

## Survey to Chief APOs

### Issue: Zero Tolerance Condition

#### Question (from Carbon County):

Our Judges routinely add a condition of “Zero Tolerance” for drugs, alcohol or missed urines (approximately 20% of our overall caseload). Use or missed= jail. I have spoken with the Court on numerous occasions and discussed how this approach is not supported by the research (unless tied to program similar to Hope); encourages offenders to be dishonest about triggers and usage; creates a barrier in getting them into treatment; increases prison population; and increases our workload. They, excluding our Drug Court Judge, have not been receptive.

I am wondering if other Courts have similar conditions? Is there any criteria for when it is imposed? Any suggestions on how I can tackle?

#### Cameron County

Remember when we were suppose to embrace “broken windows”

#### Fayette County

Fayette Co judges and our department have no such policy. Each instance is looked at on an individual basis to determine what course of action should be taken. Rehab, treatment, second chances, etc. and of course incarceration are all on the table.

#### Luzerne County

“Zero Tolerance” ..... Now that’s a blast from the past! Can’t say any more than you already stated to your Judges..... You may want to enlighten them on a new concept from earlier this millennium... “Progressive sanctions”!

#### Philadelphia County

In Philadelphia County, our Judiciary order specific conditions at the time of sentencings. Barring these specific Orders, we monitor drug and alcohol usage. Marijuana use tends to still lead in our testing positive use. With the use of PCP, we do not play with that drug. That can result in an instant detainer for the protection of the user as well as the community. Our first course of action is treatment upon positive urinalysis results. We communicate with the client to see what is going on and why the test result is positive. We have to rely on the client being treatment and our initial approach is treatment oriented. We make the referrals and/or confirm that treatment has been engaged. We continue to test and monitor treatment. If treatment was not an original component of the Judge’s Order, at the violation hearing we request that treatment participation is mandated. We request an assessment for determination of inpatient or outpatient. It truly depends on the drug of choice. We also include graduated sanctions such as more frequent reporting, more urinalysis testing and other follow ups as necessary. If the graduated sanctions are not working we then schedule a Gagnon

II hearing which will detail everything we tried to do to assist the client in addressing the substance abuse. Detainment is not our first recourse; however, if we have tried all treatment avenues, (depending on the drug), we may request a slight period of incarceration for a FIR evaluation to be transported to treatment by the Sheriff. Zero tolerance may remove from the offender from the street but I don't think it removes the desire or changes the attitude towards the addiction. It may create a distrust which prevents the officer from really being an influence in encouraging alternative behavior.

#### Susquehanna County

"Use or missed= jail"

Sounds like wise Judges to me.

#### Wayne County

We take a more collaborative approach even though we have conditions that impose no illegal drugs and/or drinking, which is probably around 80% of cases. I have no measure to assure truthfulness is occurring only thru verification from drug testing and other verifiable agency sources, but we do have a good deal of confidence they are truthful with us when supported by verification. Just because prison is utilized doesn't mean treatment is over, but maybe only a beginning for some since they now see that we are serious about their criminal drug usage and where sobriety can create change. Our prison has certified drug and alcohol treatment within its walls and we have our county drug and alcohol commission that will do assessments to see if they meet criteria to be release to inpatient treatment facilities in a timely fashion. Resources are so important to make all this work. As mentioned by other chiefs, we use graduated sanctions when appropriate and if a Gagnon II is pursued, we will address those issues then with options to be released earlier than their max date when certain salient conditions are met or agreed to. We set conditions based on the offender's needs and risks and go from there. We look to encourage change voluntarily, but it cuts both ways—some offenders need the strict structure and the tuff approach/consequences and some just being there for support is enough. So I see your Judges doing what they think will serve their county well, in their minds. I believe the chiefs association has a good EBPs guide for where we need to go, so that's what I would advocate to them, and maybe a little more!

#### Westmoreland County

Westmoreland County is the same as Fayette.