

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL [231 PA. CODE CH. 200] Damages for Delay

#### Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

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#### Addendum to Explanatory Comment

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. 238 as revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

<i>Date of Publication</i>	<i>Prime Rate Percentage</i>	<i>Date of Publication</i>	<i>Prime Rate Percentage</i>
January 2, 1980	15 to 15-1/2	January 2, 1992	6-1/2
January 2, 1981	20-1/2 to 21-1/2	January 4, 1993	6
January 4, 1982	15-3/4	January 3, 1994	6
January 3, 1983	11 to 11-1/2	January 3, 1995	8-1/2
January 3, 1984	11	January 2, 1996	8-1/2
January 2, 1985	10-3/4	January 2, 1997	8-1/4
January 2, 1986	9-1/2	January 2, 1998	8-1/2
January 2, 1987	7-1/2	January 4, 1999	7-3/4
January 4, 1988	8-3/4	January 3, 2000	8-1/2
January 3, 1989	10-1/2	January 2, 2001	9-1/2
January 2, 1990	10-1/2	<b>January 2, 2002</b>	<b>4-3/4</b>
January 2, 1991	9-1/2 to 10		

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.  
*Chairperson*

[Pa.B. Doc. No. 02-163. Filed for public inspection February 1, 2002, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

#### Electronic Monitoring Fees; No. 046 MI 97

##### Administrative Order 5—2002

*And Now*, this 22nd day of January, 2002, in order to assess the costs of administering the Carbon County Home Electronic Monitoring Program, it is hereby

*Ordered and Decreed* that, effective March 1, 2002, the Court hereby *Increases* the Home Electronic Monitoring Fee to Thirteen Dollars (\$13.00) per day for all defendants placed into the Carbon County Home Electronic Monitoring Program from the time they are ordered into the Program until the time they are released from the Program.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order and Rule in the Clerk of Court's Office.

*By the Court*

RICHARD W. WEBB,  
*President Judge*

[Pa.B. Doc. No. 02-164. Filed for public inspection February 1, 2002, 9:00 a.m.]

### CARBON COUNTY

#### Intermediate Punishment Plan; No. 057 MI 93

##### Administrative Order 6—2002

*And Now*, this 22nd day of January, 2002, in order to modify policy and procedure for the Carbon County Intermediate Punishment Plan, it is hereby

*Ordered and Decreed* that, effective thirty days after publication in the *Pennsylvania Bulletin*, the Court hereby *Revises* its Intermediate Punishment Plan.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order and Rule in the Clerk of Court's Office.

*By the Court*

RICHARD W. WEBB,  
*President Judge*

### **Purpose**

To establish policy and procedure governing the administration of Carbon County's Intermediate Punishment Programs of Intensive Supervision Services, House Arrest/Home Electronic Monitoring and Residential Inpatient Treatment and to establish a process whereby the presentence investigator can consider innovative sentencing alternatives that may permit a better balance between the dual needs of community protection and the welfare of the defendant.

### **Applicability**

To the Carbon County Court of Common Pleas, Carbon County Intermediate Punishment/Prison Board, all adult probation staff and offenders under the jurisdiction of the department.

### **Definitions**

As utilized in this document, the following definitions shall apply:

1. *Collateral Contact*: Communication with another person having regular contact with the offender, such as law enforcement personnel or treatment specialists.

2. *Home*: The actual living area of the temporary or permanent residence of an offender, which will only include "inside the confines" of the established home or apartment.

3. *Home Electronic Monitoring Program*: A sentence in which the offender is required to wear or carry an electronic device which transmits the offender's location to a receiver maintained by criminal justice personnel.

4. *House Arrest Program*: A sentence which orders offenders confined to their own residence except for preapproved excursions for medical treatment, employment, performance of community service work, drug/alcohol treatment or counseling. House arrest may be combined with electronic monitoring to detect violations.

5. *Intensive Supervision Services*: A sentence with increased supervision, surveillance and control; reduced caseloads for probation officers; increased number of contacts per month; and mandated activities for the offender, including work or vocational training, community service work or drug/alcohol treatment.

6. *Intermediate Punishment Board*: A collective body of County officials comprising of the President Judge or his designee, the Sheriff, the District Attorney, the County Controller and the three (3) County Commissioners. The Board shall be responsible for the oversight of the County's Intermediate Punishment Plan and Programs.

7. *Intermediate Punishment Plan*: A document, which describes a proposed intermediate punishment program.

8. *Intermediate Punishment Programs*: A punishment option that is considered on a continuum to fall between traditional probation and traditional incarceration.

9. *Presentence Investigation*: A concise document provided to the sentencing court that includes socioeconomic data, prior criminal record, demographic data and other background information on the defendant.

10. *Residential Rehabilitative Center*: A community-based facility to which offenders can be sentenced directly where a range of rehabilitative services is available, including drug and alcohol treatment and counseling.

### **Intermediate Punishment Board/Prison Board**

Since Carbon County is a sixth class county, a board shall be established in accordance with 61 P. S. § 1105. The board shall meet periodically to assess available county-wide correctional services and future needs; to work with the county office of probation and parole in developing the Intermediate Punishment Plan; to adopt a county intermediate punishment plan, including program policies for administration; to monitor the effectiveness of county correctional services and to identify needed modifications.

### **Primary Goals and Objectives**

The County's Intermediate Punishment Programs shall embrace the primary purposes for the development of Intermediate Punishment Programs established by the Pennsylvania Commission on Crime and Delinquency, which are as follows:

1. To protect society and promote efficiency and economy in the delivery of corrections services.

2. To promote accountability of offenders to the community.

3. To fill gaps in local correctional systems and address local needs through expansion of punishment and services available to the Court, and,

4. To provide opportunities for offenders who demonstrate special needs to receive services, which enhance their ability to become contributing members of the community.

### **Secondary Goals and Objectives**

Secondary objectives established and adopted by the Carbon County Intermediate Punishment Board, the Carbon County Court of Common Pleas and the Carbon County Adult Probation/Parole Department are as follows:

1. To establish effective intermediate punishment programs not to exceed fifteen (15) participants per officer.

2. To divert low risk; non-violent and special need offenders from exposure to incarceration and to provide a degree of punishment to an offender, which is less severe than incarceration, yet more punitive than existing probation.

3. To establish viable sentencing alternatives for the Court.

4. To reduce the incidence of criminal behavior through increased surveillance and to promote a more structured environment conducive to fostering improved work habits, family life and treatment of social or behavioral problems.

5. To provide counseling, education and treatment for targeted offenders.

#### **Minimum Guidelines for Intermediate Punishment Programs**

The Pennsylvania Commission on Crime and Delinquency has adopted the following minimum guidelines. These guidelines shall be incorporated into the County's Intermediate Punishment Programs as follows:

1. *Intensive Supervision Services*: The Intermediate Punishment Board shall approve and implement written policies and procedures for the Intensive Supervision Services Program (See 37 Pa. Code § 451.119). This program shall include the following elements:

- a. A drug testing capability for appropriate offenders.
- b. A monitoring component, which defines the frequency and method of face-to-face and collateral contacts to ensure offender's compliance with the conditions of the program.
- c. Limitation of caseloads of program supervising officers consistent with the supervisory component as described in this policy statement.
- d. A minimum requirement that eight (8) to twelve (12) face-to-face and four (4) to six (6) collateral contacts be made by the supervising officer each month.
- e. A requirement that face-to-face and telephone contacts with offenders be made at all hours, seven (7) days per week.
- f. A requirement that there be additional qualifications for participating offenders, such as work or vocational training, community service, drug treatment, and, in appropriate cases, a curfew.
- g. Policy and procedure for responding to major and minor violations of the program.

2. *House Arrest Program*: The Intermediate Punishment Board shall approve and implement written policies and procedures for the House Arrest Program (See 37 Pa. Code § 451.117). This program shall include the following elements:

- a. A drug testing capability for appropriate offenders.
- b. A requirement that offenders be employed or actively seeking employment or enrolled in educational program/vocational training or participating in community service, unless an offender is physically or mentally incapable of performing the same, and have fixed residences.
- c. A monitoring component, which defines the frequency of face-to-face and collateral contacts to ensure offenders' compliance with the conditions of the program.
- d. Limitation of the caseloads of program supervising officers consistent with the supervisory plan as described in this policy statement.
- e. A requirement that a minimum of two (2) face-to-face and three (3) collateral contacts be made by the supervising officers each month.
- f. A policy and procedure for responding to major and minor violations of program conditions.
- g. If utilized in conjunction with the home electronic monitoring program, the minimum standards relating to home electronic monitoring shall be met.

h. A program for eligible DUI offenders shall be combined with an electronic monitoring program in accordance with the statutory requirements relating to sentencing restrictions.

3. *Home Electronic Monitoring*: The Intermediate Punishment Board shall approve and implement written policies and procedures for the Home Electronic Monitoring program (See 37 Pa. Code § 451.114). This program shall include the following elements:

- a. A drug testing capability for appropriate offenders.
- b. The timely detection of violations.
- c. The maintenance of a 24-hour-per-day response to detected violations.
- d. A monitoring component to ensure offender's compliance with the conditions of the program.

e. A policy and procedure for responding to major and minor violations of program conditions.

4. *Residential Inpatient Drug and Alcohol Program*: The Intermediate Punishment Board shall approve and implement written policies and procedures for the Residential Inpatient Drug and Alcohol Program. The board shall document that the services are provided by a licensee of the Department of Health, Office of Drug and Alcohol Programs (ODAP) for residential inpatient drug and alcohol treatment (See 37 Pa. Code § 451.121). This program shall include the following elements:

- a. A drug testing capability.
- b. Establishment of services based on an assessment of the offender's needs and available community resources.
- c. Establishment of aftercare and follow-up services involving sustained and frequent interaction with recovering individuals who have progressed from the intensive or primary phase of treatment.
- d. Efforts to recruit, screen and select service providers.
- e. Guidelines to monitor the purchase of services for offenders.
- f. A monitoring component to ensure the offender's compliance with the conditions of the residential inpatient drug and alcohol program.

g. Policy and procedure for responding to major and minor violations of residential inpatient drug and alcohol program conditions.

#### **Intermediate Punishment Requirements**

An order for an intermediate punishment program for an offender may be continuous or intermittent. The participant will be required to remain within the confines of his/her residence, except when the offender is participating in any of the following:

1. Working at acceptable employment approved by the Court or the Adult Probation/Parole Department or traveling to and from approved employment.
2. Unemployed and actively seeking employment.
3. Undergoing medical, psychiatric, mental health treatment, counseling or other treatment programs approved by the Court or the Adult Probation/Parole Department.
4. Attending a vocational or educational program approved by the Court or the Adult Probation/Parole Department.

5. Attending a regularly scheduled religious service at a place of worship.

6. Participating in a community work release or community service program.

7. Sentenced to the intensive supervision program without a curfew restriction.

8. Engaging in other activities specifically approved by the Court or the Adult Probation/Parole Department.

#### **Sentence of Intermediate Punishment**

In imposing a sentence of intermediate punishment, the court shall specify at the time of sentencing the length of the term for which the defendant is to be in an intermediate punishment program or a combination of intermediate punishment programs. The term may not exceed the maximum term for which the defendant could be confined and the program to which the defendant is sentenced. The court may order a defendant to serve a portion of the sentence under 42 Pa.C.S. § 9755 (relating to partial confinement) or total confinement pursuant to 42 Pa.C.S. § 9756 (relating to total confinement) and to serve a portion in an intermediate punishment program or a combination of intermediate punishment programs pursuant to 42 Pa.C.S. § 9763 (sentence of intermediate punishment).

#### **Modification or Revocation of Intermediate Punishment Sentence**

The court may at any time terminate a sentence of intermediate punishment or increase or decrease the conditions of the sentence pursuant to 42 Pa.C.S. § 9763 (sentence of intermediate punishment) or 42 Pa.C.S. § 9773 (modification or revocation of intermediate punishment sentence).

#### **Eligible Offenders**

For purposes of sentencing, an eligible offender shall be defined as follows:

1. A person convicted of an offense who would have otherwise been sentenced to a county correctional facility to a period of partial confinement pursuant to 42 Pa.C.S. § 9724 (relating to partial confinement) or total confinement pursuant to 42 Pa.C.S. § 9725 (relating to total confinement).

2. An offender who does not demonstrate a present or past history of violent or assaultive behavior.

#### **Eligible DUI Offender**

Any person receiving a penalty imposed pursuant to 75 Pa.C.S. § 3731 (relating to driving under the influence of alcohol or controlled substance) may only be sentenced to an intermediate punishment program in:

1. A residential inpatient treatment program or a residential rehabilitative center.

2. A house arrest program coupled with a home electronic monitoring program combined with drug and alcohol treatment.

#### **DUI Offender Target Population and Other Eligibility Criteria**

In addition to the statutory eligibility requirements as described in this policy statement, the following additional criteria will be utilized to determine DUI offender eligibility:

1. The offender must be a second time DUI offender. First and fourth time offenders shall be declared ineligible, unless otherwise court ordered.

2. No serious bodily injury or death resulted from the incident.

3. The offender, at the time of the offense, possessed the necessary motor vehicle insurance set forth by the Pennsylvania No-Fault Motor Vehicle Insurance Act, to cover all property damage and/or personal injuries.

#### **Third-Time DUI Offender Population**

Typically, third-time DUI offenders are ineligible for participation in the home electronic monitoring program. However, offenders who complete the following requirements shall be declared eligible when,

1. The offender successfully completes a residential inpatient treatment program provided by a current licensee of the Department of Health, Office of Drug and Alcohol Programs for outpatient services.

2. Meets all other eligibility criteria as outlined in this policy statement.

#### **Offender Target Population and Other Eligibility Criteria**

In addition to the statutory eligibility requirements as described in this policy statement, the following additional criteria shall be utilized to determine offender eligibility:

1. An offender who exhibits a present or past history of violent or assaultive conduct.

2. An offender who is being held under a detainer, warrant or process issued by this Court or a Court of another jurisdiction.

3. An offender who has been revoked from a period of supervision on two (2) or more separate occasions.

4. An offender who has an extensive criminal or driving record.

5. An offender who resides outside the geographical boundaries of Carbon County, unless the resident jurisdiction has a comparable intermediate punishment program.

6. The victim of the instant offense incurred serious bodily injury or suffered serious psychological harm as a result of the offender's actions.

7. An offender who has a history of prison escape.

8. An offender who has a history of chronic mental health or psychotic behavior, which would interfere with the program.

9. An offender who does not have a telephone in the residence.

10. An offender who does not desire to participate in these programs.

11. An offender who has been afforded home electronic monitoring in the past.

12. An offender convicted of Driving Under Suspension pursuant to 75 Pa.C.S. § 1543 (b).

13. An offender who did not possess a valid driver's license at the time of the arrest.

14. An offender convicted of Habitual Offenders pursuant to 75 Pa.C.S. § 6503.1.

15. An offender convicted of Fleeing or Attempting to Elude Police Officer pursuant to 75 Pa.C.S. § 3733.

16. An offender who received an early discharge from the ARD Program and committed his/her second DUI offense while in the ARD Program, but did not report the new arrest to his probation officer.

17. An offender who does not make restitution to the victim(s) for out-of-pocket losses that were not covered by insurance, prior to acceptance into an intermediate punishment program.

18. An offender who due to "exigent circumstances" would be deemed inappropriate for inclusion in the program.

#### **Ineligible Offenders**

Pennsylvania law states that any person convicted of certain targeted offenses shall be ineligible under a sentence of intermediate punishment (See 42 Pa.C.S. § 9729(c).)

#### **Screening Process**

An offender may be declared eligible upon the recommendation of the Adult Probation/Parole Department upon completion of any of the following or combination thereof:

- a. A presentence investigation.
- b. An intermediate punishment investigation.
- c. Any offender placed in these programs by an Order of Court.

#### **Intermediate Punishment Investigations and Presentence Investigations**

During the investigative phase, the presentence investigator shall identify prospective participants for possible consideration of an intermediate punishment program. During the preparation of guilty plea reports or a presentence report, the investigator shall refer all plea agreements and sentencing recommendations that suggest a sentence of intermediate punishment to the intermediate punishment officer for investigation. This investigation shall include the following:

1. An interview of the defendant and other occupants of the residence, when applicable.
2. Completion of an intermediate punishment eligibility application, which application is available at the Carbon County Adult Probation Office.
3. Field visit to offender's residence.
4. Explanation of program requirements to the offender and all occupants of the residence, when applicable.
5. Completion of all appropriate forms, which include:
  - a. Occupant's Approval Form, if applicable
  - b. Conditions of supervision
  - c. Equipment Responsibility Form
  - d. New Client Installation Form, if applicable
6. Written memorandum to the court with sentence recommendation.

#### **Program Violations**

The following classification system for program violations shall be utilized to determine the level of compliance with the conditions of Intermediate Punishment Programs.

#### **Minor Violations**

The following violations shall be considered minor in nature:

1. Failure to report as scheduled.
2. Failure to maintain the scheduled treatment plan.
3. Failure to notify staff of changes in status.

4. Failure to comply with rules and regulations of the program or Court order.

5. Unauthorized individuals within the residence.

#### **Minor Violation Process**

When "minor" violations are detected, the following corrective action may be initiated by the assigned Officer:

1. Verbal reprimand.
2. Written violation report.
3. Administrative conference.
4. Increase in sanctions, such as, curfews; additional counseling or reporting, which changes shall be provided to the offender in writing.

#### **Major Violations**

The following violations shall be considered major in nature:

1. Possession of firearms, deadly weapons or offensive weapons.
2. Possession or consumption of alcoholic beverages.
3. Possession or positive urine test for a controlled substances.
4. Possession of drug paraphernalia.
5. Relocation from the approved residence without the prior approval of the assigned Officer.
6. A new arrest for violation of Municipal, County, State and Federal laws, as well as, provisions of the Liquor Code and the Vehicle Code.
7. Escape, which shall be defined as a period of one (1) hour or longer in which the participant has left the approved residence and is unaccounted for.
8. Repeated minor violations.
9. Destruction, theft or tampering with electronic equipment.

10. Operating a motor vehicle on a public highway while license is suspended.

#### **Major Violation Process**

When "major" violations are detected, the assigned Officer may initiate the following corrective action:

1. Written violation report.
2. Administrative conference.
3. Increase in sanctions, such as, curfews; additional counseling or reporting, which changes shall be provided to the offender in writing.
4. File a petition to revoke intermediate punishment sentence requesting a hearing and/or a warrant for arrest and detention of offender.

#### **Investigation of Detected Program Violations**

All violations of any intermediate punishment program shall be investigated by the assigned officer or on-call officer immediately after detection. All relevant information and documentation concerning electronic monitoring violations shall be obtained from the central monitoring station with all persons involved, with the violation being interviewed. Upon determination of the specific violation, the officer shall follow the violation process as described in the department's operation manual.

### Investigation of Program Violations (After Normal Business Hours)

Response to program violations after normal business hours shall occur as follows:

1. *On-Call Schedule:* The Chief Adult Probation/Parole Officer shall prepare and post an on-call schedule. All Adult Probation/Parole Officers will be scheduled and rotated on a weekly basis and shall be responsible for the following:

a. The on-call officer must wear the digitized pager at all times. Failure to respond to a page will result in appropriate disciplinary action.

b. The on-call officer will be responsible for the pager. If the pager is damaged or lost, the cost of the pager may be assessed to the officer.

c. Modifications to the on-call schedule are permitted. Prior arrangements shall be made with the Chief and the Carbon County Communications Center to ensure proper coverage.

2. *Home Electronic Monitoring Violations:* In the event that an electronic monitoring violation occurs, the following procedures shall be utilized:

a. The central monitoring station has been provided a procedure to notify the Carbon County Communications Center for program violations.

b. The Carbon County Communications Center shall be provided all officer pager numbers and personal telephone numbers.

c. An intermediate punishment program manual will be provided to all officers as a reference guide. All telephone numbers will be available within the manual.

d. When the on-call officer is notified of a program violation, the officer shall respond to the page immediately. If the violation is for home electronic monitoring, the officer shall contact the central monitoring station to determine the nature of the violation. If the monitoring center cannot correct the problem, then the officer shall contact the offender to resolve the problem. If the problem cannot be rectified over the telephone, then, the on-call officer must respond to the residence to investigate the violation. However, before conducting the field investigation, the on-call officer shall contact the back-up on-call officer for authorization. The on-call officer shall not conduct a field investigation without proper authorization from a supervisor.

e. The following home electronic monitoring violations must be investigated by the on-call officer after normal business hours. All other program violations will be investigated by the assigned probation officer the next available working day.

1. Band Tamper
2. Out-of-Range
3. Power Outage or Loss

f. When it is determined by the on-call officer that immediate termination is justified for the violation, the officer shall:

1. Immediately notify the back-up on-call supervisor.
2. Contact other adult probation staff for possible assistance.
3. Contact the Carbon County Communications Center for possible assistance from the Carbon County Sheriff's Department.

4. If the Sheriff's Department is unavailable, then contact the local police department for possible assistance.

5. Under no circumstances shall a probation officer attempt to arrest the offender without proper authorization from the back-up on-call supervisor and proper presence of law enforcement personnel.

6. The offender shall be transported to prison by adult probation staff or the Sheriff's Department. A Warrant to Commit and Detain Form shall be executed and provided to prison officials for admission of the offender.

g. If the offender is immediately terminated from the program, then all home electronic monitoring equipment shall be removed from the residence and inventoried. The monitoring center shall be immediately notified of the termination.

### Other Program Violations

The agency recognizes that other emergency situations will arise after normal business hours. In the event that the on-call officer receives a page for a situation other than an intermediate punishment program violation, then the on-call officer must respond to the page. The officer shall attempt to resolve the problem over the telephone, however, if the problem cannot be resolved, then the officer shall investigate the violation in accordance with agency policy and procedure. Under no circumstances shall the on-call officer conduct a field investigation or detain an offender without proper authorization from the back-up on-call supervisor. Failure to respond to a non-intermediate punishment program violation will result in appropriate disciplinary action.

### Method of Supervision

Generally, an offender sentenced to an intermediate shall be supervised in the community. However, office contacts will be permitted, but should not be relied upon by the officer. Supervision of program participants shall occur as follows:

1. *Intensive Supervision Program:* Offenders placed in this program will be supervised in the community setting by the assigned officer as follows:

a. *Community Supervision:* The officer shall maintain two (2) face-to-face contacts with the offender on a weekly basis. Office contacts can be utilized for personal contacts, however, office contacts are discouraged and should not be relied upon by the officer.

b. *Collateral Contacts:* The IP Officer shall maintain a minimum of one (1) collateral contact per week with an individual who has direct contact with the offender on a regular basis. One (1) collateral contact per month must be with a law enforcement official.

c. *Urine Screens:* The assigned officer shall refer all offenders to the Carbon-Monroe-Pike Drug/Alcohol Commission for urine testing.

2. *House Arrest/Home Electronic Monitoring:*

a. *Community Supervision:* Offenders placed in this program will be supervised in the community. The officer will maintain one (1) face-to-face contact with the offender on a weekly basis. Office contacts can be utilized for personal contacts, however, office contacts are discouraged and should not be relied upon by the officer.

b. *Collateral Contacts:* The officer shall maintain a minimum of three (3) collateral contacts per month with

an individual who has direct contact with the offender on a regular basis. One (1) collateral contact must be with a law enforcement official.

c. *Urine Screens*: The assigned officer shall refer all offenders to the Carbon-Monroe-Pike Drug and Alcohol Commission for urine testing.

3. *Residential Inpatient Drug and Alcohol Program*:

a. *Community Supervision*: The officer shall maintain contact with the inpatient facility to ensure that the offender is compliant with the requirements of the treatment program. The officer shall maintain one (1) monthly contact with the offender while in the treatment program.

b. *Collateral Contacts*: The officer shall maintain weekly contact with the treatment counselor.

c. *Urine Screens*: The offender shall undergo random urinalysis testing as per the requirements of the inpatient treatment facility.

d. *Referral Process*: Offenders selected for the residential inpatient treatment program shall be referred to the Carbon-Monroe-Pike Drug/Alcohol Commission. This facility will locate a suitable facility, accredited by the Office of Drug and Alcohol Programs. The Carbon-Monroe-Pike Drug/Alcohol Commission shall perform an assessment on the offender to determine his/her needs and locate the appropriate treatment facility. Also, the prison counselor may locate a suitable treatment facility.

e. *Credit for Time Served*: Offenders who successfully complete inpatient treatment, may receive credit towards mandatory minimum provisions of the Drunk Driving Law or other total or partial confinement sentences.

f. *Probation, Parole or Intermediate Punishment Violators*: These violators will be considered for an early discharge from their recommitment sentence, to a residential inpatient treatment program, when the violations are for drug and/or alcohol technical violations. All referrals shall be made to the Carbon-Monroe-Pike Drug and Alcohol Commission.

g. *Treatment Documentation*: The assigned officer shall execute a release of information form to secure all treatment documentation on the offender's progress in the program.

h. *After-Care/Follow-up Recommendations*: The offender will be required to follow all after-care treatment recommendations made by the treatment facility.

**Termination From an Intermediate Punishment Program**

The following criteria shall be utilized to determine when an offender should be terminated from an intermediate punishment program:

1. The participant has successfully completed all conditions of the program.
2. The participant has committed "major" violations of the program and was returned to prison.
3. The participant has served the minimum sentence imposed by the Court and has been legally discharged.

**Termination Order**

Upon successful completion of the minimum sentence, an order of court shall be prepared discharging the offender from the program.

**Voluntary Participation**

Participation in these programs shall be strictly on a voluntary basis. Offenders who do not desire to participate in these programs will be declared ineligible.

**Program Explanation**

All program requirements shall be explained prior to admission of the offender into an intermediate punishment program. Also, all occupants of the approved residence shall be advised of the restrictions and requirements of the program. If a resident objects to the program, then the offender may be declared ineligible.

**Enrollment and Initial Home Contact**

During the initial home contact with the offender, the assigned officer shall:

1. Review the terms and conditions of the program.
2. Explain program requirements to all residents.
3. Read, explain and obtain signatures on all forms.
4. Explain parameters of home electronic monitoring program.
5. Explain consequences of program violations.
6. Explain payment of daily monitoring fees.
7. Explain responsibility and maintenance of equipment.
8. Install equipment.
9. Confirm with the monitoring center that equipment is operational.
10. Obtain a layout of the residence.

**Ankle Bracelets**

Offenders placed on a home electronic monitoring unit will be required to wear ankle bracelets at all times. The bracelet emits a continuous signal to a receiver installed in the residence. Upon every field visit by the probation officer, a visual inspection of all monitoring equipment shall be conducted to ensure proper functioning.

**Post Sentencing Orientation**

After placement into the home electronic monitoring program, the participant shall be advised of the date and time that the equipment will be installed in the residence and other program requirements.

**Equipment Responsibility**

All electronic equipment installed in the offender's residence shall be the exclusive responsibility of the participant to maintain its proper functioning and operation. Any tampering, theft or destruction of the equipment by the offender may result in the filing of criminal charges, being held financially responsible for the cost of the equipment and being immediately terminated from the program. Also, every participant must read and sign the equipment responsibility form.

**Equipment Inventory**

All equipment installed in the residence must be inventoried at the time of installation. Upon termination from the program, the officer shall inventory and visibly inspect all equipment to ensure that no damage occurred during the program.

**Offender Subsistence**

Every offender placed in an intermediate punishment program will be responsible for their own subsistence, which includes, housing, clothing, medical care or other treatment or household expenses. Every participant shall be afforded a designated time during the week for grocery shopping, medical appointments or other basic necessi-

ties. All departures from the approved schedule must receive prior approval by the adult probation/parole department or assigned officer.

#### Monitoring Fees

An offender placed in the home electronic monitoring program shall be responsible for all costs associated with the monitoring aspect of the program. All fees collected will be deposited into an account to be utilized for the operation of the home electronic monitoring program or other departmental operations. Finally, all fees shall be made part of the order of sentence and the certificate of costs sheet.

#### Local Law Enforcement Notification

Local law enforcement agencies will be provided with all information concerning program participants.

#### Case Records

After placement into an intermediate punishment program, a case record folder shall be prepared with a green identification label. Also, a complete roster shall be maintained on every program participant by the project coordinator.

#### Project Coordination

The Chief Adult Probation/Parole Officer shall be responsible for the preparation, completion and submission of all sub-grant reports, progress reports, budget modification forms and related documentation to the Pennsylvania Commission on Crime and Delinquency. The Project Coordinator and the intermediate punishment officer, in conjunction with the Intermediate Punishment Board, shall evaluate program goals and effectiveness on a regular basis.

#### Verification of Compliance With Court Imposed Sanctions

The assigned officer shall secure and verify employment via pay stubs or interviews with the employer. Also, if the offender is undergoing treatment or counseling, the officer shall verify all sessions with the counselor. Verification is an important aspect of supervision, for it ensures compliance with the conditions of the program.

#### Transfer Cases

The Intermediate Punishment Officer shall coordinate efforts with other jurisdictions when appropriate candidates are identified. When an offender resides in another jurisdiction, the intermediate punishment officer shall confer with the resident county to determine whether that jurisdiction has an intermediate punishment program. All arrangements shall be made by the intermediate punishment officer and forwarded to the Court for review. All costs associated with other county's programs will be absorbed by the offender, unless otherwise court ordered.

#### Courtesy Cases

The department will accept intermediate punishment cases from other jurisdictions. Requesting counties shall coordinate with the intermediate punishment officer to determine eligibility. The officer will conduct an investigation and advise the requesting county whether the offender qualifies. If the department accepts an offender for supervision, then an effective date shall be established. Upon enrollment in the program, the offender will be required to pay the current daily monitoring fee established by the court, for the entire period of supervision. No personal checks will be accepted, only cash or money orders. A receipt will be provided to the offender.

#### Caseload Limits

The Chief will periodically review the caseloads of the Intermediate Punishment Officer to ensure that the officer has a manageable caseload and proper resources. This review process will ensure that the minimum standards adopted by the State and the Court are not compromised.

[Pa.B. Doc. No. 02-165. Filed for public inspection February 1, 2002, 9:00 a.m.]

### LUZERNE COUNTY

#### Supervision Fees for Adult Probation/Adult Parole Department; No. 15 Misc. of 2002

##### Administrative Order

*And Now*, this 16th day of January, 2002, at 3:15 o'clock p.m., it is hereby *Ordered* and *Decreed* that effective February 1, 2002, in accordance with 18 P. S. 11.1102(c) every person placed on Probation/Parole, Accelerated Rehabilitative Disposition, Probation Without Verdict, Intermediate Punishment, shall pay, in addition to the costs of prosecution, fines and restitution, and other costs, a monthly Supervision Fee of Fifty (\$50.00) Dollars.

It is further *Ordered* that the District Court Administrator shall file seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Criminal Procedural Rules Committee, one (1) certified copy to the Judicial Council of Pennsylvania Statewide Rules Committee, and one (1) copy to the *Luzerne Legal Register* for publication in the next issue.

*By the Court*

MICHAEL T. CONAHAN,  
*President Judge*

[Pa.B. Doc. No. 02-166. Filed for public inspection February 1, 2002, 9:00 a.m.]

### TIOGA COUNTY

#### Fee Schedule for Domestic Relations Section; No. 13 M.S. 2002

##### Order

*And Now*, this 14th Day of January, the following fee schedule is adopted and *Ordered* to be applied to all appropriate actions in the Domestic Relations Section of this Court:

New Complaint Fee—\$50.00  
Petition to Modify—\$15.00  
Contempt Petition Fee—\$50.00  
Employer Contempt Fee—\$100.00  
Bench Warrant Fee—\$50.00

All fees generated are to be used for the purpose of offsetting the operating costs of the Domestic Relations



Section. This order will be effective 30 days following publication in the *Pennsylvania Bulletin*.

*By the Court*

ROBERT E. DALTON, Jr.,  
*President Judge*

[Pa.B. Doc. No. 02-167. Filed for public inspection February 1, 2002, 9:00 a.m.]

### WASHINGTON COUNTY

**L-1303—Hearing, Notice Continuance, Call of the List; No. 2000-1**

#### Order

*And Now*, this 28th day of November, 2001; *It Is Hereby Ordered* that the above-stated Washington County Local Civil Rule be amended as follows.

This rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

THOMAS D. GLADDEN,  
*President Judge*

**L-1303. Hearing, Notice, Continuance, Call of the List.**

a. The hearing date assigned to an arbitration case shall not be less than 120 nor more than 150 days from the date of filing.

b. Continuances shall be granted by the Court upon cause shown. There shall be no continuances granted on the date of the hearing except for emergencies

**c. A \$25.00 fee shall be charged for continuances. No continuance shall be granted without payment of required fee unless waived by the Court. Proof of payment shall be attached to the Motion when presented.**

**[ c ] d.** If a continuance has not been obtained and neither the plaintiff nor the defendant nor counsel for either appears, the case shall be dismissed and will not be rescheduled for arbitration. In order to maintain the litigation, the plaintiff must enter an appeal and proceed in accordance with L-1308.

When the defendant has not been served, a continuance is necessary to keep the case active.

**[ d ] e.** In a complex case, the Court, upon motion, may order the Court Administrator to schedule the case to a date certain and shall have a Board of Arbitrators appointed to hear such case.

**[ e ] f.** On the date of hearing, the Court Administrator shall call the list at the place designated by the Court Administrator at 9:15 a.m. for the morning session and again at 1:15 p.m. for the afternoon session. All parties and counsel shall be present at the appointed time and respond "ready" or "not ready" when called. The Court Administrator shall assign "ready" cases to Boards of Arbitration and designate the room in which the cases

are to be heard. They shall be assigned in order in which they appear on the list and in which they are "ready" to proceed. There shall be a second call of the list at 9:30 a.m. and 1:30 p.m.

[Pa.B. Doc. No. 02-168. Filed for public inspection February 1, 2002, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that on January 17, 2002, pursuant to Rule 214(d)(1) of the Pa.R.D.E., Philip Edward Vanriper, who resides outside the Commonwealth of Pennsylvania, was placed on temporary suspension by the Supreme Court until further Order of the Court. In accordance with Rule 217(f), Pa.R.D.E., this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director and Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 02-169. Filed for public inspection February 1, 2002, 9:00 a.m.]

### Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated December 13, 2001, pursuant to Rule 219, Pa.R.D.E. The Order became effective January 12, 2002.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Kristin T. Accardi  
Mercerville, NJ

Glenn A. Ackerman  
Hoboken, NJ

Alexander N. Agiliga  
Takoma Park, MD

Chinyere Ahaghotu-Nwani  
Washington, DC

Martin J. Ahlijanian  
Herndon, VA

Aravind Aithal  
Piscataway, NJ

Virgil E. Alexander  
Dunwoody, GA

Viviana Amzel  
Los Angeles, CA

Kenneth G. Andres Jr.  
Haddonfield, NJ

Jocelyn A. Aqua  
Washington, DC

James P. Arnold  
Wayne, NJ

Dorothy T. Attwood  
Washington, DC

David A. Avedissian  
Cherry Hill, NJ

Sanford E. Balick  
New York, NY

Michael J. Banks  
Australia

Matthew J. Behr  
Northfield, NJ

Deborah C. Bradley  
Pennington, NJ

James P. Bradley  
Weehawken, NJ

George H. Buchanan  
LaGrangeville, NY

John E. Campo  
Marlton, NJ

John D. Caruso  
Morristown, NJ

Andrew D. Catanese  
Wildwood Crest, NJ

Lisa A. Chiappetta  
New York, NY

Robin C. Clark  
McLean, VA

Justin H. Cohen  
Rockville, MD

Philice K. Cohen  
Skillman, NJ

Leonard E. Collins Jr.  
Wilmington, DE

Robert F. Conley  
Fair Lawn, NJ

Kenneth P. Craig  
Elmira, NY

Kelly R. Dalmass  
Westmont, NJ

Joel A. Deifik  
Naples, FL

Rafael DeLeon  
Upper Marlboro, MD

Pamela M. Delaney  
Chicago, IL

Daniel J. Devers  
Miami, FL

Rebecca MK Edelstein  
Sherman Oaks, CA

Jerry Eisdorfer  
Somerset, NJ

Dawn K. Enright  
Germany

Barry S. Finkel  
Trenton, NJ

Dean C. Forbes  
Washington, DC

David E. Fretz  
Amherst, NY

Amy E. Furness  
Miami, FL

Ludwig P. Gaines  
Washington, DC

Samuel Garcia  
Puerto Rico

Robert T. Gerstner  
APO, AE

Kristin A. Giakas  
Wilmington, DE

Michael P. Ginley  
Saratoga Springs, NY

Jennifer L. Gioia  
Wilmington, DE

Daniel F. Goerke  
Rio Rancho, NM

Karen E. Goldman  
Washington, DC

Reginald D. Greene  
Bowie, MD

Alan W. Gross  
Cinnaminson, NJ

Peter J. Gulia  
East Brunswick, NJ

Michael M. Halbreich  
Atlanta, GA

Joseph C. Handlon  
Wilmington, DE

Craig E. Hantgan  
New York, NY

Bertrand C. Harry  
Cherry Hill, NJ

Edwin Harvey  
Washington, DC

Gregory L. Hawthorne  
New York, NY

Kelly C. Haynor  
Cherry Hill, NJ

Jon V. Heider  
Akron, OH

Renee L. Henderson  
Maple Shade, NJ

Barbara A. Hines  
Laurel, MD

Christopher D. Hite  
New York, NY

Clelia P. Hoffman  
Palm Beach, FL

Stacey B. Honowitz  
Miami, FL

James C. Hubbard  
Willingboro, NJ

Andrew E. Ingram Jr.  
Rahway, NJ

John A. Jackson  
Weston, FL

Edward D. Jacobson  
Washington, DC

Kathleen J. John-Lewis  
Columbia, MD

Antar C. Johnson  
Alexandria, VA

Barbara A. Johnson  
Bethesda, MD

Daniele C. Johnson  
Woodstock, GA

Stephen W. Johnson  
Sauquoit, NY

Agnes M. Johnson-Wilson  
Fairfield, CT

Mark L. Jones  
Naperville, IL

John J. Karasek  
Alexandria, VA

Adriana Katzew  
Cambridge, MA

Nathan W. Kearns  
Colorado Springs, CO

Richard C. Keel  
Australia

Jacqueline M. Kelleher  
Plattsburgh, NY

Brian W. Kincaid  
Parsippany, NJ

Thomas T. Kirwan  
Marlton, NJ

Donna M. Kisner  
Highlands Ranch, CO

Kenneth L. Klothen  
Washington, DC

Gregory F. Kotchick  
Morristown, NJ

Robert J. Kurtz  
New York, NY

Dorothy E. Langan  
Washington, DC

Eric Lavdas  
Cherry Hill, NJ

Kathryn A. Ledig  
Oak Hill, VA

Howard W. Levine  
Washington, DC

I. Lewis Libby Jr.  
Washington, DC

Kristin A. Lightner  
Denver, CO

Peter N. Littman  
Ithaca, NY

Joan H. Loeb  
Laredo, TX

Bert T. Lundberg  
Old Bridge, NJ

Carol E. Marcus  
Bethesda, MD

Gary M. Marek  
Mt. Laurel, NJ

Joseph R. Mariniello  
Ridgewood, NJ

Nathalie D. Martin  
Albuquerque, NM

Miliene McCutcheon  
Boston, MA

Richard J. McDonald  
Rockville, MD

Robert B. McKenna Jr.  
Denver, CO

Laura J. Meltzer  
Los Angeles, CA

Edward B. Mendy  
New Orleans, LA

R. Bruce Menke  
Kingwood, TX

Addison J. Meyers  
Coral Gables, FL

Anne M. Miles  
Chicago, IL

Anthony D. Miller  
Mt. Rainier, MD

Andrellos C. Mitchell  
Washington, DC

M. George Mooradian  
Westmont, NJ

Michelle A. Morrison  
Brooklyn, NY

Brian Murphy  
Bayonne, NJ

Timothy G. Murray  
Greenbelt, MD

Bruce A. Nahin  
Valencia, CA

Nancy S. Nash  
Williamsburg, VA

John M. Needham  
Madison, NJ

Talma Newsome-Blake  
Washington, DC

Patrick C. O'Hara Jr.  
Somerville, NJ

Daniel J. O'Rourke  
Palo Alto, CA

Tina Ordoukhanian  
Monaco

Robert F. Park  
Sicklerville, NJ

Mark G. Paulson  
Washington, DC

Joan E. Pearson  
Florham Park, NJ

Cheryl H. Picker  
Warren, NJ

Deborah A. Pierce  
Vauxhall, NJ

Naima A. Quarles  
New Rochelle, NY

Lori K. Reiner  
Haddon Heights, NJ

Kathleen A. Rittner  
Pompei

Tara A. Roscioli  
Newark, NJ

Lawrence Rosenberg  
New York, NY

Robert L. Ruben  
Washington, DC

Eva Rubinstein  
Williamsville, NY

Joel B. Rubinstein  
Palo Alto, CA

Julie L. Salas  
Seattle, WA

Robert L. Sarnick  
Garden City, NY

Linda M. Samuel  
Washington, DC

Kimberly A. Scardino  
Washington, DC

Frederick P. Schaffer  
New York, NY

Suzanne L. Schmelter  
Prescott, AZ

David L. Schmitt  
Braintree, MA

Richard C. Schragger  
Washington, DC

Nancy S. Schultz  
Rockville, MD

Jeffrey L. Schwartz  
Metuchen, NJ

Glen D. Schwarzschild  
Cherry Hill, NJ

Fredrica Scott  
Washington, DC

Harold L. Segall  
Washington, DC

Steven E. Serdikoff  
Gaithersburg, MD

Karen R. Shanes  
Rye, NY

Kevin R. Shannon  
Absecon, NJ

Robert C. Shea  
Toms River, NJ

Tselane Sheppard-Williams  
Wellesley, MA

David A. Shults  
Hornell, NY

Susan Sieh-Raffman  
Woodinville, WA

Joel B. Silver  
Voorhees, NJ

Jacqueline M. Sims  
Washington, DC

Ivonia K. Slade  
Washington, DC

Rostyslaw J. Smyk  
Chicago, IL

Kirk I. Spencer  
Grand Rapids, MI

David J. Sprong  
Roseland, NJ

Albert L. Stein  
Cherry Hill, NJ

Edward F. Stopyra  
Newark, DE

Martin P. Sullivan  
Arlington, VA

James R. Tabano  
Wyckoff, NJ

Tamara G. Telesko  
New York, NY

Donald M. Temple  
Washington, DC

Sara D. Trujillo  
Arlington, VA

Maria Tzanakis  
Voorhees, NJ

Karen S. Vagley  
McLean, VA

Thomas B. Vertetis  
Federal Way, WA

Manuel Villegas Jr.  
Long Beach, CA

Kathleen G. Waldron  
West Trenton, NJ

Michael V. Ward  
Orange, CA

Courtney A. Wellar  
Syracuse, NY

Sidney G. Wigfall  
Princeton, NJ

Shawn T. Williams  
Alexandria, VA

Valerie B. Williams  
Bordentown, NJ

Rachel A. Wingerter  
Caldwell, NJ

Robb N. Wong  
Gaithersburg, MD

Nancy R. Wood  
Mt. Holly, NJ

Wendy Z. Woods  
Washington, DC

Ingrid B. Wuerth  
Cincinnati, OH

Maria A. Yelland  
Mercerville, NJ

Allison S. Zales  
Cherry Hill, NJ

David E. Zerbee  
Fairfax, VA

Michael Zoob  
Key West, FL

ELAINE M. BIXLER,  
*Executive Director & Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 02-170. Filed for public inspection February 1, 2002, 9:00 a.m.]

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