

## Survey to Chief APOs

### Issue: Central Court

#### Question (from York County):

York County is exploring a Central Court Process. I'd like to know if your County has a Central Court and if so would you provide me any information you may have on how it works?

#### Lancaster County

Lancaster has central court for both driving under the influence and domestic violence offenses.

The Administrative Orders, including policy, are attached. (see Appendices)

#### Warren County

Warren County has had a Central Court policy for 20 years. It works very well all of the agencies support it.

THE COURT OF COMMON PLEAS OF LANCASTER COUNTY,  
PENNSYLVANIA

CRIMINAL

IN RE:

ADOPTION OF DUI CENTRAL  
COURT PROTOCOL

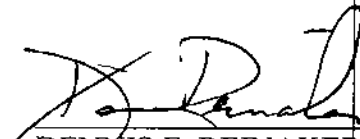
:  
:  
:  
: AD 27-2015  
: CPJ 7 pg 1357

ORDER

AND NOW, this 18<sup>th</sup> day of August, 2015, the Honorable  
Dennis E. Reinaker, President Judge, hereby designates Magisterial District Court 02-0-  
00 as the Lancaster County DUI Central Court.

Effective August 31, 2015, Magisterial District Courts 02-1-01, 02-1-02, 02-1-03,  
02-2-01, 02-2-02, 02-2-03, 02-2-04, 02-2-05, 02-2-06, 02-2-07, 02-2-08, 02-3-01, 02-3-  
02, 02-3-03, 02-3-04, 02-3-05, 02-3-06, 02-3-07, and 02-3-09 are directed to follow the  
DUI Court Protocol and transfer all court cases involving Driving Under the Influence  
(DUI) to DUI Central Court (designated as Magisterial District Court 02-0-00) after the  
complaint has been filed and initial docketing completed in the Magisterial District Court  
of origin.

BY THE COURT:

  
DENNIS E. REINAKER  
PRESIDENT JUDGE

Attest: *Danuta K. Buehler*  
Chap

2015 AUG 20 AM 8:05  
CLERK OF COURTS  
LANCASTER COUNTY PA

CC:

Craig Stedman, District Attorney

James Karl, Chief Public Defender

Mark Wilson, Director Adult Probation/Parole ✓

Dan Scarberry, Bail Administration and Pretrial Services

Jennifer Mulroney, Assistant Court Administrator, Criminal

Russell Glass, Deputy Court Administrator

Pattilyn Sprout, Bailiff Coordinator

Magisterial District Judge Scott E. Albert, Esq

Magisterial District Judge William E. Benner, Jr., Esq

Magisterial District Judge Brian E. Chudzik, Esq

Magisterial District Judge Denise B. Commins

Magisterial District Judge Jayne F. Duncan, Esq.

Magisterial District Judge Nancy G. Hamill

Magisterial District Judge Rodney H. Hartman

Magisterial District Judge Robert A. Herman, Jr.

Magisterial District Judge Janice Jimenez

Magisterial District Judge Joshua R. Keller

Magisterial District Judge David P. Miller, Esq.

Magisterial District Judge Stuart J. Mylin

Magisterial District Judge Bruce A. Roth, Esq.

Magisterial District Judge Tony S. Russell

Magisterial District Judge Mary Mongiovi Sponaugle, Esq.

Magisterial District Judge Isaac H. Stoltzfus

Magisterial District Judge Edward A. Tobin

Magisterial District Judge John C. Winters

# Lancaster County Court of Common Pleas

## DUI Central Court Procedures

### **I. Introduction**

On average, there are 1,700 Driving Under the Influence (DUI) cases filed in Lancaster County each year. These cases account for roughly 23% of the criminal case load of the Magisterial District Courts (MDC) and approximately 28% of the criminal case load in the Court of Common Pleas. In an effort to preserve the resources of the Magisterial District Courts and streamline the processing of DUI cases in the interests of efficient and fair administration of justice, the President Judge of the Court of Common Pleas of Lancaster County is establishing the Lancaster County DUI Central Court.

### **II. General Provisions**

1. All court cases involving Driving Under the Influence (DUI) charges are to be transferred to DUI Central Court (designated as Magisterial District Court 02-0-00) after the complaint has been filed and initial docketing completed in the Magisterial District Court of origin.
  - a. Defense or the Attorney for the Commonwealth, may request—in writing—that a case not be transferred to DUI Central Court for “extraordinary circumstances.”
    - i. These requests shall be considered the exception, not the general rule, and shall not be used to undermine the DUI Central Court.
    - ii. Such requests shall be submitted to DUI Central Court staff at least 10 days prior to the scheduled preliminary hearing.
    - iii. Any “extraordinary circumstance” request shall, upon receipt, be forwarded to the originating Magisterial District Judge where it will be approved or denied. If approved the case will be transferred back to the originating MDJ for the scheduling of a preliminary hearing. If denied, the case shall remain scheduled in DUI Central Court.
2. For the purposes of DUI Central Court, the presiding MDJs shall be specially assigned pursuant to Rule 130(a)(6) and 132(a)(4) of the Pennsylvania Rules of Criminal Procedure.
3. All criminal complaints shall have a separate sheet identifying a subpoena list including name, address, and telephone number of each witness and/or victim

who need to be present in the event of a preliminary hearing.

- a. Should a preliminary hearing be scheduled, the DUI Central Court staff shall prepare and mail the requested subpoenas to witness(es), victim(s), and the affiant.
  - b. In the event that the case is transferred back to the originating MDC, all subpoenas and notices shall be transmitted by that MDC.
4. The use of video conferencing per Rule 119 of the Pennsylvania Rules of Criminal Procedure shall be permissible only with consent of the defendant.
- a. Any requests for video conferencing shall be made with the DUI Central Court at least 10 days prior to the scheduled hearing date.
5. Security for DUI Central Court shall be the responsibility of the Lancaster County Sheriff's Office.
6. DUI Central Court shall generally be held every other Thursday and shall be presided over by two assigned MDJs. The selection of MDJs for DUI Central Court will be coordinated through Court Administration and the President Judge shall issue special assignment orders accordingly.
- a. In the event of a holiday or scheduling conflict occurring on a Thursday, DUI Central Court will be scheduled for another day by Court Administration as facilities and staffing permits.
7. The DUI Central Court Schedule shall contain a block of time, name of the defendant, docket number, attorney (if available), affiant and a space for notes.
8. The DUI Central Court staff shall have the responsibility of ensuring that the schedule is sent, **via email attachment**, to the MDJs, District Attorney, Public Defender, Court Administrator, Sheriff, Lancaster County Prison and any private counsel listed on the schedule.
- a. This email shall be sent the Friday preceding the next DUI Central Court Date.
  - b. Each of the above named offices shall name at least two (2) designees to receive the emailed schedule, and shall inform the DUI Central Court Staff of those individuals' names and email addresses.
  - c. If Friday is a holiday, the schedule shall be sent out Thursday.

9. The DUI Central Court Staff and one member from each of the presiding MDJs staff shall assist the MDJs during DUI Central Court.
  - a. The staff assisting with DUI Central Court shall have multi-court access to all magisterial district courts within Lancaster County.
  - b. In the event Senior Magisterial District Judge is assigned to DUI Central Court, staff from all the MDC's will be assigned on a rotating basis to provide support and assist in the processing of cases during DUI Central Court.
10. There shall be a minimum of two (2) Assistant District Attorneys present at DUI Central Court each week to handle the prosecution of all cases scheduled.
11. There shall be a minimum of two (2) Assistant Public Defenders present at DUI Central Court each week. Applications will be available to defendants to determine qualification for Public Defender representation, and the Public Defender will take necessary steps for immediate representation of qualified applicants.
12. Probation/Parole personnel will be available for defendant's to schedule Court Reporting Network (CRN) evaluations as well as provide a list of approved locations for Drug & Alcohol Evaluations. In the event of Guilty Plea and the immediate suspension of driving privileges, Probation/Parole will also be collecting Driver's Licenses from defendants.
13. Personnel from the District Attorney's Office will be available for those defendants who waive their preliminary hearing and are qualified to apply for the ARD Program.
  - a. After a defendant completes their waiver, they will be directed to ARD personnel and Probation/Parole to file their ARD application and to be informed of the dates and times related to their ARD pre-dispositional requirements.
14. Personnel from Bail Administration and Pretrial Services will be available to process applications for free legal counsel and to immediately accept defendants placed under the supervision of Bail Administration as a condition of bail. For second or subsequent DUI offenders, it is recommended the following conditions be imposed:
  - a. Defendant is to be under the supervision of the Lancaster County Office of Bail Administration and Pretrial Services located at 50 N. Duke St., 2<sup>nd</sup> Floor Historic Courthouse, Lancaster PA, and must report immediately for intake and Alcohol Monitoring installation. Defendant must comply with any rules and regulations associated with the Alcohol Monitoring

Supervision until the final disposition of this case or the modification of existing bail order.

- b. Defendant must undergo a Drug and Alcohol evaluation and follow through with any recommended treatment as deemed necessary.
- c. Defendant must abstain from any and all use of alcohol and illegal substances.
- d. Defendant will comply with a 11:00pm-5:00am curfew unless otherwise approved by the Lancaster County Office of Bail Administration and Pretrial Services.

15. Any bail and/or fines will be paid at the

16. MDJs will be responsible for bringing their own reference material (e.g. the Pennsylvania Crimes Code & Vehicle Law Handbook).

### **III. Scheduling**

1. DUI Central Court dates shall be established in advance according to the procedures for creating other Lancaster County Court dates, and shall be published on the Court's yearly calendar.
  - a. Notice of said dates shall be forwarded to the MDJs, DUI Central Court Staff, District Attorney, Public Defender, Sheriff, Lancaster County Prison, Probation/Parole, all municipal police department, and the Pennsylvania State Police by Court Administration.
2. Scheduling of cases for DUI Central Court shall be the responsibility of the DUI Central Court Staff.
  - a. A range of file dates that correspond with the DUI Central Court dates shall be established by Court Administration.
3. The schedule shall consist of block times (typically 45 minutes apart) allotted to each of four Magisterial District Court (MDC) sectors.
4. The order of the blocks will be determined in accordance with the previous calendar year's number of DUI cases handled by each MDC sector as follows:
  - a. MDC Sectors will be split into 4 time blocks, and then proceed in descending order of caseload.

5. Defendants and all parties shall be notified to appear **15 minutes prior to the block time scheduled for their case.**
6. Forms used, other than AOPC forms generated from MDJS, shall be developed and implemented in case processing by Court Administration.
7. All requests for continuance must be in writing:
  - a. Any requests for continuances must be submitted to the DUI Central Court **at least 10 days** prior to the scheduled hearing.
  - b. Any requests for continuance shall be forwarded to the President Judge for disposition.
  - c. Requests for continuances on the day of DUI Central Court shall be determined by the presiding MDJ with full consideration given to the impact on victims/witnesses.
8. Written notification of continuances granted shall be the responsibility of the DUI Central Court Staff.
9. All written notification of continuances shall be in accordance with Rule 542 of the Pennsylvania Rules of Criminal Procedure.
10. The electronic signature of the President Judge shall appear on all hearing notices and subpoenas sent from DUI Central Court (Magisterial District Court 02-0-00)

#### **IV. Case Processing of Second and Subsequent DUI Offenders**

1. When a complaint involving second and subsequent DUI charges is filed and the defendant has been released pursuant to Pa. R.Crim.P. 519, the originating MDJ shall transfer the case to the DUI Central Court and upon receipt, and pursuant to Pa. R.Crim.P. 510, a summons shall be issued commanding the defendant to appear before the issuing authority for a preliminary hearing which shall not be less than 20 days from the date of mailing the summons unless DUI Central Court staff fix an earlier date upon the request of the defendant or the defendant's attorney with the consent of the affiant.
2. Summons shall be sent by DUI Central Court Staff without unnecessary delay and the preliminary hearing scheduled for as close to the 20 day timeline as possible. Additionally, cases should not be continued and at a minimum, the defendant should be required to appear and bail should be set for the defendant and the imposition of DROP conditions is recommended. DROP conditions have been added as a conditional release option in the MDJS system and include the following:



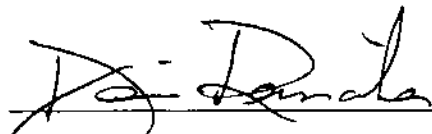
- e. Defendant is to be under the supervision of the Lancaster County Office of Bail Administration and Pretrial Services located at 50 N. Duke St., 2<sup>nd</sup> Floor Historic Courthouse, Lancaster, PA. and must report immediately for intake and Alcohol Monitoring installation. Defendant must comply with any rules and regulations associated with the Alcohol Monitoring Supervision until the final disposition of this case or the modification of existing bail order.
  - f. Defendant must undergo a Drug and Alcohol evaluation and follow through with any recommended treatment as deemed necessary.
  - g. Defendant must abstain from any and all use of alcohol and illegal substances.
  - h. Defendant will comply with a 11:00pm-5:00am curfew unless otherwise approved by the Lancaster County Office of Bail Administration and Pretrial Services.
3. If a defendant is held for immediate arraignment before the Magisterial District Judge of origin or the Magisterial District Judge presiding over Central Arraignment Court, staff for the arraigning Magisterial District Judge shall refer to the published list of DUI Central Court dates and fix a day and hour for a preliminary hearing which shall not be later than 14 days after the preliminary arraignment if the defendant is in custody and no later than 21 days if not in custody unless:
- a. Extended for cause shown; or
  - b. In consultation with the DUI Central Court staff, fix an earlier date upon request of the defendant or defense counsel with the consent of the complainant and attorney for the Commonwealth.
4. When a defendant is held for immediate arraignment and the staff of the arraigning Magisterial District Judge sets the date of the preliminary hearing, the staff of the arraigning Magisterial District Judge shall communicate via email with the supervisor of DUI Central Court to inform him/her of the date of the preliminary hearing.

### **Case Disposition**


1. **Preliminary Hearings:** Defendants who do not waive their preliminary hearing or plead guilty shall have their preliminary hearing continued to a time in the

afternoon of the next DUI Central Court day.

2. **Guilty Pleas at DUI Central Court:** Defendants at DUI Central Court may enter a plea of guilty, and be sentenced, provided that the presiding MDJ has jurisdiction to accept the plea under Sections 1515(1); (5); (5.1) and (6) of the Judicial Code.
  - a. During the 30 day appeal period, payments towards fines, costs and restitution must be made via PaEpay or money order. Cash payments and personnel checks will not be accepted.
3. **Waiver of Preliminary Hearing:** Defendants desiring to waive the right to a preliminary hearing at DUI Central Court (as per the applicable Pennsylvania Rules of Criminal Procedure) shall present their request to the presiding MDJ.
  - a. Defendants seeking admission into the ARD program will be referred to the ARD personnel and Probation and Parole representatives following completion of the waiver.
4. **Pleadings to Summary Offenses:** Defendants pleading to summary offenses (only summary offenses) shall have their cases returned to the Magisterial District Court of origin for the monitoring of a payment plan.
5. The staff assisting the presiding MDJs shall process any waiver forms, reduction of bail issues, bail bonds, commitment forms, or release forms into the MDJS. The staff personnel shall also enter dispositions in cases where the defendant pleads guilty.
6. The presiding MDJ shall complete a DUI Central Court Disposition form for all cases.
7. The DUI Central Court staff shall forward the appropriate paperwork to the Lancaster County Clerk of Courts.
8. If the defendant fails to appear for their preliminary hearing, the hearing will be continued to the afternoon of the following DUI Central Court date. All parties shall be notified of the continuance, and the affiant shall be subpoenaed. If the defendant fails to appear on this second listing, a hearing in absentia will be held in accordance with Rule 543 of the Pennsylvania Rules of Criminal Procedure.

  
Dennis E. Reinaker,  
President Judge

8/18/15  
Date

Attest:   
Ch. Dep

THE COURT OF COMMON PLEAS OF LANCASTER COUNTY,  
PENNSYLVANIA

CRIMINAL

IN RE:

ADOPTION OF DUI CENTRAL  
COURT PROTOCOL

:  
:  
:  
: AD 27-2015  
: CPJ 7 pg 1357

AMENDED ORDER

AND NOW, this 31<sup>st</sup> day of August, 2015, the Honorable  
Joseph C. Madenspacher, Judge, on behalf of the Honorable Dennis E. Reinaker,  
President Judge, amends the Order adopting the DUI Central Court Protocol to clarify  
that the implementation and transfer of cases to DUI Central Court will occur according  
to the following schedule:

ONLY the Southern sector will begin transferring cases on August 31, 2015.

Specifically, those Courts will be:

<u>SECTOR</u>	<u>MDJ</u>	<u>MDC</u>
SOUTHERN	BENNER	02-3-03
SOUTHERN	COMMINS	02-3-02
SOUTHERN	KELLER	02-2-06
SOUTHERN	MYLIN	02-3-04
SOUTHERN	STOLTZFUS	02-3-05

CLERK OF COURTS  
AUG 31 AM 10:12  
LANCASTER COUNTY, PA

The Northeastern Sector will begin transferring cases on September 14, 2015.

Specifically, those Courts will be:

<u>SECTOR</u>	<u>MDJ</u>	<u>MDC</u>
NORTHEAST	HAMILL	02-3-07
NORTHEAST	HARTMAN	02-3-06
NORTHEAST	MILLER	02-1-02
NORTHEAST	RUSSELL	02-2-07
NORTHEAST	TOBIN	02-2-08

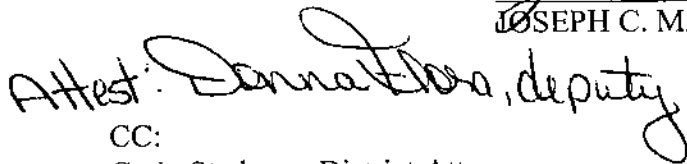
The two remaining sectors of the county, Northwestern and Central, will begin transferring cases to DUI Central Court on 9/28/15. Those Courts will be:

<u>SECTOR</u>	<u>MDJ</u>	<u>MDC</u>
NORTHWEST	ALBERT	02-3-01
NORTHWEST	CHUDZIK	02-2-05
NORTHWEST	DUNCAN	02-3-09
NORTHWEST	HERMAN	02-1-03
CENTRAL	Vacant	02-2-01
CENTRAL	JIMENEZ	02-2-04
CENTRAL	ROTH	02-2-02
CENTRAL	SPONAUGLE	02-2-03
CENTRAL	WINTERS	02-1-01

All remaining provisions of the original order shall remain.

BY THE COURT:

  
 JOSEPH C. MADENSPACHER, JUDGE

Attest:   
 Danna E. [unclear], deputy

CC:

- Craig Stedman, District Attorney
- James Karl, Chief Public Defender
- ✓ Mark Wilson, Director Adult Probation/Parole
- Dan Scarberry, Bail Administration and Pretrial Services
- Jennifer Mulrone, Assistant Court Administrator, Criminal
- Russell Glass, Deputy Court Administrator
- Pattilyn Sprout, Bailiff Coordinator
- Magisterial District Judge Scott E. Albert, Esq
- Magisterial District Judge William E. Benner, Jr., Esq
- Magisterial District Judge Brian E. Chudzik, Esq
- Magisterial District Judge Denise B. Commins
- Magisterial District Judge Jayne F. Duncan, Esq.
- Magisterial District Judge Nancy G. Hamill
- Magisterial District Judge Rodney H. Hartman
- Magisterial District Judge Robert A. Herman, Jr.
- Magisterial District Judge Janice Jimenez
- Magisterial District Judge Joshua R. Keller
- Magisterial District Judge David P. Miller, Esq.
- Magisterial District Judge Stuart J. Mylin

Magisterial District Judge Bruce A. Roth, Esq.  
Magisterial District Judge Tony S. Russell  
Magisterial District Judge Mary Mongiovi Sponaugle, Esq.  
Magisterial District Judge Isaac H. Stoltzfus  
Magisterial District Judge Edward A. Tobin  
Magisterial District Judge John C. Winters  
Magisterial District Court 02-2-01

THE COURT OF COMMON PLEAS OF LANCASTER COUNTY,  
PENNSYLVANIA

CRIMINAL

IN RE:

ADOPTION OF DOMESTIC  
VIOLENCE COURT PROTOCOL

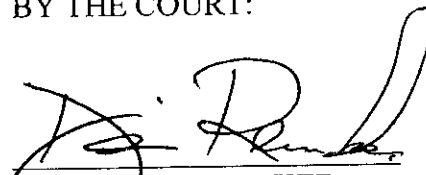
:  
:  
:  
: AD 9-2017

ORDER

AND NOW, this 13<sup>th</sup> day of July, 2017, the Honorable Dennis E. Reinaker, President Judge, hereby establishes Magisterial District Court 02-0-00 as the designated Domestic Violence Court for the Lancaster County Court of Common Pleas.

In accordance with the implementation schedule prepared by the District Court Administration Office, Magisterial District Courts 02-1-01, 02-1-02, 02-1-03, 02-2-01, 02-2-02, 02-2-03, 02-2-04, 02-2-05, 02-2-06, 02-2-07, 02-2-08, 02-3-01, 02-3-02, 02-3-03, 02-3-04, 02-3-05, 02-3-06, 02-3-07, and 02-3-09 are directed to follow the DV Court Protocol and schedule the preliminary hearings for court cases identified as Domestic Violence Cases to take place in Magisterial District Court 02-0-00.

BY THE COURT:

  
DENNIS E. REINAKER  
PRESIDENT JUDGE

CC:  
Craig Stedman, District Attorney  
Susan Ellison, Assistant District Attorney  
Todd Brown, Chief Public Defender  
Mark Wilson, Director Adult Probation/Parole

CLERK OF COURTS  
2017 JUL 13 PM 2:16  
LANCASTER COUNTY, PA

Dan Scarberry, Bail Administration and Pretrial Services  
Jennifer Mulrone, Assistant Court Administrator, Criminal  
Annie Flaud, Assistant Court Administrator  
Russell Glass, Deputy Court Administrator  
Pattilyn Sprout, Bailiff Coordinator  
Magisterial District Judge Scott E. Albert, Esq  
Magisterial District Judge William E. Benner, Jr., Esq  
Magisterial District Judge Brian E. Chudzik, Esq  
Magisterial District Judge Denise B. Commins  
Magisterial District Judge Jayne F. Duncan, Esq.  
Magisterial District Judge Nancy G. Hamill  
Magisterial District Judge Rodney H. Hartman  
Magisterial District Judge Miles K. Bixler  
Magisterial District Judge Janice Jimenez  
Magisterial District Judge Joshua R. Keller  
Magisterial District Judge David P. Miller, Esq.  
Magisterial District Judge Stuart J. Mylin  
Magisterial District Judge Bruce A. Roth, Esq.  
Magisterial District Judge Tony S. Russell  
Magisterial District Judge Mary Mongiovi Sponaugle, Esq.  
Magisterial District Judge Raymond S. Sheller  
Magisterial District Judge Edward A. Tobin  
Magisterial District Judge Adam J. Witkonis, Esq

# Lancaster County Court of Common Pleas

## Domestic Violence Central Court Procedures

### **I. Introduction**

On average, 600 misdemeanor and felony domestic violence – related cases are referred to the Lancaster County District Attorney’s Special Victims - Domestic Violence Unit each year. Additionally, there are approximately 1000 Protection From Abuse actions filed before the Lancaster County Court of Common Pleas. Many of these cases are intertwined, resulting in repeated court appearances before the minor judiciary and the Court of Common Pleas for the same parties.

In the interest of efficient and fair administration of justice, the President Judge of the Court of Common Pleas of Lancaster County is establishing the Lancaster County Domestic Violence Central Court to accomplish the following goals:

- To provide for the efficient and consistent prosecution of domestic violence offenses to protect the safety of domestic violence victims, their families, co-workers, and the community at large;
- To hold domestic violence offenders accountable for their crimes, while offering an opportunity to address underlying behavioral issues, recognizing that early therapeutic intervention can help reduce recidivist violent behavior; and
- To streamline the civil and criminal justice process for related criminal and Protection From Abuse actions, while providing due process to all parties.

### **II. General Provisions**

1. Misdemeanor and felony court cases involving domestic violence or domestic-related charges are to be filed with the Magisterial District Court of origin, and referred to Domestic Violence “DV” Central Court after the complaint has been docketed. Complaints filed against defendants who are in a covered relationship with the victim, as defined in 18 Pa.C.S. §2711(a) and 23 Pa.C.S. §6102(a), will be labelled as “Domestic” or “Domestic Violence” by the affiant.

(NOTE: Complaints charging DV Homicide, Attempted Homicide, and Aggravated Assault / SBI Caused will remain with the issuing authority to be scheduled with defense counsel and an ADA from the SVU/DV unit.)



- a. Defense or the Attorney for the Commonwealth, may request—in **writing**—that a case not be transferred to DV Central Court for “extraordinary circumstances.” Such a request will be contemporaneously be served upon the opposing party, who will be given the opportunity to respond.
  - i. These requests shall be considered the exception, not the general rule, and shall not be used to undermine the DV Central Court.
  - ii. Such requests shall be submitted to DV Central Court staff at least 10 days prior to the scheduled preliminary hearing.
  - iii. Any “extraordinary circumstance” request shall, upon receipt, be forwarded to the originating Magisterial District Judge where it will be approved or denied. If approved the case will be referred back to the originating MDJ for the scheduling of a preliminary hearing. If denied, the case shall remain scheduled in DV Central Court.
2. For the purposes of DV Central Court, the presiding MDJs shall be specially assigned pursuant to Rule 130(a)(6) and 132(a)(4) of the Pennsylvania Rules of Criminal Procedure.
3. All criminal complaints shall have a separate sheet identifying a subpoena list including name, address, and telephone number of each victim and/or witness who need to be present in the event of a preliminary hearing.
  - a. Should a preliminary hearing be scheduled, the DV Central Court staff shall prepare and mail the requested subpoenas to witness(es), victim(s), and the affiant.
  - b. If the case is transferred back to the originating MDC, all subpoenas and notices shall be transmitted by that MDC.
4. The use of video conferencing per Rule 119 of the Pennsylvania Rules of Criminal Procedure shall be permissible only with consent of the defendant.
  - a. Any requests for video conferencing shall be made with the DV Central Court at least 10 days prior to the scheduled hearing date.
5. Security for DV Central Court shall be the responsibility of the Lancaster County Sheriff’s Office.

6. DV Central Court shall generally be held every other Thursday and shall be presided over by one assigned MDJ. The selection of MDJs for DV Central Court will be coordinated through Court Administration and the President Judge shall issue special assignment orders accordingly.
  - a. In the event of a holiday or scheduling conflict occurring on a Thursday, DV Central Court will be scheduled for another day by Court Administration as facilities and staffing permits.
7. The DV Central Court Schedule shall contain a block of time, name of the defendant, docket number, attorney (if available), affiant and a space for notes.
8. The DV Central Court staff shall have the responsibility of ensuring that the schedule is sent, **via email attachment**, to the MDJs, District Attorney, Public Defender, Court Administrator, Sheriff, Lancaster County Prison and any private counsel listed on the schedule.
  - a. This email shall be sent the Friday preceding the next DV Central Court Date.
  - b. Each of the above-named offices shall name at least two (2) designees to receive the emailed schedule, and shall inform the DV Central Court Staff of those individuals' names and email addresses.
  - c. If Friday is a holiday, the schedule shall be sent out Thursday.
9. The DV Central Court Staff and one member from each of the presiding MDJs staff shall assist the MDJs during DV Central Court.
  - a. The staff assisting with DV Central Court shall have multi-court access to all magisterial district courts within Lancaster County.
  - b. In the event Senior Magisterial District Judge is assigned to DV Central Court, staff from all the MDC's will be assigned on a rotating basis to provide support and assist in the processing of cases during DV Central Court.
10. There shall be a minimum of two (2) Assistant District Attorneys present at DV Central Court each week to handle the prosecution of all cases scheduled.
11. There shall be a minimum of two (2) Assistant Public Defenders present at DV Central Court each week. Applications will be available to defendants to determine qualification for Public Defender representation, and the Public Defender will take necessary steps for immediate representation of qualified applicants.

12. Probation/Parole personnel will be available to process defendants who are sentenced by presiding MDJ through their in-take interview. Defendants will be assigned to an APP-DV probation officer and their first probation appointment will be scheduled before they leave DV Central Court.
  - a. Personnel from the District Attorney's Office will be available for those defendants who waive their preliminary hearing and are qualified to apply for the ARD Program. After a defendant completes their waiver, they will be directed to ARD personnel to receive and complete their ARD applications before they leave court.
13. Personnel from Bail Administration and Pretrial Services will be available to process applications for free legal counsel and to immediately accept defendants placed under the supervision of Bail Administration as a condition of bail.
  - a. If the Defendant is to be under the supervision of the Lancaster County Office of Bail Administration and Pretrial Services located at 50 N. Duke St., 2<sup>nd</sup> Floor Historic Courthouse, Lancaster PA, and must report immediately for intake.
  - b. The defendant will be informed in writing of any conditions of Bail Supervision, including but not limited to domestic violence conditions, and Alcohol Monitoring installation, if ordered.
14. MDJs will be responsible for bringing their own reference material (e.g. the Pennsylvania Crimes Code & Vehicle Law Handbook).

### **III. Scheduling**

1. DV Central Court dates shall be established in advance per the procedures for creating other Lancaster County Court dates, and shall be published on the Court's yearly calendar.
  - a. Notice of said dates shall be forwarded to the MDJs, DV Central Court Staff, District Attorney, Public Defender, Sheriff, Lancaster County Prison, Probation/Parole, all municipal police department, and the Pennsylvania State Police by Court Administration.
2. Scheduling of cases for DV Central Court shall be the responsibility of the DV Central Court Staff.
  - a. A range of file dates that correspond with the DV Central Court dates shall be established by Court Administration.
3. The schedule shall consist of block times (typically 45 minutes apart) allotted to each of four Magisterial District Court (MDC) sectors.

4. The order of the blocks will be determined in accordance with the previous calendar year's number of DV cases handled by each MDC sector as follows:
  - a. MDC Sectors will be split into 4 time blocks, and then proceed in descending order of caseload.
5. Defendants and all parties shall be notified to appear **15 minutes prior to the block time scheduled for their case.**
6. Forms used, other than AOPC forms generated from MDJS, shall be developed and implemented in case processing by Court Administration.
7. All requests for continuance must be in writing:
  - a. Any requests for continuances must be submitted to the DV Central Court and the opposing party **at least 10 days** prior to the scheduled hearing.
  - b. Any requests for continuance shall be forwarded to the Magisterial District Court of origin for disposition.
  - c. Requests for continuances on the day of DV Central Court shall be determined by the presiding MDJ with full consideration given to the impact on victims/witnesses.
8. Written notification of continuances granted shall be the responsibility of the DV Central Court Staff.
9. All written notification of continuances shall be in accordance with Rule 542 of the Pennsylvania Rules of Criminal Procedure.

#### **IV. Case Disposition**

1. **Preliminary Hearings:** Defendants who do not waive their preliminary hearing or plead guilty shall have their preliminary hearing continued to a time in the afternoon of the next DV Central Court day.
2. **Guilty Pleas at DV Central Court:** Defendants at DV Central Court may enter a plea of guilty, and be sentenced, if the presiding MDJ has jurisdiction to accept the plea under Sections 1515(1); (5); (5.1) and (6) of the Judicial Code.
  - a. During the 30-day appeal period, the case will remain under the jurisdiction of the Magisterial District Court of origin. Any payments towards fines, costs and restitution will be presented too and processed by the Magisterial District Court of origin.

3. **Waiver of Preliminary Hearing:** Defendants desiring to waive the right to a preliminary hearing at DV Central Court (as per the applicable Pennsylvania Rules of Criminal Procedure) shall present their request to the presiding MDJ during the assigned DV Central Court session.

a. Defendants seeking admission into the ARD program will be referred to the SVU-DV ARD personnel following completion of the waiver.

4. **Pleadings to Summary Offenses:** Defendants pleading to summary offenses only shall have their cases returned to the Magisterial District Court of origin for the monitoring of a payment plan.

5. **Failure to Appear** - If the defendant fails to appear for their preliminary hearing, the hearing will be continued to the afternoon of the following DV Central Court date. All parties shall be notified of the continuance, and the affiant shall be subpoenaed. If the defendant fails to appear on this second listing, a hearing in absentia will be held in accordance with Rule 543 of the Pennsylvania Rules of Criminal Procedure. Notices for any second or subsequent listing shall be sent by the Domestic Violence Court Supervisor.

#### 6. **Clerical Process**

a. The staff assisting the presiding MDJs shall process any waiver forms, reduction of bail issues, bail bonds, commitment forms, or release forms into the MDJS. The staff personnel shall also enter dispositions in cases where the defendant pleads guilty.

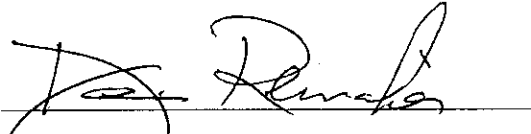
b. The presiding MDJ shall complete a DV Central Court Disposition form for all cases.

c. The DV Central Court staff shall forward the appropriate paperwork to the Lancaster County Clerk of Courts.

7. **Fast-Track Disposition of Cases before the Court of Common Pleas** – a court date will be scheduled monthly for Fast-Track Guilty Plea or ARD admission cases. To be eligible for the Fast-Track or ARD disposition the case must be waived to Court of Common Pleas, and the case must be disposed of at or before the assigned Common Pleas date. Defendant and counsel will be provided with the date at the completion of the Preliminary Hearing.

a. Discovery will be available for defendant and/or counsel to review prior to any disposition of the case. If the defendant does not schedule and enter the negotiated fast-track disposition by the assigned date, the case will be assigned to an appropriate judge according to trial team for status conference.

- b. If the defendant has a pending PFA action related to the pending DV case, Final PFA order agreements may be presented to the Court at the Fast-Track disposition proceeding. DVS/Domestic Violence Legal Clinic will provide counsel to negotiate and present the agreement for the Court's review and approval.

  
Dennis E. Reinaker,  
President Judge

7/13/17  
Date