

CARBON COUNTY ARREST AND CENTRAL BOOKING
POLICY AND PROCEDURES

1. PRELIMINARY ARRAIGNMENT PROCEDURES

A. During Normal Office Hours

1. If the criminal complaint is completed so that the defendant may be arraigned by the Magisterial District Judge (MDJ) during their normal operating hours of 8:30 A.M. to 12:00 noon and 1:00 PM to 4:30 PM Monday through Friday, exclusive of holidays, the arresting officer shall either proceed to the office of the MDJ who issued the warrant or within whose jurisdiction the offense occurred or shall conduct a video arraignment from the police station for preliminary arraignment. The method used for the preliminary arraignment shall be at the sole discretion of the Magisterial District Judge.

B. Outside Normal Business Hours

1. Between the hours of 4:30 P.M. and 10:00 P.M. Monday through Friday and on weekends and holidays from 8:00 A.M. to 10:00 P.M., the police officer shall contact the on-call MDJ through the Communications Center (Comm. Center) to conduct a preliminary arraignment. Scheduling of the arraignment shall be initiated by the arresting officer who shall contact the Comm. Center by telephone to request an arraignment. Arraignments shall be scheduled whenever:
 - a. The defendant is arrested pursuant to a warrant, and
 - b. In those circumstances where an arrest has been made without a warrant and for which the defendant is to be afforded a preliminary arraignment without unnecessary delay, (See Pa.R.Crim.P. 519), after the completion of the criminal complaint.
2. An information sheet for a public defender should be given to the defendant. The MDJ will go over this form with the defendant.
3. The arresting officer shall conduct a video arraignment from the police station during the hours of 4:30 P.M. and 10:00 P.M.

Monday through Friday and on weekends and holidays from 8:00 A.M. to 10:00 P.M. unless the Magisterial District Judge requests an in court arraignment or the arrest occurs within the same municipality as the Magisterial District Court. Prior to the arraignment the arresting officer shall fax the following paperwork to the MDJ location:

- a. Criminal complaint and Affidavit of Probable Cause; and
 - b. Copy of the Bail Information Sheet for Overnight Arraignments regarding the defendant's criminal record and flight risk, and the officer's bail recommendation for the MDJ.
4. When the MDJ is ready for the arraignment to begin, he will notify the police officer and fax any necessary paperwork back.
 5. The police officer will then utilize the on-screen video arraignment connection from the police station and the MDJ will announce the beginning of the proceedings before the court and to the defendant.
 6. It is the duty and obligation of the police officer to assure that the defendant being arraigned can clearly see and hear the actions of the Magisterial District Judge before him/her and be sure that all background noises are to a minimum. The MDJ will also confirm same.
 7. Upon completion of the arraignment, the police officer shall speak to the MDJ and be notified of the disposition of the defendant. (Bail, ROR or incarceration) The MDJ will also notify the defendant of his/her disposition.
 8. The MDJ will fax back the necessary paperwork as follows:
 - a. In the event of incarceration:
 1. Signed criminal complaint;
 2. Signed affidavit of probable cause;
 3. Notice of preliminary arraignment;
 4. Notice of preliminary hearing;
 5. Commitment;
 6. Release of Prisoner;
 7. Bail conditions;
 8. Bail bond;

9. Surety;
 10. Public Defender application; and
 11. Fingerprint Order.
- b. In the event of bail release:
1. Signed criminal complaint;
 2. Signed affidavit of probable cause;
 3. Notice of preliminary arraignment;
 4. Notice of preliminary hearing;
 5. Bail bond;
 6. Bail Conditions, if any;
 7. Surety;
 8. Public Defender application
 9. Fingerprint Order.
9. Bail bond must be signed by the defendant. The form must be faxed back to the arraignment MDJ.
 10. Surety information page will be signed by the defendant in the event of unsecured bail. This form must be faxed back to the arraignment MDJ.
 11. The defendant shall receive a copy of all paperwork.
 12. A copy of all paperwork shall be given to the Magisterial District Court for distribution.
 13. All original documents are to be delivered or mailed within twenty-four (24) hours by the police officer to the Magisterial District Judge's office who has jurisdiction over the matter.
 14. In the event of incarceration, a copy of the commitment, bail information, surety information, police criminal complaint and probable cause affidavit shall be given to the Carbon County Correctional Facility.
 15. The arresting police department shall receive a copy of the arrest warrant, criminal complaint, probable cause affidavit, notice of preliminary arraignment, notice of preliminary hearing, commitment, release of prisoner, bail conditions, bail bond, and surety information page.

16. The police officer will be responsible to fax all pertinent paperwork back to the MDJ. The MDJ's office will be responsible for making copies and distributing the paperwork to the proper persons. Booking center files will be kept and maintained by the Carbon County Correctional Facility.
17. Once the preliminary arraignment is completed by the MDJ, the defendant shall be provided with the opportunity to post bail with the office of the MDJ or the Carbon County Correctional Facility. The defendant's opportunity to post bail prior to being incarcerated shall be a reasonable time determined by the MDJ.
18. If the defendant posts bail, he/she shall be released immediately and provided with the following information:
 - a. If the defendant posts bail, the MDJ shall verbally advise the defendant of the requirement to appear at the Carbon County Correctional Facility or Pennsylvania State Police Barracks prior to his/her preliminary hearing for fingerprinting.
 - b. The MDJ shall also issue a fingerprint order, AOPC Form 405-05, which shall order the defendant to call the Carbon County Correctional Facility or appear at the Pennsylvania State Police Barracks for electronic fingerprinting and photos.
 - c. A receipt for bail shall be issued to the defendant or bail poster.
 - d. Arresting officer shall remain with the defendant until the bail is posted at the MDJ office.
19. If the defendant was arraigned at the MDJ's office or by video-arraignment procedures and fails to post bail, the arresting officer shall transport the defendant to the Carbon County Correctional Facility for booking.
20. Preliminary Arraignments for arrests made between 10:00 P.M. and 8:00 A.M. will be pursuant to Carbon County Local Rule of Criminal Procedure 117.

PRELIMINARY HEARINGS

- A. Prior to the commencement of the preliminary hearing, the defendant must be processed through Livescan/CPIN.
- B. If the defendant appears at the preliminary hearing after having failed to be processed through Livescan/CPIN as he/she was advised to do at the preliminary arraignment, the MDJ shall have the following options:
 - 1. Require that the defendant submit to Livescan/CPIN processing prior to the commencement of the preliminary hearing at the Magisterial District Court; or
 - 2. Continue the preliminary hearing and order the defendant to be processed through Livescan/CPIN at a specific time and date prior to the continued preliminary hearing.
 - 3. Conduct the preliminary hearing and set bail conditions to ensure compliance with Livescan/CPIN processing prior to the next scheduled Common Pleas Court event.
- C. Each defendant shall be assessed a fee of \$100.00 for Livescan/CPIN processing as required by 42 Pa.C.S.A. 1725.5 unless the defendant prepays the Livescan/CPIN processing fee of \$75.00.