

**BERKS COUNTY COURT  
OF  
COMMON PLEAS**



**BERKS COUNTY TREATMENT COURT**

**POLICY AND PROCEDURE MANUAL  
MARCH 2023**

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## **MISSION STATEMENT**

The mission of the Berks County Treatment Court Programs is to integrate substance abuse, mental health and veterans specific treatment with the justice system for the promotion of public safety, individual responsibility, and reduction of drug/alcohol/mental health related recidivism. Further, the Berks County Treatment Courts provide a judicially supervised regimen of individualized treatment and intensive probation/parole supervision to the chemically-involved/ mentally ill offender through a coordinated interdisciplinary approach that treats the whole person while protecting public safety.

## **TREATMENT COURT GOALS AND BELIEFS**

### ***Multidisciplinary Team Approach:***

The multidisciplinary team approach involves collaboration among judiciary, supervision, and treatment services to help the participant to achieve life changing goals.

### ***Promote Community Safety:***

The program's goal is to reduce recidivism rates among offenders and make the community a safer place by treating the underlying addiction/ mental health issue.

### ***Conserve Resources:***

The program utilizes various community resources (i.e. treatment services, sober support networks) to provide participants with the ability and knowledge to lead crime and substance free lives; in return reducing further impact on community resources and lowering the non-violent jail population.

### ***Provide Framework for Better Lives:***

The program allows the participant the opportunity to learn not just about their addiction/mental health issues but about themselves, what and what not to do in high risk situations, and ways to improve their life skills. This results in better, more productive lives for the participant and those around them.

## **TEAM MEMBERS**

Each Berks County Treatment Court Team consists of a Judge, District Attorney, Public Defender, Coordinator, Probation Officer(s), The Council On Chemical Abuse (COCA), Treatment Access Services Center (TASC), Berks Connections Pretrial Service (BCPS), Forensic Case Managers from Services Access Management (SAM), YMCA Specialty Court Case Manager(s) and Treatment Providers. The Veterans Treatment Court Program also includes a Veterans Justice Outreach Coordinator (VJO) who works for the Veterans Administration. Each team holds bi-weekly team meetings to discuss each participants progress and formulate methods to help allow a successful outcome for each participant. The bi-weekly meetings also allow for the opportunity for information sharing, discussing imposition of incentives and sanctions, and for team members to hear perspectives on a participant from those filling other roles on the treatment team.

Administrative meetings are also held on a monthly basis between the coordinator and the Judges to review policy and procedure and develop program strategies. New applicants for each program are discussed at a frequency dictated by the presiding Treatment Court Judge.

## **ELIGIBILITY AND APPLICATION PROCESS**

The Berks County Treatment Courts receives referrals from a variety of sources including the applicant, arresting officers, probation / parole officers, Magisterial District Justices, District Attorneys, and the defensebar. The applicant must meet eligibility requirements including; a resident of Berks County, if not a resident of Berks County a resident of a county that has an accepting Treatment Court program, and they must be eligible for sentencing under Title 42 subsection 9763(c) Probation with Restrictive Conditions.

Probation with Restrictive Conditions specifically refers to a new criminal case where as the offender is a level 2, 3, or 4 offender under PA state sentencing guidelines. An offender can be admitted on their current supervision case if they are in violation of their current probation case, statutorily eligible, and have at least 2 years of sentence remaining. The new case once assessed will be transferred to the appropriate Treatment Court Program for supervision and sentencing.

If deemed eligible by the Assistant District Attorney, the offender undergoes a multi step screening process. Initially, the offender is interviewed by the intake officer who explains the program's requirements and conducts a risk/need assessment using the Risk and Needs Triage Tool. Research indicates the use of a validated risk tool is a prerequisite for effective case management of offenders in problem solving courts. The intake officer also assesses the offender's motivation for the program. Once considered appropriate the offender is referred for a comprehensive drug and alcohol assessment as well as the Court Reporting Network (CRN) evaluation (if applicable) completed by the programs clinical evaluator. Once the application is processed the Treatment Court team will review all the information from the intake and evaluation process and determine if the applicant will be transferred into a Treatment Court Program or if the application will be denied.

All treatment court applicants are looked at on a case by case basis. Anyone with current charges or prior offense for acts of violence, sexual offenses, drug deliveries or firearms offenses while not statutorily excluded may be denied based on the circumstance of those cases and at the discretion of the supervising Treatment Court Judge.

### ***DUI Treatment Court Eligible Blood Alcohol Content (BAC)***

When dealing with DUI offenses per our Intermediate Punishment plan we only take offenses with blood alcohol contents in the following ranges;

- Have a BAC for a second offense DUI of .16% or higher, also including refusal and controlled substance

- Have a BAC for a third offense DUI of .08 to less than .10%
- Have a BAC for a third offense DUI of .10 to less than .16%
- Have a BAC for a third offense DUI of .16% or higher, also including refusal and controlled substance

***Mental Health Treatment Court Required Diagnoses***

Each Mental Health Court Participant is required as part of their participation in the program to engage in Forensic Case Management through Services Access Management Inc. In order to be eligible for these services they must have an updated mental health diagnosis from a treatment facility within the last 5 years. A diagnosis within the last year is preferred but not required. Anyone who had a diagnosis under the age of 18 will need to obtain a new evaluation and diagnosis to be eligible as an adult for forensic services. Most all mental health diagnoses are eligible for forensic services as long as the mental health diagnosis is primary to any other conditions affecting the applicant. Service Access Management Inc can always be contacted with any questions regarding a diagnosis or evaluation. Applicants may come into Mental Health Court either with a new criminal case, a probation violation or both.

***Veterans Treatment Court Requirements For Entry***

In order to be eligible for entry into the Veterans Treatment Court Program an applicant must have received an Honorable Discharge from any of the military branches. The person can also be active reserves if they have deployed at least once and are eligible for Veterans Administration benefits that include behavioral health services, drug and alcohol and health care. Other discharges may be eligible if the person is able to go through the appeal process and upgrade their discharge to one eligible for benefits. Applicants may come into Veterans Court either with a new criminal case, a probation violation or both.

***Drug Treatment Court Eligibility Criteria***

In order to be eligible for entry into the Drug Treatment Court Program they must have a substance use disorder moderate or severe and it must be the primary driver to their criminal behavior. If through evaluation it is determined they have co-occurring disorders further evaluation is done to see which is the driver in each individual case. Applicants may come into Drug Court either with a new criminal case, a probation violation or both.

**INELIGIBILITY STANDARDS**

For Treatment Court there are certain offenses and behaviors that are deemed in appropriate for the program for reasons of public safety. The following are a list of ineligible offenses per statute in order to receive a Probation with Restrictive Conditions sentence if they have occurred within the last ten years;

- Murder (18 Pa.C.S. 2502)
- Voluntary Manslaughter (18 Pa.C.S. 2503)

- Aggravated Assault (18 Pa.C.S. 2702)
- Assault by Prisoner (18 Pa.C.S. 2703)
- Assault by Life Prisoner (18 Pa.C.S. 2704)
- Kidnapping (18 Pa.C.S. 2901(a))
- Statutory Sexual Assault (18 Pa.C.S. 3122.1(a)(1))
- Arson and related offenses (18 Pa.C.S. 3301)
- Burglary (F1) (18 Pa.C.S. 3502(c))
- Robbery (18 Pa.C.S. 3701)
- Theft by Extortion (18 Pa.C.S. 3923)
- Incest (18 Pa.C.S. 4302(a))
- Escape (18 Pa.C.S. 5121)

Any person who has also been convicted or adjudicated delinquent of a crime requiring registration under 42 Pa.C.S. Chapter 97, subchapter H (relating to registration of sexual offenders) is ineligible for a Probation with Restictive Conditions sentence.

A person is also not eligible if they are charged with possession a firearm, possession a firearm in the commission of a crime, or a person not to possess a firearm.

The Treatment Court Judge at any time may deny an applicant due to a previous or current offense that they believe would not be appropriate for the treatment court participant community.

### *Reconsideration Policy*

The Berks County Treatment Courts will consider all appropriate referrals on a case-by-case basis. If a relevant party to the offender’s case feels the Treatment Court Team failed to consider a particular factor, they may make a request in writing for the case to be reconsidered.

The reconsideration request must be filed under their current open docket with the Berks County Clerk of Courts office. The request must include supportive reasoning for reconsideration. Supportive reasoning is defined as mitigating circumstances pertaining to the crime, psychiatrist/psychological reports that may not have been available for the initial consideration, or any other relevant information that can be placed in written format.

## **THE PROGRAM**

**Treatment:** Through a team approach Probation Officers work in collaboration with clinicians for the benefit of participants. This aids in forming treatment strategies and identifying issues currently affecting the participants recovery. Treatment needs are determined by a clinical assessment completed prior to admission to the program. Needs are reviewed on a bi-weekly basis if not more and are often adjusted during the program as more information is learned about the individual.

The **American Society of Addiction Medicine (ASAM)** instrument is used to determine the appropriate level of care. The full continuum of treatment modalities are available including detoxification, in-patient, halfway house, and out-patient. Both individual and group therapies

are employed since the aim of the program is to treat the whole addict not just the addiction. Funding for treatment is provided by private insurance, Single County Authority (SCA) funding and Medical Assistance. Confidentiality is maintained except where the continuum of care principle requires information to be shared.

It is required for participants to engage in pro-social sober activities as recommended by the treatment court program. The participant is encouraged to obtain a home group and sponsor in order to help understand the 12-step program or other form of recovery related activities. The 12-step program and other pro-social sober support activities are designed to help the participant create a new life in recovery which includes a healthy and sober lifestyle.

**Supervision:** Supervision contacts with Probation Officers are made frequently in the beginning of the program to help create a feeling of inclusion, assess attitude, and to monitor compliance with program rules and regulations. As the participant moves through the program behavior becomes the chief indicator of the appropriate frequency of supervision. While the program has minimum contact requirements in each phase, the participant is seen more often, if and when circumstances dictate.

In order to eliminate participant triangulation or manipulation, there is on-going communication between supervision and treatment. This approach is vital in maintaining accountability for the offender and is important in building responsibility, which is lacking in the lifestyle of the addict.

**Judicial Supervision:** A key component in the supervision of the participant is the judicial supervision. Court appearances are essential in keeping the participant focused on the ultimate goal of long-term sobriety. In the beginning of the program, the participant is scheduled for bi-weekly court appearances. Treatment Court appearances are held bi-weekly on a day determined by the supervising Judge with separate groups of males and females. Judicial supervision is reduced or increased based on the participant's performance in the program.

- Drug Court – 1<sup>st</sup> and 3<sup>rd</sup> Mondays of the month with the meeting at 9 AM and court directly after
- DUI Court – Every Thursday based on track with the meeting the Wednesday preceding court.
  - Track 1A – 1<sup>st</sup> and 3<sup>rd</sup> Thursdays beginning at 9 AM
  - Track 1B – 2<sup>nd</sup> and 4<sup>th</sup> Thursdays beginning at 9 AM
  - Track 2A – 1<sup>st</sup> Thursday of the month beginning at 1:30 PM
  - Track 2B – 2<sup>nd</sup> Thursday of the month on a quarterly basis beginning at 1:30 PM
- Mental Health Court – 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of the month with the meeting at 9 AM and court directly after
- Veterans Treatment Court – 1<sup>st</sup> and 3<sup>rd</sup> Thursdays of the month with the meeting at 1 PM and court directly after

**Testing and Accountability:** Substance abuse testing is considered a cornerstone of the program. The program's substance abuse testing policy is based on a random and frequent testing system. Each participant is directed to call a random testing phone line seven days per week after 5 AM to determine if they are required to report for testing. Upon finding they are

directed to report for testing, the offender is to report to Treatment Access Services Center (TASC) between 11 AM and 6 PM unless they apply and participate in the “Rise and Shine” Club from 7AM until 8 AM. All testing will be observed by someone at TASC. If the participant fails to appear, submit a sample, and/or dilutes a sample it will potentially be considered a positive test for program purposes. All positive results are sent automatically for confirmation and could result in additional sanctions. The program has a zero tolerance policy for attempting to submit an adulterated or fake urine sample. Currently co-pays for treatment court participants are \$2.00 and could be increased at any time during the program for non-compliance or if additional testing for other substances is required.

## **LENGTH AND PHASES OF THE PROGRAM**

Participation in any of the Treatment Court Programs is a minimum of 12-18 months depending on the program and track (DUI Court) each participant is placed in. The track (DUI Court) a participant is placed in, is based on their RANT score as well as their ASAM drug and alcohol evaluation. Program progression is awarded to those who are active in their recovery, meeting treatment goals, and working through their designated check lists based on their track. (Appendix ).

The participants length of time in the program consists of three or four phases. Each phase is a minimum of 3-6 months based on the participants progress through their check lists. Phase I is highly structured and demanding as it is when internal motivation is often the weakest and the most support is necessary. As the participant progresses in the phases, requirements gradually lessen.

To advance in phases the participant must be compliant with all program requirements, complete their assigned phase check list, and have 60-90 days of negative drug and alcohol tests. Prior to advancing to the final phase of their program, in addition to the check list, a participant must submit a scrapbook detailing their story of recovery up until that point.

## **TREATMENT PROVIDERS**

Upon admission in the program the participant will enter and participate in treatment as recommended in the initial clinical assessment. The level of care is determined through the completion of the American Society of Addiction Medicine (ASAM). The treatment plan and level of care is clinically determined by the treatment provider based off goals and needs and are re-assessed on an on going basis. The participant will be referred for treatment at one of the Courts approved agencies. A list of approved agencies is as follows:

Pennsylvania Counseling Services  
125 S. 5<sup>th</sup> St.  
Reading, PA 19602  
(610) 685-2188



Berks Counseling Center  
645 Penn St. 2<sup>nd</sup> Floor  
Reading, PA 19601  
(610) 373-4281

CARON Outpatient Treatment Center  
845 N. Park Rd.  
Wyomissing, PA 19610  
(484) 345-4670

New Directions Treatment Services  
832 N. Park Rd.  
Wyomissing, PA 19610  
(610) 750-6130

Veterans Administration (Veterans Court Only)  
Veterans Justice Outreach Coordinator (VJO)  
Gelu Negrea  
(717) 317-0365  
Gelu.negrea@va.gov

The treatment providers contract with private insurance companies for treatment when possible. A participant that does not possess private insurance is directed to the Department of Public Welfare to apply for Medical Assistance. The participant may also qualify for funding through the county SCA. Anyone applying for Veterans Court will work directly with the VJO listed under treatment providers for funding and assessment.

## **SANCTIONS AND INCENTIVES**

The use of graduated sanctions and incentives with Treatment Court participants helps shape behavior and improve outcomes. In order to be effective, there must be a proper balance of sanctions and incentives. Within the framework, incremental, proportionate and predictable responses are delivered to encourage and reinforce positive behaviors and discourage negative, noncompliant behaviors. Sanctions are administered when participants fail to comply with program requirements (supervision, treatment, drug testing, etc.) and incentives are in response to positive behavior and achievements.

## **SANCTIONABLE BEHAVIORS**

Participant behaviors, which may be sanctioned, include, but are not limited to the following:

- Positive or diluted urine test
- Failure to submit urine sample
- Unexcused absence or absences from counseling sessions
- Failure to follow treatment conduct rules
- Willful failure to pay costs, fees and restitution as ordered
- Failure to attend scheduled status hearing without just cause
- Arrested for a new offense
- Failure to comply with treatment provider recommendations
- Leaving the jurisdiction without permission of the Treatment Court Team
- Failure to attend self-help group per treatment plan recommendation
- Possession or delivery of drugs at treatment site
- Violent or abusive behavior at treatment site, program site or other place of contact or participation
- Failure to comply with directives given by the Court, Treatment Court Team or treatment providers
- Failure to move through the phases in the appropriate designated time frame
- Dishonesty to court personnel and other treatment court staff

## **BEHAVIORS WORTHY OF INCENTIVE**

Participant behaviors, which the Treatment Court team may apply an incentive, include, but are not limited to the following:

- Attendance at all scheduled Treatment Court sessions
- Attendance at all scheduled outpatient treatment sessions
- Attendance at all urine screens when called
- Continuously having negative urine screens
- Following all the rules of the Treatment Court program
- Making consistent payments on fines, costs, and restitution
- Attending all scheduled appointments with case management and peer support
- Showing progress in all aspects of your recovery
- Being honest with yourself, court and treatment staff

## **ELECTRONIC MONITORING**

As part of a sentence and/or as a sanction, participants may be placed on electronic monitoring while in Treatment Court. The Secure Continuous Remote Alcohol Monitor (SCRAM) is an ankle bracelet that is worn 24 hours a day/7 days a week and monitors alcohol consumption by sampling the participant's perspiration. The SCRAM bracelet is worn to ensure that participants do not drink alcohol and to assist in their path to abstinence from alcohol. The SCRAM bracelet communicates the information gathered via a landline phone or internet ethernet cable. Participants may be required to pay up to \$8.00 per day for the use of the bracelet with a minimum of two months up front prior to installation of the bracelet. Verification of alcohol use may result in a sanction.

The Global Positioning System (GPS) is an ankle bracelet that is worn 24 hours a day/7 days a week and monitors the participant's whereabouts using global positioning points. This information gathered from the bracelet is communicated through cellular service. Participants may be required to pay up to \$5.00 per day for this service with a minimum of two months being paid up front, prior to the installation of the device.

The assigned probation officer will be determining the schedule for windows (time allowed away from the residence) and will monitor the participant's whereabouts. Deviations from the approved schedule will be considered violations of probation.

## **VOLUNTARY AND INVOLUNTARY DISCHARGE FROM TREATMENT COURT**

All Berks County Treatment Courts are a voluntary program. The decision to discharge a participant either voluntarily or involuntarily is the Judge's to make, after consultation with the entire team. Participants will most likely face violation regardless of whether or not they voluntarily or involuntarily discharge from the program. DUI offenses require fulfillment of a mandatory sentence.

Following a termination petition, a hearing will be held before an impartial Judge to provide evidence that would warrant termination from Treatment Court. Since participants are pre / post-conviction their case would then go through the regular Gagnon procedure or if they are pre-sentence they would be returned to the originating Judge for further disposition. Re-sentencing shall be within the sole discretion of the sentencing judge, limited only by the maximum penalty allowed by law.

## **TREATMENT COURT POLICY ON NARCOTIC MEDICATIONS AND PROHIBITED SUBSTANCES**

Due to the high potential of narcotic medications to interfere with treatment and recovery efforts, the Berks County Treatment Court prohibits the use of all addictive medications. Addictive medications include all opiate-based pain medications, benzodiazepines or anti-

anxiety medications, stimulant medications for the treatment of ADHD, sleeping pills and muscle relaxers. (Appendix)

Participants in Berks County Treatment Court and individuals seeking entry into the Berks County Treatment Court are expected to notify all their treating physicians that they are in recovery. If a treatment physician wishes to treat the individual with narcotic or addictive medications, the individual shall immediately disclose this information to the Treatment Court team.

Treatment Court participants using such medications absent permission from the Treatment Court Judge are subject to termination from the program.

\*Medical Marijuana use will be addressed on a case-by-case basis. Consideration for use should be accompanied by a letter addressed to the Court from a treating physician that details, diagnosis and medical necessity for use.

Exceptions to this policy are made only in rare occasions, such as in the case of *documented* medical emergency treatment. Participants who habitually seek exception to this policy are subject to termination. If a prescribing physician recommends that a client must be continuously maintained on prohibited prescriptions in order to sustain a certain quality of life, the client may no longer participate in Treatment Court.

Consuming alcohol in any form is prohibited. The use of diet pills while in Treatment Court is prohibited. Additionally, the consumption of poppy seeds is strictly prohibited while in the program. Any positive drug tests for opiates will always be deemed positive for illegal substances. Lastly, consumption of salvia, morning glory seeds and any other such mood altering or hallucinogenic substance are strictly prohibited.

## **GRADUATION AND THE REQUIREMENTS**

Graduation from Treatment Court programs comes after a participant has been promoted through the phases and successfully completed the requirements of the program. The decision to allow phase changes and ultimately graduation is made by the entire team and must be approved by the Judge. The requirements for graduation are outlined in the final phase checklist. (Appendix)

## **TRAINING**

The Treatment Court teams are committed to staying current with trends by attending trainings in addiction, recovery, evidence based practices, supervision and related topics. In addition all treatment court probation officers are required to obtain training and pass the test for the Pennsylvania Certification Board Certification to become an Certified Allied Addiction Practioner (CAAP) which involves training in a number of different areas relative to treatment and ethics. Team members also attend the National Association of Drug Court Professionals training as well as the Pennsylvania Association of Treatment Court professionals training on an

on going basis to be knowledgeable of advancements I the treatment of addictions. Probation Officers in Treatment Court are also required to attend 40 hours of continuing education training per year.

## **CONFIDENTIALITY**

The Berks County Treatment Court teams take confidentiality very seriously and are committed to ensuring that all personal information is not disseminated to any outside party without explicit written permission of the participant. The following proceedings are held on the record: admissions, guilty pleas, sentencing, discharge / termination, and any sanction being given out by the Judge.

Upon admission, the participant is required to sign a consent / waiver authorizing the transfer of information amount participating Treatment Court agencies for the duration of the court participation. Should the participant refuse to consent to disclosure or attempt to revoke consent prior to the expiration of the consent., such action is grounds for immediate sanction and possible termination from the program.

## **DATA COLLECTION**

The Berks County Treatment Court programs maintain various data systems to measure the program's performance outcomes. Currently the program uses the following data systems to assist in maintaining data: Pennsylvania's Problem Solving Adult and Juvenile Courts Information System, The Unified Case Management System, Pennsylvania's Commission on Crime and Delinquency County Intermediate Punishment Program database and various excel databases. The program currently maintains data on the following: ethnicity, gender, martial status, employment, education, community service, termination, successful offenders, violations (new arrest and technical), admission, urinalysis, offender contacts and field work, risk and needs evaluations, incarceration days saved, offenders in program phases, drug free births and medication assisted treatment.

## **SUSTAINABILITY AND PARTNERSHIPS**

The Berks County Treatment Courts have funding provided by the following: Berks County Board of Comissioners, Berks County Adult Probation and Parole Department, and Pennsylvania's Comission on Crime and Delinquency County Intermediate Punishment Program. The program continuously works to identify new resources and options to support the court including various grant opportunities.

The Berks County Treatment Court Programs have developed numerous community partnerships that provide invaluable support for the program. Partnerships include the following: Berks County Adult Probation and Parole Department, Berks County Jail System, Treatment

Access Services Center, Council on Chemical Abuse, National Association of Drug Court Professionals and the Administrative Office of Pennsylvania Courts.

The Judge and Coordinator often speak at various community, legal and educational events about the program. The goal is to help others understand the functions of the program, connect them to possible resources, and express how the program not only benefits the community but also how it contributes in reducing recidivism and improving the lives of the participants.

## **APPENDIX**

ACKNOWLEDGMENT OF PARTICIPANT

DROUG COURT PHASE CHECKLISTS

DUI COURT PHASE CHECKLISTS

MENTAL HEALTH COURT PHASE CHECKLISTS

VETERANS TREATMENT COURT PHASE CHECKLISTS

GOAL WORKSHEET

TREATMENT COURT POLICY ON NARCOTIC MEDICATIONS AND PROHIBITED  
SUBSTANCES WITH PARTICIPANT ACKNOWLEDGMENT

URINE TESTING GUIDELINES

ALCOHOL TESTING CONTRACT

JOB SEARCH FORM

NOTICE OF ACT 122

RELEASE OF INFORMATION

DIRECTORY OF SERVICES

MISCELLANEOUS PROGRAMMING

