

Bucks County Restrictive Probation

The County's Restrictive Probation Program will focus on the identification and diversion from incarceration of non-violent level 2, 3 and 4 defendants. The program shall be in line with the guidelines that were established by the Pennsylvania Commission on Crime and Delinquency, which are as follows:

1. To protect society and promote the efficiency and economy in the delivery of corrections services.
2. To promote accountability of defendants to the community.
3. To fill gaps in local correctional systems and address local needs through expansion of punishment and services available to the Court and,
4. To provide opportunities for offenders who demonstrate special needs to receive services which enhance their ability to become contributing members of the community.

Eligible Offenders:

For the purpose of sentencing, an eligible offender shall be defined as:

1. A person convicted of a Level 2, 3 or 4 offense who would have otherwise been sentenced to a period of partial or total confinement in a county correctional facility.
2. An offender who does not demonstrate a present or past history of violent or assaultive behavior.
3. An offender who is being sentenced on their first, second or third DUI.

The term eligible offender also does not include an offender who has been convicted or adjudicated delinquent of a crime requiring registration under Subchapter H of Chapter 97 (relating to registration of sexual offenders) or an offender with a current conviction or a prior conviction within the past ten years for any of the following offenses 42§ 9802:

18 Pa. CSA sec. 2502	Murder	18 Pa. CSA sec. 3301	Arson and Related
18 Pa. CSA sec. 2503	Voluntary Manslaughter	Offenses	
18 Pa. CSA sec. 2702	Aggravated Assault	18 Pa. CSA sec. 3502	Burglary (felony 1 only)
18 Pa. CSA sec. 2703	Assault by Prisoner	18 Pa. CSA sec. 3701	Robbery
18 Pa. CSA sec. 2704	Assault by Life Prisoner	18 Pa. CSA sec. 3923	Theft by Extortion
18 Pa. CSA sec. 2901	Kidnapping	18 Pa. CSA sec. 4302	Incest
18 Pa. CSA sec. 3122	Statutory Rape	18 Pa. CSA sec. 5121	Escape

To be eligible the person must reside in Bucks County or reside in Bucks County until the duration of their minimum sentence is complete.

The Commonwealth may waive an ineligible offense, but the victim must be notified and made aware.

Eligibility for probation with restrictive conditions is not an entitlement and the Court has a right to determine someone ineligible.

Sentence of Probation with Restrictive Conditions:

In imposing a sentence of probation with restrictive conditions, the Court shall specify at the time of sentencing the length of the term for which the defendant is to be on probation and what the restrictive conditions are. The term may not exceed the maximum term for which the defendant could be confined. The Court may order the defendant to serve a portion of the sentence under partial confinement, house arrest and/or inpatient treatment.

Sentence of Probation with Restrictive DUI Conditions:

Utilizing probation with restrictive DUI conditions for 1st, 2nd and 3rd offense DUI offenders with a non-violent criminal history and a mandatory minimum of 30 days or more. Note that the District Attorney's Office will object to a restrictive probation sentence if a defendant has more than three lifetime DUI convictions regardless of how the instant offense is charged.

Probation with restrictive DUI conditions is an alternative to incarceration that can be used to fulfill mandatory minimum sentences for DUIs (42 Pa. CSA sec. 9763- attached). A defendant can be sentenced to a period of up to 90 days incarceration (without parole) followed by inpatient treatment and/or house arrest monitored by GPS to meet the mandatory minimum requirement. A CRN Evaluation and a drug and alcohol assessment must be completed prior to sentencing and will determine the level of care needed for drug and alcohol treatment. The level of care recommended must be incorporated into the sentence. Some of the other restrictive DUI conditions that may be imposed at the time of sentencing include the use of an alcohol monitoring system, random drug testing, mental health treatment if necessary, educational or vocational training programs and/or community service.

Screening Process:

1. Application received 30 days or more prior to sentencing with an updated drug and alcohol assessment (within 90 days) and CRN if applicable. Targeted populations:
 - a. Pre-sentence investigations
 - b. Eligible probation violators
 - c. DUI Cases
 - d. Any offender placed in the program by an order of the Court
2. Restrictive Probation Investigation includes:
 - a. Interview with the defendant, including explanation of program requirements
 - b. Review of eligibility and other required information
 - c. Field visit to residence
 - d. Completion of all paperwork including:
 - a. Statement of Residence Form (if needed)
 - b. Rules and regulations
 - c. Any special conditions
 - d. Equipment responsibility form

Restrictive Probation includes a combination of the following conditions:

Intensive Supervision	House Arrest	Electronic Monitoring	S.M.A.R.T Start (Sobriety Monitoring and Reporting Technology)
Maintain Employment	Breath Check	Attend Recovery Support Meetings	Education, Vocational and Employment Programs
Random Drug Testing	Curfew	Obtain High School Diploma or GED	Drug and Alcohol Treatment and/or Mental Health Treatment
Community Service	Restitution	Attend Pro-Social Actives	