

Carbon County

Drug Treatment Court

Participant

Handbook

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What Is The Carbon County Drug Treatment Court?

The Carbon County Drug Treatment Court (DTC) was started in 2019 to address the growing number of individuals with Substance Use Disorder involved in the criminal justice system. The DTC represents a collaborative effort between the Court of Common Pleas of the 56th Judicial District, the District Attorney's Office, the Public Defender's Office, the County Commissioners, the Carbon County Correctional Facility, the County Adult Probation Office, Carbon-Monroe-Pike Drug and Alcohol Commission, Carbon-Monroe Pike Mental Health and Developmental Services and other community providers.

Many individuals with Substance Use Disorder are unable to address needs for physical and psychological health care. Sometimes they are homeless, unemployed, helpless & despaired. Some suffer from drug and/or alcohol addictions or suffer from serious mental illnesses.

The DTC, through a coordinated response from all those involved promotes sobriety, recovery, and sensitivity with a goal towards giving each participant the opportunity and the best possible chance of getting back on track as a healthy and productive member of society.

Mission Statement

The mission statement of the DTC is to identify and provide specific intervention for individuals with Substance Use Disorder in the Carbon County criminal justice system while promoting public safety and reducing recidivism by improving the lives of the participants, their families, and our community.

The motto of the DTC is:

"Making Recovery a Reality"

Traditional Court Characteristics versus Drug Treatment Court Characteristics

TRADITIONAL COURT	DRUG TREATMENT COURT
The Court Team consists of a judge, prosecutor,	DTC Team is used to achieve goals to support
defense counsel, etc.	treatment interventions.
Adversarial	Non-Adversarial
Goal is to process the case; apply the law.	Goal is to restore the participant as a productive,
	non-criminal member of society.
The Judge exercises limited role in supervision of	The Treatment Team will play a central role in
the defendant.	monitoring the participant's progress in treatment.
Interventions for substance abuse are at the	Formalized and structured treatment interventions
discretion of the judge.	for each participant.
Relapse may lead to a maximum sentence.	Incentives used to reinforce positive adjustment
	and Sanctions used in response to violations of the
	Drug Treatment Court program.

Drug Treatment Court Team/Job Descriptions

The DTC Team is comprised of the Judge, Assistant District Attorney, Attorney Representative of the Public Defender's Office, Adult Probation Officer, Adult Probation Treatment Court Specialist, Clinical Team Specialist, and Treatment Court Coordinator. All members of the DTC Team will sign a Memorandum of Understanding. The DTC Team meets prior to each DTC session. At these meetings, the team will review all cases on the docket for the day. The review will include a clinical report from the Clinical Team as well as a report from the Adult Probation Officer. The meeting is also used to assess the status of difficult or complex cases in which current treatment and supervision do not appear to be effective. Decisions are typically made by consensus. Each member of the team plays an important role in the advancement of the participants in the DTC.

- **Drug Treatment Court Judge** Judge Joseph J. Matika
- District Attorney (DA) Michael Greek, Esq.
- **Public Defender (PD)** Greg Mousseau, Esq.
- Adult Probation and Parole Officers (PO) Edyta Masone, April Good
- Drug and Alcohol Case Manager Dave Slinger
- Mental Health Forensic Case Managers Sean Connors, Jeremy Turnbach
- Treatment Court Coordinator (TCC) Rick Parsons
- Adult Probation & Parole Department Treatment Court Specialist Rebecca Cancelliere

All team members whether original or new are required to complete the Essential Elements of Adult Drug Courts online training through the National Drug Court Institute (NDCI). In addition, they must also complete their 6 hours of yearly training in at least one of the following disciplines: Treatment Courts, Recovery/Addiction, Illicit/Prescription Drugs, Alcohol, Ethics,

Cultural Diversity, Mental Health, Trauma, or Ten Key Components. Training hours will be kept by the Treatment Court Coordinator.

Each team member will be responsible for dissemination of information to their respective agency with regard to confidentiality laws that apply specifically to the DTC participants. Likewise, the sharing of information between team members is a vital part of working as a team. Team members will also be charged with the education of other peer professionals on the program.

In creating this partnership and uniting in a single goal of addressing our community, the team members will pledge to enhance communication between the courts, law enforcement and treatment programs and other community partners and resources. Through this linkage of services, we expect wider participation and greater effectiveness in addressing clients with drug, alcohol and/or mental health issues that are involved in the Criminal Justice System.

Note: These policies and procedures may be amended at any time, but will be reviewed annually by the DTC Team. The team membership can be expanded at the discretion of the court.

<u>Procedures for Entry into DTC – New Charges</u>

- 1. A referral source identifies a criminal defendant as a person with a Substance Use Disorder.
- 2. Defendant shall complete a DTC application.
- 3. The defendant is provided with the DTC Participant Handbook for review.
- 4. Once the defendant completes the DTC application, it is submitted to the Treatment Court Coordinator, who in turn will provide it to the District Attorney's Office for a criminal eligibility review. The District Attorney's Office will render a criminal eligibility determination within seventy-two (72) hours of receipt of the application and notify the Treatment Court Coordinator. If determined to be criminally ineligible, the application will be denied and there is no recourse for reconsideration.
- 5. Appropriate assessments will be performed by the Probation Officer, Mental Health and Drug and Alcohol to determine the appropriate level of care, and the risks, if any and other needs of the defendant.
- 6. Once the DTC Team receives the defendant's request, it shall then consider approving placement in the DTC and make appropriate recommendations for the defendant's treatment plan.
- 7. Defendants are strongly encouraged and may be required to attend one Treatment Court session prior to being admitted into the program.

- 8. If approved for placement in the DTC, the defendant, counsel, if any and the Commonwealth will be notified accordingly and a date will be scheduled for placement in DTC.
- 9. If the plan is not approved by the DTC Team, written notice will be provided to the defendant, counsel, if any and to the Commonwealth citing the reasons for rejection.
- 10. If eligibility is not established by the District Attorney's Office, clinical assessments or the DTC, the defendant can request reconsideration pursuant to the reconsideration policy of this manual.

Procedures for Entry into DTC – Supervision Violation

- 1. A referral source identifies a criminal defendant as a substance addict and/or abuser.
- 2. The defendant shall complete a DTC application.
- 3. The defendant is provided with the DTC Participant Handbook for review.
- 4. Once the defendant completes the DTC application, it is submitted to the DTC Coordinator.
- 5. After eligibility determination, the Treatment Court Coordinator and Adult Probation Officer will determine DTC eligibility with regard to the type of charges and maximum custody/supervision time remaining.
- 6. Appropriate assessments will be performed by the Probation Officer, Mental Health and Drug and Alcohol to determine the appropriate level of care and the risks, if any and other needs of the defendant.
- 7. Once the DTC Team receives the defendant's request and all assessments are completed, it shall then consider approving placement in the DTC and make appropriate recommendations for the defendant's treatment plan.
- 8. If approved for placement in the DTC, the defendant, counsel, if any and the Commonwealth will be notified accordingly and a date will be scheduled for placement in DTC.
- 9. If the plan is not approved by the DTC Team, written notice will be provided to the defendant, counsel, if any and to the Commonwealth citing the reasons for rejection.
- 10. If eligibility is not established by the Probation Officer or the DTC, the defendant can request reconsideration pursuant to the reconsideration policy of this manual.

Reconsideration Policy

Reconsideration requests must be made within thirty (30) days of initial rejection.

If a relevant party to the defendant's case (Defendant, Attorney, Judge, Probation Officer, etc.) feels that someone failed to consider a particularly important factor, he/she may complete a request for the case to be reconsidered for DTC. Only one such request may be made per case.

A Reconsideration Request Form must be completed and submitted to the Treatment Court Coordinator along with any supporting documentation and reasoning to justify reconsideration. This may include, but not be limited to, mitigating circumstances related to the crime(s) charged and psychiatric/psychological reports that may not have been available for the initial consideration.

Once the request for reconsideration is submitted, the Treatment Court Coordinator will forward the request to the Drug Treatment Court team for reconsideration.

Eligibility Criteria

Screening for entrance into DTC is available to those defendants who are detained at the CCCF, awaiting disposition of eligible criminal offenses, currently on pre-trial supervision or currently on probation/parole supervision. The following criteria have been established to identify defendants who may qualify for admission to DTC:

- 18 years of age or older.
- A resident of Carbon County (or residing in another county without a DTC within a reasonable distance to Jim Thorpe, as determined by the DTC Team) or alternatively a resident of another county in Pennsylvania with a DTC willing to accept an eligible defendant.
- Be charged with any combination of misdemeanors and/or felonies not otherwise listed in the disqualifying criteria.
- Defendant voluntarily agrees to participate in, and be subject to rules, regulations, and sanctions of DTC.
- A validated Risk/Needs Assessment will be used to aid in determining the eligibility for DTC participation.
- Diagnosis of substance use disorder.

Disqualifying Criteria

Not every defendant is eligible for inclusion in DTC. The following criteria disqualifies defendants from inclusion:

- Where the offenses involve: murder, voluntary manslaughter, arson, Megan's Law offenses, crimes against children, kidnapping, aggravated assault (on Police Officers/Probation Officers), escape, robbery, assault by prisoner, and violent drug offenders¹ or drug offenders who sold drugs for profit.
- Where the defendant is required to register as a requirement of Megan's Law (Adam Walsh Act).
- Failure to meet residency requirements.
- Defendant is not in need of treatment or is unwilling to comply with the treatment recommendations.
- Unresolved out-of-county or out-of-state criminal charges.
- Defendant has a medical condition or mental health diagnosis that does not allow for functional participation in DTC.
- Failure to provide an adequate transportation plan.

The District Attorney's Office, Probation Officer, DTC and DTC Judge all reserve the right to exercise discretion in considering other disqualifying criteria including, but not limited to: sentencing requirements based upon the prior record score and seriousness of the offense, previous participation in a specialized treatment court, defendant's unwillingness/inability to terminate use of lawfully prescribed controlled substances (except MAT substances) or overthe-counter medications that affect the integrity and accuracy of drug screening and program participation and victim's opposition, if any, to entry into DTC. The Carbon County DTC does not discriminate on the basis of race, color, national origin, religion, sex, disability, age, sexual orientation and gender identity.

Competency

If a defendant is referred to Carbon County DTC and there is a suspicion, at any time, that the defendant may not be competent to participate, as required by DTC, a referral will be made to the defendant's counsel to request a motion to have this issue evaluated prior to any further action in the DTC screening/assessment process.

¹ a "violent offender" means a person who – (1) is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding 1 year, during the course of which offense or conduct – (a) the person carried, possessed, or used a firearm or dangerous weapon; (b) there occurred the death of or serious bodily injury to any person; or (c) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (a) or (b) is an element of the offense or conduct of which or for which the person is charged or convicted; or (2) has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

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DTC Program Entry Hearing

Once a defendant is approved for entry into the DTC Program by the DTC Team, a hearing will be scheduled and held before the court. Prior to entry into the appropriate track, the participant must execute the following documents:

- 1. Stipulation for Entry into DTC;
- Release of Information Forms to allow the DTC Team to track and monitor a participant's progress;
- 3. A Participant Contract;
- 4. A Verification of Content Understanding Form;
- 5. Acknowledgement & Waiver of Due Process Rights; and
- 6. Colloquies and Waivers as further outlined below.

Upon execution of the documents referenced above and after conducting the hearing, the DTC Judge will place the participant into the appropriate track and the DTC Judge will sign the appropriate order.

Program Tracks

The DTC consists of four (4) separate and distinct tracks for eligible defendants. With the exception of the Recovery Track, the three other tracks are utilized at the discretion of the District Attorney's Office and vary in terms of the ultimate disposition of the charges of each participant.

1. Diversionary Track

All participants entering DTC through a Diversionary Track will execute a Rule 600 Waiver form and Written Colloquy – Diversionary Track. For participants completing the Diversionary Track, charges will not be dismissed until the participant has graduated and paid any and all applicable fines, costs and fees. It is the responsibility of the participant to furnish proof of final payment to their DTC Probation Officer. Once verified, the Office of the District Attorney will prepare the appropriate document for obtaining dismissal of the charges. Further, upon successful completion, the participant who entered into the program as diversionary may petition the Court to have their criminal case(s) expunged. The participant must pay the appropriate fee to the Clerk of Courts Office prior to the filing of the petition for expungement. The Office of the District Attorney will prepare the necessary paperwork for the participant's expungement. Failure to successfully complete aftercare may result in the District Attorney denying the expungement request. Any participant who enters into the Diversionary Track but fails

the program and is removed from DTC will have his/her case returned to normal criminal tracking at the pre-trial conference stage.

2. Incentive Track

The goal of the Incentive Track is to give a participant the chance to work toward a better resolution of the charges if he/she adheres to all conditions set forth by the Court and successfully completes the DTC Incentive Track. The track is designed for the participant to enter a guilty plea approved by the D.A. and then defer sentencing with signed Rule 704 Waiver and Written Plea Colloquy – Incentive/Standard Track in order for the participant to complete the DTC Incentive Track program. Upon successful completion, the participant may be afforded the opportunity to withdraw his/her guilty plea and enter a plea to lesser charges. The DTC Incentive Track program is designed to meet the needs of eligible participants who have prior criminal records or more serious charges that are better suited for the Incentive Track program rather than the Diversionary Track program.

3. Standard Track

A participant in DTC who enters through a Standard Track is one who does not fit into either a Diversionary Track or Incentive Track as determined by the District Attorney's Office. Normally, this requires a participant to enter a guilty plea to an appropriate offense approved by the D.A. and to have sentencing deferred with signed Rule 704 Waiver and Written Plea Colloquy — Incentive/Standard Track in order for the participant to complete the DTC Standard Track. The DTC Standard Track is designed to meet the needs of those eligible participants, who because of the charges or their record, are not suitable for either the Diversionary Track or Incentive Track and are otherwise facing incarceration. Participation in the Standard Track is an alternative to incarceration.

4. Recovery Track

A participant in the DTC who enters through the Recovery Track is admitted as a result of a violation of supervision from a previous sentence imposed by the Court. It is designed to meet the needs of eligible participants who have been unsuccessful with probation/parole supervision and are in need of more intense and extensive treatment in lieu of incarceration. In this track, a participant acknowledges a violation of his/her probation or parole and agrees to have his/her Gagnon II Sentencing deferred with signed Probation/Parole Violation Colloquy in order for the participant to complete the DTC Recovery Track.

Program Phases

The DTC is comprised of five (5) separate and distinct phases totaling a minimum of eighteen (18) months of supervision, treatment and monitoring. All phases have been designed to provide a reasonable and clinically effective assemblage of activities and to afford periodic positive reinforcement of the participant by transition.

Each participant's involvement will be monitored by his/her probation officer. As each participant completes various aspects and requirements of each phase, the probation officer will note such in the participant's file and complete with the participant an appropriate Supervision Plan Form.

PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5
Duration: 60 Days	Duration: 120	Duration: 120	Duration: 120	Duration: 120
	Days	Days	Days	Days
Court: Status	Court: Status	Court: Status	Court: Status	Court: Status
Hearing 1 time a	Hearing every	Hearing every	Hearing once a	Hearing once a
week	other week	other week	month	month
Probation:	Probation:	Probation:	Probation:	Probation:
minimum of 2	minimum of 2	minimum of 2	minimum of 1	minimum of 1
contacts per week	contacts per week	contacts per week	contact per week	contact per week
Drug Testing	Drug Testing	Drug Testing	Drug Testing	Drug Testing
minimum of 2	minimum of 2	minimum of 2	minimum of 2	minimum of 1
times a week	times a week	times a week	times a week	time a week
Sobriety: 15	Sobriety: 30	Sobriety: 90	Sobriety: 90	Sobriety: 120
continuous days	continuous days	continuous days	continuous days	continuous days
in the community	in the community	in the community	in the community	in the community
Volunteerism: 15	Volunteerism: 30	Volunteerism: 30	Volunteerism: 30	Volunteerism: 30
hours	hours	hours	hours	hours
Curfew: 9 PM	Curfew: 9 PM	Curfew: 10 PM	Curfew: 11 PM	Curfew: None
Daily Journal	Daily Journal	Daily Journal	Daily Journal	Daily Journal
Create/update Sup		obation Officer and a		d comply with plan
	·	articipate in treatme		
		or other approved co		<u> </u>
Attend and partic		ointments, or functio		oyment, housing,
		driver's license, wellr		
Establish payment	Compliance with	Compliance with	Compliance with	Compliance with
plan	payment plan	payment plan	payment plan	payment plan
	(minimum \$50 a	(minimum \$50 a	(minimum \$50 a	(minimum \$50 a
	month)	month)	month)	month)
Complete	Seek	Maintain	Maintain	Maintain
application for the	employment,	employment,	employment,	employment,
next phase	education, &	continuous	continuous	continuous
	training	educational	educational	educational
		process or	process or	process or
		vocational	vocational	vocational
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		training	training	training
Smartlink (Cell	Establish financial	Live within	Live within	Live within
phone based	budget	financial budget	financial budget	financial budget
check-ins and				
tracking)				
	Obtain stable	Maintain stable	Maintain stable	Maintain stable
	housing	housing	housing	housing
	Complete	Begin DUI	Continue DUI	Complete DUI
	application for the	requirement	requirements	requirements
	next phase			
	Smartlink for 30	Complete	Complete	Complete
	days (Cell phone	application for the	application for the	aftercare plan and
	based check-ins	next phase	next phase	graduate
	and tracking)			

Treatment Protocol

All eligible participants with receive drug, alcohol and mental health services through Carbon-Monroe-Pike Drug and Alcohol Commission, Carbon-Monroe-Pike Mental Health and Developmental Services or any other provider at the discretion of the Court, where required. The participant must comply with the recommendations of the treatment. If a participant must cancel an appointment, they must notify both the Provider and their assigned Adult Probation Officer of the cancellation and the reason why the appointment must be cancelled.

<u>Probation Supervision Requirements</u>

Each participant will be supervised by a member of the Carbon County Adult Probation Office while involved in DTC. It is expected that each participant will comply fully with all mandates and requirements of that supervision (see pages 23-24).

Employment/Volunteerism

Participants are required to obtain/maintain stable employment no later than the end of Phase III of the DTC Program, unless excused by the DTC Team (because of vocational training or involved in an educational process) or determined disabled by the Social Security Administration. Those who do not maintain employment for a two (2) week period will be required to complete an additional five (5) hours of volunteerism work each week not employed.

Additionally, each participant is required to complete all volunteerism hours mandated by phase requirements. In addition, volunteerism hours may be imposed as sanctions for violating DTC rules. Participants must have volunteerism sites pre-approved by their Adult Probation Officer.

In all situations, participants who are disabled as determined by the Social Security Administration will only be required to complete volunteerism hours as determined by the DTC Team.

Drug Testing

Drug testing is an important component of the Carbon County DTC program. Drug testing methods within the program include urinalysis, breathalyzers or any other means deemed appropriate by the Court. Drug testing within the program will be random and frequent. The frequency, type of test, and the substances that will be tested for will be at the discretion of the Probation Officer or the DTC Team. Testing may occur during non-traditional hours and requests for a sample may occur without notice to the participant. Participants reporting to Court or the probation office should be prepared to submit a urine sample. Participants will be tested a minimum of two (2) times a week during Phases I-V. The vast majority of the drug test will be administered and observed by the Probation Officer, but tests may be administered by others (e.g. treatment programs, sober houses, other agencies, etc.) at the discretion of the Probation Officer. Participants are strongly encouraged to report lapses to their Probation Officer PRIOR to submitting their sample. All test results will be reported to the DTC Team.

Incentives for consistent drug free samples may be provided. Sanctions may be imposed for positive drug screens. The type of sanction will be based on the sanction policy. Any refusal, alteration or failure to provide a drug test at the time requested, shall be viewed by DTC as a positive test result and the appropriate sanction will be imposed. If a participant fails to provide a sample, fails to report for testing, provides an adulterated sample or attempts to utilize a device that provides false urine, sanctions will be imposed. Any attempt to alter/tamper with a specimen will be considered a violation. If at any time throughout the collection process it appears that the participant is attempting to conceal any device used to alter/tamper or provide an invalid specimen, the Probation Department reserves the right to conduct a search of the participant. Confirmatory tests may be ordered upon request by the DTC Team. If a participant requests a confirmatory test which subsequently is confirmed positive, the participant shall be sanctioned to pay the cost of the confirmation.

Progress Hearings

During each phase of DTC, all participants are required to attend progress hearings in accordance with phase requirements. A participant will be required to report at the next progress hearing following any violations which may result in a sanction. In addition, the Court may sanction a participant to increased attendance to progress hearings. The Judge will inquire of each participant's progress, providing incentives or sanctions if appropriate at that time. The Judge may also change conditions of participation, if warranted. Unless excused, participants are required to remain in the Courtroom until all progress hearings have been completed. The participant will be given notice of their next required progress hearing appearance by DTC each time they appear.

Upon successful completion of each phase, the participant will be presented with a certificate and an offer to proceed to the next phase. Participants may leave early after they have received their certificate for phasing up. Upon completion of all five (5) phases, the participant will be eligible to graduate from the program.

Court sessions for progress hearings are held each Wednesday in Courtroom #2. Participants are <u>required</u> to appear as noticed and to show up on time, show respect to the Court, the DTC Team and other participants. It is sincerely discouraged to have children attend progress hearings. Participants are required to stay in the Courtroom for the duration of the hearings, unless excused by the DTC Team.

<u>Incentives</u>

The purpose of providing incentives is to reward participants for positive lifestyle changes and for meeting program milestones/requirements. The following has been developed as a guide to assist the DTC Team in providing incentives to DTC participants in a consistent and fair manner. The DTC Team is not limited to the incentives listed on the guide and may consider other factors and incentives at their discretion.

Milestones

- 1. Acceptance into the DTC Program
 - a. Participants shall receive a DTC Wristband, Pocket Calendar and Journal.
- 2. Advancement in Phases (II through V)
 - a. Participants shall receive a certificate, Gift card (\$20) and congratulations from the Judge.

3. Graduation

a. Participants will receive a framed certificate, Gift Card (\$20), a DTC Coffee Mug and congratulations from the Judge.

Sobriety

- 1. Participants shall receive a round of applause in Court whenever they indicate the number of days sober (minimum of thirty (30) days).
- 2. Participants will receive a DTC token at 90-day intervals of sobriety (i.e. 90 days, 180 days, etc.). Participants will be allowed to leave early after receiving their token.

100% Club (Fishbowl)

Every first Wednesday of each month, those participants that have made all Court sessions, probation contacts, treatment appointments, and have complied with all other requirements of the DTC program for the preceding month will have their names placed in a bowl for a random drawing. The Court will read the names of those participants who have earned "100%". At least one winner shall receive a \$20 gift card. Additional incentives may be awarded if available.

Participants who complete any of the following will have their names added to the bowl for an increased opportunity to win:

- 1. Fines, costs and restitution paid in full.
- 2. Volunteerism completed for Phase.
- 3. Completion of a level of care treatment.
- 4. Completion of a specific class.
- 5. Obtaining a driver's license.
- 6. Obtaining and maintaining full-time employment (60 days).
- 7. Obtaining and maintaining stable housing (60 days).

Other Miscellaneous Achievements or Milestones

The DTC Team and the Court may provide additional incentives when appropriate, and at their discretion, for various other achievements and milestones. Examples include, but are not limited to, verbal praise from the Court, a round of applause in Court, permission to attend outings, allowance for day/overnight trip or similar incentives.

Incentives are built into the Phase structure of the DTC Program. In addition to the recognition of phase advancement, as participants proceed through the phases, they will have reductions on program requirements, later curfews and the ability to leave Court earlier.

<u>Sanctions</u>

Participants who fail to comply with program requirements (honesty, supervision, treatment, urinalysis, etc.) will be held accountable through the imposition of sanctions. The DTC Team will review the following questions to assist the team and the Court in determining the appropriate sanction for the non-compliant participant.

- 1. **WHO** are they in terms of risks and needs?
- 2. **WHERE** are they in the program?
 - a. What is their current phase?
 - b. Previous sanctions?
- 3. WHICH behaviors are we responding to?
 - a. Are they proximal or distal goals?
- 4. WHAT is the response choice and magnitude?
- 5. **HOW** do we deliver and explain the response?

Participant Input: The DTC Team recognizes that the participant is an integral part of the team. In determining the appropriate sanction, the team should ask the participant:

- What sanctions would be beneficial to you?
- What is something that has helped you to address this type of behavior in the past?

Sanctioning & Termination Criteria: The DTC Team recognizes that many offenders placed in the program have serious alcohol and/or other drug use/abuse/dependency or addictions and presents a serious risk to the community and themselves. DTC will make every effort to properly assess participants and to engage them in the appropriate treatment. Time will be taken during the sanctioning and termination review process to ensure that the participant's presenting treatment need was addressed and that responses were used based on the behaviors the participant could achieve as a result of his/her presenting diagnoses, commitment to treatment, and time in the program.

Increasing levels of sanctions will be used if and/or when violations of DTC program rules occur. Disciplinary actions taken by the DTC Team does not alter the status of a participant in

the program unless consensus is reached by the Team which indicate further steps are necessary to manage inappropriate participant conduct.

Sanctions demonstrate that there are immediate consequences to inappropriate behavior. When possible, the sanction should be imposed at a Progress Hearing immediately following the infraction. Sanctions may include, but are not limited to:

- Verbal admonishment from the Judge
- Written warning
- Letter of apology
- Worksheets
 - Missed appointments
 - Honesty
 - Program compliance
 - Readiness to change
 - Values check
 - Action check
 - Thinking check
 - Decisional
 balance exercise
- Essays
 - Triggers
 - My support system
 - Defining my addiction
 - Negative self-talk
 - Why do I want to change?
 - Definition of recovery
 - Drug refusal skills
 - Lying & dishonesty
 - The impact of my use on others
- Journaling

- Fee for contested confirmed UT
- Reflection hour
- Increased supervision
- Increased drug testing
- Increased Court appearances
- Additional hours of volunteerism
- Assessment of costs related to behavior
- Curfew
- Increased community restrictions
- Tour of morgue or similar location
- Round table
- Delay advancement to the next phase
- Restarting phase
- Smartlink (Cell phone based checkins and tracking)
- House arrest/electronic monitoring
- Jail (sparingly)
- Termination

Depending upon the severity and timing of the DTC violation, the participant may be promptly detained with a hearing held as soon as Court becomes available.

The Team will decide on the particular incentive or sanction that is used. It is understood that while incentives are clearly positive motivators, the sanction chosen should also serve to increase the participant's likelihood of success in the program. For example, while increased attendance of reporting is listed as a sanction, this can be seen as a way of increasing the support the participant needs to allow them to succeed.

The amount of time spent incarcerated for a sanction shall not count towards credit for time served, if applicant fails to successfully complete DTC.

Graduation

Participants who have successfully completed all five (5) phases of DTC and have completed the *Application for Program Graduation* and *Graduation Survey* are eligible for graduation. The court may also require restitution be paid in full prior to graduation. Graduation ceremonies take place approximately two (2) times per year depending upon the number of participants who are eligible to graduate. Ceremonies will take place outside the normal Court session and all participants are required to attend. Friends and family are invited to attend and join in congratulating the participant on a "job well done".

Termination from DTC

Participation in DTC is voluntary. As such, participants may terminate their involvement at any time, however, should they choose to do so, they may be subject to different and sometimes harsher sentences and conditions resulting therefrom, including incarceration.

A) Voluntary Termination

The following must occur in order to terminate from the program:

- 1. The termination request must be made in writing and contain a clear and concise explanation as to the participant's reasons for opting-out of the program.
- The written request must be submitted to the DTC Judge for consideration. Once received, the request is considered by the DTC Team and a final determination is made by the DTC Judge.

- 3. A verbal and written acceptance of the participant's request will be given to the participant during a scheduled hearing.
- 4. After the hearing, should the Court grant the request, an appropriate Order and Notice to Appear will be issued.

B) Involuntary Termination

The Treatment Team will evaluate the totality of all factors prior to making a recommendation on involuntary termination. In the team's discretion, a termination recommendation can be based on one factor or multiple factors. Factors include, but are not limited to, the following:

- 1. Behavior(s) which has resulted in a citation, summons, arrest and/or conviction;
- 2. A pattern of missed, diluted or positive drug tests;
- 3. Repeated or continued failures to comply with or engage in treatment or recommendations;
- 4. Repeated or continued failures to comply with supervision or other conditions of the Court;
- 5. Absconding from an approved residence;
- 6. Violence or threats of violence against anyone;
- 7. Multiple jail sanctions.

It is the responsibility of the DTC Team to determine whether a participant should be recommended for termination from DTC. The ultimate decision belongs to the Drug Treatment Court Judge. Written notice of a recommendation to terminate will be given to the participant and counsel, if any, and a proper termination hearing will be held. If the Judge terminates a participant from the DTC program, the appropriate Order will be issued and the participant will either be scheduled for a pre-trial conference with the District Attorney's Office (Diversionary Track), scheduled for sentencing (Standard or Incentive Track) or scheduled for a Gagnon Proceeding (Recovery Track).

Prescriptions and Over the Counter Medications

Due to the high potential for certain medications to interfere with treatment and recovery efforts, DTC prohibits the use of all addictive medications. This includes the use of narcotic pain medications (Vicodin, Percocet, OxyContin, etc.), muscle relaxers (Flexeril, etc.), sleep aids (Somas, Ambien, etc.), caffeine pills, and the use of benzodiazepine medications (Xanax, Klonopin, Valium, etc.). Consuming diet pills is also strictly prohibited. Participants are not to consume any food item containing poppy seeds.

Participants seeking entry into the DTC Program are expected to consult their physician and/or psychiatrist to seek non-addictive medications with no abuse potential to treat conditions such as chronic pain and anxiety. Participants using such medications are subject to sanctions. Exceptions to this policy will be made only in extremely rare instances where there is a documented medically necessary or emergency treatment by a primary care physician. Participants who habitually seek exception to this policy are subject to increased sanctions and/or termination.

Participants of DTC may not take any dietary supplements or vitamins, as they may contain substances that would alter the normal color of urine or cause a positive drug test for illegal substances.

The consumption of salvia, morning glory seeds, K2/Spice, or any other such mood altering, synthetic/designed or hallucinogenic substance is strictly prohibited. All cough medications must be pre-approved by your Probation Officer. Ingredients such as alcohol, codeine, and dextromethorphan (DXM) are also prohibited. For a list of the medications not permitted in DTC, see page 25.

Any medications prescribed by a doctor must be approved by the Probation Officer prior to use. The only exception is an emergency situation. All medications must be kept in the original container. Any non-approved medication can be confiscated by the Probation Officer. To ensure your doctor's awareness and cooperation, as well as your compliance with the DTC Policy, the participant should have the physician sign the medical form. The participant must also sign a medical release form for each encounter where they seek medical or other treatment. The use of over-the-counter medications may also result in a positive test result. Participants are encouraged to contact the Probation Officer regarding the medications before commencing use.

Medication-Assisted Treatment

Medication-Assisted Treatment (MAT) is an evidence-based substance abuse treatment protocol. DTC supports the availability for individuals to have access to appropriate MAT under the care and prescription of a physician. DTC recognizes that not all participants may have access to MAT due to a lack of physicians who are able to prescribe and oversee patients using anti-alcohol and anti-opioid medications. This will not preclude individuals from applying to DTC and where and when available, DTC supports the participant's right to access MAT. This right extends to participation in DTC and DTC encourages the involvement in MAT-related treatment by any participant with an opioid addiction, to the extent MAT is clinically indicated.

DTC will not deny any eligible participant access to the DTC because of their use of FDA-approved medications for the treatment of substance abuse (e.g., methadone, buprenorphine products, including buprenorphine/naloxone combination formulations and buprenorphine mono-product formulations, naltrexone products including extended-release and oral formulations, disulfiram, and acamprosate calcium). Further, methadone treatment rendered in accordance with current federal and state methadone dispensing regulations from an opioid treatment program and ordered by a physician who has evaluated the participant and determined that methadone is an appropriate MAT for the individual's opioid abuse, will be permitted. Similarly, FDA-approved medications available by prescription must be permitted unless the Judge determines the following conditions have not been met:

- The participant is receiving those medications as part of treatment for diagnosed substance abuse.
- A licensed clinician, acting within their scope of practice, has examined the participant and determined that the medication is an appropriate treatment for their substance abuse.
- The medication was appropriately authorized through prescription by a licensed prescriber.

In all cases, MAT will be permitted to be continued for as long as the prescriber determines that the FDA-approved medication is clinically beneficial. DTC assures that participants will not be compelled to no longer use MAT as part of the conditions of the DTC, if such a mandate is inconsistent with a licensed prescriber's recommendation or valid prescription for FDA-approved medication.

Under no circumstances will the DTC Judge, other Judicial Official, Correctional Supervision Officer, or any other staff connected to DTC deny the use of such FDA-approved medications when made available to the participant under the care of a properly authorized physician and pursuant to regulations within an opioid treatment program or through a valid prescription and under the conditions described above. The DTC Judge, however, retains judicial discretion to mitigate/reduce the risk of abuse, misuse, or diversion of these medications.

DTC files shall be kept in secured locations and in compliance with the Adult Probation/Parole Department's Policy and Procedures.

Ethics and Confidentiality Statement

DTC proceedings shall be kept confidential. The DTC Team agrees that a positive drug test or open court admission of drug possession or use will not result in the filing of additional drug Revision date 8/18/2021

charges based on that admission. As with meetings, participants are strongly encouraged to neither break anonymity nor disclose any information obtained during DTC proceedings.

Treatment providers are bound by ethical and confidentiality standards set by HIPAA, and state and federal confidentiality rules (42 CFR, part 2; 71 P.S. Section 1690.108; and 42 U.S.C. Section 290dd-2) and any other regulations that may apply. Participants sign informed consent forms permitting disclosure of treatment information concerning attendance and general participation in treatment, and relapse information. Specific matters discussed during treatment sessions shall not be disclosed.

Courtroom Etiquette and Dress Code

Appropriate attire should be worn in Court where respect and pride are essential.

Men – it is preferable that you wear long slacks (or pants with belt loops); collared shirt/polo (tucked in); shoes with socks.

Women – it is preferable that you wear a knee length skirt or long pants; a casual dress shirt or blouse; dress shoes.

Please TURN OFF all cell phones

You may not be allowed to enter the Courtroom if you fail to comply with the established dress code policy of the Carbon County DTC and are wearing the following:

- Shorts
- Halter tops/Tank tops
- T-shirt/Muscle shirts
- Flip-flops
- Clothing that exposes the midriff
- Ripped/Torn jeans (except unless styled that way)
- Clothing language or pictures advocating tobacco, alcohol or drug use
- Sagging clothes (i.e. pants that hang below the waist)
- Unbuttoned shirts
- Hats, caps, or bandanas; sunglasses unless provided by a doctor
- Gang attire or colors of any kind

No chewing gum, food or drink allowed in the Courtroom.

No cell phones or electronic devices are permitted either.

*When speaking to the Judge, you will refer to him as "Your Honor", listen attentively to the Judge and your peers, sit-up straight (no slouching), speak loud and clear, and no slang.

Carbon County Drug Treatment Court

Rules and Regulations

The Carbon County Court of Common Pleas, after due consideration, has accepted you into the Drug Treatment Court Program. I agree to follow the following rules and regulations of the DTC Program. I understand that non-compliance with these rules and regulations may result in further action to include discharge from the program or incarceration. I fully agree to the following stipulations:

- You agree to participate in the Carbon County DTC. This time period will be a minimum of 18 months. You
 agree to participate in any educational, treatment, rehabilitative, or any other programs ordered by the Court.
 You agree to abide by any additional terms or conditions as indicated by the Court and agree to complete all
 treatment, medication compliance (if deemed necessary) and related programs to the satisfaction of the
 Court.
- You will attend all scheduled court sessions as directed. It is your responsibility to know the date and time of
 your next Court session. No changes in the Court schedule will be allowed unless an emergency exists and you
 obtain prior approval from the Court. Tardiness will not be tolerated. You must dress appropriately for Court
 sessions.
- 3. You will report as directed by your Probation Officer either in person, in writing, by telephone, or electronically, in accordance to written or oral instructions and permit your Probation Officer to visit your home, place of employment or any other location as directed.
- 4. You will not knowingly supply false information to any member of the DTC Team. Honesty is an integral aspect of the program.
- 5. You will complete daily journaling assignments that are to be reviewed by your Officer and the DTC Team.
- 6. Your residence of ______ is your approved residence and you may not move without the prior permission and knowledge of your Probation Officer. In addition, you must notify your Probation Officer within seventy-two (72) hours of changing your telephone number.
- 7. You will comply with all Municipal, County, State and Federal Laws, as well as provisions of the Vehicle Code and Liquor Code. You must notify your Probation Officer of any arrest, citation, or contact with Law Enforcement within seventy-two (72) hours of occurrence. You shall not engage in behaviors which are deemed threatening to the health, safety, or well-being of yourself, others or the community. You shall not engage in behavior which may result in the filing of a petition with the Court either for a temporary or final protection order. You shall not act as an informant for any Law Enforcement Agency without the written permission of your Probation Officer.
- 8. You will abstain from the unlawful possession or sale of narcotics, drug paraphernalia, dangerous drug, or other mind altering substances and abstain from the use of controlled substances within the meaning of the Controlled Substance, Drug, Device, and Cosmetic Act without a valid prescription. You cannot take any medications prescribed or any over the counter medications unless it is first approved by your Probation Officer. You will notify any prescribing medical professional of any history of drug or alcohol abuse or addiction. You will submit to drug and alcohol testing as directed by your Probation Officer.

_ I am prohibited from using or possessing alcoholic beverages. (Initial if appropriate)
_ I am prohibited from frequenting establishments which serve alcohol. (Initial if appropriate

- 9. You will make a concerted effort to obtain and maintain employment after the completion of Phase 1 of the DTC Program. If you change or lose your employment, you must notify your Probation Officer within seventy-two (72) hours. If you are unemployed, you shall cooperate with the Probation Officer in securing appropriate employment.
- 10. You will refrain from possessing any firearms, rifles, deadly weapons, explosives, prohibited offensive weapons, or look-a-like weapons on your person, in your vehicle or in your residence. Hunting shall be strictly prohibited.
- 11. You will make all payments on your Court costs, fines, supervision fees, and restitution as determined by the Court, the Adult Probation Department and the Bureau of Collections.
- 12. You will remain in the Commonwealth of Pennsylvania unless your Probation Officer, prior to such travel, has granted permission.
- 13. You shall cooperate with Mental Health, Drug and Alcohol or any other program as directed by your Probation Officer and comply with any recommendations and directives of the agency. You shall notify your Probation Officer within seventy-two (72) hours of entering any inpatient setting. You must agree to sign any and all necessary releases to further the treatment goals of the DTC. You further agree to sign releases which will allow the Court to review diagnostic, treatment and medical information. You will attend recovery based support groups such as AA and NA on a regular basis.
- 14. You will submit to searches of your property, residence, or person by the Adult Probation Department when there is reasonable suspicion that you have violated the terms and conditions of supervision or have in your possession illegal contraband.
- 15. You shall not associate with any individuals presently under probation, parole or intermediate punishment supervision in any jurisdiction without the prior consent and knowledge of your Probation Officer.
- 16. You shall not have a sexual/romantic relationship with anyone involved in DTC, whether that be a participant, mentor, or Team member.

17. You shall comply with the following special conditions imposed by the Court or your Probation Of		

COMMONWEALTH OF PENNSYLVANIA

FIFTY-SIXTH JUDICIAL DISTRICT DRUG TREATMENT COURT

Prohibited Medications

*The following list is only the majority of medications not allowed in Drug Treatment Court.

(unless part of a medically assisted treatment program)

Please consult your probation officer before taking any medications.

Alprazolam Glutethimide Oxazepam Alurate Halazepam Oxycodone **Alzapam** Halcion Oxycotin Ambien Haldol **Paxipam** Haloperidol Amobarbital Pemoline Amytal Hydrocodone Pentazcine Anafranil Hydromorphone Pentobarbital Apo-Oxazepam Hydroxyzine Pentogen Aprbarbital Intensol Pentothal Aquachloral supprettes Klonopin Percocet Ativan Loracet Percodan Atzapam Libritabs Permitil Barbia Libruim Perphenazine Benadryl Loraz Pethidine Biphetamine Phenazine Lorazepam **Brevital** Phenobarbital Lotusatee Butabarbital Loxitane Prazepam Butisol Luminal Prolixin Centrax Medililum Proxyphene Cloral Hydrate Mellaril Quazepam Chloridazepoxide Meperidine Responsans Chlorpromantyl Methadone Restoril Chlorpromazine Methaquallone Roxicodone Clomipramine Methidate Secobarbital Clonazepoam Methohexital Secogen Clozaril Methylphenidate Seconal Codeine Secretin-Ferring Meval D-Tran Midazolam Serax Dalmane Mitran Serentil Darvon Moban Skelaxin Darvocet Morphine Solazine Demeral Navane Solfoton Desozyn Nembutral Solium Dexedrine Noctec Soma Diazepam Nova-Rectal Somnal Diazepam Intensol Novochlorhydrate Stadol Dilaudid Novodipam Stelazine Diphengydramine Novoflurazine Stress-Pam Dolophine Novolorazem Suboxone Doral Novopoxide Supeudol Doriden Novoridazine Suprazine E-Pam Novoxapam **Talbutal** Fluphenazine Talwin Ormazine

Ox-Pam

Temazepam

Revistourd@ep&418/2021

Fluazepam-Dalmane

Terfluzine **Theopental** Thioridazane **Thorazine** Tramadol Tranxene Triazolam Trifluoperazine Triflurin Reilafon Tvlox Ultram Valium Valrelease Vazepam Vicodin Vistaril Vivol Xanax Zapax Zepex Zetian Zetran

DRUG & ALCOHOL RESOURCES

AGING/DISABLED ASSISTANCE

C-M-P Drug & Alcohol Services	610-377-5177	Area Agency on Aging:	
PA Treatment & Healing	610-377-8870	Carbon County	610-824-7830
Celebrate Recovery	610-714-9200	DPW Pharmaceutical Program	1-800-662-6080
NAR-ANON-For families of peopl	e with addiction	Long-Term Care Helpline	1-866-286-3636
	1-855-NAR-ANON	Eldercare Locator	1-800-677-1116
AL-ANON	1-800-344-2666	PA Senior Law Helpline	1-877-727-7529
Alcoholics Anonymous	1-877-934-2522	PACE (Prescription Assistance)	1-800-225-7223
Cocaine Anonymous	1-866-777-0983	Alzheimer's Chapters Helpline	1-800-272-3900
Directory for Sub. Abuse	1-877-807-9275	APPRISE (Health Insurance Cou	nseling &
Narcotics Anonymous	570-421-6618	Assistance)	1-800-783-7067
Penn AIDS Testing Info	717-783-4677		

FOOD ASSISTANCE

WIC (Women, Infant, Children)	1-866-942-8463
Beaver Meadows Food Pantry	570-455-6835
Ebenezer Evangelical Church	570-325-2855
St. Joseph/Divine Mercy	570-325-3731
Lansford Pantry	570-645-3416
Trinity Lutheran Church	610-377-4303
Zion Feed A Neighbor	610-377-1191
Ben Salem UCC Food Pantry	570-386-3870
Nesquehoning Pantry	570-669-9212
Palmerton Christian Action	610-826-1190
Sacred Heart St. Vincent De Pau	l 610-826-9756
Summit Hill Pantry	570-645-3604
Tresckow Food Pantry	570-454-8209
Weatherly Pantry	570-427-4113
St. Vincent de Paul	570-645-2664

HOUSING ASSISTANCE

Action Committee	610-377-6400
Carbon County Housing Authority	610-377-9375
Peaceful Knights	610-393-2536
Rescue Mission (Allentown)	610-740-5500
Safe Harbor	610-258-5540
Salvation Army (Allentown)	610-432-0128
Victim Resource Center	610-379-0151
Family Promise	610-379-4757
Hope for Veterans	1-855-483-8466
Housing Resources	211

VICTIMS SERVICES

Victim Resource Center	610-379-0151
Domestic Violence Service Center	
1-800-424-5600 OR	610-379-0261

ID/DRIVERS LICENSE

Photo License Center	570-386-4394
FIIOLO LICEIISE CEITLEI	3/0-300-4334

CLOTHING/FURNITURE

570-668-0410
570-732-4313
610-377-4303
570-645-2664

EDUCATION/EMPLOYMENT

Career Link	570-325-9960
CCTI-GED Class	570-325-3682
LCCC-Carbon	570-669-7010

Go online to www.pa211east.org for an Online Resource Guide

Other online services:

MakeTheConnection.net – website for shared experiences and support for Veterans www.myhealth.va.gov – Online access to health information www.ebenefits.va.gov – Online Benefits Resource

CARBON COUNTY OFFICES

VETERAN'S SERVICES

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Adult Probation	570-325-4226	Veterans Crisis Line	1-800-273-8255 option #1
Juvenile Probation	570-325-2417	Justice Outreach	570-472-5046
Children and Youth Services	570-325-3644	Valor	570-645-2212
Domestic Relations	570-325-2681	Veteran's Affairs	570-325-3986
Bureau of Collections	570-325-3500		
Public Defenders Office	570-325-2343	MEDICAL CARE	
Veterans Affairs	570-325-3986		
Prothonotary Office	570-325-2481	St. Luke's Gnaden Huetten	
Elections/Voter Registration	570-325-4801	Campus	610-377-1300
District Attorney	570-325-2718		
Senatorial Office	570-325-3274	Karen Baer, LCSW	570-472-5046
OR	570-740-2434	Veteran's Justice Out	reach
		1111 East End Boulev	vard
MENTAL HEALTH/COUNSELING SERVICES Wilkes-Barre, PA 18711		711	
C-M-P Mental Health and Developmental		Scranton Vet Center	570-344-2676
Services	610-377-0773	1002 Pittston Avenue	
Crisis 1-800-849-1868 o	r 570-992-0879	Scranton, PA 18508	
ReDCo Group	610-377-8525		
-Spanish speaking staff available		Women Veteran's	
Northeast Counseling	610-377-9146	Coordinator	570-824-3521 ext. 27517
St. Luke's Partial Program	610-852-4061	1111 East End Boulev	vard
POWER/LEAP	610-377-3940	Wilkes-Barre, PA 18711	
Behavioral Health Associates	610-379-0067		
PA Treatment & Healing	610-377-8870	Suicide Prevention	570-830-7033
NAMI (National Alliance for Ment	ational Alliance for Mental Illness) 1111 East End Boulevard		vard
1-	-800-950-NAMI	II Wilkes-Barre, PA 18711	
Co-op Drop-In Center	610-377-5799		
CMP Mental Health Warm Line 1	L-866-654-8114	Military Sexual Trauma	
-for mental health support 6pm-10pm daily		Coordinator 570-824-3521 ext. 27693	
Care Net	610-379-0411	1111 East End Boulevard	
Suicide Prevention Helpline 1	L-800-273-TALK	Wilkes-Barre, PA 187	711
TRANSPORTATION ASSISTANCE		Caregiver Support	
		Coordinators	570-824-3521 ovt 27603

 Carbon County Transit
 610-776-7433

 Easton Coach
 1-800-990-4287

 Lanta Van
 610-432-3200

FINANCIAL ASSISTANCE

Social Security Administration 1-800-772-1213 County Assistance Office: -Carbon County 610-577-9020

LIHEAP (Energy Assistance):

-Carbon County 610-577-9073

Coordinators 570-824-3521 ext. 27693 1111 East End Boulevard Wilkes-Barre, PA 18711

Post 9/11 Transition & Care Mgmt.

Coordinator 570-824-3521 ext. 27693

1111 East End Boulevard Wilkes-Barre, PA 18711

Revision date 8/18/2021 27