

ORDER OF COURT

AND NOW, this 28th day of March, 2018, IT IS HEREBY ORDERED that the Adams County Department of Probation Services establish a Community Service Program for the purposes of developing community service opportunities and supervising and overseeing participation and completion of community service by those who are court ordered to perform community service.

1. Program guidelines, policy, and procedure shall be developed by the Department of Probation Services and approved by the Court.
2. Any person admitted to the Accelerated Rehabilitative Disposition Program (A.R.D.) or sentenced to probation, intermediate punishment, or partial confinement, shall perform, as a condition of their sentence, 40 hours of community service where the aggregate term of supervision is 12 months or less and 80 hours of community service where the aggregate term of supervision is more than 12 months for each A.R.D. placement or sentence of probation, intermediate punishment, or partial confinement. Nothing in this Order shall limit the ability of the sentencing judge to impose community service in amounts greater than set forth herein or to waive the performance of community service at the time supervision is imposed or subsequent to the imposition of supervision. This paragraph shall apply to each sentence unless the sentences are to be served entirely concurrent under the same court caption in which case public service pursuant to this paragraph shall only be imposed to one sentence or unless stated otherwise in the court order. This paragraph shall not apply to individuals sentenced to supervision of less than six (6) months or sentenced following a finding of contempt of court for nonpayment of financial obligations.
3. Any juvenile granted a consent decree or adjudicated delinquent shall be required to complete 40 hours of community service unless otherwise directed by order of court.

4. An adult ordered to perform community service who is under supervision for any of the following offenses is ineligible to participate in community service and in lieu of performing the community service shall be subject to the financial assessment in paragraph 8 below:
 - a. murder – 18 Pa. C.S.A. § 2502;
 - b. aggravated assault – 18 Pa. C.S.A. § 2702;
 - c. terroristic threats – 18 Pa. C.S.A. § 2706;
 - d. kidnapping – 18 Pa. C.S.A. § 2901;
 - e. any offense under Chapter 31 of the Crimes Code;
 - f. arson – 18 Pa. C.S.A. § 3301;
 - g. burglary – 18 Pa. C.S.A. § 3502;
 - h. criminal trespass – 18 Pa. C.S.A. § 3503(a); and
 - i. robbery – 18 Pa. C.S.A. § 3701.

In lieu of community service hours being completed in cases with the above charges, the Clerk of Courts shall automatically assess a community service waiver fee of \$7.50 per assigned hour as outlined in paragraph 2 above.

5. In certain situations where an individual who, because of mental, emotional, or physical conditions or limitations, is not an appropriate candidate to perform community service or because of such conditions is otherwise unable to complete community service hours, the Department of Probation Services may exercise discretion in waiving all or part of the community service hours.
6. In certain situations where an individual lacks educational achievement or is unable to effectively communicate in English, both the individual and the community may be better served by participation in an alternative program in lieu of performing community service. Accordingly, where an individual is an appropriate candidate to engage in a General Education Development Program (GED) or English as a Second Language class (ESL), the individual may, through the Department of Probation Services, request that community service, or any portion thereof, be waived for time spent participating in a GED or an ESL. The Department of Probation Services shall adopt policy approved by the Court establishing an objective standard for the trade-off between educational achievement and public service hours credited.
7. If an offender is actively serving in a branch of the United States military or on active reserve, time spent in that capacity shall be credited towards their community service obligation.

8. A community service waiver fee of \$7.50 per hour of community service ordered shall be charged, as costs, to those who are ineligible to perform community service pursuant to paragraph 4 above. Accordingly, for those ordered to perform 40 hours of community service, the fee shall be \$300. For those ordered to perform 80 hours of community service, the fee shall be \$600. If lesser or greater community service is directed by the sentencing order, community service shall be assessed at \$7.50 per hour. The fee shall automatically be applied to the defendant's account and collected by the Clerk of Courts Office as costs. Upon collection, the Clerk shall transfer the revenue collected pursuant to this paragraph to the Adams County Treasurer's Office for deposit in the Court Offender Treatment Fund Account designated as C2-01.
9. A community service waiver fee of \$7.50 per hour of community service shall be assessed to those whose community service has been waived in full or part pursuant to paragraph 5 above. In the event community service is partially performed but waiver is granted for the remainder, the fee will be assessed for the portion of community service waived at the rate of \$7.50 per hour. The fee imposed herein shall be assessed by the Department of Probation Services as a condition of the defendant's sentence and collected by the Department of Probation Services in a lump sum by money order prior to the defendant's completion of supervision. Fees paid under this paragraph shall be forwarded pursuant to the policy adopted by the Court to the Adams County Treasurer's Office for deposit in the Court Offender Treatment Fund Account designated as C2-01.

In circumstances of extreme financial hardship where waiver of public service is granted by the Department of Probation Services pursuant to paragraph 5 above, the fee collected under this paragraph may be waived pursuant to guidelines established by the Department of Probation Services' Executive Director.

10. The Department of Probation Services is authorized to adopt policy, to be pre-approved by the Court, permitting credit against public service for in-kind contributions to charitable organizations or other nonprofit causes. The trade-off shall be a rate of \$7 of in-kind goods or services in exchange for credit of one (1) hour of public service. Credit for public service hours pursuant to this paragraph shall not exceed 50 percent of the total amount of credit of public service required to be performed.

This Order is effective immediately and supersedes Administrative Order No. 32 of 2013 which is hereby repealed and vacated.

BY THE COURT:

MICHAEL A. GEORGE
President Judge

Board of Judges
Donald A. Fennimore, District Court Administrator
Kelly A. Lawver, Clerk of Courts Office
Laura M. Rowland, Executive Director of Department of Probation Services
Brian R. Sinnett, District Attorney
Kristin L. Rice, Public Defender
Adams County Treasurer's Office
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