



## **Implementation Guide**

*A tool to help jurisdictions replicate an effective pretrial bail supervision program for repeat drunk driving offenders*

## Acknowledgements

This guide was developed for the purpose of helping jurisdictions replicate Target 25, was produced in collaboration with the innovative stakeholders of York County, Pennsylvania, who skillfully created the program. We'd like to thank the following individuals for their help collecting the subsequent information:

- The Honorable John S. Kennedy, York County Court of Common Pleas
- Tim Barker, Chief Deputy Prosecutor, York County District Attorney's Office
- Mark Bentzel, Chief of Police, Northern York County Regional Police
- Michael Stough, Deputy Director, York County Adult Probation and Parole Department

Target 25 is a highly acclaimed program aimed at reducing repeat DUI offenses. In September 2014 the Governors Highway Safety Association (GHSA) awarded Judge Kennedy and York County's Target 25 program with the 2014 Peter K. O'Rourke Special Achievement Award for outstanding highway safety accomplishments.

Additionally, in March 2015 the administrator of the National Highway Traffic Safety Administration (NHTSA) presented Judge Kennedy and the Court of Common Pleas of York County with NHTSA's Public Service Award, which recognizes individuals or organizations who exemplify high standards of achievements in the field of traffic safety and have contributed to the quality of life in the community, state, or nation.

For additional information about Target 25, contact Mindy Huddleston at [mhuddleston@scramsystems.com](mailto:mhuddleston@scramsystems.com).

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## About York County, Pennsylvania

Nestled in the lush Susquehanna River Valley of South Central Pennsylvania, York County can trace its roots back to the 1740s when it became the state's fifth county. While agriculture has long been a mainstay for the area, York County has also evolved into a major manufacturing hub, including being home to the main Harley-Davidson factory. With more than 430,000 residents, the county is Pennsylvania's eighth largest. It is part of the York-Hanover Metropolitan Area, which is the fastest-growing metro area in the Northeast region of the U.S.

Prior to 2012, DUI cases comprised nearly 25% of the caseload for the York County courts, and 25% of those cases involved repeat DUI offenders. There were 679 second convictions, 230 third-time convictions, and 115 convictions for a fourth or subsequent DUI offense. Unfortunately, 25% of these drunk drivers were reoffending between the time they were stopped and the time they appeared at court to enter a plea for the original DUI offense.

This data spurred the Honorable John S. Kennedy of the Court of Common Pleas to lead a local task force to examine the manner in which the York County courts process repeat DUI offenders.

## Background: What is Target 25?

In 2011, the York County Criminal Justice Advisory Board formed a subcommittee to analyze the potential expansion of the DUI Treatment Court. This subcommittee consisted of representatives from all areas of the criminal justice system. As part of this subcommittee, the Criminal Bench raised a concern that they were seeing DUI defendants being arrested multiple times before the resolution of their first DUI. This phenomenon was heightened following a Pennsylvania Supreme Court decision that resurrected the concept of the “1<sup>st</sup>-1<sup>st</sup> DUI,” the “2<sup>nd</sup>-1<sup>st</sup> DUI,” the “3<sup>rd</sup>-1<sup>st</sup> DUI,” etc.

Many theories were discussed as to why this multiple offender group was so large. The DA’s Office volunteered to analyze all repeat and multiple offender DUI files. Following an exhaustive review of all 2010 information, officials identified four major problems:

- First, a substantial delay existed between the date of incident and date of filing (an average of 22.21 days) for repeat DUI offenders.
- Second, a substantial delay existed between the date of incident and the holding of a preliminary hearing (an average of 57.81 days) for repeat DUI offenders. This issue was directly caused by the summons system employed for repeat DUI offenders, despite there being an immediate danger to society.
- Third, most repeat offenders consistently received Release on Recognizance (ROR) bail without conditions regardless of the number of previous DUI arrests or convictions. Even those offenders who received monetary bail received low bail and no conditions upon release.
- Finally, the analysis revealed that repeat DUI offenders within the 10-year statutory look back period constituted approximately 25% of York County’s DUI offenses for 2010 (hence the name “Target 25”).

Target 25 has its roots in the 24/7 Sobriety Program concept which is promoted by NHTSA and supported by funding from the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

## The Process

### ***Arrest and Charging***

- During a DUI arrest, an officer requests the DUI suspect's criminal history and driving record from the Sheriff's Department. The purpose of this review is to see if the suspect has any prior DUI convictions within the statutory 10-year-look-back period (the time period in Pennsylvania DUI statutes wherein previous DUI convictions constitute a prior DUI offense for sentencing purposes) or a pending DUI offense.
- If the DUI suspect has such prior or pending DUI offenses, then the officer or a Sheriff's Deputy transports the DUI defendant to Central Booking at the York County Judicial Center.
- The officer then charges the DUI defendant with DUI under either 75 Pa.C.S.A. § 3802 (a)(1); (d)(2); or (d)(3), (the general impairment DUI subsections for alcohol and/or drugs, depending upon the impairing substance suspected at the time of arrest). Approximately 52% of such defendants have a drug on board, with the dominant drug being marijuana.

### ***Arraignment and Preliminary Hearing***

- A Magisterial District Judge then preliminarily arraigns the DUI defendant, with Target 25 bail conditions imposed at a minimum during arraignment. These conditions include:
  - Being placed on Supervised Bail under an Adult Probation Officer assigned to the Supervised Bail Unit of the Adult Probation Office (APO).
  - A requirement that the DUI defendant must wear an alcohol monitoring device around the ankle, providing 24/7 prohibition against the consumption of alcohol.
  - The option for the DUI defendant to also be subject to drug testing through the county-contracted facility near the Judicial Center. Drug testing is a critical component of the program.
- Following the preliminary arraignment and imposition of Target 25 bail conditions, a preliminary hearing is established in a block scheduling time for the Magisterial District Judge. On average this is scheduled within 38 days of the DUI defendant's arrest.
- The charges are then amended prior to or at the preliminary hearing based upon the toxicological results, which are received from a forensic toxicology laboratory with interpretation by a forensic toxicologist.

### ***Sentencing and Supervision***

- Additionally, following the arrest of a Target 25 DUI offender, the Sheriff's Department notifies the DA's Office to start a Target 25 screening process. A multi-step process within the DA's Office then ensues:
  - Initially, support staff request police and lab reports.
  - Victim/Witness Coordinators screen each file for potential victim information and services.
  - Case Managers calculate prior records through criminal and driving records.

- Finally, the Chief Deputy Prosecutor overseeing the Vehicular Crime Unit and prosecutors serving Treatment Courts review each Target 25 offender file. In this review, the Chief Deputy Prosecutor determines if the defendant is eligible for DUI Treatment Court, and if so, pre-approves their admission into DUI Treatment Court. [CLICK HERE for Eligibility Requirements.](#)
- The DA's Office sends this information to the DUI Treatment Court Supervisor for the APO.
- All victims are contacted for their input before sending an approval to the APO.
- The Chief Deputy Prosecutor places a sentencing recommendation in the file for all Target 25 defendants who are not DUI Treatment Court eligible. The file flow for Target 25 cases takes approximately 25 days to complete, including sentencing recommendation and DUI Treatment Court referral.
- Finally, the Deputy Administrator of Case Management within the DA's Office records the Target 25 data for future analysis and statistical purposes.
- Concurrent with these processes, APO Supervised Bail Officers engage in supervision of the Target 25 defendants. This process includes treatment recommendations made by the Supervised Bail Officer to the defendants.
- Also, an alcohol monitoring bracelet is attached to the defendant to effectuate 24/7 alcohol consumption monitoring. Drug testing also may be mandated. The average time between arrest and alcohol-monitoring bracelet installation is only six days.

While further substance abuse counseling is not mandated as part of Target 25, Supervised Bail Officers are highly successful at guiding defendants into treatment through recommendations and referrals. Supervised Bail Officers also aid defendants in applying to DUI Treatment Court.

To aid in establishing these requirements, the President Judge of the York County Court of Common Pleas issues orders establishing Target 25 bail conditions and the time frames for scheduling preliminary hearings. The DA's Office also provides law enforcement with charging policies and explanatory position papers on the implementation of Target 25.

#### **SPECIAL NOTES**

1. *Target 25 does not replace DUI Treatment Court, but is a complement to it. However, a DUI Treatment Court is not required to establish a Target 25 program.*
2. *As a pretrial program, Target 25 is also a complement to state ignition interlock programs since interlocks are often mandated upon DUI conviction.*

## Target 25 Outcomes

The success of Target 25 is getting noticed. Lancaster County, Pennsylvania, and Warren County, Missouri, have both modeled new pretrial programs based on the key principles of Target 25.

Target 25 has had a dramatic impact on repeat alcohol-impaired driving in York County:

- In 2011, before the program began, there were 46 DUI suspects who committed a second offense while their original case was pending. In the program's first year, Target 25 reduced that number to four—a 91% decrease.
- During 2013, the Target 25 Program reduced the number of repeat offenders committing new DUIs in the same year by over 90%.
- DUI victims served by the DA's Office dropped from 18% in 2011 to 6% in 2013.
- State crash data shows that York County crashes resulting in an injury or fatality due to a drinking driver fell 21% in 2013 compared to the previous three-year average.
- As of 2014, 84% of Target 25 offenders had no re-arrests, no infractions, no failures to appear, and no revocations.
- Target 25 is also helping to ensure DUI offenders are appropriately categorized and sentenced. Under Pennsylvania law, drunk drivers who commit an additional offense before their first case has been resolved may be charged with the same level of offense—such as two first-offense DUIs—which may result in lesser penalties for the offender. By nearly eliminating pretrial re-offense, Target 25 has resolved this issue.

In 2014 Judge Kennedy and Target 25 received the Peter K. O'Rourke Special Achievement Award from the Governors Highway Safety Association. This national award is given in recognition of notable achievements in the field of highway safety.

In 2015 the National Highway Traffic Safety Administration (NHTSA) presented Judge Kennedy with its Public Service Award at the 33<sup>rd</sup> Annual Lifesavers Conference. Target 25 has also received considerable local and national media attention, with editorial boards holding the program up as a successful and innovative strategy for dealing with drunk driving.

## Memo from DA's Office to Chiefs of Police

### COMMONWEALTH OF PENNSYLVANIA

#### COUNTY OF YORK

TOM KEARNEY  
DISTRICT ATTORNEY



YORK COUNTY JUDICIAL CENTER  
45 NORTH GEORGE STREET  
YORK, PA 17401  
Phone: (717) 771-9600  
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To: Chiefs of Police

From: Tim Barker, Chief Deputy Prosecutor

Date: 1/31/12

#### **Purpose**

Since implementation of the DAI/DUI Policy and Protocol known commonly as the "Target 25" protocol, various law enforcement agencies raised questions about the impact of this change. "Target 25" received its name because it targets the approximately 25% of our DUI defendants who are repeat/multiple offenders. This Memorandum is written in a question and answer format to hopefully address the concerns of law enforcement.

#### **1. What is the time frame in which preliminary hearings should be scheduled?**

**Answer:** The MDJs should be scheduling preliminary hearings for the first DUI Block after 20 days from the date of arrest. We requested this scheduling specifically to allow us the opportunity to gather information and review whether a defendant is DUI Treatment Court and/or IP appropriate before the preliminary hearing. This met approval by the DUI Committee that meets at the Judicial Center, chaired by Judge John S. Kennedy and containing representatives from law enforcement.

The national standard encouraged for such review is 20 days following arrest to make DUI Treatment Court eligibility determinations. We realize that for select cases we will not have all of the information we need, i.e., defendants who have out-of-state CDRs. But we figure that we can address most defendants in this time frame.

We understand that some MDJ offices have not scheduled hearings in accordance with the request from the DUI Committee. To ensure uniformity, Court Administration prepared and is proposing an Administrative Order to be enacted by the President Judge addressing this issue. We will keep all law enforcement agencies updated on the Administrative Order.

**2. Do out-of-state offenses count for the “Target 25” population?**

**Answer:** Yes, out-of-state offenses count as prior offenses for the “Target 25” population. So long as the out-of-state conviction for DUI or its equivalent occurred within 10 years of the current offense, or is a pending offense, it counts for “Target 25” purposes.

**3. Why only look back 10 years for prior offenses?**

**Answer:** We are doing this to mirror the DUI statute and its 10-year look back period for prior offenses. This does not mean that we do not take all prior offenses seriously. But we want to keep this approach uniform with the DUI statute.

**4. What happens if we do not have the toxicology results back from the lab by the time of the preliminary hearing?**

**Answer:** Have the hearing on the (a)(1) [General Impairment-Alcohol] or on the (d)(2)/(d)(3) [General Impairment-Drugs or General Impairment-Drugs and Alcohol]. We will amend the charges at the time of filing of the information with the Court of Common Pleas to reflect all of the applicable subsections based upon the toxicology.

Do NOT continue the preliminary hearing in order to have the toxicology results. The continuance would defeat the purpose of the charging protocol. A continuance should only be requested if there is the unavailability of a material witness.

**5. How can you just add a DUI subsection in the information? Isn’t the defendant entitled to have the case remanded for a new preliminary hearing on the added subsections?**

**Answer:** We can add any DUI subsection at the Court of Common Pleas level because each DUI subsection is cognate offense of each other. This is the same reason why under old 3731 we could charge (a)(1) and then just add other DUI subsections later. This rationale regarding cognate offenses also applies to 3802.

Originally, our office was concerned when the legislature enacted 3802 that the subsections would not be cognate offenses because of the Tier System, which made the potential penalties under 3802 different depending upon your applicable tier. Out of this concern, our office informed all law enforcement to refrain from filing charges until you had the toxicology results and knew the correct tier for the defendant. Since then, however, the appellate courts clarified that 3802 subsections are cognate offenses of each other. Accordingly, we can add subsections when we file the information with the Court of Common Pleas—in fact we have been doing so for some time now when we see that the subsections of 3802 were incorrectly charged.

Finally, a defendant is NOT entitled to a remand for a preliminary hearing by adding a separate DUI subsection. Our sole requirement is that we do not add a subsection at such a late date as to prejudice the defendant, thereby denying the defendant the right to prepare for trial. The courts have found such violations have not occurred when subsections were added on the eve of, and even during, trial depending on the facts and circumstances known to the Commonwealth at the time of trial.

**6. Won’t the defendant be able to pull a fast one and enter a quick plea on (a)(1) before an MDJ or the Court of Common Pleas?**

**Answer:** No, the defendant cannot pull a fast one and enter a quick (a)(1) plea. Our office specifically discussed this with the DUI Committee as one of our concerns in doing this project. To

prevent this, certain safeguards are in place. First, we will not make a plea offer on any case without toxicology results. Second, Judge Kennedy will not accept any plea without having the toxicology results from the lab. Third, the MDJ's are not to take any DUI pleas without receiving permission to do so. Court Administration has already given such instruction to the MDJ's. To the best of my knowledge, we had only one plea occur before an MDJ this year, and that was with the express approval of Court Administration, Judge Kennedy, and our office in order to ship the defendant back to his SCI as soon as possible.

**7. Does it matter if the defendant waives his case into court before the complaint can be amended?**

**Answer:** No, it does not matter if the defendant waives his case into court before the complaint could be amended. The reason for this is contained in the answers to Questions 5 and 6. In fact, "Target 25" defendants may want to waive their prelims early due to being on Supervised Bail with SCRAM Continuous Alcohol Monitoring and our early determinations on appropriate sentences.

**8. Will some cases fall through the cracks and toxicology results be missed?**

**Answer:** No, the toxicology will not fall through the cracks. We have a specific screening methodology in place for these cases, which culminates with my personal review of each "Target 25" file. When I do not see a toxicology result in the file, our office personally contacts the lab in order to directly receive a copy of the report. If I am out of the office, then our Vehicular Team, led by ADA Miranda Blazek with ADAs Amy Bracher and Jennifer Smith, will conduct such reviews.

**9. What if we have possible charges beyond the "Target 25" DUI that require further investigation? Do we file the DUI and amend later or wait until our investigation is finished?**

**Answer:** This absolutely depends upon the nature of the charges being investigated. For instance, you will never file the DUI charges if a fatality is being investigated further. This would clearly also apply for offenses like Murder, Robbery, PWID, etc. But you most likely will file charges if the other charges are possession of a small amount or paraphernalia. It just depends on the facts of the case at hand. Remember, other crimes are not cognate offense of the DUI, so those may require a hearing. Common sense will really win the day. Just remember, when in doubt, contact the Vehicular Team and they will give you guidance.

**10. What about victims—are their rights being protected in this system?**

**Answer:** Yes, they are. 18% of all victims served by this office in 2011 were victims of DUI or other vehicular crimes. Accordingly, we have a Victim/Witness Coordinator devoted to the Vehicular Crimes Unit to assist victims. Also, we contact victims to ask their opinion concerning DUI Treatment Court applications and address sentencing issues with them.

In fact, this process has actually helped us better serve victims. We discovered numerous cases where Aggravated Assault by Vehicle while DUI charges were not filed because law enforcement did not follow up with the victims in the days to week after the crash to inquire about their condition. Also, we see cases where law enforcement failed to request medical records as part of the investigation. This system has helped us catch such issues at an earlier stage, although such follow up with victims should be a standard part of the DUI investigation.

**11. Why are we bothering to do this—is there really a problem that we are addressing that is worth it?**

**Answer:** Yes, there is a huge problem with DUI defendant recidivism! In the York County criminal justice system, approximately 30% of the cases charged were DUI offenses. And as mentioned previously, we call this “Target 25” because 25% of our DUI cases in 2010 were repeat or multiple DUI offenders. And at the rate we are going this year, that number will be higher. We also discovered that the summons process for DUIs was allowing repeat offenders to cruise our streets without any public safety precautions for months and months. Now with Supervised Bail and SCRAM CAM, these defendants will be monitored appropriately before sentencing.

If anyone wants to doubt the need and effectiveness of this program, we offer to you the following provided by Judge Kennedy:

“I just started presiding over the DUI Treatment Court. I have asked participants when they had their last drink. Just about everyone has said, ‘the day before the SCRAM monitor went on.’ I mentioned to one man, who had 9 months between arrest and SCRAM, that he was lucky he did not get another DUI. He candidly admitted he drove drunk at least a dozen times during that time period.”

And there are many more stories like these that we could share. The question is not why do this, but is why did it take so long to do this.

## Scheduling Target 25 Preliminary Hearings

### IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

IN THE MATTER OF

No. 67-AD-2-2012

SCHEDULING TARGET 25  
PRELIMINARY HEARINGS

#### ORDER

AND NOW, TOWIT: this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Magisterial District Judges for the 19<sup>th</sup> Judicial District of Pennsylvania (York County) shall, in accordance with Pa. R. Crim P. 540 (F)(l)(a), commence scheduling preliminary hearings under the Target 25 (Repeat DUI Offender) Initiative, no sooner than twenty (20) days from the date of preliminary arraignment except for good cause shown. Good cause exception shall include the delay in the receipt of the results of blood alcohol content.

This Order shall become effective immediately.

BY THE COURT,

  

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## Establishing Fee to be Paid by Offenders Subject to Electronic Monitoring

**IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA**

IN THE MATTER OF:

No. CP 67-AD-32-2012

ESTABLISHING FEE TO BE PAID BY  
OFFENDERS SUBJECT TO ELECTRONIC  
MONITORING

**ADMINISTRATIVE ORDER ESTABLISHING FEES TO BE  
PAID BY OFFENDERS SUBJECT TO ELECTRONIC  
MONITORING**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, fees to be paid by any probation or parole offender shall be as follows:

- a. \$9.00 per day;
- b. Initial hook-up fee of \$75.00.

Fees established by this Administrative Order shall remain in effect until further Order of Court.

The York County District Court Administrator shall:

- (a) Provide one (1) certified copy to the Clerk of Courts of York County to be kept constantly available for public inspection and copying. Upon request and payment of reasonable fees for production and mailing, the Clerk of Courts shall furnish a copy to any person requesting a copy;
- (b) Cause a copy of this Administrative Order to be published one time in the York Legal Record at the expense of the County of York;
- (c) Distribute a certified copy of this Order, electronically, if possible, to all Common Pleas Judges, Magisterial District Judges, and all members of the Bar of this Court;
- (d) Provide copies of this Administrative Order, electronically, if possible, to the Adult and Juvenile Probation Departments of York County, District Attorney of York County, and Public Defender of York County.

BY THE COURT,

# York County Bail Bond Form

OTN:	MDJ No.:	Date of Charges:
CC No.:	NDJ Docket No.:	
Def. Name/Address:		Next Court Action:
LEAD OFFENSE:		
ADDITIONAL CHARGES MAY EXIST, PLEASE SEE ADDITIONAL CHARGES PAGE		
<b>TYPES OF RELEASE:</b>		
<input type="checkbox"/> ROR	<input type="checkbox"/> Unsecured Bail	<input type="checkbox"/> Nonmonetary Condition(s) (see additional page(s))
<input type="checkbox"/> Nominal Bail	<input type="checkbox"/> Monetary Condition(s) in the amount of _____	
<b>THE CONDITIONS OF BAIL ARE AS FOLLOWS:</b>		
<ol style="list-style-type: none"> <li>1. The defendant must appear at times required until full and final disposition of the case(s).</li> <li>2. The defendant must obey all further orders of the bail authority.</li> <li>3. The defendant must provide a current address and must give written notice to the bail authority, clerk of courts, the district attorney, and the court bail agency or other designated bail officer, of any changes of address within 48 hours of the date of the change.</li> <li>4. The defendant must neither do, nor cause to be done, nor permit to be done on his or her behalf, any act as prescribed by Section 4952 of Crimes Code (relating to intimidation of witnesses or victims) or by Section 4953 (relating to retaliation against witnesses or victims, 16 Pa.C.S. 4952, 4953.</li> <li>5. The defendant must refrain from criminal activity.</li> <li>6. The defendant must comply with any fingerprint order, if any is issued by this court.</li> </ol>		

I verify that the above conditions of bail have been imposed.

\_\_\_\_\_ Date \_\_\_\_\_

<b>TYPES OF SECURITY:</b>		
<input type="checkbox"/> Cash/Equivalent	<input type="checkbox"/> Gov't Bearer Bond	<input type="checkbox"/> Realty within Commonwealth
<input type="checkbox"/> % Cash	<input type="checkbox"/> Surety Bond	<input type="checkbox"/> Realty outside Commonwealth
TOTAL AMOUNT BAIL SET (IF ANY): (see sureties page)		
BAIL DEPOSITOR(S):		
Depositor Name: _____	Amount: _____	

This bond is valid for entire proceedings and full and final disposition of the case including all avenues of direct appeal to the Supreme Court of Pennsylvania.

I AGREE THAT I WILL APPEAR AT ALL SUBSEQUENT PROCEEDINGS AS REQUIRED AND COMPLY WITH ALL THE CONDITIONS OF THE BAIL BOND.

THIS BOND SIGNED ON \_\_\_\_\_, \_\_\_\_\_

at \_\_\_\_\_, Pennsylvania

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Signature of Witness (Surety)

\_\_\_\_\_  
Defendant's Address:

\_\_\_\_\_  
(Surety)

\_\_\_\_\_

OTN:	MDJ No.:	Date of Charges:
CC No.:	MDJ Docket No.:	
Def. Name/Address:		Next Court Action:

**Release Conditions:**

\_\_\_\_\_  
(Signature of Defendant)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Signature of Issuing Authority)

**Supervised Bail: TARGET 25 Conditions**

- A. You will cooperate with referrals for a CRN and drug and alcohol evaluation. You will complete any recommended treatment by the evaluator. You will pay the costs of said evaluations and treatment programming.
- B. You will abstain from the use of alcohol and any illegal substances.
- C. You will cooperate with the SCRAM Program Agreement as administered by the York County Pre-trial Services Unit and the following stipulations of SCRAM CAM monitoring:
  - 1. You will pay \$9 per day for the costs of SCRAM CAM monitoring to be paid in 30-day increments in advance. A \$75 hook-up fee is charged for a first payment totaling \$345 payable to the York County Adult Probation & Parole Department. Thereafter, each month of monitoring will cost \$270.
  - 2. You will remain on SCRAM CAM monitoring until final disposition of the case or until the Court modifies the existing bail Order.
  - 3. You will follow a 10:00pm – 6:00am curfew unless otherwise approved by the York County Adult Probation & Parole Department.
- D. You will report to the York County Adult Probation & Parole Department located at the Judicial Center, 45 North George Street, York, PA 17401 within two court business days of your supervised bail placement for intake purposes and to arrange for SCRAM CAM installation.

## York County Bail Placement Procedures

There are two primary goals of the York County Supervised Bail Program:

- 1) Reduce prison overcrowding through identification and placement of non-violent offenders.**  
It is understood that these offenders are unable to otherwise meet a monetary bail, they reside in York County, they have traditionally appeared for past court dates, and they pose little risk of perpetuating their crime cycle with proper monitoring and introduction of social service referrals.
- 2) Wherever possible, save jail days post-conviction via outcomes-based bail program initiatives.**  
To assist in this effort and at the onset of supervision, the bail officer administers a risk assessment tool to determine the frequency of reporting and offender needs toward rehabilitation. Most offenders are seen intensively or at a maximum level of supervision. Of course, Target 25 offenders are continuously monitored via SCRAM Continuous Alcohol Monitoring. The secondary goal of the program is to stabilize these offenders by engaging them in court-stipulated or community-based services so that a marked improvement is made by the time the case reaches trial. Appropriate offenders are referred to specialty programs such as Drug Treatment Court, DUI Court, or Intermediate Punishment programming as alternatives to mainstream case flow.

In a further effort, the District Attorney's Office has agreed to offer a Guilt Without Further Punishment disposition in certain de minis cases where the offender has met the requirements of the Supervised Bail Program. There are some offenders who have even had their charges dismissed or significantly reduced as a result of their positive efforts while on pre-trial monitoring.

The supervised bail program is meant to attack the problem at the front end of the criminal justice process in the hopes of better administrative outcomes, including alleviation of court congestion, clearing jail bed space for more serious or suited persons, and cost efficiency in all aspects of our judicial community.

### **Placement Procedures**

- Many defendants, including Target 25 offenders arraigned in Central Booking, are given ROR bail or Non-Monetary bail with supervised release monitoring.
- The duty judge shall direct such offenders to the York County Probation Department within 48 hours of their process and release for intake and SCRAM CAM install purposes.
- The bail bond order and police report shall be faxed or emailed to the Probation Department by the assigned magisterial court. The case is assigned to a pre-trial officer upon receipt of intake and placement paperwork.
- For defendants who are placed under monetary bail conditions and are ultimately lodged in the York County Prison, the prison records department shall notify the Probation Department in writing when that monetary bail is posted or if that bail is modified to include pre-trial monitoring.
- Such defendants are held in custody until supervised release conditions are signed and the defendant is approved for pre-trial services monitoring.

- Upon this approval, the Probation Department will notify the York County Prison records division in writing that the offender is eligible for the next available release.
- It is mutually agreed upon between the Probation Department and the Prison that offenders will be seen and processed out within two business days, barring unusual circumstances.
- If problems exist concerning the individual's release or placement onto the program, the assigned judge will be notified immediately for consultation.
- Again, the bail bond order and police report for incarcerated individuals shall be faxed or emailed to the Probation Department by the assigned magisterial court.

## York County Adult Probation: Alcohol/Electronic Monitoring Policy

York County Adult Probation supervises both sentenced and pretrial offenders placed on SCRAM Continuous Alcohol Monitoring, global positioning systems (GPS) bracelets, and electronically monitored house arrest during varying terms of supervision as ordered by the Court of Common Pleas and Magisterial District Judges. The following policy guides the installation, use, and monitoring of offenders placed on these devices.

### **Scope**

This policy applies to all employees of the Adult Probation Department. Home monitoring is frequently an option chosen by the judiciary as an alternative to incarceration for certain offenders, especially DUI offenders. Therefore, the Adult Probation Department must confirm that offenders comply with conditions of their home monitoring to ensure no further victimization of the community occurs, either while on pretrial bail supervision or while on intermediate punishment/probation and/or parole supervision.

Expectations are outlined with regard to the following:

- Intake procedures for individuals placed on a home monitoring device
- Officer response times to various types of alerts
- Management expectations for the supervision of these cases
- Offender payment of financial obligations

Questions regarding this policy should be directed to your direct supervisor. If your direct supervisor is unavailable, contact the day supervisor or a deputy chief.

### **Home Monitoring Devices**

The York County Adult Probation Department currently contracts with a service provider to provide the following monitoring services:

- Continuous Alcohol Monitoring bracelet with optional RF monitoring
- 3M Global Positioning Systems bracelet
- RF Electronic Monitoring Bracelet

### **Management Responsibilities**

Management staff should log into the offender management system (OMS) (SCRAM or 3M) daily to ascertain the correct probation officer is assigned to an offender's case. If the case assignment is incorrect, the supervisor should change the name in the OMS in the case of SCRAM. With regards to GPS monitoring, the supervisor should email the name of the assigned probation officer to the service provider.

Thereafter, management staff must log into the OMS daily to ensure probation officers are clearing alerts as required by policy. If alerts are not cleared per policy, management staff will address this with the assigned probation officer immediately. If an assigned probation officer continuously fails to address alerts per policy, management will address this according to the discipline policy. Management staff and probation officers should make a diligent effort to resolve troublesome alerts with the office-based service provider staff prior to bringing the issues to a Deputy Chief.

With regards to cases with a balance at the time of closing and/or transfer, Supervisors must confirm that the defendant is in compliance with a payment agreement or an Administrative Hearing has been held prior to transferring a case to another unit. Cases may not be transferred between units without addressing payment noncompliance. Additionally, supervisors must confirm that all SCRAM CAM or GPS equipment has been returned to the service provider prior to transferring or closing a case.

### ***Intake Procedures***

- Two packets are available in the Intake Room for those that receive a term of SCRAM CMA or GPS:
  - Supervised Bail Intake Packet
  - SCRAM CAM/GPS Sentenced Offenders Intake Packet
- Both packets will contain GPS and SCRAM CAM application/enrollment sheets and a payment agreement for the costs of the program, along with all other applicable paperwork.
  - All paperwork should be completed by the intake officer. The application must include the number of days to be served on the program if it is a sentenced offender or indicate “indefinite” if it is a supervised bail case, as well as total costs of the program.
- Once the paperwork and intake interview is completed, the offender should be walked out of the office to the front reception area and instructed to wait in the lobby until a representative from the service provider can meet with them. Probation Officers will no longer schedule offender hook-ups to monitoring devices.
- The intake officer should then proceed to the service provider cubicle directly outside of the drug testing room. Two bins hang on the wall outside the cubicle. The application should be placed in the bin.

### ***Obligation of Service Provider Representative***

- The service provider representative is responsible to check the bin for applications and meet with offenders waiting in the lobby within a timely manner to discuss program requirements and schedule an installation date.
- Installations will be scheduled no later than one week from the date of intake if the offender is ordered monitored for less than 30 days or was placed on supervised bail with home monitoring.
- If the offender is already on SCRAM CAM and is sentenced to a subsequent term of monitoring, the same procedure applies.
- The service provider representative will schedule the offender to begin their term of Electronic Monitoring no longer than one week out from intake if the offender is sentenced to a term of monitoring over 30 days.
- If the sentence includes incarceration, the offender will be scheduled to return after their release to be placed back on the home monitoring system. They will also be instructed to bring all equipment with them when they report to the York County Prison.
- If a client is removed from the bracelet due to a violation, treatment or other scenarios where the service provider is not aware, it is the assigned officer’s duty to notify the service provider within 24 hours of the bracelet being removed.

**Defendants Without a Phone Line**

Defendants are required to have a phone line for SCRAM CAM/GPS home monitoring. If at intake, a defendant does not have a phone line, they will be given fourteen (14) days to have landline phone service connected at their place of residence. Unmonitored offenders are of great concern to the department; therefore, until such time as phone service is connected, the defendant must report three times a week to the service provider to direct connect their device to ensure compliance with home monitoring. If an offender fails to report as scheduled to direct connect the SCRAM CAM device for no legitimate reason, the officer should implement graduated sanctions as listed below.

Failure to Direct Connect	Sanction
First Failure to Report	Verbal Warning
Second Failure to Report	Administrative Hearing with Appropriate Plan
Third Failure to Report	Hearing before the Judge

Out of county and state offenders will be given fourteen (14) days to have a phone line installed. If they fail to do so, an Administrative Hearing should be scheduled to address their failure to comply. At this hearing, the offender should be given another seven (7) days to have phone service installed. If they again fail to have landline phone service installed, the case should be returned to the court for violation proceedings.

**Case Assignment**

If the defendant is already hooked up to the monitoring device at the time of case assignment, the assigned officer must:

- Log into the designated offender management system OMS (SCRAM or 3M GPS) to verify that they are listed as the assigned officer.
- Review case information within the OMS to ensure the demographic information is correct and that there are no issues with the offender’s monitoring and/or their device (battery/bracelet/alert issues).
- Contact the offender by phone and schedule a time to meet within the first two weeks of assignment. Every contact/attempt to contact the offender must be noted in AP case management system.

If the defendant is not yet hooked up to the monitoring device at the time of the case assignment, the assigned officer must:

- Contact the offender by telephone and schedule a time to meet with them within one week of receiving the case.
- After completion of the initial appointment, the individual must meet with the service provider representative to schedule installation of the home monitoring device.

If the defendant has already completed the term of home monitoring upon case assignment, the assigned officer must:

- Schedule an initial appointment within two weeks.

- Prior to initial appointment the officer must contact the service provider and request the following information:
  - Invoice for monitoring
  - Verification the individual returned all equipment

In all cases, review AP Case Management system to ensure the Home Monitoring Tab indicates the date placed on the home monitoring system and the date they will be released. **Tab should then light up red.**

With regard to electronic monitoring cases, the probation officer must conduct a home visit within 30 days of hook up to the home monitoring device to check the equipment to ensure proper placement and use. Cases sentenced to less than 30 days of home monitoring do not require a home check. Cases with alcohol monitoring only do not require a home visit.

### ***During Monitoring/Alerts***

- Viewing the Daily Action plan is a vital part of home monitoring. Failure to view and address alerts daily places the community at risk for further victimization.
- The Daily Action plans must be reviewed on a daily basis and any disputes/issues with the messages should be brought to the attention of the probation office-based service provider representative.
- Probation Officers are primarily responsible for tamper and alcohol alerts. The service provider staff will clear any alerts directly related to equipment. If the alert is an equipment issue, the service provider staff will make two diligent attempts to have the defendant report to their office to resolve the alert. If the defendant fails to appear, the service provider staff will notify the supervising Probation Officer, their direct supervisor and the appropriate deputy chief. The assigned officer must then contact the defendant to resolve the alert.
- In the event of an alert indicating alcohol was detected, Probation Officers will contact the defendant by the next business day to address the alert. If the defendant is unable to provide a satisfactory answer as to the alert event, they should report to the office daily until the event is either confirmed or denied by Alcohol Monitoring Systems (AMS).
- In the event of an alert of a confirmed consumption, the Probation Officer must respond within the next business day by consulting management, determining the most appropriate course of action, contacting the defendant, and implementing the determined course of action. With regard to a confirmed consumption, it is not mandated that the confirmed consumption be reconfirmed; however, if an officer has questions about the confirmed drinking event, they should contact AMS directly to obtain further information.
- Confirmed tampers and failures to charge equipment batteries are viewed as a defendant's attempt to circumvent the alcohol monitoring device and therefore it is vital that they be addressed immediately. These types of events should be addressed by the probation officer by the end of the next business day. In the event of a confirmed tamper, the probation officer will implement graduated sanctions to address the tamper as follows:

Number of Confirmed Tamperers and/or Battery Issues	Sanction
First Tamper	Verbal Warning
Second Tamper	Administrative Hearing With an Appropriate Plan
Third Tamper	Hearing Before the Judge

- Deliberately damaged, destroyed, or lost monitoring equipment should be addressed immediately with incarceration of the offender.
- All remaining alert types should be cleared in SCRAM/3M GPS within one week of being in “open” status. If the alert cannot be cleared in that time frame, a supervisor or deputy chief should be consulted to determine the next course of action. A note should be entered in the appropriate OMS as well as Probation regarding the alert.
- Probation Officers must obtain coverage to manage their alerts per policy while on vacation or if out of the office for more than three days. The officer must notify their direct supervisor who will be covering their alerts.
- If a client is removed from the bracelet due to a violation, treatment, bail revocation, or other scenarios where the service provider is not aware, it is the assigned officer’s duty to notify the service provider within 24 hours of the bracelet being removed.

**Case Transfers**

Every officer will meet with their offenders at a minimum of one time after monitoring is complete and before transferring the case to another unit. The transferring officer must:

- Review the invoice from the service provider with the offender for accuracy. If there is any kind of outstanding balance, schedule an Administrative Hearing to discuss payments or payment plans **before** the case may be transferred to another unit.
- Ensure all equipment has been returned.

**Completion of Monitoring/Case Closings/Sentenced Bail Cases**

Upon completion of the home monitoring portion of the sentence, the Probation Officer must contact the service provider and request the following information:

- Invoice for monitoring to include any outstanding fees owed
- Verify the individual has returned all equipment
- An administrative hearing must be held to address non-payment and/or failure to comply with a payment agreement

### ***SCRAM CAM/GPS Payment Protocol***

- If a client misses three consecutive payments or has an outstanding balance of \$300 or more, a SCRAM CAM/GPS Administrative Hearing must be scheduled.
- The client must be given notice of the Administrative Hearing as per departmental policy.
- The Probation Officer must provide a budget plan to the defendant for completion prior to the Administrative Hearing.
- At the hearing, defendants will address with the Administrative Hearing Officer their payment history, and if applicable, create or modify their payment agreement. The payment agreement will serve as the Administrative Hearing report for the officer if a violation is needed.
- If a client misses two payments after the administrative hearing, a payment review hearing must be scheduled in front of the Judge. The Client's completed budget plans must be attached to the hearing report for the Judge's review.
- If a client fails to follow through with a payment plan (two months of missed payments) after a hearing has been held with the Judge, the case must be presented to a supervisor and a Deputy Chief to determine if the defendant is indeed indigent.

## Target 25 Planning Questionnaire

### 1. What is the extent of your jurisdiction's repeat DUI problem?

Collecting data is important to ascertain how significant your DUI and repeat DUI caseload is. Some things to consider include:

- Number of multiple DUI offenders annually
- Number of DUI offenders arrested for DUI while on bail
- Number of days from Incident Date to File Date
- Number of days from File Date to Summons Sent
- Number of days from Summons Sent to Summons Returned
- Number of days from Incident Date to Preliminary Hearing
- Court appearance rate

### 2. What is the goal regarding repeat DUI offenders?

- The initial goal may be different from the stakeholders' agreed-upon goal.

### 3. Have you identified the primary stakeholders and secured their buy-in?

- *Judges*
  - Do you have support from all judges? Because they have to conduct bail hearings, set Target 25 bail conditions, etc., their buy-in is critical.
  - Buy-in can be established by outlining the problem and its dangers. (Emphasize that if you are going to be killed by a stranger it will likely be by a drunk driver.)
  - If DUI offenders are slipping through the cracks, the danger needs to be recognized and action needs to be taken.
- *Law Enforcement*
  - Do you have support from the Chief of Police and the Sheriff? Their buy-in is also critical because they must check arrest records for anyone pulled over for suspicion of DUI. If the individual has a past DUI arrest, they must be taken to Central Booking and ordered to Target 25 bail conditions.
  - The program needs to be law-enforcement friendly. The system has to improve the processing operation so it does not delay officers from getting back on the streets.
- *Probation*
  - Target 25 is a pretrial probation program. Probation must supervise Target 25 offenders and determine how to sanction confirmed drinking events and tamper events.
- *District Attorney*
  - Among other things, the DA's Office conducts a comprehensive screening process that includes making DUI Treatment Court eligibility determinations for repeat DUI offenders.
- *Treatment*

- York County’s Target 25 program works in conjunction with their DUI Treatment Court. As such, you should discuss with treatment providers how your program will ensure sobriety and refer clients to treatment.

#### **4. Obstacles**

- What obstacles do you face when planning and implementing Target 25?
- How will you overcome the obstacles? Remember, public safety and lives are at risk.

#### **5. What is your current infrastructure?**

- *Arrest procedures*
  - What are the current DUI arrest procedures? Is it “catch and release,” as described by York County, PA?
  - How do the arrest procedures need to change?
- *Flow of clients through judicial systems*
  - How do DUI offenders “flow” through the system?
  - Can that flow be improved?

#### **6. What criteria might you use for a Target 25 program?**

- *Assignment to Target 25*
  - Target 25 is a criteria- and evidence-based program. Does such a program address the DUI-related problems identified by stakeholders?
  - What criteria will be used to assign an offender to Target 25?
- *Implementation*
  - How will the various parts of the program (judicial, law enforcement, probation, etc.) be seamlessly implemented?
  - What alcohol and drug testing methodologies will you use?

#### **7. Have you come to a consensus on the program description?**

- Finalize the program’s goals.
- Define the specifics (arrest procedures, criteria, sanctions, etc.) of your program.
- Evaluate your sentencing procedures, which should include an emphasis on treatment and ideally combine with a DUI Treatment Court.

#### **8. What is the timeline for implementation?**

- Discuss and determine when you can launch your Target 25 program.
- You may consider appointing a Target 25 committee chair to define deadlines and keep the program on schedule.

#### **9. What data will you collect and how?**

- What data will be collected to assess if the program is effective (based on stated goals)?
- Who will collect this data?

## Getting Started

If you are interested in learning more about Target 25 and how to replicate the program, consider the following:

1. Watch the Target 25 Webinar, which was recorded on May 15, 2015, to hear an overview of the initiative by four representatives from the York County program. [CLICK HERE to access the recorded Webinar.](#)
2. Utilize the brief questionnaire on the previous two pages (24–25) to start planning your program.
3. For questions or more information on the Target 25 program, please contact:

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