

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA

CRIMINAL

IN RE: Adoption of Carbon County : NO. CP-13-AD-003-2020  
Adult Probation and Parole :  
Confinement and Release on :  
Parole Policy (AKA Good :  
Time) :

ADMINISTRATIVE ORDER 9-2020

AND NOW, this 26th day of March, 2020, it is hereby ORDERED and DECREED that the Carbon County Court of Common Pleas ADOPTS the Carbon County Adult Probation and Parole Confinement and Release on Parole Policy, as attached to this Order:

The Court vacates Administrative Order 23-2003 (139 MI 03) Preparole Investigations and Parole Policy.

This policy shall be effective 30 days following publication in the Pennsylvania Bulletin.

The Carbon County District Court Administrator is ORDERED to:

1. File two paper copies and one electronic copy in Microsoft Word format of this Administrative Order and Policy with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
2. File one copy of this Administrative Order and Policy with the Administrative Office of Pennsylvania Courts.
3. Publish the Administrative Order and Policy on the website of the Carbon County Court of Common Pleas.
4. Incorporate the Policy in the Operations Manual of the Carbon County Adult Probation and Parole Department no later than 30 days following publication in the Pennsylvania Bulletin.
5. Forward one copy of this Administrative Order and Policy for publication in the Carbon County Law Journal.
6. Forward one copy of this Administrative Order and Policy to the Carbon County Law Library.
7. Keep copies of this Administrative Order and Policy continuously available for public inspection and copying in the Clerk of Courts Office.

BY THE COURT:

---

ROGER N. NANOVIC, P.J.



In providing these benefits to the criminal justice system, the Carbon County Adult Probation/Parole Department shall first and foremost seek to protect the safety of the public. To achieve this goal, the Department shall assist released offenders in their successful reintegration into society.

### **Pre-Parole Investigations:**

**Timing of the Pre-Parole Plan:** The Carbon County Adult Probation/Parole Department shall initiate a pre-parole investigation within a reasonable period of time of the offender reaching their minimum release date.

**Calculation of Minimum Release Date and Maximum Sentences:** When the Court imposes a sentence of partial confinement, the Adult Probation/Parole Department, in conjunction with the prison administration, shall calculate a minimum release date, any good time if applicable, and a maximum expiration date. The Adult Probation/Parole Department shall maintain a database which includes all offenders sentenced to a term of imprisonment when the paroling jurisdiction rests with the Carbon County Court of Common Pleas. The database will include the docket number, criminal charge, minimum release date and the maximum sentence. The Carbon County Correctional Facility shall be provided access to the database.

### **Interview and Verification Process:**

The assigned Adult Probation Officer shall interview the defendant and any other individuals identified as necessary in order to gather and verify information. The officer shall obtain the defendant's proposed residence, telephone number and a list of all occupants within the household. A field-visit of the proposed residence shall be conducted and the head of household/owner, spouse or paramour shall be interviewed to confirm that the defendant is permitted to reside at the residence. If the head of household is renting, then the officer shall verify that the landlord has no objection to the offender residing at the residence. The officer shall inspect the residence to ensure that no weapons or violations or any other negative issues are apparent. If the defendant resides out-of-the-area, the assigned officer may conduct a telephone interview with the head of household/owner, spouse or paramour of the residence to confirm that the defendant is permitted to reside at the residence. A field visit is not required if the residence has been previously verified through prior supervision of the offender.

The Correctional Facility shall notify the Adult Probation/Parole Department in a timely fashion of any infraction, other issues, or if the inmate has not been compliant with the Order of the Court.

### **Approval of Proposed Plan by the Pre-Parole Investigator:**

**Approved Pre-Parole Plans:** The assigned Adult Probation Officer shall be responsible for the verification and approval of all Pre-parole Plans before submission to the Court. The plan should be denied if factors exist that, as determined by the Court or the Adult Probation/Parole Department, would compromise the safety and security of the public or would not contribute to the rehabilitative needs of the offender. The plan should be recommended to the Court under the following circumstances:

1. The offender possesses a suitable residence that would be conducive to the rehabilitative needs of the offender.
2. The offender has no major prison misconducts as determined by the Carbon County Correctional Facility.
3. Prison officials confirm that the offender made an adequate adjustment in the correctional setting.
4. The offender has complied with the order of sentence to the extent possible while incarcerated.
5. The offender is not considered a serious risk to engage in further criminal activity if released and would be a good candidate for parole.

**Intake Process:** When the defendant has been recommended for parole, an intake shall be completed prior to the defendant's release from prison. The intake shall include the completion of a risk and needs assessment. The results of the assessment may be used as an aid in determining the appropriateness of the parole recommendation and the addition of special conditions.

**Pre-Parole Information:** Once the assigned officer has verified all relevant information, an Order granting or denying parole shall be submitted to the Court. The Paroling Order shall include the name of the offender and his or her institution; the sentence for which the parole is sought; the minimum and maximum expiration dates of the sentence; the offender's institutional adjustment that reflects favorably for parole consideration; proposed home plan; and proposed employment or vocational training, if available. All Orders are subject to the approval of the Chief Adult Probation Officer.

**Rescission of Paroling Order:**

Prior to the release on parole and when factors exist, as determined by the Court or the Adult Probation/Parole Department, which would compromise the safety and security of the public or would not contribute to the rehabilitative needs of the offender, the Adult Probation/Parole Department may recommend to the sentencing Court that the Order of Court granting parole of the offender be rescinded or modified. The Offender may petition the Court for a parole hearing.

**Setbacks and Other Miscellaneous Sanctions:**

The Court in the Order of Sentence for a period of incarceration shall state the minimum period of time that the offender must serve prior to being eligible for parole. At the Courts discretion, the offender may be eligible for parole at the minimum sentence without further order. The Adult Probation/Parole Department and/or the Carbon County Correctional Facility may recommend a delay in a parole (setback)) for minor prison infractions. Unless specifically stated in the sanction, inmates receiving a setback of their parole are not required to petition the Court for future parole. If the offender does not agree to the setback, the offender may request a hearing before the Court. The Carbon County Correctional Facility (CCCF) shall administer sanctions for those inmates who have been afforded the opportunity to begin their sentence at a future time, over weekends, or who have failed to comply with the order of sentencing. The Order of Sentence states that if the offender appears at CCCF under the influence of alcohol/illicit drugs, or fails to report on time, or otherwise violates any of the rules and regulation of CCCF, the offender shall not be released at the end of the minimum sentence.

If a defendant fails to appear to serve a sentence in accordance with the Order of the Court, the Correctional Facility shall file a petition with the Court requesting a warrant for the defendant's arrest.

The Correctional Facility should use the following guidelines for unexcused tardiness:

- Inmates who appear at a maximum of up to one (1) hour late shall have their release time adjusted according to the length of tardiness.
- Inmates who appear over one (1) hour late will be required to petition the Court for parole. Inmates serving a sentence over weekends shall not be released and shall serve their sentence on continuous days.

Inmates serving weekend sentences shall not:

1. Appear at the facility with alcohol on their breath.
2. Appear at the facility and test positive for any non-prescribed drugs.
3. Be arrested for a misdemeanor or felony offense while serving the weekend sentence.
4. Violate any prison rules or regulations.

Any inmate during the period of serving their sentence in violation of the aforementioned guidelines shall not be released from the Correctional Facility and shall begin serving their sentence in continuous days. The inmate will be required to petition the Court for parole.

For those offenders serving a sentence as a result of a violation of 75 Pa.C.S.A §3802 (relating to DUI), the Carbon County Correctional Facility shall prepare a memorandum stating the time served on that specific docket, the parole date and forward the memorandum to the Clerk of Courts in accordance with Act 151.

**Denial of Petition for Parole:** If parole is not granted, regardless of the circumstances, the defendant must file a petition for parole with the Court, whereupon a hearing will be scheduled.

**Parole Opposition:** The Adult Probation/Parole Department shall notify the District Attorney's Office not less than 10 day prior to the offender's minimum release date (excluding time served or offenders who qualify for automatic parole). In those instances, when opposition is expressed by the Commonwealth or the victim, the Adult Probation/Parole Department shall examine the reasons outlined and make an appropriate parole recommendation to the Court. If parole is denied based on the opposition expressed by the Commonwealth or the victim, the offender must petition the Court for a parole hearing. The Commonwealth will subpoena any required individuals needed to testify at the parole hearing.

**Automatic Parole:** Under certain circumstances, no pre-parole investigation will be required and the defendant shall be automatically released from prison after attaining his/her minimum release date provided the defendant has complied with the Order of Court and has not received any major prison misconduct. The Warden of the Correctional Facility or designee is hereby authorized to

automatically release the defendant on parole upon reaching his/her minimum sentence under the following circumstances, unless otherwise Court ordered:

1. Any defendant serving a minimum sentence of ninety days or less.
2. Any defendant serving a weekend type sentence.
3. Any defendant sentenced to time served by the Court.
4. Any defendant where the Court has stated at the time of sentencing that a Pre-Parole Investigation is not required (paroled from the Bench).

### **Good Time Credit Programs:**

**Ineligible Offenders:** The Court, at its discretion, may indicate on the record that a defendant is ineligible for any good time credit. In addition, inmates who have not served the mandatory portion of their sentence (e.g. DUI offenders) who are serving flat sentences (e.g. summary offenses) or are serving weekend type sentences are not eligible for good time credit.

**First Time Inmates:** Defendants serving a sentence of incarceration for the first time are eligible for good time credit subject to the criteria above. A first time inmate is defined as an individual who has not been previously incarcerated.

**Standard Good Time Credit:** Defendants sentenced to the Carbon County Correctional Facility and under the paroling jurisdiction of the Court of Common Pleas may be eligible for good time credit subject to the criteria above. The Court must state at the time of sentencing if the defendant is eligible.

**Calculation of Good Time Credits:** The Carbon County Correctional Facility administers the good time credit program. Inmates may earn credit as a reduction of their minimum sentence if good behavior is demonstrated during the service of their minimum sentence. Inmates may earn four (4) days for every month served. Inmates can earn an additional two (2) days for every month served if they participate in the In-House Work Release, Alternative Work, or Facility Programming Good Time Credit Programs (see below). Good time credit shall not be computed for any defendant serving mandatory minimum sentences.

**In-house Work Release and Alternative Work Good Time Programs:** An inmate assigned to the In-House Work Release Program (working within the facility) or an Alternative Work Program (temporary unpaid work assignment away from the grounds of the facility) and who is eligible by factors indicated above will be given the option of earning additional good time credit (one (1) day credit deducted from their minimum sentence for every week worked) or monetary compensation. Inmates may not earn more than two (2) additional days total per month. The Correctional Facility shall notify the Adult Probation/Parole Department of good time credit earned. If good time is subsequently revoked, the inmate shall receive monetary compensation in accordance with applicable laws.

**Facility Programming Good Time Program:** An inmate who is faithfully, as determined by the Correctional Facility, attending in-house programs in the Correctional Facility (e.g. GED, Twelve Step Programs, Drug and Alcohol, Mental Health, etc.) and is eligible as determined by the above

factors may earn an additional good time credit of two (2) days for every month served. Inmates may not earn more than two (2) additional days total good time credit per month. The Correctional Facility shall notify the Adult Probation/Parole Department of good time credit earned. Illness, court appearances and medical/dental appointments will be considered excused absences.

**Maximum Good time Credit:** The maximum good time credit of all programs must not exceed the maximum of six (6) days per month (see Goodtime Computation Chart).

**Revocation of Good Time Credits:** Inmates may have any good time credits revoked by an Administrative Action of the Prison Disciplinary Board for any prison infraction. In those instances, the Prison Administration will notify the Adult Probation/Parole Department that the inmate's good time credits have been revoked. At that time, the inmate's minimum release date shall be adjusted. In those instances where the good time credits revoked are attributable to In-House Work Release or an Alternative Work Program, the inmate will be paid the amount of monetary compensation otherwise earned in lieu of the revoked good time credits.

### **Conditions of Release:**

**General Conditions of Release:** All offenders placed on probation or parole shall be subject to the standard conditions of release established by the Court and the Adult Probation/Parole Department.

**Reporting Requirement of Offender:** When an offender is released from confinement, the offender must report to the Carbon County Adult Probation/Parole Department and the Carbon County Bureau of Collections within seventy-two (72) hours of release.

**Firearms and/or Weapons Permitted in Household:** The assigned Adult Probation Officer shall use the following criteria to determine whether firearms and/or other weapons are permitted in the residence:

1. The defendant resides with his/her parents or other family members and the firearms/weapons are locked in a safe, gun cabinet or other secure area within the residence that the defendant has no access. Gun cabinets with a glass front are not permitted unless it is housed in a secure area that the defendant has no access.
2. The offense of conviction did not involve a weapon and was not an assaultive criminal offense.
3. Other prohibitions as established by law.

**Special Conditions of Parole:** During the pre-parole investigative phase, the assigned Adult Probation Officer shall evaluate the offender's risks and needs and determine appropriate Special Conditions of Release to be incorporated in the offender's parole plan and included on the Order of Court granting parole. The Department shall provide assistance and services to offenders who have been paroled and have requested help and assistance. The Department encourages offenders

to use community residential centers and other treatment programs to assist the parolee in transitioning back into the community.

**Written Notification of Conditions of Release:** Written conditions of parole shall be provided to the parolee at the time of intake. Conditions shall be stated clearly, simply and in a positive manner. Offenders having difficulty understanding the conditions of release will be provided an explanation by the intake officer. The offender shall acknowledge an understanding of the conditions and receipt in writing by their signature. A signed copy of the conditions shall be provided to the defendant.

**Reasonable Delays:** During the pre-parole investigative phase, legitimate reasons for permitting an offender's delay to the approved parole plan residence or program may develop, e.g. visiting a family member, recovering clothing or tools or taking care of a legal matter. The assigned officer is in the best position to assess and investigate all delays and advise the Court with an appropriate recommendation.

**Relocation of Offender from Approved Parole Plan:** Any offender who leaves an approved residence or treatment program without the prior consent and permission of his/her Probation Officer or the Court can be subject to the issuance of a warrant for parole violations.

**Victim Notification:**

The Carbon County Correctional Facility shall collaborate with the Victim/Witness Coordinator to administer the Victim Notification Program. Prison officials shall notify all victims registered in the "Victim Notification Program" of an inmates release on parole. The Correctional Facility can use PA SAVIN to facilitate the registration and notification.

**Partial Release Programs:**

**Program Types:** Carbon County provides three types of partial release programs: weekend sentences, work release and institutional furloughs. Prison Officials administer these programs unless otherwise specified by Court Order. The Carbon County Adult Probation/Parole Department shall support and embrace these programs to ease the transition from confinement to parole. The department shall comply with all program regulations and requirements established by Prison Officials. Offenders recommitted to prison for violations of supervision may be eligible for partial release programs when authorized by the Court.



**GOOD TIME COMPUTATION CHART**

Sentence in Months	Actual Days Served (4/6)	Good Time Days Earned
1 Month	26/24	4/6
2 Months	52/48	8/12
3 Months	78/72	12/18
4 Months	104/96	16/24
5 Months	130/120	20/30
6 Months	156/144	24/36
7 Months	182/168	28/42
8 Months	208/192	32/48
9 Months	234/216	36/54
10 Months	260/240	40/60
11 Months	286/264	44/66
12 Months	312/288	48/72