

RULE 35. COURT GUIDED ADDICTION TREATMENT PROGRAM (CGAT)

In order to facilitate efficient and effective treatment of drug addicted offenders, the Court of Common Pleas hereby establishes the Court Guided Addiction Treatment Program (CGAT) and orders the assignment of cases identified for this program to the judge designated to attend to and manage such cases. Said judge shall have the authority to accept or reject cases assigned to the CGAT program for supervision and guidance. Such judge shall also have the authority to conduct arraignment, accept pleas, enter findings and dispositions, conduct trials, and in the event of termination of unsuccessful participation in the CGAT program, to pronounce and enter sentence on those cases assigned pursuant to this rule. Where the offender has an active probation status, any related probation violation, which is a felony of the 4th and 5th degree, may be referred and assigned to the CGAT Judge for concurrent disposition consistent with program goals.

Criteria for assignment or referral pursuant to this rule shall be:

1) DRUG COURT - Eligibility and Section Codes:

Theft (drug related) - 2913.02 (offenses of the fourth or fifth degree)

Possession of drugs - 2925.11 (offenses of the fourth or fifth degree)

Deception to obtain a dangerous drug - 2925.22

Illegal processing of drug document - 2925.23

- the offender is determined to be a drug or alcohol dependent person or in danger of becoming a drug or alcohol dependent person and would benefit from treatment
- the current charge is a probationable offense
- there is no history of violent behavior
- there is no history of mental illness
- current and/or past criminal behavior is drug driven
- the offender must demonstrate a sincere willingness to participate in the twelve to fifteen month treatment process
- no acute health condition currently exists
- all offenders who are incarcerated must have the approval of the County Prosecutor before entering the program

2) Procedure for defendants who appear in CGAT Court and are on probation shall be as follows:

- a defendant who is on probation to the CGAT Judge, and acquires a new felony charge of the 4th or 5th degree, shall be assigned directly to the CGAT Judge for disposition and for the probation violation.
- a defendant who is on probation to the CGAT Judge, and acquires a new felony charge of the 1st, 2nd, or 3rd degree, shall be assigned to the judge of the General Division for disposition of the new charge, and transfer and disposition of the probation violation.

If a defendant indicted for Theft, Possession of Drugs, Deception to Obtain a Dangerous Drug, or Illegal Processing of Drug Documents is on probation to or has a case pending before a judge of the General Division of Common Pleas, the new indictment shall remain with that judge. Multiple defendant indictments shall not be separated for the purposes of this rule.

(Amended Rule Effective April 29, 1998)