

**CHAPTER 451. INTERMEDIATE PUNISHMENT
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Authority

The provisions of this Chapter 451 issued under section 7(b) of the County Intermediate Punishment Act (61 P. S. § 1107(b)), unless otherwise noted.

Source

The provisions of this Chapter 451 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406, unless otherwise noted.

Cross References

This chapter cited in 204 Pa. Code § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs); and 204 Pa. Code § 303a.1 (relating to preliminary provisions).

GENERAL**§ 451.1. Purpose.**

This chapter establishes procedures for counties to:

- (1) Qualify for Prison Facilities Improvement Act funding through the Department of Corrections.
- (2) Receive authority to sentence offenders to intermediate punishment programs in accordance with the Intermediate Punishment Sentencing Act.
- (3) Apply for Federal or State funds administered by the Commission on Crime and Delinquency that are available to support intermediate punishment programs.

Source

The provisions of this § 451.1 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial page (160830).

§ 451.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Board—A county prison board, an intermediate punishment board, the Criminal Justice Coordinating Commission in counties of the first class, or another county entity which, with the approval of the county commissioners, performs the functions of an intermediate punishment board.

Collateral contact—Communication by telephone with the offender or communication in a manner with the offender's drug and alcohol counselor, employer, teacher or another person having regular contact with the offender.

Community Services Program—Unpaid work performed for government, nonprofit and community-based organizations which provide services to meet human needs and have nondiscriminatory admission policies. Typical tasks include removing litter from highways and parks, beautification of public property or other public works projects, maintenance work in hospitals and nursing homes, and clerical work in public agencies.

Commission—The Commission on Crime and Delinquency.

County Intermediate Punishment Act—The act of December 19, 1990 (P. L. 799, No. 193) (61 P. S. §§ 1101—1114) relating to the development, implementation and operation of intermediate punishment programs.

Court—The trial judge exercising sentencing jurisdiction over offenders eligible for intermediate punishment.

DUI—The offense of driving under the influence of alcohol or a controlled substance as defined in 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance).

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, usually a probation office. The sentence is generally combined initially with either house arrest or intensive supervision.

Eligible offender—

(i) A person convicted of an offense who does not demonstrate a present or past pattern of violent behavior and who would otherwise be sentenced to partial confinement under 42 Pa.C.S. § 9724 (relating to partial confinement) or total confinement under 42 Pa.C.S. § 9725 (relating to total confinement) in a county correctional facility.

(ii) The term does not include an offender convicted of:

- (A) Murder.
- (B) Voluntary manslaughter.
- (C) Rape.
- (D) Statutory rape.
- (E) Aggravated assault.
- (F) Robbery.
- (G) Burglary of the first degree, as provided in 18 Pa.C.S. § 3502 (relating to burglary).
- (H) Involuntary deviate sexual intercourse.
- (I) Arson.
- (J) Extortion accompanied by threats of violence.
- (K) Assault by prisoner.
- (L) Assault by life prisoner.
- (M) Kidnapping.
- (N) Aggravated indecent assault.
- (O) Escape.
- (P) Drug trafficking, as provided in 18 Pa.C.S. § 6314 (relating to sentencing and penalties for trafficking drugs to minors) or 18 Pa.C.S. § 7508 (relating to drug trafficking sentencing and penalties).

House Arrest Program—A sentence which orders offenders confined to their own residences except for preapproved excursions for medical treatment, employment, performance of community service, and drug or alcohol, or both, treatment or counseling. House arrest may be combined, with electronic monitoring to detect violations.

Individualized Services Program—A program which provides for the evaluation of offenders and the development of a specialized treatment regimen based on the evaluation. The regimen may include psychiatric, psychological and medical services, education, vocational training, drug and alcohol screening and counseling, individual and family counseling and transportation subsidies.

Intensive Supervision Program—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 and drug and alcohol treatment.

Intermediate Punishment Sentencing Act—The act of December 19, 1990 (P. L. 1196, No. 201), which amended 18 Pa.C.S. §§ 2154.1 and 3502 and 42 Pa.C.S. §§ 9721, 9729, 9763 and 9773.

Plan—A County Intermediate Punishment Plan which describes proposed intermediate punishment programs and their interrelationships.

Prison Facilities Improvement Act—The act of July 1, 1990 (P. L. 315, No. 71) (61 P. S. §§ 390.101—390.1303) relating to the financing and construction of State and county correctional facilities improvements.

Program—A plan component which provides for a residential or nonresidential penal resource available in a community for the sentencing of eligible offenders who would otherwise be sentenced to partial or total confinement.

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.

Source

The provisions of this § 451.2 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial pages (160830) to (160832).

FUNDING QUALIFICATION, SENTENCING AUTHORITY AND PROJECT GRANT REQUESTS

§ 451.31. Funding qualification only.

Section 11(a) of the County Intermediate Punishment Act (61 P. S. § 1111(a)) requires a county to submit an Intermediate Punishment Plan to the Commission to qualify for funding under the Prison Facilities Improvement Act. While it is

necessary only to comply with § 451.32 (relating to preparation of the Plan) when applying for funding, counties are strongly encouraged to develop plans which also incorporate the elements listed in § 451.33 (relating to areas to be addressed in development of a Plan).

Source

The provisions of this § 451.31 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial page (160832).

§ 451.32. Preparation of the Plan.

A Plan shall be prepared by a board, as provided in section 5 of the County Intermediate Punishment Act (61 P. S. § 1105). The Plan shall be executed by the president of the board and chairperson of the county commissioners or equivalent persons in appropriate counties, and submitted to the Commission.

(1) The Plan submitted shall at a minimum provide a description of the following:

- (i) Training programs for the board and staff.
- (ii) Public information and education programs, in addition to the annual report, which shall regularly advise the public of the success or failure of the Plan in the following particulars:
 - (A) Protecting society and promoting efficiency and economy in the delivery of corrections services.
 - (B) Promoting accountability of offenders to the community.
 - (C) Filling gaps in local correctional systems and addressing local needs through expansion of punishment and services available to the court.
 - (D) Providing opportunities for offenders who demonstrate special needs to receive services which enhance their ability to become contributing members of the community.
- (iii) The designation of an entity or county government office with overall responsibility for supervision of the fiscal affairs of the program.
- (iv) The use of existing community agencies and organizations whenever possible.
- (v) A mechanism to advise the courts of the extent and availability of services and programs provided under the Plan.
- (vi) The costs associated with the various programs; for example, costs of personnel and consultants, outside contractors, capital equipment, materials and supplies, other program expenses and sources of funding.
- (vii) An agreement as to each county's responsibilities for joint judicial districts.

(2) A county shall certify that it is in compliance with paragraph (1) by the signature of the president of the board and the chairperson of the county com-

missioners, or equivalent persons in applicable counties, in the manner and form prescribed from time to time by the Commission.

(3) The Plan submitted shall be reviewed by the staff of the Commission for compliance with paragraphs (1) and (2). Within 90 days, the Commission staff will do one of the following:

(i) Notify the board that the Plan has been accepted for submission and concurrently notify the Department of Corrections.

(ii) Notify the board of the deficiencies in the Plan and the amendments which shall be made or added to satisfy paragraphs (1) and (2).

Source

The provisions of this § 451.32 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial pages (160832) to (160833).

Cross References

This section cited in 37 Pa. Code § 451.31 (relating to funding qualification only); 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); and 37 Pa. Code § 451.35 (relating to project grant requests).

§ 451.33. Areas to be addressed in development of a Plan.

In developing a Plan, counties shall prepare the following:

(1) An assessment of available countywide correctional services and future needs.

(2) A review of current sentencing procedures and the impact these procedures have on county correctional resources.

(3) A review of current alternatives to pretrial detention and the potential these programs have for affecting on the jail population.

(4) A description of the existing resources in the county which can be used as intermediate punishments or support services to offenders sentenced to intermediate punishment.

(5) The formulation of policy statements targeted to the needs identified by the county and the impact these policies will have on the use of confinement and intermediate punishment.

(6) The development of goals and objectives which are aimed at effective utilization of existing and projected correctional resources.

(7) The development of an evaluation strategy which measures the qualitative and quantitative performances of all programs.

Source

The provisions of this § 451.33 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial pages (160833) to (160834).

Cross References

This section cited in 37 Pa. Code § 451.31 (relating to funding qualification only); 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); and 37 Pa. Code § 451.35 (relating to project grant requests).

§ 451.34. Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only.

(a) A county submitting a Plan for both Prison Facilities Improvement Act qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only shall comply with §§ 451.32, 451.51 and 451.52 (relating to preparation of the Plan; program elements; and sentencing restrictions) and the minimum program standards at §§ 451.111—451.124 (relating to intermediate punishment program minimum standards). Counties are also strongly encouraged to develop Plans which incorporate the elements listed under § 451.33 (relating to areas to be addressed in development of a Plan).

(b) A county shall certify that it is in compliance with subsection (a) by the signature of the president of the board and the chairperson of the county commissioners, or equivalent persons in applicable counties, in the manner and form prescribed by the Commission.

(c) For each Program not included in § 451.51 or the minimum standards beginning at § 451.111 (relating to Alcohol and Drug Outpatient Treatment Program), a county shall submit a description in sufficient detail to enable the Commission to evaluate the same.

(d) The Plan submitted shall be reviewed by the staff of the Commission for compliance with subsections (a)—(c). Within 90 days, the Commission staff will do one of the following:

(1) Notify the board that the Plan has been approved for the purpose of Intermediate Punishment Sentencing Act authority and concurrently notify the Department of Corrections when Prison Facilities Improvement Act funding is at issue.

(2) Notify the board of the deficiencies in the Plan and the amendments which shall be made or added to satisfy subsections (a)—(c).

Source

The provisions of this § 451.34 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial page (160834).

§ 451.35. Project grant requests.

A county submitting a grant application to the Commission for funding for new or enhanced programs shall comply with §§ 451.32 and 451.33 (relating to

preparation of the Plan; and areas to be addressed in development of a Plan) in addition to the requirements in the Commission's *Applicant's Manual*, which governs the subgrant process.

Source

The provisions of this § 451.35 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial page (160835).

**PROGRAM ELEMENTS AND SENTENCING
RESTRICTIONS**

§ 451.51. Program elements.

(a) A program may be either residential or nonresidential and either custodial or noncustodial, or a combination thereof, and may include the following:

- (1) House arrest.
- (2) Electronic monitoring.
- (3) House arrest combined with electronic monitoring.
- (4) Probation with daily reporting.
- (5) Intensive supervision.
- (6) Full-time participation in a community public works project.
- (7) Full- or part-time participation in a public or private community service project.
- (8) Housing in a community residential treatment or residential rehabilitative center.

(b) These intermediate punishments may be combined with treatment in a detoxification center and may include additional restrictions as authorized in 42 Pa.C.S. § 9763(b) (relating to conditions of intermediate punishment).

(c) In addition to the elements set forth in subsections (a) and (b), a Program may be comprised of:

- (1) An inpatient drug and alcohol program based on objective assessment that an offender is dependent on alcohol or drugs.
- (2) Residential rehabilitative center services.
- (3) Individualized treatment services.

(d) In addition to Programs set forth in subsections (a)—(c), partial confinement sentences, such as work release, work camps and halfway facilities, may be developed as intermediate punishments.

Source

The provisions of this § 451.51 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial page (160835).

Notes of Decisions*Constructive Custody*

Where a parolee participates in a residential rehabilitation program in a locked facility with restriction of movement, and where participation in the program is a condition of parole, the time spent in the program might be considered akin to imprisonment. *Meehan v. Board of Probation and Parole*, 783 A.2d 362 (Pa. Cmwlth. 2001).

Cross References

This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only).

§ 451.52. Sentencing restrictions.

- (a) Only eligible offenders may be sentenced to intermediate punishment.
- (b) A person convicted of DUI is eligible for sentencing to only the following types of programs, if the Court elects to sentence the offender to intermediate punishment:
 - (1) A residential inpatient drug and alcohol program or a residential rehabilitative center program.
 - (2) House arrest and electronic monitoring combined with drug and alcohol treatment.

Source

The provisions of this § 451.52 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial page (160836).

Cross References

This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); and 37 Pa. Code § 451.117 (relating to House Arrest Program).

SCOPE OF PROGRAM**§ 451.101. Scope.**

- (a) If the minimum standards incorporate the requirements of another State agency as reflected in their regulations, the latter will govern.
- (b) In instances where reference is made to minimum standards for the housing of offenders, efforts should be made to establish separate facilities for eligible female offenders.

Source

The provisions of this § 451.101 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial page (160836).

**INTERMEDIATE PUNISHMENT PROGRAM
MINIMUM STANDARDS****§ 451.111. Alcohol and Drug Outpatient Treatment Program.**

- (a) The board shall approve and implement written policies and procedures for the Alcohol and Drug Outpatient Treatment Program. The board shall docu-

ment that the services are provided by a current licensee of the Department of Health, Office of Drug and Alcohol Programs (ODAP) for outpatient activities. Chapter 709, Subchapter I (relating to standards for outpatient activities) of Title 28 of the *Pennsylvania Code* is incorporated by reference and is applicable to alcohol and drug outpatient treatment programs in free-standing facilities. Chapter 709, Subchapter C (relating to general standards for freestanding treatment activities) of Title 28 of the *Pennsylvania Code* is incorporated by reference and is applicable to drug and alcohol outpatient programs and residential inpatient nonhospital drug and alcohol programs. Chapter 711, Subchapter H (relating to standards for outpatient activities) of Title 28 of the *Pennsylvania Code* is incorporated by reference and is applicable to outpatient drug and alcohol treatment provided by treatment centers which are part of a health care facility.

(b) The Alcohol and Drug Outpatient Treatment Program policies and procedures shall include the following elements:

- (1) A drug testing capability.
- (2) Diagnostic assessment of an offender's dependency on alcohol or other drugs by the Office of Drug and Alcohol Programs or a designee, a county authority on drugs and alcohol or a designee or clinical personnel of a facility licensed by the Office of Drug and Alcohol Programs. Counties are encouraged, in addition, to conduct full clinical diagnostic evaluations.
- (3) Provisions for treatment under 75 Pa.C.S. § 1548(b) (relating to requirements for driving under influence offenders).
- (4) A monitoring component to ensure offenders' compliance with the conditions of the Program.
- (5) Policy and procedure for responding to major and minor violations of Program conditions.

Source

The provisions of this § 451.111 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial pages (160836) to (160837).

Cross References

This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); 37 Pa. Code § 451.116 (relating to Halfway Facility or Residential Rehabilitative Center Program); 204 Pa. Code § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs); and 204 Pa. Code § 303a.1 (relating to preliminary provisions).

§ 451.112. Community Service Program.

- (a) The board shall approve and implement written policies and procedures for community service.
- (b) The Community Service Program policies and procedures shall include the following elements:

- (1) A drug testing capability for appropriate offenders. Those counties which choose to contract out the coordination of a Community Service Program to a noncourt agency, such as the Red Cross or United Way, shall implement procedures to ensure the proper conducting of the drug testing.
- (2) Equitable and consistent assignment of community service hours within a standard range.
- (3) Procedures for the documented onsite supervision of each offender performing community service.
- (4) The establishment of an annual reporting system to collect individual offender and aggregate program data on community service ordered and community service performed.
- (5) The anticipated length of offenders' participation in the Program.
- (6) A monitoring component to ensure offenders' compliance with the conditions of the Program.
- (7) Policy and procedure for responding to major and minor violations of Program conditions.

Source

The provisions of this § 451.112 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial pages (160837) to (160838).

Cross References

This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act Funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); 204 Pa. Code § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs); and 204 Pa. Code § 303a.1 (relating to preliminary provisions).

§ 451.113. Drug Testing Program.

- (a) The board will approve and implement written policies and procedures for the Drug Testing Program.
- (b) The Drug Testing Program policies and procedures shall include the following elements:
 - (1) The purposes of testing, that is, whether it is for rehabilitative or treatment purposes, for the protection of the community, for the use of the Court in sentencing or for the compilation of statistics.
 - (2) The manner of offender selection, that is, whether Court-ordered, randomly selected or applicable to eligible offenders.
 - (3) The frequency of testing.
 - (4) The chain-of-custody procedures.
 - (5) Confirmation procedures for positive drug tests through the use of a more sensitive procedure than used in initial screening and the rationale for use of the particular method selected.

- (6) A description of drug testing methodologies.
- (7) A policy regarding reporting and use of testing results.
- (8) A confidentiality policy.
- (9) Evaluation procedures.
- (10) A monitoring component to ensure offenders' compliance with the conditions of the Drug Testing Program.
- (11) Policy and procedure for responding to major and minor violations of Drug Testing Program conditions.

Source

The provisions of this § 451.113 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial pages (160838) to (160839).

Cross References

This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); 204 Pa. Code § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs); and 204 Pa. Code § 303a.1 (relating to preliminary provisions).

§ 451.114. Electronic Monitoring Program.

- (a) The board shall approve and implement written policies and procedures for the Electronic Monitoring Program.
- (b) The Electronic Monitoring Program policies and procedures shall include the following elements:
 - (1) A drug testing capability for appropriate offenders.
 - (2) The timely detection of violations.
 - (3) The maintenance of a 24-hour-per-day response to detect violations.
 - (4) A monitoring component to ensure offenders' compliance with the conditions of the Electronic Monitoring Program.
 - (5) Policy and procedure for responding to major and minor violations of Electronic Monitoring Program conditions.

Source

The provisions of this § 451.114 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial page (160839).

Cross References

This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); 37 Pa. Code § 451.117 (relating to House Arrest Program); 204 Pa. Code § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs); and 204 Pa. Code § 303a.1 (relating to preliminary provisions).

§ 451.115. Fines Program.

(a) The board will approve and implement written policies and procedures for the Fines Program.

(b) The Fines Program policies and procedures shall include the following elements:

(1) The establishment of administrative standards regarding the time and amount of payment, the scheduling of installment payments and the monitoring thereof. Consideration should be given to shifting routine payment duties to nonprofessional staff.

(2) The communication of the importance of the collection effort to managers and supervisors.

(3) The establishment of an annual reporting system to collect individual offender and aggregate program data on fines ordered and fines collected.

(4) A monitoring component to ensure offenders' compliance with the conditions of the Fines Program.

(5) Policy and procedure for responding to major and minor violations of Fines Program conditions.

Source

The provisions of this § 451.115 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial pages (160839) to (160840).

Cross References

This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); 204 Pa. Code § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs); and 204 Pa. Code § 303a.1 (relating to preliminary provisions).

§ 451.116. Halfway Facility or Residential Rehabilitative Center Program.

(a) The board will approve and implement written policies and procedures for the Halfway Facility or Residential Rehabilitative Center Program. Halfway facilities may be utilized for the reintegration of offenders into the community following confinement or as an alternative form of partial confinement in lieu of traditional confinement. Drug and alcohol treatment services provided to offenders in either halfway facilities or residential rehabilitative centers shall meet the requirements of § 451.111(a) (relating to Alcohol and Drug Outpatient Treatment Program).

(b) The Halfway Facilities Program policies and procedures shall include the following elements:

(1) A drug testing capability for appropriate offenders.

(2) A requirement that the needs of the offender, such as literacy, education, employment, curfews, AA/NA participation, outpatient treatment for alcohol, drugs or MH/MR, and job development, be evaluated and addressed.

(3) The anticipated length of offenders' participation in the Halfway Facilities Program.

(4) A requirement that Halfway Facilities Program staff responsible for supervising offenders sentenced to a halfway facility or residential rehabilitation center make weekly, face-to-face contact with the staff thereof to discuss intermediate punishment offender residents.

(5) A requirement that Halfway Facilities Program staff responsible for supervising offenders sentenced to a halfway facility or residential rehabilitative center make a minimum of four face-to-face contacts per month.

(6) A monitoring component to ensure offenders' compliance with the conditions of the Halfway Facilities Program.

(7) Policy and procedure for responding to major and minor violations of Halfway Facilities Program conditions.

Source

The provisions of this § 451.116 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial pages (160840) to (160841).

Cross References

This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act Funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); 204 Pa. Code § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs); and 204 Pa. Code § 303a.1 (relating to preliminary provisions).

§ 451.117. House Arrest Program.

(a) The board will approve and implement written policies and procedures for the House Arrest Program.

(b) The House Arrest Program policies and procedures shall include the following elements:

(1) A drug testing capability for appropriate offenders.

(2) 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.

(3) A monitoring component which defines the frequency of face-to-face and collateral contacts to ensure offenders' compliance with the conditions of the House Arrest Program.

(4) Limitation of the caseloads of House Arrest Program supervising officers consistent with the supervisory plan described in paragraph (3).

(5) A requirement that a minimum of two face-to-face and three collateral contacts be made by the supervising officers each month.

(6) Policy and procedure for responding to major and minor violations of House Arrest Program conditions.

(c) If utilized in conjunction with the House Arrest Program, electronic monitoring shall meet the requirements of § 451.114 (relating to Electronic Monitoring Program).

(d) A House Arrest Program for eligible DUI offenders shall be combined with an Electronic Monitoring Program in accordance with § 451.52(b)(2) (relating to sentencing restrictions).

Source

The provisions of this § 451.117 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial page (160841).

Cross References

This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); 204 Pa. Code § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs); and 204 Pa. Code § 303a.1 (relating to preliminary provisions).

§ 451.118. Individualized Services Program.

(a) The board shall approve and implement written policies and procedures for the Individualized Services Program. The board shall document, when appropriate, that the services provided are in compliance with applicable State and local laws and regulations.

(b) The Individualized Services Program policies and procedures shall include the following elements:

(1) A drug testing capability for appropriate offenders.

(2) Licensure by the Department of Health's Office of Drug and Alcohol Programs, when applicable.

(3) Establishment of services based upon offenders' needs and available community resources.

(4) Efforts to recruit, screen and select service providers.

(5) Guidelines to monitor the purchase of offender services.

(6) A monitoring component to ensure offenders' compliance with the conditions of the Individualized Services Program.

(7) Policy and procedure for responding to major and minor violations of Individualized Services Program conditions.

Source

The provisions of this § 451.118 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial pages (160841) to (160842).

Cross References

This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); 204 Pa. Code § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs); and 204 Pa. Code § 303a.1 (relating to preliminary provisions).

§ 451.119. Intensive Supervision Program.

(a) The board will approve and implement written policies and procedures for the Intensive Supervision Program.

(b) The Intensive Supervision Program policies and procedures shall include the following elements:

(1) A drug testing capability for appropriate offenders.

(2) A monitoring component which defines the frequency and method of face-to-face and collateral contacts to ensure offenders' compliance with the conditions of the Intensive Supervision Program.

(3) Limitation of the caseloads of Intensive Supervision Program supervising officers consistent with the supervisory component described in paragraph (2).

(4) A requirement that a minimum of eight to twelve face-to-face and four to six collateral contacts be made by the supervising officers each month.

(5) A requirement that face-to-face and telephone contacts with offenders be made at all hours, 7 days per week.

(6) A requirement that there be additional qualifications for participating offenders, such as work or vocational training, community service, drug or alcohol treatment and, in appropriate cases, a curfew.

(7) Policy and procedure for responding to major and minor violations of Intensive Supervision Program conditions.

Source

The provisions of this § 451.119 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial page (160842).

Cross References

This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); 204 Pa. Code § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs); and 204 Pa. Code § 303a.1 (relating to preliminary provisions).

§ 451.120. Probation with Daily Reporting Program.

(a) The board shall approve and implement written policies and procedures for the Probation with Daily Reporting Program.

(b) The Probation with Daily Reporting Program policies and procedures shall include the following elements:

(1) A drug testing capability for appropriate offenders.

(2) Requirements that the offenders:

(i) Report each day to a location designated by the board.

(ii) Provide a daily schedule of planned activities.

(iii) Participate in designated programs, services and activities.

(iv) Report by phone to the designated location throughout the day.

(3) A requirement that the Daily Reporting Program staff make random phone checks both during the day and at home following curfew, if one is imposed.

(4) A monitoring component to ensure the offenders' compliance with the conditions of the Daily Reporting Program.

(5) Policy and procedure for response to major and minor violations of Daily Reporting Program conditions.

Source

The provisions of this § 451.120 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial pages (160842) to (160843).

Cross References

This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); 204 Pa. Code § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs); and 204 Pa. Code § 303a.1 (relating to preliminary provisions).

§ 451.121. Residential Inpatient Drug and Alcohol Program.

(a) The 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. Chapter 709, Subchapter E (relating to standards for inpatient nonhospital activities—residential treatment and rehabilitation) of Title 28 of the *Pennsylvania Code* is incorporated by reference and is applicable to nonhospital residential drug and alcohol treatment services. Chapter 709, Subchapter C (relating to general standards for freestanding treatment activities) of Title 28 of the *Pennsylvania Code* is incorporated by reference and is applicable to nonhospital residential drug and alcohol treatment services. Chapter 711, Subchapter D (relating to standards for inpatient nonhospital activities—residential treatment and

rehabilitation) of Title 28 of the *Pennsylvania Code* is incorporated by reference and is applicable to residential nonhospital drug and alcohol treatment services provided by a treatment center which is part of a health care facility. The board shall also document that facilities to which offenders are sentenced for residential treatment are in compliance with other State and local laws and regulations.

(b) The Residential Inpatient Drug and Alcohol Program policies and procedures shall include the following elements:

- (1) A drug testing capability.
- (2) Establishment of services based on an assessment of the offenders' needs and available community resources.
- (3) Establishment of aftercare and followup services involving sustained and frequent interaction with recovering individuals who have progressed from the intensive or primary phase of treatment.
- (4) Efforts to recruit, screen and select service providers.
- (5) Guidelines to monitor the purchases of services for offenders.
- (6) A monitoring component to ensure the offenders' compliance with the conditions of the Residential Inpatient Drug and Alcohol Program.
- (7) Policy and procedure for responding to major and minor violations of Residential Inpatient Drug and Alcohol Program conditions.

Source

The provisions of this § 451.121 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial pages (160843) to (160844).

Cross References

This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); 204 Pa. Code § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs); and 204 Pa. Code § 303a.1 (relating to preliminary provisions).

§ 451.122. Victim Restitution Program.

(a) The board shall approve and implement written policies and procedures for the Victim Restitution Program.

(b) The Victim Restitution Program policies and procedures shall include the following elements:

- (1) The requirement that an offender pay a reasonable amount of restitution as determined by the court.
- (2) The requirement that the amount of restitution be fixed by the court.
- (3) The development, whenever feasible, of private sector or subsidized employment, or both, to enable indigent offenders to pay restitution.
- (4) The development of a strategy to encourage payment of restitution.

- (5) The establishment of a reporting system to collect individual offender and aggregate program data on restitution ordered and restitution collected.
- (6) A drug testing capability for appropriate offenders.
- (7) A monitoring component to ensure the offender's compliance with conditions of the Victim Restitution Program.
- (8) Policy and procedure for responding to major and minor violations of Victim Restitution Program conditions.

Source

The provisions of this § 451.122 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial page (160844).

Cross References

This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); 204 Pa. Code § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs); and 204 Pa. Code § 303a.1 (relating to preliminary provisions).

§ 451.123. Work Camp Program.

- (a) The board will approve and implement written policies and procedures for the Work Camp Program.
- (b) The Work Camp Program policies and procedures shall include the following elements:
 - (1) A drug testing capability for appropriate offenders.
 - (2) A requirement that offenders be housed separately from the general prison population.
 - (3) The anticipated length of offenders' participation in the Work Camp Program.
 - (4) An aftercare program that will be part of postrelease supervision.
 - (5) The training, treatment and education given during confinement to promote the development of new behavior.
 - (6) An inmate safety program.
 - (7) Liability issues involving work assignments.
 - (8) A monitoring component to ensure offenders' compliance with the conditions of the Work Camp Program.
 - (9) Policy and procedure for responding to major and minor violations of Work Camp Program conditions.

Source

The provisions of this § 451.123 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial page (160845).

Cross References

This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); 204 Pa. Code § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs); and 204 Pa. Code § 303a.1 (relating to preliminary provisions).

§ 451.124. Work Release Program.

(a) The board will approve and implement written policies and procedures for the Work Release Program.

(b) The Work Release Program policies and procedures shall include the following elements:

- (1) The specific criteria for eligibility for sentencing to work release.
- (2) A drug testing capability for appropriate offenders.
- (3) A mandated number of visits to or contacts with the work place by Work Release Program staff.
- (4) Procedures for notifying employers of their responsibilities to their employed offenders.
- (5) Procedures for notifying employers of the status of their employed offenders.
- (6) The length of offenders' participation in the Work Release Program.
- (7) The mechanics of accounting for and auditing of offender earnings.
- (8) A monitoring component to ensure offenders' compliance with the conditions of the Work Release Program.
- (9) Policy and procedure for responding to major and minor violations of Work Release Program conditions.

Source

The provisions of this § 451.124 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial pages (160845) to (160846).

Cross References

This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act Funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); 204 Pa. Code § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs); and 204 Pa. Code § 303a.1 (relating to preliminary provisions).

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