all fees associated with the program, including the current per diem fee and a one-time \$50 administration fee.

In the event of termination from the Lawrence County Adult Treatment Court Program, regardless of the reason, all costs and fees paid to the date of the participant's termination are non-refundable. In the event of termination or withdrawal, all unpaid costs and fees outstanding at the date of termination or withdrawal are due and payable; these will be added to any outstanding costs, fees, and/or restitution at the time of sentencing.

## **SEARCH & ARREST POLICY**

Participants of Treatment Court Program are not permitted to possess, have control of, or have in their place of residence or vehicle, any contraband such as stolen property, non-prescribed controlled substances, drug paraphernalia, alcohol, firearms (hand guns, rifles, shotguns), or other deadly weapons. Participants agree to submit their person, property, place of residence, vehicle and personal effects to search at any time by any authorized representative of the Treatment Court Program based upon reasonable suspicion that they are in possession of contraband.

Participants who are in the Treatment Court Program and receive new criminal charges while in the program will be scheduled for a Treatment Court review hearing to determine appropriateness to remain in the Treatment Court program.

## **SUSTAINABILITY PLAN**

Currently, the Lawrence County Treatment Court program is self-sustained through various funding sources. The positions of Treatment Court Coordinator, Treatment Court Probation Officer, Assistant District Attorney, Assistant Public Defender are line-items outlined in the appropriate department's yearly budget through the county but are not specific to the Treatment Court Program. The position of Treatment Court Case Manager is funded through Lawrence County Drug & Alcohol Commission's regular budget. The position of forensic counselor is funded through Lawrence County Mental Health and Developmental Services regular budget. In addition, the independent psychologist on the Team is not funded through any county budget, instead the time spent in team meetings and court is volunteered.

## RESOURCES

Treatment Courts, also called Problem-Solving Courts, operate across the Commonwealth of Pennsylvania and throughout the United States. There are many different types of Problem-Solving Courts may include, but are not limited to:

*Drug Treatment Courts, Mental Health Courts, Veterans Courts, Domestic Violence Courts, Wellness Courts, Family Courts, Tribal Wellness Courts, DUI Courts, and Reentry Courts.*

Since each jurisdiction is subject to different laws, rules, and regulations, no two courts operate the same. There are best practice standards that have been established through extensive research and published by the National Association of Drug Court Professionals, which are used to guide Treatment Court Teams in establishing and maintaining their programs. Below are various resources that are utilized during the course of the Treatment Court Program.



Website: <https://patcp.org/>



Website: <https://www.pacourts.us/judicial-administration/court-programs/drug-courts>



Website: <https://www.nadcp.org/>



**NDCI**  
NATIONAL DRUG  
COURT INSTITUTE

Website: <https://www.ndci.org/>

**TREATMENT COURTS ONLINE**  
The National Training System for Treatment Court Practitioners

Website: <https://treatmentcourts.org/>

## 10 KEY COMPONENTS OF TREATMENT COURTS

- Key Component #1:** Treatment courts integrate alcohol and other drug treatment services with justice system case processing.
- Key Component #2:** Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
- Key Component #3:** Eligible participants are identified early and promptly placed in the treatment court program.
- Key Component #4:** Treatment courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
- Key Component #5:** Abstinence is monitored by frequent alcohol and other drug testing.
- Key Component #6:** A coordinated strategy governs treatment court responses to participants' compliance.
- Key Component #7:** Ongoing judicial interaction with each treatment court participant is essential.
- Key Component #8:** Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
- Key Component #9:** Continuing interdisciplinary education promotes effective treatment court planning, implementation, and operations.
- Key Component #10:** Forging partnerships among treatment courts, public agencies, and community-based organizations generates local support and enhances treatment court program effectiveness.

Source: <https://www.ojp.gov/pdffiles1/bja/205621.pdf>