

 <p style="text-align: center;">ALLEGHENY COUNTY BUREAU OF CORRECTIONS</p>	APPLICABILITY: All Authorized Personnel	
	POLICY NUMBER: #427	EFFECTIVE: 8/19/13 REVIEWED: 4/17/23
	TITLE: Procedures to Divert Inmates to Treatment as ordered by the Fifth Judicial District Court of Common Pleas	
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Policy

It is the policy of the Allegheny County Jail (ACJ) to collaborate with the Fifth Judicial District of Pennsylvania and Department of Human Services to divert eligible Inmates to substance abuse treatment in lieu of incarceration as part of the Drug & Alcohol Diversion Program. The Fifth Judicial District Drug and Alcohol Diversion Program Coordinator (Diversion Coordinator) will serve as the central source for all referrals to the Allegheny County Jail Treatment Service Coordinator’s (ACJ Treatment Coordinator).

Applicable Populations

The jurisdiction of the drug and alcohol diversion program pertains only to Inmates who are 18 years or older, pre-disposition and post-disposition who have a case in the criminal court division of the Fifth Judicial District of Pennsylvania Court of Common Pleas that are assigned to a trial judge. All referrals from the Fifth Judicial District of Pennsylvania Court of Common Pleas will be screened and assessed for placement into diversion services. If an inmate is unable to be placed the ACJ Treatment Coordinator will make immediate notification to The Diversion Coordinator.

Procedural Guidelines

I. Identification of Cases

A. Pre-adjudication

Cases will be identified during a criminal court proceeding by the presiding judge and the inmate may be required to submit to a urine screen conducted by the Allegheny County Health Department.

B. Post-adjudication

During a Gagnon 1 violation review hearing, occurring within the ACJ for a technical violation, the hearing Officer can refer the inmate to the drug and alcohol diversion program at the request of the probation officer. The hearing officer will order the inmate’s detainer be lifted upon verification into treatment. This order is documented in the Adult Probation Case Management System (APCMS) and communicated

to the Diversion Coordinator through the Adult Probation Court Liaison Unit (CLU) located within the Allegheny County Courthouse. The Diversion Coordinator will enter the referral in the Jail Collaborative Application and an ACJ Treatment Coordinator, located within the Allegheny County Jail, will assess the inmate within five to seven business days from the date of entry into the application. Upon confirmation from ACJ Treatment Coordinator regarding the inmate's eligibility for treatment and identification of a treatment facility, the Diversion Coordinator in collaboration with the CLU will amend the order to specify the treatment facility the inmate will attend. The Diversion Coordinator will coordinate with the presiding judge and CLU in amending the court order. The ACJ Treatment Coordinator, once notified by the Diversion Coordinator the court order was amended, should ensure the ACJ has processed the Court order to release the inmate to the custody of the participating treatment facility.

II. Case Processing

If the presiding judge determines an Inmate to be a candidate for the drug and alcohol diversion program, the presiding judge will refer the inmate through the Diversion Coordinator for a drug and alcohol assessment at the ACJ. The inmate will be remanded to the ACJ for an assessment and if determined eligible placed within the appropriate level of treatment program, as determined by the American Society of Addiction Medicine (ASAM). Cases should be postponed between 60 to 90 days to provide the inmate time to receive an evaluation, consent to treatment, and complete treatment prior to the next scheduled court hearing.

During a Gagnon I hearing, a probation officer can request to have an Inmate referred to the drug and alcohol diversion program. The hearing officer must approve the referral and order the detainer lifted upon verification of placement into a treatment program. Following the violation hearing, the probation officer must make notification that the inmate has been referred to the drug and alcohol diversion program, to the CLU via e-mail. This order is documented in the APCMS and reviewed by the CLU. The Diversion Coordinator and the Administrator of Alternative Housing and Diversion will receive notification of the referral from the CLU via email.

Any referrals for the drug and alcohol diversion program must be verified through the court and will be denied without the approval of the presiding judge. It is the expectation of the court that any referrals or request from inmates, inmate's family or private counsel, defense attorneys, and probation officers will be first brought to the attention of the Diversion Coordinator for verification the order was issued by the presiding judge. It is not the position of the Diversion Coordinator or the ACJ Treatment Coordinator to advocate on behalf of an Inmate in order to persuade the presiding Judge to place the inmate into treatment.

III. Documentation of Drug and Alcohol Diversion Referrals

The Diversion Coordinator will submit an electronic referral to the ACJ Treatment Coordinator via the web-based Jail Collaborative Application, hereafter referred to as the "application". The ACJ Treatment

Coordinator must review the application daily to check for referrals. In addition, the ACJ Coordinator is expected to send confirmation regarding the acceptance of the referral to the Diversion Coordinator within one to two business days of the initial intake date¹. The confirmation will be communicated via email. The ACJ Treatment Coordinator will report all applicable information pertaining to the case through the application and when necessary via email² to the Diversion Coordinator. It is the responsibility of the Diversion Coordinator to communicate any updates to the judge, court staff, and the CLU.

IV. Receipt of Referral and Drug and Alcohol Assessment

A. Jail Treatment Coordinator Duties

Once a defendant is remanded to the ACJ, the ACJ Treatment Coordinator will notify the Diversion Coordinator that referral was reviewed and accepted in the application. An assessment is to be scheduled within five to seven business days from the intake date. Any delay in scheduling an assessment must be communicated to the Diversion Coordinator. ACJ Treatment Coordinators are required to maintain communication with the Diversion Coordinator regarding the status of referrals. Delays are to be communicated to the Diversion Coordinator the day they are identified.

The following are the responsibilities of the ACJ Treatment Coordinator when processing a referral for the drug and alcohol diversion program:

1. Accept a referral within the jail collaborative application and confirm with the Diversion Coordinator and Administrator of Alternative Housing and Diversion via email. The confirmation must include that an evaluation will be scheduled.
2. Schedule a time to meet the inmate and conduct an assessment within five to seven business days of the intake date. Please note, if the assessment must be delayed due to detoxification of the inmate the ACJ Treatment Coordinator must notify the Diversion Coordinator and the Administrator of Alternative Housing and Diversion via email of the inmate's condition by end of business day.
3. Obtain the client's consent³ to receive an assessment and his or her consent to release information with the courts, probation, and ACJ Treatment Coordinator. If the client fails to consent to an assessment and/or release of information, the ACJ Treatment Coordinator will contact the Diversion Coordinator and Administrator of Alternative Housing and Diversion via e-mail by the end of the business day. It is a requirement of the drug and alcohol diversion program that the inmate consent to undergo an evaluation and to release information pertaining to their assessment and participation in treatment. If the inmate declines consent, the ACJ Treatment Coordinator is required to communicate this information to the Diversion

¹ Intake date is the date a referral was entered into the application by the Problem Solving Court Office.

² The ACJ Treatment Coordinator will email the Drug and Alcohol Diversion Program Coordinator for immediate notifications. (Review "Immediate Notifications from the ACJ Treatment Coordinator to the Diversion Coordinator" subsection of this policy)

³ Review appendix for recommended consent form

Coordinator and Administrator of Alternative Housing and Diversion and close the referral in the Application by close of business that day.⁴

4. Conduct an ASAM assessment to determine the inmate's level of treatment needs and document the corresponding information in the application within three to four business days of the scheduled assessment. Once an assessment is completed, the ACJ Treatment Coordinator must notify the Diversion Coordinator and the Administrator of Alternative Housing and Diversion within one to two business days from the assessment date with eligibility status (i.e., ineligible, eligible) of the inmate. The ACJ Treatment Coordinator will document additional program outcomes in the application on a weekly basis.
5. Review the Allegheny County Jail Offender Management System (OMS) to identify any active holds and/or detainers. When an inmate has active holds from a Magisterial District Judges (MDJ), the ACJ Treatment Coordinator is recommended to contact Pre-trial to have the MDJ court order comply with the Court of Common Pleas case. The ACJ Treatment Coordinator will submit a Bond Modification Form to Pre-Trial Services. Pre-Trial will review the case and decide whether the case will be sent to motions court. Upon receiving an amended court order from motions court, the ACJ record department will update the inmate's records in OMS. Once the hold is amended in OMS, the ACJ Treatment Coordinator should inform the MDJ via email, fax, and/or telephone regarding the inmate's placement into a treatment program.
6. Complete a service plan that details the inmate's drug of choice, family addiction history, mental health diagnoses, criminal history and past treatment experiences.
7. If an inmate does not have medical insurance coverage, the ACJ Treatment Coordinator must make a referral to the ACJ enrollment counselor and the ACJ discharge planner for medical assistance enrollment. The referral to the ACJ enrollment counselor and the discharge planner must occur within one business day following the completion of the inmate's assessment.
8. Confirm if the inmate is actively involved with Justice Related Services (JRS). When inquiring about the inmate's treatment history, the ACJ Treatment Coordinator may be informed of the inmate's involvement with JRS. If the inmate is actively involved with JRS, the ACJ Treatment Coordinator should share treatment placement plans and updates with the inmate's JRS Support Specialist.

⁴ The Diversion Coordinator requests information is shared by close of business day which is 4:00pm.

B. Processing Ineligible Referrals

The Diversion Coordinator must receive notification by end of business the day when a referral is found to be ineligible for diversion. Referrals are deemed ineligible when the following circumstances are present:

1. Severe Mental health diagnosis;
If during the initial screening conducted by the ACJ Treatment Coordinator or if the final screening handled by the recommended Treatment Provider reveals that the inmate demonstrates a mental health diagnosis above the level of care offered by the provider, the ACJ Treatment Coordinator must notify the Diversion Coordinator by end of business that day. If the inmate is unable to receive treatment within the community due to limited services available, the Jail Treatment Coordinator should identify possible service options in the Allegheny County Jail. Upon placement in services in the jail, the ACJ Treatment Coordinator will end close the referral in the Application.
2. Failure to consent to participate in treatment and sign a release of information;
3. Unable to complete assessment due to confinement restrictions (i.e., housed on a Disciplinary Housing Unit, or Infirmary);
4. The assessment (ASAM) finds that the inmate is not in need of treatment. In these circumstances, the procedures in the “lower level and in-jail treatment recommendations” section of this policy are to be followed.

All Inmates deemed ineligible will have their referral closed within the application. In these situations, it is the responsibility of the ACJ Treatment Coordinator to close the referral in the application and inform the Diversion Coordinator by the end of the business day.

V. Selection of a Treatment Provider

When an Inmate is deemed appropriate for treatment after the first in-jail assessment, the ACJ Treatment Coordinator will schedule any necessary assessments or interviews between the inmate and the Treatment Provider.

The ACJ Treatment Coordinator is to make every effort to find treatment for the inmate within the first 30 days of incarceration. This is to be done by enhancing communications, following policy and procedures, contacting potential providers, working collaboratively with other agencies to identify treatment space, coordinating with providers as needed to ensure that clinical assessments and interviews are conducted and assist with the release process. The following is to be considered when selecting a provider:

1. The level of treatment need;
2. The recommended duration of treatment;
3. Treatment center capacity (i.e., number of beds available, waitlist of clients, level of care offered, etc.);
4. Information collected in the service plan (criminal history, family history, medical history, previous in-patient treatment services, etc.) to help in the determination of which facility will best to meet the inmate's needs, and;
5. Medical assistance status and/or availability of private health insurance.

In preparation for the provider's assessment, the ACJ Treatment Coordinator must confirm the treatment provider(s) are cleared to enter the ACJ prior to scheduling an assessment. Provider's assessment can be conducted via a telephone conference in the ACJ. Arrangements must be made in advance for a telephone conference in the ACJ.

Once a provider has conducted an assessment and determined the inmate appropriate for their treatment program, the ACJ Treatment Coordinator must obtain the expected date of transfer, contact information and discuss the expected level of communication regarding the inmate's progress in treatment.

The ACJ Treatment Coordinator will notify the Diversion Coordinator by the end of the business on the day an Inmate was assessed by a treatment provider and scheduled for placement into treatment. The name of the treatment provider will be shared via email with the Diversion Coordinator and the Administrator of Alternative Housing within five to seven business days from the inmate's scheduled release date. The presiding judge will be informed of the update by the Diversion Coordinator and issue a court order to release the inmate from the ACJ to the identified Treatment Provider.

VI. Release to Treatment

When arranging the release of the inmate from the ACJ to the approved treatment provider, the ACJ Treatment Coordinator must notify the Diversion Coordinator and Administrator of Alternative Housing and Diversion within five to seven business days from the inmate's scheduled release date.

The ACJ Treatment Coordinator is expected to complete the follow duties for a successful release of the inmate to the custody of the treatment provider:

1. Ensure that the person designated for transporting from the treatment provider is cleared to pick-up Inmates from the ACJ.

2. Confirm in OMS the 6A court release order specifies the correct treatment provider responsible for treating the inmate upon release. Communicate with the jail's records department to ensure that the release order was received and has the correct treatment provider listed and that all holds have been cleared in the OMS prior to the inmates release to a treatment facility. Inmates will only be released from the ACJ when all criminal detainers have been lifted and/or bonds reinstated to non-monetary. If this information has not been processed by the jail's records department, the ACJ Treatment Coordinator must notify the Diversion Coordinator by end of business day.

It is the responsibility of the ACJ Treatment Coordinator to work with the jail and the courts to remedy any issues related to the release of an individual to treatment.

VII. Post Release Follow-up

Throughout the offender's duration in treatment, the ACJ Treatment Coordinator monitors the offender's progress. The offender's enrollment and completion will be documented in the application by the ACJ Treatment Coordinator on a weekly basis. The ACJ Treatment Coordinator must maintain communication with the treatment provider at least two to three times a month until the offender's treatment is completed or terminated.

The treatment provider must be advised, prior to the release of the offender into their custody, when immediate notification to the ACJ Treatment Coordinator is required. The following situations will require the treatment provider to inform the ACJ Treatment Coordinator within two hours of the event:

1. Offender retracts consent to release information regarding their treatment;
2. Acts against medical advice and absconds from the treatment provider, or;
3. Acts in manner resulting in an unsuccessful discharge⁵.

ACJ Treatment Coordinators are expected to review their voicemails on a daily basis to ensure that these notifications are communicated to the Diversion Coordinator and Administrator of Alternative Housing and Diversion. This information will be shared via email and followed by a call to the Diversion Coordinator Monday through Friday during normal business hours. The Diversion Coordinator will take the following action during normal business hours:

1. If the inmate is pending discharge a violation of bond condition warrant will be requested from the originating judge and the Sheriff's Office will be contacted for immediate transportation of the inmate from the Treatment Provider to the ACJ.

⁵ The ACJ Treatment Coordinator should inform the treatment provider to not discharge an offender prior to notifying the ACJ. A warrant will be requested by the presiding judge and the Diversion Coordinator will request to the Sheriff's Office to transfer the offender from the facility to the ACJ.

2. Pretrial Services will be notified of the violation of bond condition warrant electronically, including the inmate's name, case OTN, the date and time of the violation, and a brief description of said violation.
3. If the violation occurs after hours, on a weekend or a holiday the ACJ Treatment Provider is to notify the Diversion Coordinator on the next business day and action will be taken by the courts, following the above procedure.

VIII. Immediate Notifications from the ACJ Treatment Coordinator to the Diversion Coordinator and Administrator of Alternative Housing and Diversion.

The ACJ Treatment Coordinator must maintain effective communication with the Diversion Coordinator in a timely manner. Notification to the Diversion Coordinator and Administrator of Alternative Housing and Diversion regarding the inmate should occur by end of the business day for the following:

1. After a referral was entered into the application.
2. After initial assessment to communication whether the inmate is eligible or ineligible for treatment.
3. When a treatment provider assessment is scheduled and completed.
4. When a court order for release is needed or when the order needs to be amended.
5. When the inmate is placed on a waitlist with a treatment provider. The anticipated wait time should be shared.
6. When a treatment provider is scheduled to pick up the client.

Any delays due to court release orders, health insurance, inmate's behavior, clearances of treatment provider staff, waitlist status, etc. must be communicated to the Diversion Coordinator and the Administrator of Alternative Housing and Diversion by end of the business day. If these delays result in a 30 day length of stay in the ACJ from the referral date, the Diversion Coordinator must be informed and the Judge should be consulted to determine the continuation or termination of the referral.

IX. Lower level and in-jail treatment recommendations

There are instances when an inmate does not meet the level of care or is otherwise found to be ineligible for treatment in an inpatient residential or outpatient program. In these situations and when appropriate, the ACJ Treatment Coordinator is to recommend the inmate to treatment in the ACJ or alternative housing.

**Allegheny County Jail – Drug and Alcohol Diversion Program
CONSENT TO RELEASE CONFIDENTIAL INFORMATION**

I, _____, do hereby consent to and authorize _____
(Jail Treatment Coordinator)
to release the information indicated below to:

Allegheny County Jail Collaborative; Presiding Judge; Adult Probation

The information, pertaining to myself, to be disclosed is:

- ✓ Whether the client is or is not in treatment
- ✓ The nature of the project
- ✓ Client progress
- ✓ Whether or not the client has relapsed
- ✓ Prognosis
- ✓ Other (specify) _____

The information is needed for the following purpose:

- ✓ Referral for treatment services
- ✓ To monitor the provision of ongoing treatment
- ✓ To obtain insurance, employment or government benefits
- ✓ Other(specify) _____

This information has been disclosed to you from records protected by Federal confidentiality rules (42CFR, part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by written consent of the person to whom it pertains or as otherwise permitted by 42CFR, part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or other drug abuse patient.

I may revoke this consent to release information at any time in writing or orally, except to the extent that action has been taken in reliance of it.

_____ I have been offered a copy of this document and I have: () Accepted () Refused

Signature of client / Date

Signature of witness / Date

_____ Specify date upon which release will expire.

Release of information was revoked (Date and Time) _____