

DISQUALIFYING CRITERIA FOR DRUG TREATMENT COURT

Offenders are considered ineligible for Lancaster County Adult Drug Court if there are any unresolved out of county and/or out of state charges. It is the responsibility of the offender's counsel to resolve any pending out of county and out of state charges or state parole violations before the offender can be accepted into the program.

Lancaster County Adult Drug Court values the opinion of crime victims. Victims of crime will be consulted for their opinion of diverting offenders into the program at the discretion of the District Attorney's Office. Crimes involving physical violence towards another person may prevent admission into Adult Drug Court if the crime victim does not consent to the offender's participation, or at the discretion of the District Attorney.

Offenders must have a verifiable history of substance abuse to be eligible for Lancaster County Adult Drug Court. Conduct giving rise to the crime must be attributable to characteristics of the offender's addiction.

Lancaster County Adult Drug Court will review offenses pertaining to each referral made to the program. Certain offenses are automatically excluded from the program; other offenses are typically excluded from the program. The following guidelines are in place with regard to ineligible offenses:

- Murder/Manslaughter under 18 Pa.C.S.A. Chapter 25, Crimes Against Unborn Children under 18 Pa.C.S.A. Chapter 26, and any offenses resulting in the death of another person **will not** be considered under any circumstances.
- Sex offenses under 18 Pa.C.S.A. Chapter 31 **will not** be considered under any circumstances with the following rare exception: Indecent Exposure may be considered on an individual basis at the discretion of the District Attorney's Office.
- Sexual Abuse of Children under 18 Pa.C.S.A. Section 6312, Unlawful Contact with Minor 18 Pa.C.S.A. Section 6318, Solicitation of Minors to Traffic Drugs under 18 Pa.C.S.A. Section 6319, and Sexual Exploitation of Children under 18 Pa.C.S.A. Section 6320 **will not** be considered under any circumstances.
- Human Trafficking under 18 Pa.C.S.A. Chapter 29 **will not** be considered under any circumstances
- Kidnapping under 18 Pa.C.S.A. Chapter 29 **will not** be considered under any circumstances.
- Felony crimes of violence committed with a firearm **will not** be considered under any circumstances.
- Aggravated Assault as defined in 18 Pa.C.S.A. Section 2702 will be considered on an individual basis and approved under limited circumstances.
- Aggravated Arson is an ineligible offense. Arson will be considered on an individual basis and approved under limited circumstances.
- Robbery as defined in 18 Pa.C.S.A. Section 3701(a)(1)(i),(ii) or (iii) are ineligible offenses. Robbery as defined in 18 Pa.C.S.A. Section 3701(a)(1)(iv), (v), or (vi) will be considered on an individual basis and approved under limited circumstances.
- Robbery of a Motor Vehicle is an ineligible offense.
- Possession With Intent to Deliver **may** be eligible at the discretion of the District Attorney's Office.

- Other crimes that include a threat and/or violence against another individual not listed as a mandatory exclusion **may** be considered on an individual basis at the discretion of the District Attorney's Office.
- An attempt, conspiracy, or solicitation to commit any of the above crimes.

An offender's prior record will be considered when determining eligibility. A record of excluded offenses will not result in immediate dismissal of the referral; however, it could be considered an exclusionary factor. Individuals presenting a history of present or past violent behavior may be excluded.

Offenders charged with crimes of domestic violence must submit their application within ten days of their appearance at Domestic Violence Central Court.