

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 offenses. The program shall be in line with Pennsylvania statutes as well as 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.

Funding may be available to assist qualifying individuals with housing, treatment, transportation and electronic monitoring. Eligibility for any available funding will be determined during the screening process.

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.

*An individual may be able to receive a sentence of Restrictive Probation more than once as long as they continue to meet the eligibility requirements.

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

Generally, eligible candidates must reside in Bucks County or at least reside in Bucks County until the duration of their minimum sentence is complete. However, in certain cases, accommodations may be possible. Those potential accommodations will be determined during the screening process.

The Commonwealth may waive an ineligible offense, but the victim must be notified and given an opportunity to provide input. The Court will then have the ability to make a decision based on that input.

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

03/22/2021

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 (institutional) confinement for up to 90 days without parole, home confinement with electronic monitoring and/or inpatient treatment.

Screening Process:

1. Applications should be submitted to APPD 30 days or more prior to sentencing with an updated drug and alcohol assessment (within 90 days). Targeted populations:
 - a. Pre-sentence investigations
 - b. Eligible probation violators
 - c. 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 but not limited to:
 - a. Statement of Residence Form (if needed)
 - b. Rules and regulations
 - c. Any special conditions
 - d. Equipment responsibility form

Restrictive Probation may include a combination of the following conditions:

Intensive Supervision
Home Confinement with Electronic Monitoring
Education, Vocational and Employment Programs
Electronic monitoring
Maintain Employment
Breath Check/Alcohol Monitoring
Attendance at Recovery Support Meetings
Random Drug Testing
Curfew
Drug and Alcohol Treatment
Mental Health Treatment
Community Service
Restitution
Attendance at Pro-Social Activities