

ADDICTION DIVERSIONARY PROGRAM

I. Policy

The Addiction Diversionary Program is a drug counseling and education program for first time offenders charged with possession of a controlled substance, other than heroin, and/or possession of drug paraphernalia. The Addiction Diversionary Program permits first time drug users the opportunity to dispose of the charges against them without a criminal record while receiving supervised treatment to address their addiction.

I. Eligibility

The following requirements must be met for admission to the program:

- A. The applicant has charges pending for any or all of the following crimes:
 - 1. simple possession of a controlled substance other than heroin (35 Pa. C.S.A. Section 780-113(a)(16));
 - 2. possession of a small amount of marijuana (35 Pa.C.S.A Section 780-113(a)(31)); and/or
 - 3. possession of drug paraphernalia unrelated to heroin use (35 Pa. C.S.A. Section 780-113(a)(32));
- B. The applicant has no other ineligible misdemeanor or felony charges pending in any jurisdiction including the criminal complaint for which the application is being submitted;
- C. The applicant has no prior adult criminal record nor has previously been admitted to the A.R.D. Program, the Addiction Diversionary Program, or other diversionary programs in any jurisdiction within the previous ten (10) years;
- D. The applicant waives the preliminary hearing; and
- E. The Adams County District Attorney's Office recommends admission to the program.

II. Procedure

- A. At the scheduled time of the preliminary hearing, the applicant must waive the preliminary hearing. Admission to the program is not consideration for waiver of the preliminary hearing. In the event an applicant waives preliminary hearing and is not admitted to the program, the applicant shall not be entitled to remand for preliminary hearing;
- B. Application will be made to the Adams County District Attorney's Office

for admission to the program on forms developed by the District Attorney's Office within seven (7) days of waiver of the preliminary hearing. Forms will be made available at all Magisterial District Judges' offices;

- C. Arraignment: At the time scheduled for formal arraignment, the applicant will be admitted to the program and the arraignment will be continued, at the request of the applicant, for six (6) months. An applicant not admitted to the program at the initial formal arraignment will thereafter be ineligible for participation in the program. Arraignment will not be continued for purposes of making application to the program;
- D. At the time of arraignment, the Commonwealth will outline the charges against the applicant. The applicant shall make a statement under oath as to the truth of the allegations alleged by the Commonwealth. The sworn statement shall be admissible at any trial in the event the applicant is revoked from participation in the program;
- E. Following arraignment: A person admitted to the program will meet with the Department of Probation Services for purposes of scheduling treatment with an agency designated by the Department of Probation Services;
- F. Six (6) months re-arraignment: If the person admitted to the program has met all conditions of the program, the Commonwealth will nolle pros the pending charges. On the other hand, if the applicant has not successfully completed all conditions of the program, the applicant shall be arraigned and the criminal charges shall proceed per the Pennsylvania Rules of Criminal Procedure. The re-arraignment will not be continued, under any circumstances, for any person to complete the conditions of the program. If all conditions are not fully satisfied by the scheduled re-arraignment date, the person's participation in the program will be terminated; and
- G. At any time during the six (6) month period from initial arraignment until re-arraignment, the Commonwealth and/or the Department of Probation Services may accelerate the scheduling of re-arraignment to remove an individual from the program.

III. **Program Conditions**

- A. Truthfully answer all questions on application for program admission;
- B. Attend all counseling sessions scheduled with an agency designated by the Department of Probation Services;
- C. Pay all Court costs, including laboratory user fees, cost of prosecution, and restitution as designated at the time of the person's admission to the program;
- D. Comply with all state and federal laws. In this regard, the filing of criminal charges against a program participant is sufficient for removal from the program. It is not necessary that the charges be concluded and/or result in conviction;

- E. All counseling fees are paid in full and receipt for the same is provided to the Department of Probation Services;
- F. The offender remains free from the use of non-prescribed controlled substances;
- G. The offender submits to random urinalysis testing by the Department of Probation Services, or any agency designated by the Department of Probation Services, and pays in full all fees related to testing; and
- H. The participant reports as directed by the Department of Probation Services and advises the Adams County Clerk of Courts Office, the Adams County District Attorney's Office, and the Department of Probation Services of any change of address within 72 hours of such change.

IV. Treatment

Treatment for the Addiction Diversionary Program shall consist of one (1) intake conference and twelve (12) counseling sessions with a designated counseling agency. As part of the counseling and treatment, random urine testing of participants may occur during the course of treatment. At the time of admission to the program, the Department of Probation Services will schedule counseling sessions with the participant and the designated counseling agency. Approximately three (3) months after admission to the program, the counseling agency will forward the Department of Probation Services a status report on the participant's compliance and attendance at treatment classes. A single unexcused absence will be a basis for the immediate removal from the program. It is the responsibility of the participant to provide the Department of Probation Services with proof of compliance with all conditions of admission into the program. After initial treatment scheduling, the Department of Probation Services will not manage other treatment scheduling as the same is a responsibility of the participant..

V. Costs

The Court costs of the program shall be \$548.50. Participants in the program will be responsible directly to the counseling agency for all costs associated with treatment. Treatment expense shall total approximately \$600.

VI. Revocation

If an offender is revoked from participation in the program, the Court will not accept application for admission into the A.R.D. Program nor any plea agreement which involves dismissal of the drug possession charges. Upon revocation, the applicant is not entitled to reimbursement or credit for any sums paid into the program.