

## Survey to Chief APOs

**Issue: MDJs imposing sentence for 1543/DUS; supervision; revocation hearing**

**Three questions:**

- 1) Does your county permit MDJ's to issue CIP sentences?**
- 2) Does your county probation office supervise short term probationary (or CIP) sentences imposed by MDJs?**
- 3) If in your county an MDJ may put a defendant on probation or CIP, does the MDJ preside over the revocation hearing if there is a violation alleged?**

### Carbon County

We currently do not allow MDJ's to sentence to probation or CIP. There has been some discussions to allow but I am not in favor.

### Centre County

1. NO and we do not have a local rule.
2. NO
3. In Centre County the MDJ makes the defendant eligible for IP in the sentencing order. The offender must meet the requirements of our IP program. The offender must meet with the IP Supervisor who completes an IP investigation and determines if the offender is appropriate for IP. If appropriate, the offender reports to the Centre County Correctional Facility and is then furloughed to the IP program. IP officer's place the defendant on the RF unit. and the offender is required to complete the period of incarceration imposed by MDJ on the IP program. The offender must pay all fees for the IP program prior to be placed on the program. In the event of a violation the offender is incarcerated, essentially a violation of the IP program and the furlough agreement. No revocation hearing is required. The offender serves the remainder of his/her time in the CCCF.

This protocol was established for several reasons by the President Judge.

- 1 MDJ's were placing people on IP program and the offender failed to meet the requirements of the program.
- 2 Offender's never paid the in home fees and once there time was completed there was no way to enforce the order for payment.

### Columbia County

Columbia County does receive probationary sentences from our MDJ's. Some supervision may only be 90 days others may be 12 months. If a violation occurs the Court of Common Pleas handles the revocation hearing not our MDJ.

### Crawford County

"No"

### Erie County

Erie County does permit MDJ's to sentence to IP  
Erie County does supervise probationary terms imposed by MDJ's  
Revocations are scheduled with a Court of Common Pleas Judge

### Lackawanna County

Lackawanna County Adult Probation Department follows almost the same type of procedure that Columbia County does, but we do return technical violations back before the MDJ's for hearings and dispositions.

### Lehigh County

1. Yes
2. If the sentence is for house arrest/EM, as of May 1, 2017, we are having all DUS house arrest/EM sentences monitored through the Shadowtrack Company. This also goes for DUS cases sentenced by Common Pleas. We supervise any probationary/parole sentences imposed by the MDJ's which can only be for ungraded misdemeanors and M3's.
3. We have 15 MDJ's in Lehigh County. Each MDJ is assigned to a Criminal Division Common Pleas judge based on workload. If we file a violation, it goes before the assigned Common Pleas judge.

### Montour County

1. Yes
2. Yes
3. No, only a Common Pleas Judge presides over revocations.

### Somerset County

I am responding to your e-mail to Chief Saylor regarding supervision of sentences handed down by our District Judges. I am in charge of the IP Unit and up until a couple years ago we did supervise some DUS and DUS/DUI related IP sentences with HA/EM handed down by our MDJs. However, at some point it was determined they had no authority to do so because as you cited, there was no local rule by the President Judge giving them that authority. I am still not aware of any local rules regarding the issue, but the practice is that the offender through counsel appeals the MDJs jail sentences in 75 1543 B1 cases and applies for an IP sentence of HA/EM through our Department and I advise our President Judge of eligibility after an intake is completed. Only DUS/DUI related cases are considered due to the guidelines issued by the Sentencing Commission regarding sentences of IP. The President Judge then hears the case and passes sentence giving a new IP sentence if he considers it appropriate. I believe we do it this way so that there is record of the costs, fines and fee imposed at the County level under a

Summary Appeal Docket number. Our Department has no way to collect the monitoring and supervision fees without making them pay it all up front otherwise. We do occasionally supervise bail conditions imposed by MDJs, but that is the extent of our supervising any orders issued by MDJs.

#### Venango County

1. Does your county permit MDJ's to issue CIP sentences? Yes, the President Judge authorized through an Administrative Order.
2. Does your county probation office supervise short term probationary (or CIP) sentences imposed by MDJs? Yes...short term probation, usually 6 months and/or County IP.
3. If in your county an MDJ may put a defendant on probation or CIP, does the MDJ preside over the revocation hearing if their is a violation alleged? Yes, the MDJ presides over the summary cases violations.

#### Warren County

Warren County accepts IP cases from the DJ's on Driving During Suspension DUI related cases only. We treat them like anyother cased with exception that the Gag. II hearing would be before the DJ.

#### York County

York County MDJs frequently sentence individuals to 90 days of house arrest in DUS cases. The MDJs have a list of vendors who provide electronic monitored house arrest. The MDJ provides the defendant a list with a set amount of time to get hooked up. The defendant contacts the vendor, pays them directly and is hooked up. The vendor notifies the MDJ that the defendant is hooked up, if there are any violations and when they complete. The MDJ handles the violation. Probation does not supervise these cases. I have too many cases to supervise now without taking these on as well. This was the agreement when the PJ issued the admin order allowing the MDJs to use IP in these cases.

We do supervise other MDJ sentences. Although I've made it clear to the bench that we will not be investing any time into these cases which are typically summaries or M3 charges with very short sentences.