

Survey to Chief APOs

Issue: CHRI information

Question (from Tioga County)

Is any other county is encountering the same issue as Tioga when it comes to including prior record information on a PSI and then giving this report to a defense counsel or public defender and/or the sentencing Judge. Our Court Administrator let our Courts ORI expire due to the audit requirements. We just had a PSP audit and the auditor said the Feds are now saying that we cannot give this information to the above parties because they are not a criminal justice agency. Our DA's investigator who runs a rap sheet on everyone who they deal with now does not leave this in the file for us to use when doing a PSI, we will have to run our own. Also everyone in the office has to go through privacy training of CHRI. Our judge wanted me to see if this issue has come up with any other court.

Allegheny County

Same as in Westmoreland County

Bucks County

Same as in Westmoreland County

Dauphin County

Same as in Westmoreland County

Erie County

Same as in Westmoreland County

Jefferson County

Same as in Westmoreland County

Lancaster County

The controlling statutes regarding dissemination of PSI are 42 Pa.C.S. §9732, 9733, 9734 as well as Pa. R. Crim. P. 703 (a)(b).

42 Pa.C.S. §9732 outlines the contents of the PSI including "the history of delinquency or criminality..." And 42 Pa.C.S. §9734 (a) indicates that the "...counsel for prosecution and the defense reasonable opportunity to read..." the PSI.

I've included two Administrative Orders...one addressing PSI confidentiality and one addressing PSI attachments. (see addendum)

Luzerne County

PSI Unit operates the same as Westmoreland County

Pike County

Same as Wayne County

Wayne County

Our Court maintains an ORI number and we run our own criminal history for PSI reports. We also maintain dissemination log to whom any PSI goes to outside our agency, including the Court.

Westmoreland County

Staff has completed the criminal history user role training. We run our own RAP sheets for the purpose of a PSI. However, we do not include the RAP with the report. We include a summary of all arrests in the PSI.

York County

Same as in Westmoreland County

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CRIMINAL

IN RE:

ATTACHMENTS TO
PRESENTENCE INVESTIGATION
REPORTS

No. *9* AD *2016*
CPJ No. *7*, Page *1357*

ADMINISTRATIVE ORDER

AND NOW, this *8th* day of *March*, 2016, pursuant to Pa. R. Crim. P. 703, the Court directs that the counsel for the Defendant shall be provided a full and complete copy of any Pre-Sentence Investigation report, including any attachments thereto, for inspection.

No copy shall be made of the report or attachments and the attachments shall be returned to Adult Probation & Parole Services after the time for filing a Post-Sentence Motion has elapsed.

This order shall be effective immediately.

BY THE COURT:


Dennis E. Reinaker
PRESIDENT JUDGE

ATTEST:

Rhonda A. Allen, Deputy

Copies to: All Judges

Mark M. Dalton, District Court Administrator
Mark J. Wilson, Director, Adult Probation & Parole Services
Teri Miller Landon, Deputy Director, Adult Probation & Parole Services
James T. Hansberry, Deputy Director, Adult Probation & Parole Services
Vicki L. Parker, Division Director, Adult Probation & Parole Services
Brett L. Cole, Division Director, Adult Probation & Paroles Services
Craig W. Stedman, District Attorney
Todd E. Brown, Public Defender

CLERK OF COURTS
2016 MAR -8 PM 05
LANCASTER COUNTY PA

THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA

CRIMINAL

AD 8-2016

GENERAL ORDER RE: PRE-SENTENCE REPORTS :
:

COMMON PLEAS JOURNAL

No. 7 Page: 1357

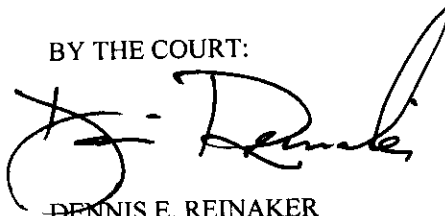
ORDER

AND NOW, this 8th day of March 2016, pursuant to Pennsylvania Rule of Criminal Procedure 703 (a), (c) and (d), presentence reports and related psychiatric and psychological reports shall be confidential, not of public record and available only to the Court, the attorney for Commonwealth, the attorney for the Defendant and any other person, facility, institution, agency or department authorized by the Court.

The attorney for the Defendant shall provide the Defendant with access to such reports but shall not provide the Defendant with any copies.

Anyone with access to any such report must take every precaution to assure compliance with this Order. At the time that any such report is distributed to anyone authorized to receive it, a copy of this Order shall be sent to the attorneys for the Commonwealth and the Defendant.

BY THE COURT:



DENNIS E. REINAKER

PRESIDENT JUDGE

ATTEST:


Ch Dep

Copies: All Judges

Mark M. Dalton, District Court Administrator
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Craig W. Stedman, District Attorney
Todd E. Brown, Public Defender

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MAR 10 2016
CLERK OF COURT