

BUCKS COUNTY DEPARTMENT OF CORRECTIONS

Community Corrections Centers



House Arrest Handbook

Revised January 2015

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I. PREFACE

This handbook has been developed as a guide for your benefit and guidance. The rules and regulations contained in this handbook do not cover all situations that may arise, but rather serve as a basic guideline. It will provide the basic information you will need to know while on the House Arrest Program. These rules and regulations are subject to change. When changes are made, you will be properly notified. If you have any questions regarding the contents of this handbook, ask your Supervising Officer for assistance.

II. HOUSE ARREST PLACEMENT/MONITORING

The House Arrest Program is managed by the Bucks County Department of Corrections. Electronic Monitoring is *only one* of the tools that will be utilized to track your presence and compliance while on the program. This will be accomplished through the use of one form of electronic monitoring equipment.

The method of Electronic Monitoring is the GPS transmitter/bracelet, in addition, an optional monitoring box could be placed in the residence. This method of monitoring tracks the movement of an enrollee in the community. It sends a signal directly to the Community Corrections Center indicating what the enrollee's current location is in the community and whether it is an approved schedule. When you are placed on the program you will receive a visit from your Supervising Officer within twenty-four (24) hours of your sentencing and release from the Department of Corrections, following processing. At that time your supervising officer will review all rules/regulations pertaining to the program, conduct a home search, and create a work and/or a community service schedule.

Be sure to read all rules/regulations in this handbook thoroughly. You and you alone are responsible for your actions and you will be held accountable. If you are unsure ask your supervising officer for clarification.

III. AUTHORIZATION TO LEAVE YOUR RESIDENCE

- A. Participants, who have been approved by their sentencing judge (s) to participate in the House Arrest program, may leave their residence without an officer escort for all **authorized** work assignments, appointments and community service details as approved by the Supervising Officer.
- B. Once placed on house arrest, you must set-up a permanent weekly schedule with your supervising officer. A detailed, written schedule will be developed and signed by you and your supervising officer. For any appointments (medical, D/A treatment, etc.) you must contact your supervising officer at least seventy-two (72) hours in advance and await final approval before you can leave your residence.
- C. If an emergency arises, immediately call the Men's Community Corrections Center. Ask for personnel in the following order; Community Corrections

Officer, Shift Commander/Lieutenant and *then* leave a voice mail for your Supervising Officer. *Be sure to get the name of the person you spoke with.*

1. **Emergency Call List/Emergency Telephone Numbers:**

1-800-336-2090 Toll Free-Main Center
(215) 345-3906 Main Center
(215) 345-3907 Main Center

2. **Examples of Emergencies:**

- a. Running late from work or scheduled appointment due to weather/road conditions;
- b. Must leave home due to fire, fumes, flooding;
- c. Medical emergency requiring immediate attention.

D. Participants on the House Arrest Program, who are scheduled to appear in the Bucks County Court House, Domestic Relations, or a District Justice Office, will be directed to report to the Community Corrections Center for transport to these areas by Sheriff or Constable. You are not permitted, for any reason, to be in the Court House, Domestic Relations, or District Court unless accompanied by an authorized escort.

E. Privileged Time Out for House Arrest participants

The approval of this privileged time out will be determined by your Supervising Officer. You will be allotted the appropriate time out (up to the maximum of three [3] hours per week) for the purpose of purchasing the appropriate items / supplies needed while on house arrest (including but not limited to, health, personal care supplies, and clothing). This privileged time is to be utilized one time per week as discussed with your Supervising Officer. Once established, this day/time *will not be changed. There is no need to confirm the authorized time each week with your Supervising Officer.*

IV. HOUSE ARREST

A. Placement on the House Arrest Program is Court ordered or approved by the Department of Corrections and I agree to the following:

1. To reside at the approved residence listed in the House Arrest file.
2. In order to ensure the health and safety of our Officers, you are required as a condition of supervision to keep the location where you reside in a clean, habitable and safe condition both inside and out. When reporting to the Community Corrections Center you must have reasonably good, clean personal hygiene.
3. To remain at my residence at all times except as authorized by my Supervising Officer. Or if a life threatening emergency arises; or if/when

directed to do so by police, fire or medical personnel. I will report my location, and any emergencies or incidents, immediately to the Community Corrections Center and my Supervising Officer.

4. That I and all other residents of my home agree to grant admittance to my residence to any staff member of the Bucks County Department of Corrections or law enforcement officer at any hour of the day or night.
5. To confine all animals and to allow free access to my residence by Correctional Staff or law enforcement officers.
6. That my residence and all persons who reside therein must meet the approval of the Department of Corrections staff *prior* to admission to the program.
7. That no individuals may join the household unless specifically approved in advance by the Supervising Officer.
8. That *no* social gatherings will be held in my residence.
9. I will not operate any motor vehicle unless properly licensed and covered by liability insurance. The Supervising Officer must approve all driving privileges. If I am incarcerated for Driving Under the Influence or Driving Under Suspension or other DUI related offenses, I am not permitted to operate a motor vehicle. This includes but is not limited to the following; warming-up a vehicle, driving on private property, moving vehicle in driveway, etc.
10. Not to associate with any person (s) deemed undesirable by the Supervising Officer upon written notification of said officer.
11. That I will not have telephone or any other form of contact with any other participants on the House Arrest program, or with any inmates or offenders of the Bucks County Department of Corrections unless authorized, except during Community Service.
12. That I and all residents of the household agree to the following:
 - a. No alcohol opened or unopened is permitted in the residence. If any alcohol is present in the residence, it must be removed immediately.
 - b. No illegal drugs or narcotics in the residence.
 - c. No firearms or dangerous weapons shall be permitted at/in the residence, vehicles, or place of employment. (To include but not limited to: shotguns, rifles, hand guns, knives, numchucks,

pellet/BB guns, Chinese stars, bows, crossbows, and related ammunitions or materials, etc.) If weapons are already located in these places, arrangements *must* be made to have them removed until you are off of the program.

13. To refrain from the consumption and possession of alcoholic beverages, * and to not enter any establishment where the sale of alcoholic beverages is the primary source of income. ***Read all labels prior to consumption for ingredients.***
 - ❖ This includes, but is not limited to the following: mouthwash, cough syrup, and food prepared with alcohol, non-alcoholic beer, Dijon mustard, snapper soup, etc.
14. Not to use or possess controlled substances not prescribed by a physician, and to notify the supervising officer and the dispensary immediately of any controlled substance which has been prescribed by a physician.* (Note: Alcohol-free cough syrup only allowed)
 - ❖ Do not use any over the counter medications until you discuss and get authorization from your Supervising Officer. This includes, but is not limited to antihistamines, mouthwash, inhalers, all cold medications, cough syrup and all other drugs which could result in positive reading for alcohol and/or controlled substances.
 - ❖ Do not consume any poppy seeds (which can produce a positive reading for opiates) and/or any baked goods, which contain poppy seeds or other forms of the poppy plant.
15. To submit to testing in the form of breath alcohol tests and/or urine tests for the detection of alcohol/drug use upon the request of the Department of Corrections or any law enforcement officer. **It is the policy of the Department of Corrections that breath alcohol tests or urine tests will not be retested.** The type of test will be determined at the discretion of the officer. This request may come at short notification and will be performed randomly. ***You must bring all prescription medications that you are currently taking with you to the Center in their original container (most recent prescription).***
16. To submit my person, vehicle, or place of residence to search and seizure at any time of the day or night, with or without a search warrant, and with or without reasonable or probable cause by the supervising officer, Community Corrections staff or other law enforcement officers.
17. That at all times here under, I will uphold and obey the laws of the State in which I reside, and of the United States, and the statutes and ordinances of all cities and localities wherein I reside.

18. That I am to provide and be responsible for all food, shelter, clothing, and medical/psychiatric/rehabilitative/dental care for myself during the period of my House Arrest.
19. To maintain an operating telephone service (residential and/or cellular) within my approved residence and pay all expenses related to the telephone services.
20. To be within hearing range of my telephone at all times and that I will have six (6) rings to answer all phone calls to verify my presence.
21. A computer printout may be used as evidence in a Court of Law to prove a violation of my House Arrest Program.
22. **House Arrest/Administrative Fee:**
 - a. A per day fee will be assessed;
 - b. Payment must be in the form of Money Order made payable to the County of Bucks;
 - c. Make your payment directly to your assigned CCO or CCC staff (Do not mail it);
 - d. No personal checks or cash will be accepted;
 - e. A payment schedule will be arranged with the Supervising Officer.
23. I agree to obey all curfew regulations. I realize that these are strictly enforced. I also realize I must call the Community Corrections Center if/when I am returning late and will utilize the Emergency Call List.
24. I release the County of Bucks and the Bucks County Department of Corrections from any illness or injuries suffered during my House Arrest sentence. I realize that actions occurring away from the Correctional Facility is beyond the scope of the Department of Corrections control.
25. I realize that I am currently an inmate of the Bucks County Correctional Facility and that my return to the facility may occur at any time, from any location. I have been advised that a return to incarceration will occur due to suspected violation, a threatened violation, or by Court Order.
26. I understand that failure to comply with any of the above conditions may result in my immediate termination from the House Arrest Program, and

that I shall be returned to the Correctional Facility resulting in incarceration and pending disciplinary action being taken against myself. This could also lead to serving my sentence beyond the minimum release date.

27. I will report immediately to the Bucks County Community Corrections Center when ordered to do so. Failure to report will result in an escape charge being filed against me. I realize that it is ultimately my obligation to secure a ride to said facility. It is advisable for you to contact family, friends, work associates, etc. to pre-plan the need for a ride at short notice. This will avoid any potential problems for you at the time you are called. Reporting that I cannot get a ride is not acceptable and may result in disciplinary action. Public transportation (bus or train) is not acceptable.
28. I will not physically or verbally threaten or engage in religious, racial, or ethnic intimidation towards any Community Corrections Staff Member.
29. I will comply with all directives given to me by any Supervising Officer of the Bucks County Community Corrections Center. Malingering will not be tolerated when directed to perform work details on community service.

V. EMPLOYMENT

- A. The following are basic rules to be followed pertaining to employment and changes pertaining to employment. Failure to comply with these rules shall result in disciplinary action. You must have a set work schedule not to exceed 50 hours/week inclusive of travel.
 1. Participants whose employment requires various job/site locations must construct a plan as to how they will inform their Supervising Officer of their whereabouts. If the work site is unknown when you leave your residence, you must contact the Supervising Officer as soon as possible with the work itinerary.
 - a. Job locations must be exact including address, township, street name, closest cross road, name of section, etc.
 - b. Supervising Officers may approve/recommend cellular telephones/pagers for offenders whose employment locations vary.
 - c. You are not permitted at any time to leave your specific job site location including for lunch.
 2. If you finish work before your scheduled shift has ended or you are not working on a given day, you are to call the Supervising Officer immediately. You will have your prescribed travel time adjusted if you are returning early.

3. If you find you are going to be late in returning, you must notify the Community Corrections Center immediately by utilizing the Emergency Call List/Emergency Numbers. After speaking directly with a staff member, you are to leave a voice mail for your Supervising Officer with the reason for lateness and the staff member with whom you spoke to.
 - a. Excessive lateness or failure to notify of lateness will result in a misconduct.
4. Job changes are not permitted without prior approval of the supervising officer i.e. daily schedules, holidays, hours worked, and employer changes. You must notify your supervising officer seventy-two (72) hours prior to the anticipated schedule change. ***Do not mistake leaving a voice mail message as authorization that the exception/change has been granted. Your request must be granted by your Supervising Officer.***
5. It is your responsibility to have acceptable/reliable transportation to and from work. Hitchhiking is not permitted.
6. I agree to make it known to my employer that I am currently considered an inmate at the Bucks County Community Corrections Center. Further, it is possible that an officer may visit me at any time while I am at work, and that I may be asked to leave to speak with an officer, or to subject myself to a random drug or alcohol screening. ***I understand that I may not be paid under the table for any employment and that I/or my employer will provide copies of any/all pay stubs, time cards or other proof of employment upon request.***
7. You may not work for another House Arrest offender. You also may not be a supervisor of another House Arrestee.
8. It is your responsibility to notify your Supervising Officer at least one (1) hour prior to the scheduled workday of any absences via voice mail. It is not necessary to leave several messages, one message will suffice.
9. If you are injured at work or community service, it must be reported to your employer and/or site supervisor immediately. It must also be reported to your Supervising Officer.
10. If you are stopped or questioned by any law enforcement officer, it must be reported immediately to the Community Corrections Center. Failure to comply will result in disciplinary action.
11. Contact with the victim or victim's families, of your crime, is strictly prohibited. Such contact will result in immediate termination from the House Arrest program. If accidental contact does occur, notify your

Supervising Officer immediately, but you must avoid contact when possible.

12. If there are ever any concerns for your physical safety in your place of employment, you are expected to assume the responsibility of notifying your employer. Any types of problems experienced in the community or work environment should be discussed with the Supervising Officer immediately.
13. Termination from employment must be reported immediately to your Supervising Officer.

VI. COMMUNITY SERVICE

- A. As part of the House Arrest Program or if Court ordered, I shall be required to participate in a Community Service Program. If so, the following will pertain.
 1. I will report directly to my community service location promptly and on time as designated by my Supervising Officer.
 2. I will conduct myself in a respectful, polite and cooperative manner to all work site personnel.
 3. I understand that the site supervisor will call the Community Corrections Center with the names of all participants who report for community service each day.
 4. I will not leave the community service site for meals. I will, therefore, provide my own lunch or purchase on site when available.
 5. I will perform all tasks as directed by my community service supervisor.
 6. I am absolutely prohibited from meeting friends or relatives on the job site. I will not use telephones on the community service site to contact friends/relatives with the exception of a call to the person who will be providing transportation from community service. Prior arrangement should be made when possible.
 7. I understand that it is my responsibility to notify the site supervisor when I am leaving the site at the completion of the day.
 8. I will notify the Community Corrections Center one (1) hour prior to the start of my scheduled community service should I be unable to attend due to illness. I will also leave a voice mail for my Supervising Officer.
 9. At the end of the community service day, as designated by my community service supervisor, I will proceed directly to my residence and nowhere else.

VII. RELEASE PROCEDURES

A. *Parole* – It is the goal of the Community Corrections Centers that offenders be released on their minimum release date. In order to be released on your minimum release date, it is necessary to have a good parole plan which includes a verifiable residence, as well as acceptable institutional behavior. The procedure for parole is as follows:

1. *County Parole* – approximately 90 days prior to your minimum release date, a parole application will be sent to the Community Corrections Centers from the Records Office at the Bucks County Correctional Facility. The Supervising Officer and the offender will fill out the parole application and sign it. It is then forwarded to the Adult Probation and Parole Department at the Bucks County Courthouse. Any changes in your parole plan must be reported either to your Parole Officer or your Supervising Officer who will then forward the information to the proper authorities. If the sentencing Judge ordered parole at minimum date, you will not need to fill out a parole application. Check with your Supervising Officer to see if an application is necessary. If you receive a misconduct, you will not be paroled at your minimum.
2. *State Parole* – approximately two (2) months prior to your minimum parole date, the offender serving a state sentence will be interviewed by the Institutional Parole Supervisor from the Pennsylvania Board of Probation and Parole. At that time a parole plan will be submitted for investigation. Approximately one (1) month later, you will be interviewed again by a Hearing Examiner from the State Parole Board. A Board Action will follow, indicating a date which you will be paroled if your parole plan has been approved. You will also be expected to submit a urine sample for testing approximately ten (10) days prior to your release.
 - a. Act 27 payments must be made payable to the Clerk of Courts and must be in the form of a Money Order only. Parole will not be granted until this payment has been made.

NOTE: Both state and county offices receive recommendations from the Department of Corrections which include information pertaining to your employment, behavior while on House Arrest as well as treatment involvement.

3. *Expiration of Sentence* – House Arrest offenders who have been given a flat sentence from their sentencing judge (s) as a maximum release date fall into this category. The Records Office at the Bucks County Correctional Facility will contact the Community Corrections Centers upon the expiration of your sentence and you will be released unless additional detainers have been lodged against you.

- B. The minimum date of release is not an automatic release date in most cases and can be extended by the Court to allow the completion and investigation of an appropriate parole plan. Open detainers will also preclude you from being released. You will not be released from the House Arrest program unless the Records Office at the Correctional Facility notifies the Community Corrections Center to release you. They will call the Center once they have received your release and checked their records to assure that there are no open detainers. Also, in order to be released you must have your House Arrest Fees paid in full.

VIII. ESCAPES

- A. In the following instances, a House Arrest offender will be considered on escape and a local alert will be issued immediately through the Bucks County Police Radio Room for your immediate arrest.
 - 1. Leaving your residence without authorization;
 - 2. Unaccounted for treatment, work site checks or community service;
 - 3. After being one (1) hour late returning to your home without notifying the Bucks County Community Corrections Center that you will be late.

IX. SOBER METER TESTING

- A. A House Arrest offender sobriety can be determined by means of an alcohol breath test, which may be issued to any House Arrestee at any time or location. If sobriety is in question due to the presence or odor of alcohol, behavior, suggestive of the use of alcohol, and/or the discovery of intoxicants on or around that person, a breath alcohol test will be administered.

Any offender who ingests any amount of alcohol from any source, including but not limited to: mouthwash, cough syrup, food prepared with alcohol, etc. will be returned to the Bucks County Correctional Facility for disciplinary action. **It is the policy of the Department of Corrections that breath alcohol tests will not be retested.**

Any offender who refuses to submit to a breath alcohol test will be returned to the Bucks County Correctional Facility for disciplinary action.

X. URINALYSIS TESTING

- A. Offenders are screened for the use of illegal drugs by means of urinalysis testing, which may be issued to any House Arrestee at any time. Any offender who is found to have any drugs in their system from any source which is not prescribed or approved by an authorized physician will be returned to the Bucks County Correctional Facility for disciplinary action.

- B. Do not take or use any over-the-counter medications. ***Take absolutely no medications that have not been prescribed by an authorized physician.*** Any medications prescribed by your physician must be noted immediately to your Supervising Officer. You must obtain written notification from the prescribing physician indicating the medication, dosage, and reason for dispensing. This information must be turned in to your Supervising Officer. This includes, but is not limited to the following: antihistamines, mouthwash, sinus inhalers, all cold medications, alcohol-free cough syrups and all other drugs. Do not consume any poppy seeds, any baked goods, which contain poppy seeds or other forms of the poppy plant.

If any controlled substance appears in your urine sample, you own responsibility for it. No excuse that the substance came from over-the-counter medication or baked goods with poppy elements will be accepted. You will be returned to the Bucks County Correctional Facility for disciplinary action. **It is the policy of the Department of Corrections that urines will not be retested.**

Any offender who refuses to submit or fails to submit to a urinalysis in the authorized time will be returned to the Bucks County Correctional Facility for disciplinary action.

XI. DISCIPLINARY REGULATIONS

- A. In order to regulate behavior and provide adequate protection to staff and the public, disciplinary procedures will be implemented in a manner consistent with applicable legal requirements and institutional rules and regulations.

Staff will report all violations of the House Arrest rules immediately. All violations will be reported by completing a misconduct report. Class II (minor) misconducts can be handled by informal disciplinary action and are less serious violations which generally do not endanger life, health, security and/or property. Class I (major) misconducts will be handled by a conduct evaluation board and are more serious violations which generally endanger life, health, security and/or property.

Offenders who refuse to conform to the House Arrest rules and regulations will face disciplinary action including but not limited to, return to the Bucks County Correctional Facility. If ordered to return to the Correctional Facility, you will do so immediately in a time prescribed. Failure to do so will result in an escape alert being issued.

The purpose of disciplinary action is to achieve one or more of the following goals:

- ❖ Make certain all House Arrest rules and regulations are being adhered to;
- ❖ Maintain order;

- ❖ Make offenders accountable for their behavior.

Each offender will receive a copy of the House Arrest Handbook. These rules are subject to change and will be revised as necessary.

Offenders will not be subjected to any form of punishment, which would be deemed to be:

- ❖ Cruel, corporal, or unusual;
- ❖ A lack of care which may injure or impair the health of an offender.

The offender's behavior will be controlled in an impartial and consistent manner by all staff members. Disciplinary actions will be taken at such times and at such measures and degrees as is necessary to regulate an offender's behavior within acceptable limits.

1. Informal Actions:

Class II misconducts can be handled by the informal disciplinary process. The following procedures will be followed:

- Informal actions can only be initiated if the offender's infraction is a Class II misconduct, and the Supervising Officer feels the misconduct is of a minor nature and can be handled informally.
- When the misconduct is handled informally, the offender will be advised of the disciplinary action imposed.
- The disciplinary actions that could be taken informally include:
 - Reprimand or warning;
 - Loss of privilege violated (not to exceed five (5) days).
- Any further Class II misconduct reports received by an offender within the same thirty (30) day period will constitute a Class I misconduct.
- Any subsequent Class II misconducts of the same offense received by an offender within the same ninety (90) day period will constitute a Class I misconduct.

2. Formal Actions:

Class I and Class II misconducts not handled informally will be heard by the Hearing Officer. You may have a JPC member attend the hearing. His/Her role is to ensure that due process is given.

The following procedures will be followed.

- a. All misconduct reports will be forwarded to the Shift Commander before the end of the shift on which the specific violation occurred.
- b. A copy of the misconduct report will be given to the House Arrestee within twenty-four (24) hours of the violation or at the completion of the investigation.
- c. The Shift Commander may initiate an investigation of any incident.
- d. If a serious infraction of the House Arrest rules occurs, the Shift Commander may return the offender to the Bucks County Correctional Facility. The Shift Commander will review each investigation to determine if further restriction for investigation purposes is required. The Shift Commander will make every effort to complete their investigation in a timely manner.
- e. If the Shift Commander feels an investigation is necessary, they will notify the Superintendent by forwarding a brief incident report. After the Shift Commander has completed their investigation, all reports (including the misconduct report) will be sent to the Superintendent.
- f. The offender must have a copy in their possession for twenty-four (24) hours before a hearing can convene, unless, the offender chooses to waive this specific right. If the right is waived, the offender will sign the appropriate area of the disciplinary hearing sheet.
- g. The Hearing Officer will ensure that a hearing is conducted within five (5) working days of the violation or upon completion of the investigation of the violation.
- h. The Hearing Officer will ensure that the following provisions are met:
 - 1) The offender has a right to be present at the hearing unless the offender waives that right in writing or through their behavior.

- 2) The offender may be excluded during the testimony of another offender whose testimony may be given in confidence.
- 3) The reasons for the offender's absence or exclusion will be documented in the disciplinary hearing sheet by the Hearing Officer.
- 4) The offender may consult with a member of the Joint Participation Council prior to the hearing. Staff assistance is also available.
- 5) At the hearing, if the violation involves possible criminal charges, the offender will also be advised of their legal rights. (Miranda Warnings).
- 6) The misconduct report will be read and the offender will plea to the charges (s).
- 7) Silence will be considered as a plea of not guilty.
- 8) The offender will be given the opportunity to make a statement.
- 9) The offender may present documentary evidence and call any person to the hearing who has relevant, but not redundant, information.
- 10) The Hearing Officer of the board will not allow a witness to be called if it severely jeopardizes the life or safety of persons or the security and order of the facility. Such reasons for denial will be stated in writing on the disciplinary hearing sheet by the Hearing Officer.
- 11) The accused offender will be given an opportunity to make any final comments. They will then be excused from the room.
- 12) The Joint Participation Council member will then be given an opportunity to make a statement and then be excused from the room.
- 13) The Hearing Officer will determine the guilt or innocence of the offender based on the physical evidence, officer's report, and testimony presented at the hearing.

- 14) If the Hearing Officer finds the offender guilty of the violation, punishment appropriate for the violation will be imposed.
- 15) If the Hearing Officer finds the offender not guilty, the case will be dismissed.
- 16) If a not guilty verdict is reached, no permanent record of the misconduct will be placed in the offender's master record.
- 17) The Hearing Officer will recall the offender and JPC offender and announce the decision of the board to the offender.
- 18) A written report will be made at the hearing and the offender will receive a copy after it has been approved, by the Superintendent or his designee.
- 19) Before leaving the hearing, the offender will be informed of their right to appeal the decision of the board. The offender will have two (2) working days to file an appeal with the Director.

When writing an appeal to the Director, the offender must meet the following guideline:

- ❖ The appeal must be in writing and contain specific statements as to why it is felt that the decision was incorrect or the punishment inappropriate.

After reviewing the case, the Director may:

- ❖ Order a re-hearing;
- ❖ Reverse the decision;
- ❖ Reduce the punishment imposed;
- ❖ Affirm the decision of the board.

The appeal decision will be rendered within five (5) working days.

The Shift Supervisor will review all misconduct reports to make certain that they are completed correctly.

- B. When a possible criminal act is committed by an offender, referral for possible criminal prosecution will be made to the Bucks County District Attorney's Office. The Deputy Director or his designee will function as a liaison person with the District Attorney's Office in this matter.

C. MISCONDUCTS

Institutional misconducts are separated into Class I and Class II misconducts. Class I misconducts are more serious violations which generally endanger the life, health, security and/or property. Class I misconducts are automatically forwarded for the formal disciplinary process. (Misconducts are numbered to correspond with the misconducts in the Offender Handbook.)

Class I Misconducts

1. **Homicide** – the killing of a person by another.
2. **Arson** – purposely setting a fire.
3. **Assault** – when one person physically attacks or strikes another or takes an action to propel an object or substance at another.
4. **Sexual Misconduct** – all unlawful intercourse, unlawful sexual contact and/or other unlawful behavior intended to result in sexual gratification or profit from sexual activity. All physical contact between male and female Offenders or Offenders of the same sex, which includes kissing, touching, etc.
5. **Bribery** – when one offers, confers or agrees to confer on any benefit in return for the recipient's decision, opinion, recommendation, vote or action.
6. **Contraband** – when one makes, transfers or has in his/her possession:
 - a. A deadly weapon or dangerous instrument
 - b. Any instrument or device for use in making, attempting, aiding an escape.
 - c. Any item not authorized in the institution
7. **Possession of drugs, intoxicating substances or paraphernalia** – when one has in his/her possession any drug or intoxicating substance or possession of paraphernalia necessary to administer such substances shall constitute a violation.
8. **Escape** – when one leaves the Correctional Institution without authorization or leaves the custody of any staff member without authorization.
9. **Fighting** – engaging in physical combat or in violent behavior toward another person(s).
10. **Failure to Pass Breath Alcohol Test** – when one tests positive for alcohol, from any source.
11. **Ingestion of a controlled substance** – the presence of a controlled substance in the body from any source is established through laboratory analysis or other detecting devices.
12. **Riot** – the coming together of two or more persons who engage in violent and disruptive conduct, thereby causing or creating a serious imminent risk of causing injury to persons or property.
13. **Threats** – one commits threats when:

- a. He/she conveys the intent to commit any crime or inflict present or future harm or injury to another person or his/her property.
 - b. Compels another to engage or not engage in an act by means of instilling a fear that if the demand is not complied with, the person will inflict present or future harm or injury on another person/property.
14. ***Interfering with a Staff Member*** – when one interferes with, or obstructs any staff member who is engaging in the performance of his/her duties.
 15. ***Misuse and or destruction of property*** – when on purposely damages, tampers with, alters, defaces or mutilates any article of property.
 16. ***Kidnapping*** – taking hostage or holding any person against his/her will
 17. ***Interfering with the Count*** – when one interferes with, or obstructs any staff member during the count procedures and/or interferes by not standing fast during count procedures.
 18. ***Extortion, Blackmail & Protections*** – demanding or receiving money or anything value in return for protection against others, to avoid bodily harm, or under threat of informing.
 19. ***Abusive Language to Staff*** – when one uses abusive or obscene language to mistreat, insult or cause annoyance or threat to any staff member.
 20. ***Wearing a Disguise or Mask*** – when one alters his/her appearance and/or voice so different as to be unrecognizable.
 21. ***Theft*** – when one takes, obtains or withholds property of another without the Owner’s consent
 22. ***Adulteration of Any Food or Drink*** – when one alters or makes inferior or impure by adding a harmful or inferior substance.
 23. ***Misuse of Authorized Medication*** – when one does not take their medication(s) as prescribed / directed and/or abuse of their medication
 24. ***Disobeying a Direct Order*** – When one fails to comply with a directive given by a Staff Member.
 25. ***Unauthorized Assembly*** – Offenders may not congregate in or hold any group meeting without proper approval of the Director. Offenders may not form organizations without the approval of the Director.
 26. ***Circulation or Possession of Petitions*** – possession or circulation of petitions is prohibited within the institution unless prior approval is given by the Director.
 27. ***Insolence*** – when one is boldly disrespectful and impudent.
 28. ***Creating, Participating or Involvement in a Disturbance*** – when one creates a hazardous or offensive condition by an act which is not authorized and/or interferes with others while in an area where a large number of Offenders are assembled.
 29. ***Gambling and Possession of Paraphernalia*** – when one engages in or organizes wages or games for personal gain, money or anything of value. Possession of paraphernalia to administer such games.
 30. ***Filing or Giving False Information*** – when one makes false written or oral statements to a staff member which he/she knows not to be true.
 31. ***Tampering with Locking or Safety Devices*** – when one damages, tampers with, manipulates or alters institutional locking or safety devices.
 32. ***Unauthorized use of mail***

33. ***Failure to Provide a Urine Sample or Sober Meter*** – when one fails to provide a urine sample or take a sober meter test, regardless of the circumstances.
34. ***Counterfeiting/Forgery*** – the unauthorized reproduction of any document, article, identification and/or money, security or official paper.
35. ***Violation of House Arrest Rules*** – any violation of the signed house arrest rules
36. ***Out of Place in the Community*** – when one is in an unauthorized area in the community
37. ***Out of Place in the Community Corrections Center*** – unauthorized entrance or departure through any door other than the lobby door or being in any off limits or unauthorized area without permission.
38. ***Taking, preparing or posing for obscene, inappropriate or lewd photographs. Possession or use of camera or camera equipment on the grounds.***
39. ***Failure to comply with treatment/case plans.***
40. ***Failure to comply with weekend/house arrest/community service agreement.***
41. ***Possession of Excess Funds or Credit Cards*** – possession of funds exceeding authorized limits or credit cards is prohibited.
42. ***Possession of an Unauthorized Vehicle*** – using or possessing a vehicle not authorized by the Community Corrections Staff.
43. ***Failure to comply with shopping regulations.***
44. ***Smoking***– smoking is not permitted on Community Corrections Centers grounds.
45. ***Loitering*** – when one remains in an authorized/unauthorized area for no legitimate reason.
46. ***Repeated Class II misconducts***
47. ***Sanitary Violations*** – when one urinates, defecates or spits in areas other than the areas provided.
48. ***Attempting to commit any of the above offenses, aiding another person to commit any of the above offenses, and making plans to commit any of the above offenses will be considered the same as commission of the offense itself. Any Offender who is found guilty of a Class I misconduct shall face removal from the House Arrest Program and be remanded to the Bucks County Correctional Facility.***
49. ***Violation of rules listed in Offender Handbook.***
50. ***Failure to comply with furlough rules.***
51. ***Manipulation of Staff***
52. ***Adulteration/Tampering With Urine***
53. ***Self Mutilation, Tattooing*** – when one attempts to inflict physical harm or bodily injury to himself/herself, and/or attempts to tattoo themselves or others.
54. ***Participating in an activity / activities related to a security threat group*** (Gangs, Terrorist groups, etc...).
55. ***Possession or exhibition of anything related to a security threat group*** (Gangs, Terrorist groups, etc...).

Class II Misconducts

1. ***Creating a Disturbance*** – when one creates a hazardous or offensive condition by an act which is not authorized

2. ***Contraband*** – when one takes, transfers or has in his/her possession unauthorized items and/or property.
3. ***Unauthorized Use of Telephones*** – when one uses the institutional telephones without authorization for any reason.
4. ***Loaning of Any Property*** – when one loans property.
5. ***Out of Place in the Institution*** – when one is in an unauthorized area.
6. ***Lying To A Staff Member*** – when one provides a false statement to a staff member.
7. ***Taking unauthorized food from dining room/kitchen or vending machine is not permitted***
8. ***Failure to Report to Work or Unexcused Absence from Work*** – when one fails to report to work and/or is absent from an assigned location without prior permission.
9. ***Insulting Language*** – when one uses abusive or obscene language or makes an obscene gesture to cause annoyance or threat.
10. ***Malingering*** – when one fails to carry out orders of assignment, including work assignments, in a reasonable expeditious manner.
11. ***Sanitary Violations*** – when one refuses to shower regularly or commits other acts hazardous to the health of the staff and Offenders.
12. ***Littering*** – when one discards objects that are not disposed of in a proper trash container and/or cigarette butts, ashes, and matches not disposed of in ashtrays or other designated containers.
13. ***Body punching/horseplay is not permitted anywhere.***
14. ***Excess Issue*** – when one has in their possession or room items that exceed the initial issue upon admission.
15. ***Posting Items on Walls, Lights, and Fixtures*** – when one affixes or posts items on any of the above areas.
16. ***Violation of Module Rules*** – see Offenders handbook rules and regulations.
17. ***Violation of Visiting Rules*** – see Offender handbook rules and regulations.
18. ***Any violation of rules/regulations which is not a danger to life, health or property.***
19. ***Unauthorized Correspondence Between Offenders*** – any unauthorized correspondence between Offenders (example: letters to Correctional Facility)
20. ***Any Violation of Work Release Rules*** – any minor violations of signed work release rules.
21. ***Failure to comply with treatment/case plans.***
22. ***Violation of Noise Control Rules*** – any activity that creates noise in excess volume is prohibited.
23. ***Failure to pass room inspection.***
24. ***Failure to contact the Community Corrections Center at designated furlough times.***
25. ***Attempt to commit any of the above offenses, aiding another person to commit any of the above offenses and making plans to commit any of the above offenses will be considered the same as commission of the offense itself.***

Criminal Prosecution – When an alleged criminal act is committed by an Offender, referral for possible criminal prosecution will be made to the Bucks County District Attorney’s Office. The Superintendent or his designee will function as a liaison person with the District Attorney’s Office in this matter.

XIII. SEARCHES

It is the policy of the Department of Corrections to conduct regular searches in areas within the institution in order to ensure the absence of contraband and to protect the general security of the Community Corrections Centers. It is also the policy of the Department to conduct pat searches of Offenders and unclothed searches of Offenders when the likelihood of contraband exists or in other emergencies. In each instance the searches will be conducted with respect to the dignity of the Offender involved and with respect to the property of the person when a living area or property container is searched.

Unclothed searches will be performed by same gender staff unless an extreme emergency exists. Body cavity searches will only be conducted by medical personnel.

Metal detectors will be used when feasible as a supplement to authorized searches. The United States Supreme Court has clearly stated that room searches may be conducted without the presence of the Offender. Pat searches of male Offenders by female staff members are permitted by Pennsylvania State Law. Refusing to be pat searched will result in disciplinary action.

The United States Supreme Court has clearly stated that room searches may be conducted without the presence of the offender.

NOTE: Your residence is your place of confinement; therefore, it is subject to search at any time deemed appropriate/necessary by a staff member of the Bucks County Department of Corrections.