

AVOPP

TECHNICAL VIOLATION OF PROBATION HEARINGS A.V.O.P.P.

PURPOSE

THE PURPOSE OF THE ACCELERATED VIOLATION OF PROBATION PROGRAM (AVOPP) IS TO EXPEDITE NON-CUSTODY COMMON PLEAS COURT AND MUNICIPAL COURT TECHNICAL VIOLATION OF PROBATION HEARINGS.

JUDICIAL CALENDARS ARE OFTEN UNABLE TO ACCOMMODATE TECHNICAL VIOLATION HEARINGS SWIFTLY. CASELOADS AND OTHER JUDICIAL MATTERS OFTEN CAUSE TECHNICAL VIOLATION HEARINGS TO BE HEARD 30 DAYS OR MORE FROM THE CITING OF THE VIOLATION. EARLY JUDICIAL INTERVENTION WILL PROVIDE THE ATTENTION THESE CASES NEED THUS REDUCING THE OCCURRENCE OF SERIOUS INFRACTIONS SUCH AS DIRECT VIOLATIONS.

THE AVOPP JUDGE WILL CONDUCT THE TECHNICAL VIOLATION HEARING CONSISTENT WITH AVOPP PROTOCOLS AND WILL ADDRESS THE INFRACTION IF ONE IS CONFIRMED OR MAY FORWARD THE MATTER TO THE SENTENCING JUDGE.

WITH TECHNICAL VIOLATION HEARINGS REMOVED FROM DOCKETS, JUDGES CAN FOCUS MORE ON THE TRIALS SCHEDULED BEFORE THEM.

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PROCEDURE

1. A PROBATION/PAROLE OFFICER DETECTS A POSSIBLE TECHNICAL VIOLATION OF PROBATION/PAROLE -VIOLATIONS MAY INCLUDE NON-REPORTING, LACK OF EMPLOYMENT, LACK OF DRUG OR M/H TREATMENT, ARREARS, ELECTRONIC MONITORING VIOLATION OR ANY OTHER CONDITION OF PROBATION/PAROLE NOT INCLUDING A NEW ARREST OR A DIRECT VIOLATION.
2. THE ADULT PROBATION/PAROLE DEPARTMENT (APPD) SUBMITS SCHEDULING REQUESTS TO ACTIVE CRIMINAL RECORDS FOR TECHNICAL VOP HEARINGS, EXCEPT ELECTRONIC MONITOR VIOLATIONS. HEARINGS WILL BE SCHEDULED 10 WORKING DAYS FROM THE REQUEST BEFORE THE AVOPP JUDGE.
3. APPD WILL SUBMIT SUMMARIES AND HEARING DATES TO AVOPP JUDGE, DEFENSE COUNSEL AND THE DISTRICT ATTORNEY'S OFFICE.
4. THE AVOPP JUDGE WILL NOTIFY THE SENTENCING JUDGE OF THE HEARING AND PROVIDE A CONSENT FORM. IF THE SENTENCING JUDGE IS NO LONGER ASSIGNED TO THE CRIMINAL JUSTICE CENTER, THE CASE WILL BE REASSIGNED TO EITHER THE AVOPP JUDGE OR ANOTHER OF THE DEFENDANT'S PROBATION/PAROLE JUDGES.
5. THE SENTENCING JUDGE HAS 5 DAYS TO COMMUNICATE WITH AVOPP JUDGE THAT THEY OBJECT TO THE AVOPP JUDGE CONDUCTING THE HEARING. THE SENTENCING JUDGE RETAINS THE RIGHT TO OBJECT TO AVOPP HEARINGS AND REASSIGNMENT OF THE CASE EVEN IF THEY NO LONGER ARE ASSIGNED TO THE CRIMINAL JUSTICE CENTER. SUCH OBJECTIONS WILL RESULT IN A VOP DATE BEFORE THE SENTENCING JUDGE. IF THE SENTENCING JUDGE OBJECTS, THE PROBATION/PAROLE MATTER MUST BE DISPOSED WITHIN 72 HOURS BY THAT JUDGE. THE SENTENCING JUDGE MAY CONVEY SPECIFIC INFORMATION PERTAINING TO THE HEARING TO THE AVOPP JUDGE IN WRITING. THE AVOPP JUDGE WILL PROVIDE THE INFORMATION CONVEYED BY THE SENTENCING JUDGE TO DEFENSE COUNSEL AND THE DISTRICT ATTORNEY'S OFFICE AT

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THE AVOPP HEARINGS. NO RESPONSE FROM SENTENCING JUDGE IS CONSIDERED APPROVAL FOR THE AVOPP HEARING.

6. THE COMMONWEALTH OR DEFENSE MAY OBJECT TO AN AVOPP HEARING. WHEN SUCH AN OBJECTION IS REGISTERED, THE CASE SHALL BE SCHEDULED BEFORE THE SENTENCING JUDGE CONSISTENT WITH THE SENTENCING JUDGE'S CALENDAR.
7. ABSENT OBJECTION BY THE SENTENCING JUDGE, THE AVOPP JUDGE MAY ACQUIRE FULL CONTROL OVER THE PROBATION/PAROLE OF A DEFENDANT AND HANDLE FUTURE INFRACTIONS. THE AVOPP JUDGE WILL RETAIN FULL CONTROL OVER THE PROBATION/PAROLE OF A DEFENDANT IF THE PROBATION/PAROLE IS REVOKED. THE AVOPP JUDGE WILL HAVE NO MORE THAN TWO HEARINGS WITH A PROBATIONER/PAROLEE PER EVENT BEFORE RETURNING CASE TO THE SENTENCING JUDGE IF PROBATION/PAROLE IS NOT REVOKED. IF THE AVOPP JUDGE CONTINUES PROBATION/PAROLE, THE SENTENCING JUDGE RETAINS SUPERVISION OF THE PROBATION/PAROLE.
8. FOR ELECTRONIC MONITOR VIOLATIONS, THE DEFENDANT WILL BE TAKEN INTO CUSTODY, RECEIVE A HEARING AT THE PRISON, THEN RECEIVE AN AVOPP HEARING FIVE (5) DAYS HENCE. IF THE DEFENDANT HAS AN ELECTRONIC MONITORING HEARING SCHEDULED WITH A JUDGE WITHIN THE 5 DAYS, THAT JUDGE, NOT THE AVOPP JUDGE, WILL RESOLVE THAT ISSUE AT THAT TIME.