

## COURT OF COMMON PLEAS OF LANCASTER COUNTY

### Initiatives/Business Practices Implemented as Alternatives to Incarceration

The following programs, initiatives, and business practices have been implemented by the Court of Common Pleas of Lancaster County as alternatives to incarceration:

1. **Bail Modification**- The Court considers bail modification petitions at any time while a case is pending.
2. **Fast Track Violation Protocol** (preliminary violation [Gagnon I] and violation [Gagnon II] hearings can be waived by an individual on supervision). This allows entire violation process to be completed in approximately five to eight business days (established 2018).
3. **Non-custodial probation/parole** violations (individuals on supervision remain in the community pending probation/parole violation hearing). May include electronic monitoring/GPS and/or House Arrest.
4. **Door-to-Door Placement Program** (program for early parole directly to in-patient drug & alcohol treatment - established in 2018).
5. **Behavioral Health/Neurodevelopmental Disabilities Unit** (formerly known as Special Offenders Services - established 1981). This specialized unit within Adult Probation & Parole Services (APPS) provides probation/parole supervision to individuals with serious mental illness and/or neurodevelopmental disabilities.
6. **Treatment Courts** (each Court includes a diversionary track which enables criminal charges to be dismissed and record expunged upon successful completion). Drug Court (2005); Mental Health Court (2010); Veterans Court (2012).
7. **Evidence-Based Practices** (EBP) for community corrections within APPS. These are interventions that have been shown through scientific research to produce positive outcomes for individuals involved in the justice system.

Eight principles of effective intervention: 1. Use of actuarial risk/needs assessment tool. 2. Enhance motivation to make positive behavior change. 3. Target interventions. 4. Skill train with directed practice. 5. Increase positive reinforcements (sanctions & incentives). 6. Engage family and community supports. 7. Ensure fidelity to processes and practices (performance measurement). 8. Provide feedback using data as a guide.

8. **Treatment Liaison Probation Officer** position (established 2016).
9. **Early release** from probation sentences policy (established 2017).
10. **County-wide Crisis Intervention Team** (CIT) training for all law enforcement (established 2018). CIT is a collaborative effort of local agencies, law enforcement, and the mental health community to ensure that mental health crisis situations are responded to with respect for the individual and proper consideration of mental illness.
11. **County-wide Stepping Up Initiative** (established 2018). The Stepping Up Initiative supports local jurisdictions in establishing and reaching goals that demonstrate reduced prevalence of serious mental illness across the justice system.
12. **Lancaster County Prison (LCP) Commitment Review Panel** (established 2016) (Representatives from the Common Pleas Court, Magisterial District Court, Adult Probation & Parole, District Attorney, Public Defender, Court Administration, Bail Administration/Pretrial Services meet to review all commitments to LCP). Utilized when necessary.

These programs, initiatives, and business practices are combined efforts of the criminal justice system stakeholders and have all helped reduce the Lancaster County Prison population from a daily average of approximately thirteen hundred (1,300) to a daily average of approximately seven hundred fifty (750).

## COURT OF COMMON PLEAS OF LANCASTER COUNTY

### Adult Probation & Parole – Violation process

#### AVERAGE LENGTH OF COMMITMENT IN LCP FOR TECHNICAL/DIRECT VIOLATIONS

To determine the average length of stay from initial incarceration until an inmate is sentenced, a sample of 50 cases was taken from Adult Probation and Parole cases on 1/27/23 (25 Technical Violations and 25 Direct Violations) and the following results were provided:

#### **Technical Violations** (Violations which result from probationers not following standard APPS Rules)

-The average length of stay for the 25 cases sampled was 26 days.

- Outlier cases:
- #1 1 requested a Gagnon I Hearing (preliminary hearing on a technical violation).
  - #2: 1 Sex Offender Unit case required an ADA to be present – rescheduled.
  - #3: 1 case defendant requested a full hearing (hearing required more time and additional parties to be present).
  - #4: 1 case needed to be returned to a particular sentencing judge (sentenced to a significant amount of time at the hearing).

If the above four cases are removed, the average length of stay was 21 days for the remaining 21 cases.

#### **Direct Violations** (Violations which result from probationers committing new criminal offenses)

- Average length of stay for the 25 cases sampled was 78 days.
- Charges ranged from ungraded misdemeanors to the highest graded charge of F2 Possession of Firearms.
- 12 cases were ungraded felonies (drug delivery cases) to the highest grading of F2.
- 5 cases were M2 assaultive offenses or M1 charges.
- 8 cases were a combination of ungraded misdemeanor drug charges and M3 charges (Harassment/Disorderly Conduct/Driving Under Suspension type charges).

#### **Points to note:**

-The disparity in length of stay between Direct Violations and Technical Violations is due to recent caselaw (Commonwealth V. Giliam) which impacts new charges only and requires a defendant to be sentenced on a new charge prior to sentencing on a probation/parole violation.

-Although the length of stay may be longer on some Direct Violations, upon sentencing on the new charges, defendants are receiving substantial county or state sentences.

-For those charges that can be resolved at the MDJ level, the average length of stay is lower.

-Prior to incarceration on both technical and direct violations, both the supervising officer and supervisor review the case and determine that incarceration is warranted, and successful supervision cannot be achieved by placing the defendant on non-custodial status.

-Non-custodial status is afforded to those defendants who are not a risk to the community or themselves and are determined not to be a flight risk.