



# County of Bucks

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## CCAP Committee on County Criminal Justice System Best Practices for the 21<sup>st</sup> Century

- The Bucks County Department of Corrections is a County funded and operated criminal justice agency, part of the executive branch of county government. The Department is the single largest criminal justice agency within Bucks County, employing over 340 people in various types of jobs the majority of which are Corrections Officers. This facility serves as the countywide central receiving location for all persons committed to the system as either pre-trial detainees or convicted prisoners. Annually, the facility receives over 7400 prisoners. Pre-Trial detainees as well as sentenced minimum, medium and maximum-security classified inmates are housed at the correctional facility.

In May of 1985, the Department of Corrections opened its current correctional facility that was declared as being state of art for its time period. Not long after the correctional facility opened it was rapidly reaching capacity and the foreshadowing thought process to expand was necessary. The Men's Community Corrections Center opened on July 28, 1991; replacing the original Rehabilitation Center opened in 1963 (this was the first stand alone work release facility in the United States). The building houses 270 male residents and provides shared treatment programming for both males and females. Shared services offered to male and female residents include; drug and alcohol treatment, adult basic education, religious services, case management, community service, work release, life skills and other re-entry planning. The Women's Community Corrections Center opened on July 28, 1992 using the old Rehabilitation Center. This building offers 50 beds for female offenders. The opening of the Women's facility offered the same levels of custody services and opportunities as the male population. The Men's and Women's Community Corrections Centers are nationally accredited by the American Correctional Association.

In 1991, Pennsylvania passed the Intermediate Punishment Act. As a result, this gave the opportunity to "a person convicted of DUI is eligible for sentencing to only the following types of programs; a residential inpatient drug and alcohol program or a residential rehabilitative center program, house arrest and electronic monitoring combined with drug and alcohol treatment<sup>1</sup>". As a result of this act passing an administrative discussion surrounding crowding at the jail went full bore towards the development of a house arrest/electronic monitoring program which previously did not exist in Bucks County.

In early 1992 an Intermediate Punishment grant was written for and subsequently awarded to the Bucks County Department of Corrections. As a result, the Bucks County House Arrest Program was enacted in April 1992. This grant award resulted in the acquisition of electronic monitoring equipment that would be instrumental in the program by using technology to enhance population control via the House Arrest Program. The Department of Corrections has been extremely fortunate to be awarded an annual grant since 1992 from the Pennsylvania Commission on Crime and Delinquency (PCCD) to aid in the support of this project.

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<sup>1</sup> Source: The provisions of this § 451.52 adopted September 27, 1991, effective September 28, 1991, 21 Pa.B. 4406; amended December 25, 1992, effective December 26, 1992, 22 Pa.B. 6112. Immediately preceding text appears at serial page (160836). Cross References: This section cited in 37 Pa. Code § 451.34 (relating to Prison Facilities Improvement Act funding qualification and Intermediate Punishment Sentencing Act authority or Intermediate Punishment Sentencing Act authority only); and 37 Pa. Code § 451.117 (relating to House Arrest Program)

- The House Arrest program was instituted in 1992 as part of the Intermediate Punishment Plan. The strategy was to target low level offenders in custody without compromising public safety and be able to promote community ties and resources. The targeted population was that of DUI offenders who were of low risk by classification. The expected outcome was to stabilize or reduce the jail population. This thinking was considered to be outside the box and was ahead of its time by targeting low risk offenders and promoting pro-social re-entry services. The County administrators and the Courts believed that the house arrest program was to be a jail function as opposed to a court function. This was due to the jail already having due process in place as a result of the United States Supreme Court case of Wolff vs. McDonnell<sup>2</sup>. The vision of the program was that the residence/home of the offender would be an extension of the jail cell. Therefore, the conduct evaluation board (due process) as a result of any institutional misconduct met the standard of a change in place of confinement/change in custody level. This local custom developed has served the Department of Corrections as well as the Court of Common Pleas extremely well. Wherein, whenever there was a violation the court's time was involved with the "violation" of any program rules. As a result this lead to the first and most important stakeholder formation between the Department of Corrections and the Court. As a result, several other key stakeholders collaborated with the Department of Corrections and the vision of the House Arrest Program (Bucks County Adult Probation and Parole, the recovery community of Bucks County and PCCD).

The House Arrest Program continues to be heavily utilized and relied upon by the Courts in Bucks County to divert low risk offenders from the traditional institutional options in order to make beds available for higher risk offenders. The House Arrest Program is located within the Community Corrections Centers, and operates 7-days a week, 24-hours a day. House Arrest involves a philosophy of limiting an offender's movement within the community through active and passive electronic monitoring. Placement on this program allows for offender's to remain in their home, go to work, attend school, participate in community service and to attend community based drug and alcohol treatment, mental health treatment all while maintaining the at home family dynamics. The offenders' activities are closely monitored, electronically and by staff contact, to ensure that they are in compliance with the courts directives. Close supervision is necessary to address public safety concerns.

In 1992 the program monitored fifty (50) offenders in its infancy. In 2012 there were over six hundred (600) offenders enrolled on the program. The average number of days enrolled on the program is ninety (90) with many offenders serving in excess of one hundred and eighty (180) days. The Bucks County Department of Corrections has maintained direct supervision and monitoring of all offenders placed on the program by utilizing equipment purchased under the Pennsylvania Commission on Crime and Delinquency Grant. The money that this grant provides assists the department to provide direct contact with the offender, consequently providing a higher level of community safety. Additionally by utilizing direct supervision and on site monitoring, response time to any potential infraction is enhanced greatly.

Participation on the House Arrest Program is viewed as a privilege granted to offenders. As such, participants are required to pay a daily administrative fee. This fee offsets the cost of the House Arrest program. Every offender has an assessment to determine risk and needs. This assessment will include a Level of Service Inventory–Revised™ (LSI-R™). The LSI-R™ is a quantitative survey of offender attributes and their situations relevant to level of supervision and treatment decisions<sup>3</sup>. Risk: looks at static factors that in most cases can predict criminal behaviors and attitudes and include such things as age at first arrest, criminal acquaintances, criminal history and

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<sup>2</sup> United States Supreme Court Decision Wolff vs. McDonnell 1974  
<http://supreme.justia.com/cases/federal/us/418/539/>

<sup>3</sup> Level of Service Inventory–Revised: Don Andrews, Ph.D. James Bonta, Ph.D.  
<http://www.mhs.com/product.aspx?gr=saf&prod=lsi-r&id=overview>

attitudes toward crime. Need: looks for dynamic factors, and includes things such as substance abuse and antisocial behaviors, mental health history, medical needs, to mention a few. In essence, the risk and needs that are identified should be matched to the level of intensity of treatment and supervision/monitoring. This assessment is completed by the Community Corrections Officers who are trained in the administration of this instrument.

The House Arrest Program is comprised of a House Arrest Coordinator who oversees the transition between the Courts (District and Common Pleas) and the Bucks County Department of Corrections. Five (5) Community Corrections Officers are assigned to monitor the offenders on the program. Electronic supervision is provided through either passive and/or active monitoring. The passive system is voice recognition where in the offender is required to record a voice template from their residence when a staff member is present. A permanent schedule is then entered into the monitoring server. The system is designed to randomly generate calls out to the offender according to the set schedule that has been entered. The active system consists of a transmitter (also known as an ankle bracelet) and receiving unit to be installed on the offender and in the home. This sanction is used for higher risk offenders or offenders who are unable to successfully record a voice template due to language barrier or medical condition. Once a schedule is entered into the system, when an offender leaves the residence a signal is sent to the home monitoring unit and in-turn to the onsite server at the Bucks County Department of Corrections. Offenders who leave their residence outside of the approved schedule time will trigger a violation alert (silent) which results in immediate staff intervention. Failure to maintain acceptable behavior on the program such as, being out of place in the community, incurring new charges, failed drug or alcohol testing, will result in the issuance of a misconduct and removal from the House Arrest Program. House Arrest has produced positive results by stabilizing the jail population without a financial impact. This bodes well for the offender and the stakeholders including the community without jeopardizing public safety. Participants are aware of the consequences should they deter from the program rules.

- The Pennsylvania Commission on Crime and Delinquency (PCCD) requires all grant recipients to provide bi-annual reports outlining the program's statistics. As a result, this provided insight on the type of measureable goals that were not only important to PCCD but to the Bucks County Department of Corrections as well. The number of offenders that were enrolled in the program for 2012 was five hundred and ninety nine (599) 89% percent of the offenders were serving a Driving Under the Influence (DUI) offense. The success rate, which is defined as an offender completing their sentence with no violations while on house arrest, in 2012 was 88%. The average length of stay for a successful case in 2012 was fifty-nine (59) days. Consequently, there were ninety-eight (98) unsuccessful cases with average length of stay of sixty-seven (67) days. See Appendix A (statistics submitted to PCCD in 2012).
- The Bucks County Department of Corrections maintains a highly successful House Arrest Program by reducing the number of bed days that would be required to house these offenders in either the main Correctional Facility or Community Corrections Centers. In 2012, 56,322 bed days were saved with an average daily number of offenders enrolled on the program being in excess of one hundred and thirty (130) participants. By examining the successful vs. unsuccessful cases specifically the length of stay when it relates to violators we learned that staff and offenders tend to become more complacent the longer they are in the program and tend to learn the occasional unavoidable pattern with unannounced home visits by correctional staff due to work and community bases treatment schedules. In 2013, the department is paying closer attention to offenders on the program after the sixty (60) day mark to ensure that complacency is addressed for staff and offenders.

Telephone technology is ever changing. Therefore, by the Bucks County Department of Corrections is a dynamic organization especially in the realm of house arrest monitoring. Although this can often times be viewed as a financial burden, it results in the department's ability to provide state of the art services and the confidence that public safety is not jeopardized.

- Bucks County is a suburb of Philadelphia bordering New Jersey. Bucks County has a population of approximately 620,000 over 608 square miles. There is a mixture of rural, urban, and suburban territories that are identified as Upper, Central and Lower Bucks

In addition to the Bucks County Commissioners and residents of Bucks County, the key stakeholders of Bucks County involved in the House Arrest Program then and now include the following:

- o Bucks County Department of Corrections
  - o Bucks County Prison Oversight Board
  - o The Court of Common Pleas of Bucks County the Seventh Judicial District of Pennsylvania.
  - o Bucks County Adult Probation and Parole, operated by the Court of Common Pleas of Bucks County the Seventh Judicial District of Pennsylvania.
  - o The Pennsylvania Commission on Crime and Delinquency (PCCD).
  - o Bucks County Drug and Alcohol Commission, the single county authority in Bucks County which manages the county drug and alcohol treatment dollars, provides measures of quality assurance, and advances drug and alcohol preventions and treatment services for the residents of Bucks County
  - o Aldie Counseling Center, a non-profit drug and alcohol treatment provider
  - o Penn Foundation Behavioral Health Services, a mental health, drug and alcohol recovery services provider
  - o Lenape Valley Foundation, a nonprofit mental health and intellectual or developmental disability services provider
  - o PennDel Mental Health, a private non-profit community mental health center providing psychiatric and social services
  - o Pennsylvania Recovery Organization- Achieving Community Together (PRO-ACT hosted by the Council of Southeastern Pennsylvania) is a grassroots organization dedicated to reduce addiction stigma, increase access to recovery services, and provide recovery supports. PRO-ACT acts mainly as a volunteer drop-in community support center for those in recovery with peers helping one another.
- In 1992 the Department of Corrections utilized electronic monitoring equipment purchased through the grant award via PCCD. This equipment required the use of an analog telephone line. This meant that an offender needed to have cooper wire service, which was only offered through one phone service provider, to be enrolled on the program. During 2011 and 2012, with the progression of telephone technology, analog/copper wire telephone service was phasing out. The newer telephone technology consisted of voice over internet provider (IP) and fiber optics; the department was able to provide service to offenders who previously did not have the acceptable hardware now could be afforded the opportunity with the new format. This enabled the department to place more offenders into the community.

The House Arrest Program in Bucks County was designed to offer an alternative to incarceration for low risk offenders. Reviews of the population yielded a number of offenders were incarcerated for Driving Under the Influence and Driving Under Suspension offenses. Participants on the program may be sentenced in the Court of Common Pleas of Bucks County, District Courts of Bucks County as well as cases from other Counties within the Commonwealth of Pennsylvania. Such cases though require that the originating County make application prior to the sentencing date for prospective participants to be evaluated to determine their eligibility. Through the years, the program has evolved to include additional misdemeanor offenses, offenders directed by the Court to be placed on the House Arrest Program and pre-trial offenders. Adopting the additional criteria for placement on the program has assisted with the crowding at the maximum security facility and both the Men's and Women's Community Corrections Centers. As a result, this program is essential to the stakeholders of Bucks County to continue based on our years of experience.

The House Arrest Program operates similarly to an Intermediate Punishment program with the exception that the offenders are not sentenced to Intermediate Punishment. Currently, it is condition of the court order that that offender be placed on the house arrest program. As a result, grant funding is in jeopardy due to difference. The Department of Corrections is working with the District Attorney's Office and the Courts in an attempt to change the local custom that has been in place for many years. If this change can occur the Department of Corrections will be compliant with the grant application requirements for a true Intermediate Punishment Program and allow for the leveraging of grant funds to continue with assisting this successful, relied upon program.

- The costs of maintaining the house arrest program in 2012 was \$584,068. This figure accounts for the salary and benefits of the six (6) staff that are responsible for the House Arrest Program (see

Figure 1: House Arrest Program 2012). As stated earlier the program began and continues with the assistance of grant funds from PCCD.

Offenders' being able to maintain stable employment and provide for their families is very important and offenders on the program are fortunate to be provided with this opportunity in order keep the family dynamics intact. It also promotes payments towards court costs and restitution. Offenders are also required to provide their own community based medical, drug and alcohol and mental health treatment, which eliminates the financial burden on the County.

The House Arrest Program will continue to provide significant benefits which outweigh costs or burden to the Department and County. Through the collection of administrative fees associated with participation on the program, the continued costs of the program will offset costs that would otherwise be placed on the Department and County through overcrowding and the need for new construction. In 2012, the House Arrest Program collected \$572,240 in supervision fees and was awarded \$71, 254 in grant funds for a total of \$643,508. Additionally there were 56,322 jail bed days saved as a result of this program calculated at \$85/day (Bucks County DOC daily rate) equals \$4,787,370 for a grand total savings of \$4,846,810 due to the existence of this program (See Figure 2).