

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
CRIMINAL DIVISION  
(Current through Aug.28, 2006)

**RULES**  
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**BEAVER COUNTY, PENNSYLVANIA**  
**LOCAL RULES OF CRIMINAL PROCEDURE**  
*(Current through Aug. 28, 2006)*

**L.R. 100 Scope of Local Rules: (eff. June 15, 2004)**

These local rules of Criminal Procedure are adopted to be applicable to the Criminal Division of the Court of Common Pleas of Beaver County, Pennsylvania as long as they are consistent with the Pennsylvania Rules of Criminal Procedure, 42 Pa. C.S.A. 100 et-seq.

**L.R. 102 Citing the Local Rules of Criminal Procedure: (eff. June 15, 2004)**

All local rules of criminal procedure shall be known as the Beaver County Local Rules of Criminal Procedure and shall be cited as A.L.R. Crim. P.No. \_\_A.

**L.R. 103 Definitions: (eff. June 15, 2004)**

The words and phrases, when used in any Local Rules of Criminal Procedure, shall have the same meaning ascribed to it in the Pennsylvania Rules of Criminal Procedure, unless specifically defined herein or in a Local Rule of Criminal Procedure.

**L.R. 104 Design of Forms: (eff. June 15, 2004)**

The Court Administrator of Beaver County, Pennsylvania, in consultation with the Beaver County Local Rules of Criminal Procedure Committee, shall design and publish those forms necessary to implement these rules.

**L.R. 106 Continuances of Trials: (rescinded 8/13/2004)**

**L.R. 115 Transcribing Court Proceedings and Payment: (eff. June 15, 2004)**

(I) the court may, on its own motion, order an original or a copy of a transcript of a record or a portion thereof for its own use.

(ii) Any defendant for whom counsel has been appointed or the court has authorized to proceed in forma pauperis, may petition the trial court to transcribe the record or portions thereof with the reasons therefor. Counsel for the Commonwealth shall be notified of such motion and may then request in writing transcription of additional portions of the record stating reasons therefor. The court shall enter an appropriate order which will be filed of record and which order shall be served by the Clerk of Courts upon the Court reporter.

(iii) Expenses of all transcripts ordered under paragraph (I) and (ii) of this rule shall be paid by Beaver County at the rates provided in Pa. R.J.A. No: 5000.7 and shall be assessed as part of the record cost.

(iv) Any defendant, with private counsel and who is not entitled to proceed in forma pauperis who desires a transcript of a record shall file a written request with the Clerk of Courts setting forth the specific portions of the record to be transcribed and shall serve copies of said request upon the Trial Court, Court Administrator, Counsel for the Commonwealth and the Court Reporter. Counsel for the Commonwealth may request in writing that additional portions of the

record be transcribed within seven (7) days. Said request must be filed with the Clerk of Courts, opposing counsel, Court Reporter and Trial Court.

Any transcripts ordered under paragraph 115(iv) shall require a deposit of one half the estimated charge for the transcript prior to its preparation. Defendant or counsel for the defendant shall be informed by the Court Reporter of the amount of the deposit required. Such amount shall be paid to the Clerk of Courts, who shall issue a receipt to the defendant and a copy of same shall be delivered to the Court Reporter. Upon receiving the receipt, the Court Reporter shall prepare the transcript. Upon completion of the transcript, the court reporter shall notify the defendant of the balance due for the transcript. The transcript shall be filed with the Clerk of Courts and shall not be released until the full amount due is paid to the Clerk of Courts.

**L.R. 117. Coverage Magisterial District Judges (eff. August 1, 2006)**

(1) All Magisterial District Judge Offices shall be open for regular business on Mondays through Fridays from 9:00 A.M. to 5:00 P.M. Prevailing time.

(2) Magisterial District Judges shall be available twenty-four hours per day, every day of the calendar year to provide continuous coverage for the issuance of search warrants, pursuant to Pa R. Crim. P. No. 203, arrest warrants pursuant to Pa R. Crim. No. 513, requests to accept bail, and emergency orders under the Protection from Abuse Act.

The Magisterial District Judges shall satisfy this rule by remaining on call during non-regular business hours on a rotating basis pursuant to a schedule prepared by the Court Administrator. The schedule shall be distributed and publicized pursuant to past practice.

(3) Magisterial District Judges shall be available during non-regular business hours each day at 6:00 A.M., 2:00 P.M. and 10:00 P.M. for the purpose of providing the services set forth in Pa R. Crim. P. No. 117 (A) (2) (a), (b), (c) and (d). The availability of each Magisterial District Judge shall be on a rotating basis pursuant to the same schedule proposed pursuant to subdivision (2) and shall be publicized pursuant to past practice.

(4) Magisterial District Judges shall be available during normal business hours for all other business.

(5) Each Magisterial District Judge shall be available to preside over preliminary hearings at the Beaver County Courthouse, or such other location that may be established for "Central Court", on a rotating basis pursuant to a schedule prepared by the Court Administrator.

(6) This rule shall be effective August 1, 2006 provided the requirements of Pa. R. Crim. P. No. 105 (c) have been complied with.

**L.R. 122 Assignment of Counsel-Public Defenders Office (eff. June 15, 2004)**

The Court hereby designates and appoints the Public Defender=s Office of Beaver County (See 16 P.S. '9960 et.seq.) as initial counsel for all defendants required to be assigned counsel under Pa. R.Crim. P. No. 122.

**L.R. 123 Public Defenders Office Prohibition (eff. June 15, 2004)**

The Public Defender and all full-time and part-time attorneys appointed to and employed in that office, together with all their partners, associates, employees and employers, are prohibited from representing on a private basis:

(a) any defendant in any criminal proceeding who has at anytime during the pendency of the case made application for representation by the Public Defender=s Office or in which proceeding any co-defendant has made such application; and

(b) any defendant then being represented on any other proceeding through the Public Defender=s Office.

This prohibition shall not apply where the defendant initially made application to and retained said attorney or his partner, associate, employee or employer, on a private basis prior to application with the Public Defender=s Office.

(ii) In all court cases counsel shall be assigned by the Public Defender=s Office to those types of cases identified at 16 P.S. ' 9960.6 as well as summary appeals where there is a likelihood that imprisonment might be imposed.

(iii) In cases of conflict in the Public Defender=s Office, the Court Administrator, upon Court Order, shall assign counsel to represent defendant from those attorneys appointed to handle all conflicts cases (See 16 P.S. ' 9960.7).

**L.R. 131 Location of Preliminary Hearing/Central Court: (eff. June 15, 2004)**

Pursuant to the authority contained in Pa. R.Crim P; Rule 131, (B), the President Judge of the Court of Common Pleas of Beaver County, Pennsylvania, has determined that local conditions require the establishment of procedures whereby preliminary hearings in all criminal cases, filed in all magisterial districts, shall be held at the Beaver County Courthouse on dates and times assigned by the Court Administrator of Beaver County. Said Court shall hereinafter be referred to as Central Court.

**L.R. 310 Motion For Accelerated Rehabilitation Disposition: (eff. June 15, 2004)**

After recommendation by the Commonwealth that a defendant be placed on the ARD program, the defendant shall be scheduled for an ARD hearing before the Court of Common Pleas for consideration for ARD. The ARD hearing shall be in accordance with the provisions contained in Pa. R.Crim.P. Nos. 311, 312, and 313.

(a) At the ARD hearing the defendant shall enter on the record a duly executed ARD colloquy form.

(b) Each defendant charged under 75 Pa.C.S.A. ' 3731 and/or 75 Pa.C.S.A. ' 3801 et. seq. (relating to Driving Under the Influence) shall, prior to the ARD hearing be evaluated by an interviewer certified under the Court Reporting Network. Any statement made by the defendant during a Court Reporting Network evaluation and screening shall be made available to the court for the limited purpose of aiding the court to consider and rule upon a motion for Nolle Pros, ARD, plea and sentencing. Such statements obtained from the defendant shall be otherwise confidential and shall not be admissible for any other purposes in any criminal proceeding.

(c) If a defendant fails to obtain a CRN evaluation prior to the ARD hearing, his/her case may be removed from the scheduled ARD hearing list by the Court.

**L.R. 506 Procedure for Filing Private Complaint (eff. June 15, 2004)**

When an affiant, who is not a law enforcement officer, desires to file a criminal complaint, for other than a summary offense, he/she must appear before the District Justice of the Magisterial District where the offense is committed and request preparation of a complaint.

The office of the District Justice will prepare a criminal complaint on the form prescribed by The Administrative Office of Pennsylvania Courts (AOPC) containing the information as required by Pa.R.Crim.P.No. 504.

Affiant shall submit the complaint to the attorney for the Commonwealth, who shall approve or disapprove it without unreasonable delay.

(a) If the complaint is disapproved, the affiant, may petition the Court of Common Pleas for review.

**L.R. 511.1 Scheduling Conference in Summons Cases (eff. June 15, 2004; Recinded Sept. 26, 2006)**

When criminal charges proceed by summons:

(a) The Defendant shall be sent, via first class mail, a Notice of Scheduling Conference, to be held on a specific date and time at the office of the District Justice where the charges are filed.

At that Scheduling Conference, the staff shall provide the Defendant with a copy of the complaint; the date of his or her preliminary hearing, set four weeks from the date of the Scheduling Conference; instructions to appear at the Beaver County Courthouse at a particular date and time and the right to counsel. The Defendant shall sign a form indicating that he or she has received the summons and instructions.

The Defendant shall also be sent a copy of the summons, complaint and Notice of Preliminary Hearing, via certified mail, in compliance with Pa. R. Crim. P.510 unless the Plaintiff has waived the requirement for certified mail at the time of signing the form at the Scheduling Conference.

If the defendant does not appear for the Scheduling Conference, no warrant shall be issued, but the Defendant shall be sent a summons, a copy of the complaint and a Notice of Preliminary Hearing, via certified mail, return receipt requested. The Preliminary Hearing is to be set four weeks from the mail date of the summons.

**L.R. 524 Release on R.O.R. or Nominal Bail (eff. June 15, 2004)**

For the administrative purposes of the Beaver County Pre-Trial Services Agency, any release of a defendant on his or her own recognizance shall be considered as release on nominal bail. Where a defendant is released on his or her own recognizance or on nominal bail, the court or issuing authority may designate the Beaver County Pre-Trial Services Agency as surety for the defendant and the defendant shall then become subject to the rules and regulations of that agency.

**L.R. 528 Percentage Cash Bail System (eff. June 15, 2004)**

A defendant, for whom bail has been set with the approval of the Court or the issuing authority or on the recommendation of the Beaver County Pre-Trial Services Agency, shall execute the bail bond and deposit, or cause to be deposited by a private third party surety with the issuing authority or the Clerk of Courts a sum of money equal to ten (10%) percent of the amount of bail set, but in no event less than twenty-five (\$25.00) dollars. Corporate sureties or professional bail bondsman or agents thereof are expressly prohibited from posting the deposit for bail as provided in this rule.

**L.R. 530 Designation of Local Bail Agency (eff. June 15, 2004)**

The Court hereby designates and appoints the Beaver County Pre-Trial Services Agency to have the exclusive duties and powers of a bail agency for the 36<sup>th</sup> Judicial District of Beaver County, as provided for the Pa.R.Crim. P.No. 530. Whenever a defendant has failed to comply with the rules and regulations of the bail bond or of the bail agency or any additional conditions of his release, he may be brought before the Court to determine if additional bail shall be set in his case or bail revoked.

**L.R. 540.1 Preliminary Hearing Scheduling (eff. June 15, 2004)**

At the preliminary arraignment or at the time of issuance of summons, whether at the Scheduling Conference or by certified mail, the issuing authority shall schedule the preliminary hearing on a date and time assigned by the Court Administrator. The issuing authority shall give notice to defendant and the counsel for the defendant, if any, of the date and time selected. The issuing authority shall promptly transfer all papers to the Court Administrator.

**L.R. 542 Preliminary Hearing; Preliminary Hearing Memorandum: Arraignment (Eff. June 15, 2004; Recinded Sept. 4, 2006)**

(a) Whenever a criminal defendant waives a preliminary hearing or when the District Justice finds that the Commonwealth has established a prima facie case, the case shall be scheduled for a non judicial pre-trial conference on a date, time and place assigned by the Court Administrator as well as a date, time and place the case is to be called for trial. The Defendant shall sign the Preliminary Hearing Memorandum containing the Notice of the non judicial pre-trial conference date and trial date.

(b) If the parties reach a plea agreement at or before the preliminary hearing, the defendant shall waive the preliminary hearing and the parties shall sign the preliminary hearing memorandum which shall contain a detailed plea agreement with the terms, conditions and recommendation of said plea agreement. Copies of the memorandum shall be delivered to the defendant and counsel for the defendant. The preliminary hearing memorandum shall contain notice of the expedited ARD, Plea and sentencing times and dates. It shall also contain notice of the date of the non judicial pre-trial conference and date of trial. The issuing authority shall transmit a copy of the preliminary hearing memorandum to the Court Administrator.

(c) When a defendant appears for his or her preliminary hearing, and if the case is waived, bound over or a plea agreement is reached, the defendant shall have bond set and be given a booking order to appear at the RBC within 5 days. The requirement to appear at the RBC shall be made a condition of bond, pursuant to Pennsylvania Rule of Criminal Procedure Rule 527. A copy of the Booking Order shall be faxed to the RBC by the Central Court clerical staff. RBC Staff will then review all non-judicial pre-trial lists and plea / ARD lists to check if the defendant has complied with the condition of bond. If a Defendant has not complied then a warrant shall be issued for the Defendant=s arrest.

(d) If the case is continued, no bond is set nor is a booking order issued.

(e) If bond is set in an amount other than a nominal amount, the defendant will have to post that amount in the office of the district justice presiding at Central Court.

(f) If the defendant fails to appear for the preliminary hearing at the scheduled date and

time, an arrest warrant shall be issued. The arrest warrant shall be given to the Beaver County Sheriff=s Department if an arrest warrant is issued, when it is executed, the defendant shall be arraigned, bond set and a preliminary hearing date shall be set within 3-10 days.

**L.R. 542 Preliminary Hearing Scheduling; Continuances. (Eff. Sept. 5, 2006)**

(A) At the preliminary arraignment or at the time of the issuance of a summons, the issuing authority shall schedule the preliminary hearing on a date and time assigned by the Court Administrator. The issuing authority shall give notice to the defendant and to counsel for the defendant, if any, of the date and time selected. The issuing authority shall promptly transfer all papers to the Court Administrator.

(B) The presiding Central Court Magisterial District Judge may, for cause shown, grant a continuance and shall note on the transcript every continuance together with:

- (1) the grounds for granting each continuance;
- (2) the party requesting the continuance;
- (3) the new date and time of the preliminary hearing.

(C) Each Motion to Continue Preliminary Hearing shall contain the following information:

- (1) the grounds for requesting each continuance;
- (2) the name of opposing counsel and opposing counsel's position on the motion;
- (3) the number of prior continuances, if any.

(D) Motions to Continue Preliminary Hearing made on the date of the Scheduled Hearing shall require the following:

- (1) The moving party to personally appear before the presiding Magisterial District Judge in Central Court and present a written motion after notice to opposing counsel.
- (2) the Magisterial District Judge to enter a ruling after entertaining argument from both counsel.

(E) Motions to Continue Preliminary Hearing made prior to the Scheduled Hearing Date shall require the following:

- (1) the moving party to personally appear before the presiding Magisterial District Judge in Central Court and present a written motion after notice to opposing counsel; or
- (2) deliver either in person, mail or fax, no later than 3:00 p.m. on the business day prior to the scheduled hearing date, a written motion to continue, to Central Court staff.

(a) Central Court staff, upon receiving the motion to continue, shall relay the motion to the presiding Magisterial District Judge at Central Court.

(b) The presiding Magisterial District Judge will enter a ruling.

(F) Any Motion to Continue Preliminary Hearing received after 3:00 p.m. on the business day prior to the scheduled hearing date will require the moving party to personally appear and present the motion to the presiding Magisterial District Judge at Central Court on the day of the hearing after notice to opposing counsel.

(G) Any motion to continue a preliminary hearing must be presented to a Magisterial District Judge for disposition before any action is taken, even if both parties have no objection to the continuance.

**L.R. 546 Return of Deposits and Charges (eff. June 15, 2004)**

Upon full and final disposition of the case, the issuing authority or the Clerk of Courts shall retain thirty (30%) percent of the amount deposited, but in no event less than (\$10.00) dollars as administrative costs for the percentage cash bail program. The balance shall be returned to the defendant or the third party surety. Any money not claimed within one hundred eighty (180) days from the time of full and final disposition of the case shall be deemed as fees and shall be forfeited to the use of the County of Beaver.

**L.R. 550 Pleas of Guilty Before District Justice In Court Cases: (eff. June 15, 2004)**

An issuing authority may accept a plea in any case authorized by statute, (42 Pa.C.S.A. ' 1515(a)(6)(I)) but may not sentence without a pre-sentence investigation report. If the parties and the issuing authority agree to dispense with a pre-sentence investigation report, the defendant shall be sentenced in accordance with the procedure provided by Pa.R.Crim.P.704. The issuing authority shall note the sentence on the transcript and transmit it to the Clerk of Courts.

**L.R. 552 Administrative Processing And Identification (eff. June 15, 2004)**

(A) In all cases in which a defendant has been charged with an offense of a third degree misdemeanor or greater, the defendant shall be required to appear at the Beaver County Regional Booking Center (RBC) located in the Beaver County Jail, 6000 Woodlawn Boulevard, Aliquippa, PA, 15001.

(B) Pursuant to 18 Pa. C.S. 9112, an arresting authority shall be responsible for taking the fingerprints of persons arrested for misdemeanors, felonies or summary offenses which become misdemeanors on a second arrest after conviction of a summary offense. The Regional Booking Center shall serve as the designated fingerprinting site for all arresting authorities in Beaver County.

(C)(1) In cases in which a defendant has been arraigned at the District Justice office and fails to post bond, the defendant shall be fingerprinted and photographed at the RBC subsequent to his or her commitment at the Beaver County Jail.

(2) In cases in which a defendant has been arrested during night, weekend or holiday hours, unless the charges proceed by summons, the defendant shall be taken directly to the RBC for a video arraignment and booking procedure before being committed to the Beaver County Jail or being released on bond.

(3) In cases of private prosecutions, the defendant may only be fingerprinted and photographed after conviction of the alleged offense. An order shall be issued from the Court of Common Pleas after such conviction directing the Defendant to report to the RBC to be fingerprinted and photographed.

(4) In cases which proceed by issuance of a summons, the District Justice presiding at Central Court at the scheduled Preliminary Hearing, shall order the defendant to submit to the Regional Booking Center within five (5) days following the date of issuance of such order.

(D) A booking fee of fifty dollars (\$50.00) shall be assessed and collected by the Beaver County Clerk of Courts after sentencing upon conviction of or plea to a misdemeanor or felony offense or acceptance into the Accelerated Rehabilitation Program. This fee will not apply to those Defendants whose cases are dismissed by the District Justice, withdrawn or nolle prossed by the Commonwealth or who enter a guilty plea to a summary offense at the time of the preliminary hearing.

**L.R. 570 Pre-Trial Conference (eff. June 15, 2004)**

At the non-judicial pre-trial conference, the parties shall attempt to reach a plea agreement. If the parties enter into a plea agreement, the case shall be placed on an expedited hearing date assigned by the Court Administrator.

**L.R. 570.1 Judicial Pre-trial Conference (eff. June 15, 2004)**

If after the non-judicial pre-trial conference the case is not resolved the court may conduct a judicial pre-trial conference at which counsel for the parties shall appear to resolve all pre-trial issues in accordance with the provisions contained in Pa.R.Crim. P No 570.

**L.R. 574. Motions (Rescinded 8/13/2004)**

**L.R. 578 Omnibus Pre-Trial Motions For Relief (eff. June 15, 2004)**

Omnibus pre-trial motions for relief must be filed not less than ten (10) days prior to the scheduled date of Suppression Hearings, as published on the Court Calendar. The Court may, upon cause shown, accept an omnibus pre-trial motion filed less than ten (10) days prior to the scheduled date of Suppression Hearings, but only if the attorney for the Commonwealth stipulates and consents to the late filing. Any omnibus pre-trial motion filed after ten (10) days prior to the scheduled date of Suppression Hearings must be accompanied by a separate Motion requesting continuance of the case to the next trial term waiving the provisions of Pa. Rule of Criminal Procedure 600.

**L.R. 600. Trial List and Notice (eff. June 15, 2004)**

(a) In all cases which are not resolved at the preliminary hearing, non-judicial pre-trial conference or judicial pre-trial conference, the Court Administrator shall promptly prepare a list of trial cases for each trial term.

The Notice for trial shall contain the caption, date and time of trial. Notice shall also state that the defendant=s appearance is mandatory (See Pennsylvania Rule of Criminal Procedure 602). Notice shall be served in accordance with the provisions of Pa.R.Crim.P.Nos: 577 by Clerk of Courts to:

- (a) Defendant and his/her counsel
- (b) Professional Bondsman, Surety or Bail Agency, and
- (c) Counsel for the Commonwealth, who shall be responsible to notify the Police agency, the victim and all other witnesses.

**L.R. 631 Presence of Court During Jury Selection (eff. June 15, 2004)**

Defendant, counsel for defendant and counsel for the Commonwealth may, if each so

desires, and with the consent of the Trial Judge, waive on the record the presence of the presiding Judge during jury selection.

**L.R. 705.1 JUDICIAL STANDARDS-INTERMEDIATE PUNISHMENT PROGRAM (eff. June 15, 2004)**

- Standard 1.1 The following standards of the Intermediate Punishment Program are approved and will be accepted as Local Rules of Criminal Procedure.  
The Adult Probation and Parole Department has, under authority of 42 Pa.C.S.A., Subsections 9721, 9763 and 9801 et seq., and in compliance with the guidelines and recommendations of the Pennsylvania Commission on Crime and Delinquency, created and will operate an intermediate punishment program consisting of house arrest with electronic monitoring, day reporting centers, and intensive supervision all of which may include drug testing, community service and rehabilitation.
- Standard 1.2 Eligibility-Except for those individuals mentioned in Paragraph 1.3, all persons sentenced to a period of incarceration in the Beaver County Jail shall be eligible for a sentence under this program. Pursuant to the sentencing guidelines, individuals may be sentenced directly into the program or be ordered to serve a period of incarceration. Individuals must not demonstrate a pattern of present or past violent behavior and must be amenable to supervision.
- Standard 1.3 Ineligibility-The following persons shall be ineligible for sentence under this program.  
A. Persons with present convictions of offenses listed in 42Pa. C.S.A. 9807  
B. Persons sentenced to a maximum term of incarceration by a District Justice.  
C. Persons sentenced to a maximum term of two years or longer or where the balance of a maximum term is imposed for a violation.  
D. Persons deemed inappropriate for sentence under this program by the supervising staff.  
E. Any person sentenced by this court who resides in another jurisdiction where intermediate punishment does not exist or the receiving jurisdiction does not accept supervision.
- Standard 1.4 Individuals who are eligible under the sentencing guidelines may be placed directly into the program provided they meet all other criteria as outlined in Standards 1.2 and 1.3. Individuals sentenced to the Beaver County Jail will not be placed into the program until they serve at least 1/4 of the minimum sentence shall be defined as the total of all the minimums imposed.
- Standard 1.5 All individuals sentenced directly to intermediate punishment shall be ordered to serve a specific period of time in the program.
- Standard 1.6 Upon a preliminary finding of a violation of any condition of the program by the intermediate punishment staff, the individual may be detained pending a petition for violation and administrative hearing thereon. At the administrative hearing, the individual may consent to a disposition order, including revocation of the sentence of intermediate punishment.
- Gagnon II In the event the individual does not consent to a disposition order, a hearing shall

be scheduled before the court. The court may revoke a sentence of intermediate punishment upon proof of a violation of any condition of the sentence.

Section 2 INTENSIVE SUPERVISION

Standard 2.1 Individual=s eligibility for the intensive supervision program shall be determined by the administrative staff.

After investigation by the intermediate punishment staff an individual may be placed into the intensive supervision program. In addition an individual may be placed in intensive supervision after exemplary compliance with a more stringent intermediate punishment program.

Standard 2.2 As a part of the intermediate punishment program, intensive supervision will be the least restrictive. However, the level of supervision provided shall be greater than the levels of supervision provided under traditional probation and parole.

Individual and collateral contacts shall include a minimum of 16 contacts per month. These contacts shall include two client face-to-face contacts per week. Contacts shall be conducted on a random basis at all hours of the day, seven days a week.

Standard 2.3 Participants shall be required to participate in treatment programs as directed by The court or the administrative staff.

A specialized treatment regimen will be developed for each individual and will include, but may not be limited to, psychiatric, psychological and medical services, education vocational training, drug and alcohol screening and counseling and individual and family counseling.

Standard 2.4 Upon successful completion of the requirements of intensive supervision and upon completion of the time specified by the court, an individual will be transferred to the traditional probation and parole program.

Section 3- DAY REPORTING CENTER

Standard 3.1 Day reporting centers as an intermediate punishment program shall encompass the

level of intensive supervision and in addition daily reporting to a day reporting center.

Individuals in this program shall receive strict supervision at a community based facility. These individuals would be considered at risk and would otherwise be serving a sentence of incarceration. Individuals shall report to a designated facility on a daily basis and must call the center during the remainder of the day

as

directed. Individuals are to submit a schedule of planned activities each day they are in the program. In addition, they will participate in recommended treatment and educational programs, perform services and activities as directed. The individual can expect calls from the center throughout the day at home, place of employment or designated treatment facility. In addition, random phone calls will be made after curfew hours to ensure compliance with the curfew. Written documentation of attempts at gainful employment will be mandated if the

individual is unemployed.

Standard 3.2 An individual=s eligibility for acceptance into the Day Reporting Center program shall be determined by the I.P. administrative staff.

After investigation by the intermediate punishment staff an individual may be placed into the Day Reporting Program. In addition, an individual may be placed in intensive supervision after exemplary compliance with a more stringent Intermediate punishment program.

Standard 3.3 All individuals shall be subjected to daily and random drug and alcohol testing and random unannounced home visits.

Random testing and home visits may be done at any time, day or night, seven days

a week, 365 days per year.

Standard 3.4 Upon successful completion of the requirements of day reporting and upon completion of the time specified by the court, an individual will be transferred to the traditional probation and parole program.

#### SECTION 4 HOUSE ARREST INVOLVING ELECTRONIC MONITORING

Standard 4.1 Individuals eligible for house arrest involving electronic monitoring shall be determined by the administrative staff.

After investigation by the intermediate punishment staff an individual may be placed on house arrest. Priority of placement will be given to offenders convicted under 75 Pa.C.S.A. ' 3731 or 75 Pa.C.S.A. ' 6308 (Relating to driving under the influence of alcohol or controlled substances). These individuals who become eligible for intermediate punishment may only be sentenced to a residential inpatient program or the house arrest program involving electronic monitoring, combined with drug and alcohol treatment. Individuals convicted and sentenced under this statute to the minimum 48 consecutive hours of incarceration will not be eligible for the house arrest involving electronic monitoring.

Standard 4.2 House arrest involving electronic monitoring as an intermediate punishment shall be considered more punitive than the intensive supervision and day reporting center programs.

In house arrest, the focus is on confinement, and the offenders will only leave their homes for employment, therapeutic, medical or other pre-approved reasons. The intermediate punishment staff will make a minimum of one personal and one collateral contact per week for each offender. There will be an officer on call 24 hours a day, 7 days a week should any violations of this program need to be addressed.

Standard 4.3 Offenders placed in the house arrest program shall wear an electronic wrist or ankle bracelet.

These devices transmit coded signals to a receiver/dialer that is placed in the offender=s home. Intermediate punishment staff will employ a 24 hour per day response to any violation which the central computer reports on the offender=s daily activity schedule. The cost of this program will be supported by assessing the offender a per diem rate.

- Standard 4.4 Requirements for offenders within the house arrest program involving electronic monitoring shall be determined by the administrative staff.  
All individuals will be subjected to daily and random drug and alcohol testing and random unannounced home visits. Individuals will maintain fixed residences and actively seek employment if not otherwise employed. Enrollment in educational/vocational training or participation in community service will be established upon directive of the intermediate punishment staff.
- Standard 4.5 Upon successful completion of the requirements of house arrest and upon completion of the time specified by the court, an individual will be transferred to the traditional probation and parole program.

**SECTION 5 COMMUNITY SERVICE-INTERMEDIATE PUNISHMENT PROGRAM**

Standard 5.1 Individual=s eligibility for the Community Service Program shall be determined by

the administrative staff.

All individuals within the Intensive Probation, Day Reporting Centers and House Arrest involving electronic monitoring programs shall be considered for the community service program as a supplement to their individual requirements of each specific program, unless there are extenuating circumstances. Individuals will perform at least eight hours of community service for every thirty days on Intermediate Punishment.

Standard 5.2 Community Service as Intermediate Punishment shall provide a means of reparation to the community in addition to providing punishment for the offender. Community service will enable indigent offenders to pay fines and costs while donating services to public and non-profit agencies. This program will instill a sense of work ethic and act as a developmental tool in the building of self-esteem and confidence levels for the offender.

Standard 5.3 The Intermediate Punishment staff shall designate a work site where the community service is to be performed.

Through networking with various government, non-profit and community based organizations, the Intermediate Punishment staff will choose a work site where offenders will perform community service equivalent to one day per month. Intermediate Punishment staff will provide on-site supervision of each offender performing community service.

Standard 5.4 Types of services which offenders will perform are dependent on the needs of the designated service agency.

Cleaning of public streets and parks; painting; cutting grass and assisting in events

sponsored within the community etc., will be given consideration as approved Community Service work.

Standard 5.5 Successful completion of the hours required for community service will be performed before an individual can be transferred to the traditional probation and parole program.