

## **LUZERNE COUNTY TREATMENT COURT OFFICER AND VICTIM INPUT FORM**

The Luzerne County Treatment Court program, sometimes called Drug Court, is a program designed to give those defendants dependent upon or addicted to controlled substances an opportunity to break the cycle of criminal activity that results from their dependence/addiction and become productive members of our community. The program is much more intensive than normal parole or probationary programs. A defendant in the program has more treatment meetings, more meetings with a case manager, more meetings with probation/parole officers and more court appearances than a defendant who is in a normal parole or probationary program.

Our program works this way. A defendant who seeks entry into our program submits an application to the Treatment Court coordinator. The application is forwarded to the District Attorney's Office. An Assistant District Attorney (ADA) obtains the file and reviews the charges against the defendant. Defendants charged with certain offenses, usually drug trafficking and violent type of offenses, are automatically legally ineligible for the program. At the same time the ADA is reviewing the file, the defendant is scheduled for a clinical evaluation to ensure they are dependent &/or addicted to controlled substances. If the defendant is legally and clinically eligible, the case then goes before the entire Treatment Court team for review. The team is composed of the Treatment Court coordinator, the ADA, the defense attorney, case managers, probation officers and clinicians. If the Team believes the defendant is an appropriate candidate for the program the defendant is approved and a hearing is scheduled before the Court. If the Team believes the defendant is not an appropriate candidate, the defendant's case is then sent back to the normal trial list.

If approved, the defendant appears before the Court to tender a guilty plea to the Court. The plea is not officially entered into the docket and the defendant agrees to abide by all the terms and conditions of the program. Among the terms and conditions are that the defendant is to pay all fines, costs, and restitution ordered by the Court. If the defendant satisfies all the terms and conditions of the program, the defendant graduates and the charges are dismissed. If the defendant completes an aftercare program, ranging from one to three years depending on the charges, their charges may be expunged. If the defendant does not comply with all of the terms and conditions of the program, they may be terminated from the program. If they are terminated, the guilty plea they tendered is then docketed and the Court will schedule a sentencing hearing. The defendant is then sentenced to whatever the Court believes is appropriate.

The District Attorney's Office values the input of the victim and the Officer when determining if a particular defendant should be given the opportunity to participate in the Treatment Court program. Your input begins right here at the preliminary hearing. The first chance to exercise your ability to have input into this decision may be by agreeing to reduce the charges against the defendant so that he is eligible to apply for the program. As indicated above, certain offenses make it impossible for the defendant to be considered for the program. Examples of ineligible charges, and how they can be reduced to change the defendant's eligibility are:

Delivery or DWI - ineligible but if reduced to Possession then eligible;  
Burglary of a residence – ineligible but if reduced to an F2 Burglary then eligible;

Four types of Robbery – ineligible but if reduced to Robbery by force however slight then eligible

Aggravated Assault – ineligible but if reduced to Simple Assault then defendant may be eligible.

These are not the only examples but are types of charges that defendants most frequently request to be reduced to enable them to apply for the program. Please know that a defendant still may not qualify for the program simply because you have agreed to reduce the charges. Your agreement at this point simply allows the defendant to apply for the program. He or she may ultimately be disapproved for the program for any number of reasons completely unrelated to the charges.

Please indicate whether or not you object to the defendant's participation in the Treatment Court program by checking the appropriate box below. If you have any questions about the program, please contact our office at 825-1674 and ask to speak to ADA Jim McMonagle. If ADA McMonagle is unavailable please ask for ADA Michelle Hardik. If neither ADA is available ask to speak to a Victim Witness Coordinator.

Case Name \_\_\_\_\_

I, \_\_\_\_\_, the **victim** in the case named above indicates the following:

\_\_\_\_\_ OBJECT TO TREATMENT COURT

\_\_\_\_\_ DOES **NOT** OBJECT TO TREATMENT COURT

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

I, \_\_\_\_\_, the **officer/affiant** in the case named above indicates the following:

\_\_\_\_\_ OBJECT TO TREATMENT COURT

\_\_\_\_\_ DOES **NOT** OBJECT TO TREATMENT COURT

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

This form submitted by: \_\_\_\_\_ phone number: \_\_\_\_\_  
(print name)