

MEMORANDUM OF UNDERSTANDING

This document constitutes a Memorandum of Understanding between the Lebanon County Office of the District Attorney and all members of the D.U.I. Court Treatment Team regarding the implementation and evaluation of the Lebanon County D.U.I. Treatment Court.

The Lebanon County Court of Common Pleas instituted the D.U.I. Treatment Court in 2008 in an effort to address the cycle of alcoholism and addiction, to protect the public, and to provide more structured implementation of treatment.

As a team, we agree to support and implement the *10 Guiding Principles of DWI Courts*, as established by the National Association of Drug Court Professionals and the National Drug Court Institute.

1. DUI Courts integrate alcohol/drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participant's due process rights.
3. Eligible participants are identified early and promptly placed in the DUI Court Program.
4. DUI Courts provide access to a continuum of alcohol/drug treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol/drug testing.
6. A coordinated strategy governs DUI Court responses to participant's compliance.
7. Ongoing judicial interaction with each DUI Court participant is essential.
8. Monitoring and evaluation measures the achievement of program goals and gauges effectiveness.
9. Continuing interdisciplinary education promotes effective DUI Court planning, implementation, and operations.
10. Forging partnerships among DUI Courts, public agencies and community-based organizations generates local support and enhances DUI Court effectiveness.

Partners

The Lebanon County DUI Court Treatment Team consists of five departments working together in order to maintain sustainability of the DUI Court Program: The President Judge, The District Attorney's Office, The Public Defender's Office, Probation Services, and the Lebanon County Commission on Drug and Alcohol Abuse.

Treatment Court Judge

The Honorable *John C. Tylwalk, President Judge* of Lebanon County, provides supervision for the program and manages the D.U.I. Court Treatment Team. The President Judge interacts with participants during the D.U.I. Court sessions and is actively involved during Treatment Team meetings. The President Judge is also the final decision-maker regarding the status of an applicant and his/her acceptance or rejection into the D.U.I. Court program.

DUI Court Coordinator

This is an employee of the Lebanon County District Attorney's Office and is supervised by the Lebanon County District Attorney *David J. Arnold Jr., Esq.* The Coordinator is responsible for organizing daily activities and functions of the D.U.I. Court process. In addition, the Coordinator will work in conjunction with D.U.I. Court Probation Officers and the LCCDAA Case Manager, to review an applicant's eligibility for the D.U.I. Court and offer a recommendation to Treatment Team members regarding his/her

acceptance into the program. In addition, the Coordinator (in conjunction with other members of the Treatment Team) is responsible for developing specific incentives and sanctions for positive and negative behaviors.

Representative from the District Attorney's Office

A legal representative of the Lebanon County District Attorney's Office is supervised by the Lebanon County District Attorney *David J. Arnold Jr., Esq.* This representative works in conjunction with the other members of the Treatment Team to inform the applicant of all D.U.I. Court expectations and requirements. The representative will be involved on an as needed basis after an applicant is accepted into the D.U.I. Court program.

Representative from the Public Defender's Office

Chief Public Defender, *Brian L. Deiderick, Esq.*, is the legal representative who works in conjunction with the other members of the Treatment Team to inform the applicant of all D.U.I. Court expectations and requirements. The representative is involved on an as needed basis after an applicant is accepted into the D.U.I. Court program. This representative will not serve as any participant's individual attorney.

Probation Services

Director of Lebanon County Probation Services, *Sally A. Barry* has appointed two DUI Court Probation Officers. These Officers work to review (in conjunction with the D.U.I. Coordinator and the LCCDAA Case Manager) an applicant's eligibility for the D.U.I. Court and offer a recommendation to the other members of the Treatment Team regarding his/her acceptance into the program. Through intensive supervision, these Officers are responsible for monitoring participants, ensuring that all program requirements are met, and are expected to consult with the D.U.I. Court Treatment Team if problems arise between Treatment Team meetings. In addition, these Officers (in conjunction with other members of the team) are responsible for developing specific incentives and sanctions for positive and negative behaviors.

Lebanon County Commission on Drug and Alcohol Abuse (LCCDAA)

The Executive Director, *Carol A. Davies* and an appointed Case Manager work closely with treatment providers to provide the participant with treatment services. The Case Manager meets with participants and treatment providers and assists in making treatment referrals, preparing service plans, and coordinating treatment. The Case Manager assists in determining the best course of counseling from services that are available in the county. Additionally, the Executive Director will work to review an applicant's eligibility for the D.U.I. Court on an as-needed basis after it has been reviewed by the LCCDAA Case Manager. Both the Executive Director and the Case Manager will offer a recommendation regarding an applicant's acceptance into the program to the other members of the D.U.I. Court Treatment Team. In addition, the Executive Director and Case Manager (in conjunction with other members of the team) are responsible for developing specific incentives and sanctions for positive and negative behaviors.

Activity Performing or Service Providing

- Meetings of the D.U.I. Court Treatment Team are held bi-weekly (on the 1st and 3rd Tuesday of each month) at the County of Lebanon Municipal Building unless otherwise specified. Team members review participants' cases to ensure that all court mandated requirements of the D.U.I. Court Program are being fulfilled, incentives are discussed, and sanctions are addressed. Potential participants who have applied to the D.U.I. Court Program are also reviewed. The D.U.I. Court Treatment Team also discusses any policy and/or procedural comments or concerns.

- D.U.I. Courts are held biweekly (on the 2nd and 4th Tuesday of each month) at the County of Lebanon Municipal Building unless otherwise specified. During these sessions, the D.U.I. Court Judge reviews participants' cases in the presence of the Treatment Team and other participants in the DUI Court. It is during these sessions that incentives and sanctions will be given to participants based on positive progress or negative actions.
- All members of the D.U.I. Court Treatment Team are required to undergo a minimum of three clock hours of training annually. Topics covered at such training sessions must be related to issues pertaining to problem-solving courts. A copy of a training completion certificate is to be turned into the D.U.I. Court Coordinator to be documented.

Resources

From the implementation of the DUI Court Program in 2008 to January 2012, the Lebanon County DUI Court was partially funded through a federal grant administered by the Pennsylvania Department of Transportation. In 2009, the DUI Court Program received \$140,160.00, in 2010 the program received \$147,560.00, and in 2011 the program received \$140,160.00.

In January 2012, Lebanon County's application for three years of partial funding for the DUI Court Program was approved by the Pennsylvania Commission on Crime and Delinquency (PCCD). For the 2012 fiscal year, The DUI Court Program received \$136,832.00 (75%) from federal funding and Lebanon County contributed \$45,278.00 (25%), totaling to an amount of \$182,110.00. For the fiscal 2013 year, The DUI Court Program received \$92,155.00 (50%) from federal funding and Lebanon County contributed \$92,155.00 (50%), totaling to an amount of \$184,310.00. Funding for training has been budgeted for three members of the DUI Court Treatment Team, including: two DUI Court Probation Officers and the DUI Court Administrator.

Other methods of revenue include a \$500.00 DUI Court fee, an Electronic monitoring fee, and a SCRAM monitoring fee. Each participant is assessed a \$500.00 DUI Court fee the day they are placed into the DUI Court Program. While in the DUI Court Program each participant is sentenced to serve an x amount of days (usually 90 days to 1 year) on Electronic monitoring. The fee is calculated by the equation $[1.5 \times \text{the individual's hourly rate, } x \text{ number of days being monitored}]$, the minimum being \$10.00 per day and the maximum being \$30.00 per day. While in the DUI Court, each participant is also sentenced to serve a minimum of 90 days on SCRAM monitoring. The fee is calculated by the equation $[1.5 \times \text{the individual's hourly rate, } x \text{ number of days being monitored}]$, the minimum being \$12.00 per day and the maximum being \$30.00 per day. The grid below indicates total revenue from DUI Court fees, Electronic monitoring fees, and SCRAM monitoring fees during the 2010, 2011, and 2012 fiscal years.

| | DUI Court Fee | Electronic Monitoring Fee | SCRAM Fee |
|------|---------------|---------------------------|-------------|
| 2010 | \$10,047.00 | \$50,022.67 | \$55,188.46 |
| 2011 | \$10,627.64 | \$41,508.85 | \$32,888.46 |
| 2012 | \$11,735.89 | \$26,144.76 | \$48,499.58 |

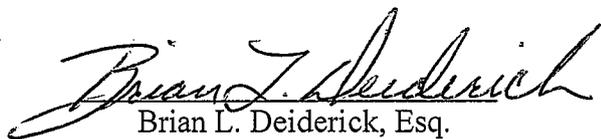
As of January 2012, a \$50.00 public safety fee has been assessed to each new criminal case. The public safety fee's purpose is to support any/all specialty courts which currently are implemented, or will be implemented in Lebanon County. In 2012, the total revenue collected was \$17,528.76.

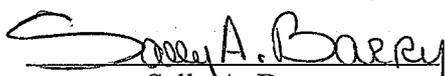
Agreement

As members of the DUI Court Treatment Team, we hereby agree to serve the Lebanon County DUI Court Program in an effort to address the cycle of alcoholism and addiction, to protect the public, and to provide more structured implementation of treatment required by the new law; while supporting and implementing the *10 Guiding Principles of DWI Courts*, established by the National Association of Drug Court Professionals and the National Drug Court Institute. As members of the DUI Court Treatment Team we agree to abide by the terms and conditions contained in this Memorandum of Understanding in order to evaluate the effectiveness of the Lebanon County DUI Treatment Court.


John C. Tylwalk, President Judge


David J. Arnold Jr., Esq.
District Attorney


Brian L. Deiderick, Esq.
Chief Public Defender


Sally A. Barry
Director of Lebanon County
Probation Services


Carol A. Davies
Executive Director of Lebanon County
Commission on Drug and Alcohol Abuse