

Rule 708. PROBATION/PAROLE/INTERMEDIATE PUNISHMENT GENERAL RULES AND REGULATIONS.

A. Probation/Parole/Intermediate Punishment General Rules and Regulations

The Court, whenever sentencing a defendant to probation or intermediate punishment or granting parole, shall state in its order that the general rules, regulations and conditions governing probation and parole in Crawford County shall be applicable and all of the following shall apply unless specifically deleted by the Court in its Order or in a subsequent order:

- (1) The defendant will be in the legal custody of the Court until the expiration of the defendant's probation, parole or intermediate punishment or until further order of Court. The Probation or Parole Officer has the power at any time during this period, in cases of violation by the defendant of any of the conditions of the defendant's probation, intermediate punishment or parole, to detain the defendant in a county prison and thereafter make a recommendation to the Court, which may result in the further detention of the defendant and ultimately the revocation of probation or parole and commitment to a penal or correctional institution for service of the defendant's sentence.
- (2) The defendant will report regularly to the Probation/Parole Department, in person or in writing, and reply to any communication from the Court or the Probation/Parole Department.
- (3) The defendant will live at an address provided to the Probation/Parole Department and may not change that residence without prior permission from that department.
- (4) The defendant will not travel outside of Pennsylvania or the community to which he/she has been paroled or placed on probation as defined by his/her Probation/Parole Officer without prior permission.
- (5) The defendant will comply with all municipal, county, state and federal criminal laws, and will abide by any additional written instructions of his/her Probation/Parole Officer. Pursuant to this rule, any such reasonable instruction shall be considered a special condition of supervision imposed by the Court. The defendant will immediately notify his/her Probation/Parole Officer of any arrest or investigation by law enforcement agencies.
- (6) If the defendant is not employed, the defendant will make every effort to obtain and maintain employment and support any dependents of the defendant. The defendant will obtain written permission prior to changing employment. If the defendant loses a job, the defendant will immediately notify the defendant's Probation/Parole Officer and cooperate in any effort the parole officer may make to obtain employment for the defendant.

- (7) The defendant shall abstain completely from the use and possession of controlled substances.
- (8) If the defendant has ever been convicted of a felony or a misdemeanor crime of domestic violence or misdemeanor involving the use or possession of a weapon, the defendant shall not be permitted to own, possess or have access to any firearm nor ammunition that can be used in any firearm.

If the defendant has been convicted of a non-weapons misdemeanor other than a crime of domestic violence, with the advance permission of the defendant's Probation/Parole Officer, the defendant may possess weapons and ammunition for those weapons to be used exclusively for hunting or other sports activities. This decision shall be solely at the discretion of the defendant's Probation/Parole Officer.

- (9) The defendant may not use alcoholic beverages nor may the defendant go into places where alcoholic beverages are sold unless, at the discretion of the Probation/Parole Department, this condition is totally or partially waived in writing.
- (10) All fines, costs, restitution and Offender's Supervision Fees imposed upon the defendant by the Court must be paid immediately or in accordance with any schedule set up by the Court or the Probation/Parole Department before the defendant will be released from probation/parole.
- (11) The defendant will submit to random and periodic testing to determine any use of illegal controlled substances and alcoholic beverages.
- (12) The defendant will attend and pay all costs and fees of any therapeutic program offered by a recognized agency when directed to do so by the defendant's Probation/Parole Officer.
- (13) The defendant will not annoy or harass any victim or witnesses of the defendant's crime and shall not solicit anyone else to do so.
- (14) The defendant shall obey the law and be of good behavior generally.
- (15) The defendant shall report to the Crawford County Probation/Parole Department within 24 hours after being released from any institution unless directed to report sooner by the Probation/Parole Officer and/or Order of the Court.
- (16) The defendant shall comply with any curfew imposed by the Probation/Parole Department.
- (17) Any defendant required to comply with the provisions of 44 Pa. C.S.A. Section 2316 regarding the mandatory submission of a DNA sample, shall do so and shall further pay the mandatory costs set forth in 44 Pa. C.S.A. Section 2322 unless the

Court has found that undue hardship would result and has excused the payment of that fee.

- (18) Any defendant subject to the registration requirements for sexual offenders pursuant to the provisions of 42 Pa.C.S.A. §§ 9799.10 *et seq.* (as amended) (known as SORNA II) shall at all times during the period of probation, intermediate punishment, or parole comply with all such registration requirements.
- (19) The defendant shall always be truthful and accurate in any written or oral statements the defendant makes to a Probation/Parole Officer or member of the staff of the Probation/Parole Department.
- (20) The defendant shall receive a copy of these general terms and conditions of probation/parole at or about the time supervision commences.
- (21) If the defendant believes that the defendant's rights have been violated as a result probation/parole supervision, the defendant must submit a timely complaint in writing, first to the Chief Probation/Parole Officer and then to the President Judge at the Crawford County Judicial Center in Meadville, Pennsylvania, if the matter is not satisfactorily resolved.
- (22) If the defendant believes that the defendant's rights have been violated as a result probation/parole supervision, the defendant must submit a timely complaint in writing, first to the Chief Probation/Parole Officer and then to the President Judge at the Crawford County Judicial Center in Meadville, Pennsylvania, if the matter is not satisfactorily resolved.

B. Electronic Monitoring/House Arrest General Rules and Regulations.

Whenever the Court shall sentence a defendant to a sentence including Electronic Monitoring/House Arrest, the defendant will be subject to all of the following rules, regulations and conditions unless specifically deleted by the Court in its Order or any subsequent Order:

- (1) The offender must remain at the indicated residence at all times except those times approved by the Crawford County Probation/Parole Department with the exception of a life threatening emergency. The offender may be required to furnish documentation to verify any emergency departures from the schedule. If an emergency situation exists, the offender is required to notify the Probation/Parole Department immediately.
- (2) The offender agrees to maintain telephone service that is not equipped with the phone company's computerized answering service throughout the offender's participation in the Electronic Monitoring/House Arrest Program.

The offender may be required to provide documentation to verify this condition. Also the offender understands that ALLTEL Corporation or the equivalent service

provider is not liable for any damages incurred as a result of wearing the equipment or participating in said program.

- (3) No illegal drugs, alcohol, firearms or other weapons or ammunition for firearms are permitted in the residence. Additionally, the offender is prohibited from possessing or using any of these items at any time during the period of time on Electronic Monitoring/House Arrest.
- (4) The Probation/Parole Department shall be permitted access to the residence during the term of this program. Additionally, the officers shall be permitted to search the residence, the offender and the offender's vehicle. The offender consents to all types of these searches and acknowledges that they may be conducted without a search warrant. Officers may restrict individuals from visiting the offender. Any non-compliance of the offender's family/friends is the offender's responsibility.
- (5) The offender shall submit to drug and alcohol testing with the type of test to be selected by the supervising officer. Methods may include, but are not limited to, breath, urinalysis or blood testing.
- (6) The offender will not move, disconnect or tamper with the monitoring equipment following installation.
- (7) The offender will be held responsible for any damage other than normal wear to the equipment. If the equipment is not returned or it is not returned in good condition, the offender may be charged for replacement/repair and may be subject to civil and/or criminal penalties.
- (8) The purpose of this monitoring equipment is to alert authorities of violations of the program. The offender agrees that the loss of a receiving signal and/or receipt of a tamper signal by the monitoring device shall constitute probable cause for a violation. It is agreed that the program's computer printout and/or a program official's and/or other sources of testimony may be used as evidence at a violation hearing to prove said violation.
- (9) The Crawford County Probation/Parole Department and program associated agents are not liable for any damages incurred as a result of wearing or tampering with the equipment or any respective damages associated with the equipment that are the result of the offender's negligence.
- (10) The offender must abide by all instructions, rules, regulations and directives of the Electronic Monitoring/House Arrest Officers or other officers of the Department acting for the assigned case officer.
- (11) The offender shall comply with all municipal, county, state and federal laws. Any arrest, receipt of citation/summons or contact by law enforcement officials must be immediately reported to the offender's probation/parole officer.

- (12) Approvals will be given for the defendant to leave the residence for employment. This employment may be full or part time, but must be a legitimate job where taxes are withheld or W-2 Forms are filed and verification is established. Other leaves will be limited to approved counseling, hospital/doctor appointments and a funeral of an immediately family member. Social leave will not be permitted, nor will leave to public or private events be permitted. All leave activity will be recorded in the daily logbook for the defendant.
- (13) The offender will be assessed an installation fee and a daily use fee while enrolled in the Electronic Monitoring/House Arrest Program in amounts to be determined by administrative order entered by the President Judge.
- (14) While in the Electronic Monitoring/House Arrest Program, the offender shall attend any recommended counseling and shall comply with the rules and regulations of any counseling agency, including compliance with the treatment plan.
- (15) The offender shall always be truthful and accurate in any written or oral statements the offender makes to the probation/parole officer or member of the staff at the Probation/Parole Department.
- (16) The offender understands that providing false information is a violation of and may result in the offender's removal from the program and return to the Crawford County Correctional Facility forthwith
- (17) The offender may be arrested with or without a warrant immediately following a violation, and that arrest will result in the offender's return to the Crawford County Correctional Facility forthwith until the matter can be brought before a judge for hearing. The offender will not leave the place of employment except to perform duties associated with employment unless otherwise permitted by the supervising probation/parole officer. The offender agrees to permit the supervising probation/parole officer to visit the place of employment to assure compliance and to permit the employer to notify the supervising probation/parole officer in the event the offender does not report to work as required or leaves work other than at the designated times in the normal workday.
- (18) The offender is required to keep the supervising probation/parole officer informed of the location and directions to the place of employment or job site.
- (19) The offender will provide a weekly work schedule to the supervising probation/parole officer in writing at least two working days in advance of the work schedule.
- (20) If the offender believes the offender's rights have been violated as a result of the Electronic Monitoring/House Arrest supervision, the offender may submit a timely written complaint in writing, first to the Chief Probation/Parole Officer, and if the

matter is not satisfactorily resolved, then to the President Judge at the Crawford County Courthouse, Meadville, Pennsylvania.

The offender shall have access to a digital pager with a number to be designated by the Adult Probation Department, to be used in EMERGENCY SITUATIONS ONLY! This pager is not to be used for schedule changes or personal requests. The offender must have a schedule change approved one day in advance during working hours. Any weekend schedule changes not requested prior to close of business on Friday will not be approved. The offender is cautioned, this pager is for EMERGENCY USE ONLY.

An EM Log will be provided to the offender at the time of the initial hook-up. The offender will be responsible for maintaining an accurate log with a detailed list of all daily events that occur outside the residence. The officer may apply the officer's own discretion in the maintenance of the log.

Religious leave may be permitted with a written and signed request from the pastor, priest, etc. and written documentation of any attendance with not more than two leaves per week permitted.

Any other purposed leave requests are subject to the approval of the Electronic Monitoring/House Arrest Department of the Probation/Parole Department.