

NORTHAMPTON COUNTY COURT OF COMMON PLEAS



RECOVERY COURT POLICY AND PROCEDURES MANUAL

Mission Statement

It is the mission of the Northampton County Recovery Court to promote public safety, health and welfare, to strengthen our community, and to reduce the burden on the county's prison system by providing offenders whose criminal conduct is rooted in addiction with the treatment, intensive supervision and case management, and access to necessary community services to enable them to achieve and maintain a healthy, stable role in society. By addressing individuals' underlying addiction issues in this manner, the Courts strive to make the most efficient use of public funds, and to build a healthier, safer environment for the citizens of Northampton County.

Overview of Program Structure

Track One of the Northampton County Recovery Court is a post-conviction program open to substance abusing and addicted offenders currently under the supervision of the Northampton County Adult Probation and Parole Department. The program is designed to provide offenders with the opportunity to engage in Court-monitored treatment and supervision in lieu of incarceration, and to rebuild their lives.

Consistent with the Northampton County Recovery Court's underlying goal of addressing addiction with treatment and community supervision to improve outcomes, Track Two of the Northampton County Recovery Court is open to TCAP-eligible offenders whose criminal conduct is rooted in abuse and/or addiction to drugs or alcohol. Participants receive a State Intermediate Punishment sentence that may include a period of incarceration, and will also include successful completion of the Recovery Court program, and successful completion of the TCAP program.

General Definitions

Eligible Offenses: All offenses not listed under "Disqualifying Offenses."

Review Hearing: Court appearance by a participant before the Recovery Court Judge, attended by all members of the Recovery Court Team, during which the participant's progress will be reviewed, changes may be made to the treatment plan, and the Judge may issue incentives or sanctions. The frequency of Review Hearings is established by the Recovery Court Team.

Recovery Court Team Meeting: Before every Review Hearing, the members of the Recovery Court Team meet to discuss the progress of program participants, the need for any changes in their treatment plans, and the appropriateness of any incentives or sanctions.

Recovery Court Team Definitions

Recovery Court Judge: The Recovery Court Judge is a member of the Recovery Court Team. The Judge presides over all Review Hearings; monitors participant progress; applies incentives and sanctions; enforces the program rules; protects the legal rights of participants; ensures compliance with applicable laws and regulations; and works together with the other team members to determine each participant's successful completion of the program. The Judge shall be vested with decision-making authority with respect to incentivization, sanctioning, and the unsuccessful discharge of program participants.

District Attorney: The District Attorney and/or his designee ("the prosecutor") is a member of the Recovery Court Team. At the time of the Gagnon II in Track 1 cases, or prior to the disposition of

the pending charges in Track 2 cases, the prosecutor may make a recommendation with respect to the disposition of the case, or lodge an objection to an admission. As a member of the team, the prosecutor may attend all team meetings and Review hearings, monitor participant progress, and make recommendations for incentives and sanctions, as applicable. The prosecutor shall advise the Recovery Court Team of any new criminal charges against a participant and in such cases, may make a recommendation as to the appropriateness of the participant's continuation in the program.

Public Defender: The Public Defender ("defense attorney") is a member of the Recovery Court Team. The defense attorney shall represent and advise the participant in all court proceedings, with a focus on protecting the participant's constitutional and civil rights. The defense attorney shall use a non-adversarial approach to advocate for the individual's admission into and successful completion of the program. To this end, the defense attorney shall counsel and encourage the individual with regard to program compliance, and may make recommendations to the Court with regard to program progress, incentives, or sanctions. The defense attorney shall attend all Team Meetings and Review Hearings, and may make recommendations to the Court with regard to program progress, incentives, or sanctions.

Northampton County Probation Department: Specialized Probation Officers ("SPOs") are members of the Recovery Court Team. SPOs shall work in concert with the Recovery Court Case Manager to supervise and monitor each program participant. Supervision shall include field and office visits to monitor program compliance. SPOs shall attend and participate in all Team meetings and Review Hearings, and may make recommendations to the Court with regard to program progress, incentives, or sanctions.

TCAP Case Manager: Those in the TCAP track of Recovery Court have a TCAP Case Manager, who will meet with them regularly, monitor their progress, assist them in accessing services, and also assist them in addressing any problems or questions they may have. The TCAP Case Manager shall attend and participate in all Team meetings and Review Hearings, and may make recommendations to the Court with regard to program progress, incentives, or sanctions.

Program Coordinator: The Program Coordinator is a member of the Recovery Court Team. The Program Coordinator will administer the program for the Court and serve as a liaison to the AOPC. He or she shall document participants' application to and enrollment in the program, manage the Review Hearing docket, conduct all necessary statistical analysis, coordinate and participate in grant solicitations, and coordinate meetings, trainings, and ceremonies. The Program Coordinator shall attend and participate in all Team meetings and Review Hearings, and may make recommendations to the Court with regard to program progress, incentives, or sanctions.

Treatment and Service Providers: Treatment and Service Providers shall be members of the Recovery Court Team. They shall provide treatment services to program participants and shall participate in Recovery Court Team Meetings. During such meetings, Treatment and Service Providers shall offer insight into participants' progress and shall make recommendations for appropriate changes in treatment, program progress, incentives, or sanctions. It is appropriate but not necessary for Treatment and Service Providers to attend and participate in Review Hearings.

Eligibility Requirements

At the time of application, the applicant must meet the following requirements:

- The applicant is 18 years or older and has been a resident of Northampton County for not less than 90 days;
- The applicant has substance use disorder currently requiring treatment;
- The applicant's criminal history is devoid of any disqualifying offense;
- The applicant has been charged with eligible offenses adding up to enough sentencing authority under the Sentencing Guidelines to allow for successful completion of the program (not less than 18 months); and
- The applicant is competent and willing to engage with treatment and supervision.

Disqualifying Offenses

Probation and parole violation applicants whose current charges or prior record includes the following will not be eligible for enrollment:

- Murder or Manslaughter
- Felony sex offenses
- Unresolved out-of-county charges
- Violent offenses committed with a firearm
- Other charges deemed by the Court to present an unreasonable risk to society

Application Process:

- The application packet includes:
 - **Application:** 3-page application to be completed, signed and dated.
 - **Recovery Court Rules and Waiver of Rights:** 2-page document to be read, signed and dated, indicating the voluntariness of the applicant's intended admission to the program and agreement to adhere to program rules and requirements.
 - **Applicant Release & Authorization:** permitting the Northampton County Recovery Court to obtain relevant medical information from the certifying physician for purposes of determining program eligibility and suitability.

Note: Every component of the application packet must be fully completed before consideration.
Incomplete applications will be returned.

Review Process:

- Applications shall be submitted to Administrative Judge Jennifer R. Sletvold, either by hand-delivery to Court Administration, or electronically to Judicial Secretary Sandra Pascoe at spascoe@norcopa.gov.
- TCAP applicants will be assessed by the TCAP evaluator.
- A drug and alcohol evaluation will be conducted if not completed prior to application.
- The Northampton County Probation Department shall conduct a criminal screening (ORAS) to assess criminal risk and need.
- The Recovery Court Team shall review the application and assessments and the Court shall make an admissions decision.
- If the application is denied, a Court Order shall be entered and distributed.
- If the application is accepted, legal counsel will be advised to schedule a guilty plea or Gagnon II hearing and sentencing.

Program Orientation: Upon acceptance into the program, participants will undergo a program orientation conducted by the participant's SPO or their TCAP Case Manager, as applicable. During orientation, all new program participants will be familiarized with the requirements and the policies of the program, and they shall have the opportunity to ask questions about the program.

Treatment Protocol:

- Service plans will be developed in accordance with the needs of the individual.
- The SPO shall review the service plan with the participant, ensure their understanding of the plan, and address any questions or concerns about the plan.
- Service plans shall take into account the participant's baseline functionality, individual capabilities and interests, and their holistic (physical, mental and spiritual) needs.
- Service plans shall outline all services in which the participant has been enrolled or referred, including but not limited to:

- Drug and/or Alcohol treatment
- Mental Health treatment
- Peer support groups
- Social rehabilitation
- Community service
- Housing assistance
- Job assistance
- Financial planning assistance
- Case management

Treatment needs shall be determined during the clinical assessment of each applicant prior to admission to the program. The full continuum of treatment modalities shall be available, including detoxification, inpatient treatment, halfway house or other step-down housing options, outpatient at varying levels, and medically assisted treatment. The Pennsylvania Client Placement Criteria instrument is used to determine the appropriate level of care. The treatment provider shall determine the individual's course of care.

Program Requirements

- Abide by the rules of the program
- Meet with SPO as directed
- Comply with all aspects of the Service Plan
- Comply with the directives and policies of all treatment providers
- Comply with all aspects of supervision
- Attend all appointments with the Court, treatment provider(s) and SPO
- Attend Review Hearings as directed
- Obtain and maintain stable housing
- Achieve stable financial management
- Remain drug and alcohol free
- Pay court costs, fees, and fines as directed

Access to Treatment Services: Treatment services shall be accessed through individuals' Medical Assistance or private health insurance. If an individual does not have health insurance and is eligible for Medical Assistance, they shall obtain the same, with assistance from their Recovery Court Case Manager. The treatment providers with which participants engage shall be approved by their insurance plan.

Program Phases:

- The program shall consist of five (5) phases.
- Participants shall generally complete the program within eighteen (18) to twenty-four (24) months. However, the length of phases and an individual's progression through the phases will be at the discretion of the Court.
- Throughout the phases of the program, each participant's progress is subject to weekly review by the Recovery Court Team, and their program requirements are adjusted as necessary based on the individual's needs.

PROGRAM PHASES

Phase One **GOAL: Engaging in Treatment and Establishing Initial Community Recovery Supports**

(not less than 60 days in the community)

- Comply with treatments, therapies, and medications

In community:

- Electronic monitoring if not inpatient
- Attend weekly Review Hearings
- Weekly contact with SPO (office and/or home visits at discretion of SPO)
- Random drug testing a minimum of twice per week
- Attend self-help meetings
- Obtain stable and sober housing (post-inpatient, if applicable)
- Obtain photo ID and Social Security cards if needed
- Obtain medical insurance and other benefits if needed
- Be honest with self and others
- Achieve not less than fourteen (14) consecutive days of sobriety in the community
- Complete Phase Advancement Application

Essay/interview: How Drug Use Has Affected My Life

Phase Two **GOAL: Establishing a Daily Routine Rooted in Recovery** **(average 100-145 days)**

- Comply with all treatments, therapies, and medications
- Attend bi-weekly Review Hearings
- Weekly contact with SPO (office and/or home visits at discretion of SPO)
- Random drug testing a minimum of twice per week
- Attend self-help meetings
- Select sponsor and home group
- Obtain full-time employment or schooling, or part-time employment and schooling
- Complete fifteen (15) hours of self-directed volunteer service
- Establish relationship with primary care physician, any specialists, and dentist if not established
- Begin paying costs, fines, and restitution (if applicable)
- Identify interests and seek sober social and recreational activities (minimum 1 per month)
- Be honest with self and others
- Achieve not less than forty-five (45) consecutive days of sobriety in the community
- Complete Phase Advancement Application

Essay/interview: Triggers and Prevention Strategies

Phase Three **GOAL: Developing Recovery Supports, Activities of Daily Living, and Sober Social Outlets**

(average 100-145 days)

- Comply with treatments, therapies, and medications
- Attend Review Hearings every three weeks
- Weekly contact with SPO (office and/or home visits at discretion of SPO)

- Random drug testing a minimum of twice per week
- Attend self-help meetings
- Maintain employment and/or schooling
- Obtain stable, clean and sober independent housing if not previously obtained
- Complete ten (10) hours of self-directed volunteer service
- Continue paying costs fines and restitution (if applicable)
- Develop and maintain interests by engaging in sober social and recreational activities (minimum 1 per month)
- Be honest with self and others
- Identify and secure any necessary therapies, programs, or resources for or with dependents and connected family members
- Achieve not less than sixty (60) consecutive days of sobriety in the community
- Complete Phase Advancement Application

Essay/interview: My Long-Term Sobriety and Lifestyle Goals

**Phase Four GOAL: Developing Long-Term Sober Living Goals
(average 100-145 days)**

- Comply with treatments, therapies, and medications
- Attend Review Hearings every four weeks
- Bi-weekly contact with SPO (office and/or home visits at discretion of SPO)
- Random drug testing a minimum of twice per week
- Maintain stable, clean and sober independent housing
- Attend self-help meetings
- Maintain employment and/or schooling
- Complete GED (if applicable and not completed in an earlier phase)
- Complete eight (8) hours of self-directed volunteer service
- Continue developing interests and engaging in sober social and recreational activities (minimum 1 per month)
- Continue addressing relationship with connected family members and the needs of dependents
- Continue paying costs, fines, and restitution (if applicable)
- Be honest with self and others
- Achieve not less than seventy-five (75) consecutive days of sobriety in the community
- Complete Phase Advancement Application

Essay/interview: The Changes That Recovery Has Made in Me and My Life

**Phase Five GOAL: Maintaining Sober Lifestyle, Giving Back to the Community
(average 100-145 days)**

- Attend Review Hearings every five weeks
- Bi-weekly contact with SPO (office and/or home visits at discretion of SPO)
- Random drug testing a minimum of twice per week
- Maintain stable, clean and sober independent housing
- Maintain employment and/or schooling

- Continue developing interests and engaging in sober social and recreational activities (minimum 1 per month)
- Develop written relapse prevention plan for Court approval
- Attend self-help meetings
- Continue paying costs fines and restitution (if applicable)
- Be honest with self and others
- Achieve not less than ninety (90) consecutive days of sobriety in the community
- Complete community service project

Completion Requirements

- Successfully complete all recommended treatment
- Attain a minimum of ninety (90) consecutive days of sobriety in the community
- Be engaged in a sober living lifestyle, with sober supports and activities
- Obtain gainful, consistent employment or involvement in vocational or academic program
- Maintain a clean, sober and stable living environment
- Have made regular payments on costs, fines and restitution, completing payment during your time in Recovery Court as directed, or have a payment plan set up for any outstanding balance as otherwise directed. In the final twelve (12) months of the program, make monthly payments on costs, fines, and restitution totaling not less than \$600
- Have a written relapse prevention plan
- Complete community service project

Community Service Project

In the final phase of the program, with the benefit of Court and community support, participants will have achieved stability in your daily life and you will be in the position to use their strengths and interests to give back to the community. In the final phase of the program, the participant will submit a written community service project plan for Court approval, and complete their project before completing the program.

Judicial Monitoring:

- Review Hearings are held every Thursday at 2:30 p.m. in Courtroom #6 of the Northampton County Courthouse.
- Prior to each Review Hearing, the Recovery Court Team shall meet to discuss the status of each participant listed for hearing, to ascertain individual progress and identify any treatment issues or non-compliance. During this meeting, any member of the Recovery Court Team may make recommendations to address these matters.

- During the Review Hearing, the Recovery Court Judge shall engage in a discussion with each hearing participant to obtain information from the individual regarding their progress in the program, individual accomplishments or non-compliance, and any outstanding issues or problems the individual may have. Upon receipt of this information, the Recovery Court Judge shall issue incentives, sanctions and therapeutic responses as they deem appropriate.
- At the end of every Review Hearing, the participant shall receive written notice of their next scheduled Review Hearing, and any special instructions with respect to program requirements.
- Enrollment and participation in the Recovery Court is voluntary, and it is an opportunity for participants to lead more productive and stable lives through engagement in treatment, supports, and services; however, not all participants who enter the program are able to successfully complete it. Participants who fail to progress through the program can be scheduled for a termination hearing at the discretion of the Court. The following are examples of circumstances that may lead to a termination hearing and involuntary discharge from the program. This list is just for purposes of illustration and does not list every possible circumstance that may lead to a termination hearing and/or termination:
 - A demonstrated unwillingness to comply with program requirements
 - Continued criminal activity while in the program
 - Acts of violence while in the program, including threats of violence

Incentives, Sanctions and Therapeutic Responses

THE FOLLOWING LIST OF THERAPEUTIC RESPONSES, INCENTIVES, AND SANCTIONS IS NOT A COMPLETE LIST AND IS ONLY INTENDED TO SERVE AS AN ILLUSTRATION OF THE RANGE OF RESPONSES THE COURT MAY HAVE TO AN INDIVIDUAL'S CHALLENGES AND SUCCESSES. THERAPEUTIC RESPONSES, INCENTIVES, AND SANCTIONS ARE TAILORED TO EACH INDIVIDUAL AS THE JUDGE DEEMS NECESSARY AND APPROPRIATE.

Therapeutic responses:

- Clinical assessment or reassessment

- Increased meetings with SPO
- Increased meetings with Case Manager
- Increased self-help meetings
- Increased meetings with other supports
- Increased treatment participation
- Change in treatment and/or services

Incentives:

- Positive verbal feedback
- Applause
- A handshake from the Judge
- Decrease in required court appearances
- Decreased supervision
- Reduction in costs and fines
- Gift cards
- Candy bars, key chains, etc.
- Permission to travel
- Phase advancement certificates

Sanctions:

- Reprimand from the Judge
- Community service
- Jury box, last in review session
- Writing assignment
- Increased UDS testing, if applicable
- Curfew
- GPS monitoring
- Short-term incarceration
- Removal from program

Incentives, sanctions, and therapeutic responses are as individualized as possible, and sanctions in particular are progressive. Because these responses are individualized to the person, there is no matrix in use.

APPLICABLE POLICIES

Non-Discrimination Policy: The Recovery Court program does not discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, disability, or age in determining program eligibility, program planning, access to program services, or for any other purpose. Nor does it discriminate against anyone who complains about discrimination.

Participation: Recovery Court participation is voluntary. If, during the program, a participant decides to dis-enroll, you may do so. However, the failure to successfully complete the program is a violation, and a participant who dis-enrolls does so subject to the full sentencing authority of the Court with respect to violations and any pending charges.

Violations and Removal: Even though participation is voluntary, a participant may be involuntarily removed from the program if they fail to progress through the phases and requirements of Recovery Court. Participants facing removal will be scheduled for a Due Process Hearing, advised of the same, and given an opportunity to show why they should not be removed from the program at said hearing. The Recovery Court Judge's ruling at said hearing will be final.

Policy on Confidentiality: Your protected health and legal information will be shared in a way that protects your rights to confidentiality and your constitutional rights as a participant in the criminal justice system. When applying to and participating in the Court, each person must, as a condition for consideration and participation, voluntarily authorize the disclosure of information to the Court and its agents regarding their diagnosis, nature and scope of treatment, compliance with treatment, and quality of participation. However, it is the duty of the Court to safeguard this information in accordance with all state and federal laws. Disclosures to the Court by treatment and service providers shall be in accordance with their legal obligations. Any legal violations committed by a person during their participation in the Court will not be used in any subsequent prosecution.

Policy on Reconsideration: The Northampton County Recovery Court will consider all referrals on a case-by-case basis, taking into consideration all relevant factors, including but not limited to: the nature of the underlying offense and/or violation; the individual's prior record; the individual's substance abuse and/or mental health history and its relationship to the offense or violation; and a risk/needs analysis. If an individual is not accepted, they may make a written request for reconsideration, seeking a review of their eligibility for the program. The reconsideration request must comport with the timing requirements of P.A.R.CRIM.P. 720 and must set forth supportive reasoning for reconsideration, such as mitigating circumstances pertaining to the crime or the individual that were not available upon initial consideration, or any other relevant information. The ruling on any request for reconsideration will be final.

Policy on Restitution: A key component of the Recovery Court is to assist participants in achieving stability, personal responsibility, and personal reliance. In keeping with these goals, all participants in the program are required to pay all restitution due and owing to crime victims before graduating from the program, or to have made payments and be on a payment plan.

Policy on Readmission – Unsuccessful Discharge: If a participant is unsuccessfully discharged from the program, they may submit a request for reconsideration of that decision. The reconsideration request must comport with the timing requirements of P.A.R.CRIM.P. 720, and must set forth supportive reasoning for reconsideration, such as mitigating circumstances pertaining to the crime or the individual that were not available upon initial consideration, or any other relevant information. Nunc pro tunc requests for reconsideration will be considered on a case-by-case basis. The Court's ruling on any request will be final.

Policy on Readmission Following Successful Completion: Given that the Northampton County Recovery Court is a diversionary program, those who have successfully completed the program will generally not be permitted an opportunity to participate in the program again on new charges or violations. However, applicants who believe there are compelling reasons supporting a subsequent application may apply, and should present those reasons to the Recovery Court Team either by documentation or personal appearance before the Team.

Policy on Prescription Medications and Medical Marijuana: The use of potentially addictive substances is closely scrutinized and to be avoided as clinically recommended. In order to encourage the thoughtful and responsible use of potentially addictive substances, inclusive of medications and medical marijuana, the Court has a multi-step procedure for the approval of such medications for use by program participants, which is strictly enforced. The participant shall also be subject to verification procedures, typically conducted by their SPO, but which may be conducted by any member of the Recovery Court Team. As directed, participants must fill all of their prescription medications at one pharmacy and provide a quarterly printout from that pharmacy.

Participants must obtain their medical marijuana from one dispensary. The participant must provide a quarterly printout documenting medical marijuana purchases from that dispensary. Participants must consume and store medical marijuana in a manner provided by statute. Participants should expect compliance checks in accordance with this policy.

Urinalysis Policy: Program participants may be subject to random urinalysis as deemed necessary and appropriate attendant with their individual diagnoses. The Recovery Court may also use SCRAM, PBT, sweat patches, oral swabs or any other approved method. The Recovery Court has the discretion to direct the frequency and timing of all drug tests and to subject participants to immediate drug testing at any time. Participants required to participate in urinalysis will be required to read, review and sign rules relating to urinalysis. Unless covered by grant funding, participants are responsible for the costs of their drug testing. Participants required to participate in urinalysis shall contact Averhealth every day after 9:00 p.m. to determine if they are required to report for testing the following day. Unless directed otherwise, participants may report to Averhealth in Easton or Allentown and are expected to report to the site closest to their location. All samples are tested for dilution, specific gravity, and creatinine levels to detect tampering. If a participant tests positive on an initial test, the participant is immediately made aware of the results. The participant may admit use or contest their results by requesting a confirmation test. Participants who request confirmation will be responsible for all costs of retesting. Failure to appear for testing, failure to provide a sample, and submission of a dilute sample or a tampered sample are all considered positive test result.