

Transportation Procedure for State Prisoners (Temporary Transfers Pursuant to Act 82 of 2008)

1. **Application.** The protocol applies to writs issued and requests to transport any prisoner incarcerated in the Pennsylvania Department of Corrections. It shall not apply to prisoners housed in Philadelphia county jails (PPS), other county jails, or federal prisons.
2. **Draft Bus List.** Court Administration shall generate a draft Bus List in CPCMS for *all* defendants in state custody (including prisoners housed at SCI-Graterford, SCI-Cambridge Springs, and SCI-Muncy) who have upcoming preliminary hearings, trials or sentencings for a particular week in Municipal Court or Common Pleas Court. The draft bus list shall be generated 6 weeks ahead of the scheduled court date. The list shall constitute a preliminary list of defendants eligible for a temporary transfer pursuant to Act 82 of 2008. The draft list shall contain the following information: defendant name, PP#, DOC Inmate #, date of birth, hearing date, the date the prisoner needs to arrive at the temporary transfer SCI, and any other information deemed relevant by Court Administration.
3. **Sheriff Information.** Court Administration shall simultaneously request from the Sheriff a list of all writs already issued for defendants and witnesses for the same week as the draft bus list.
4. **Adding/Removing Prisoners from the Draft Bus List.** Copies of the draft bus list and writ list shall be forwarded to the Director of the Criminal Justice Prison Population Unit, the District Attorney and Defender Association for review. Court Administration may implement procedures for adding or removing defendants or witnesses to the draft bus list pursuant to the request of judges, the Director of the Criminal Justice Prison Population Unit, the District Attorney, the Defender, private defense counsel or other criminal justice stakeholders.¹ Requests to add or remove defendants from the list shall be made by e-mail to the Director of the Criminal Justice Prison Population Unit, with a copy to Court Administration, the District Attorney, and the Defender.
5. **Separations.** Although the Department of Corrections and the Sheriff's Office routinely take precautions to separate certain prisoners during housing and

¹ It is expected that additions or removal may occur for a variety of reasons. For example, the District Attorney's Office has agreed to review the draft bus list and propose the removal of any specific defendants from the list (where the District Attorney's Office does not believe that the case will be proceeding). The Defender Association may seek to keep or add defendants to the draft bus list for guilty pleas or to add defense witnesses. The Director of the Criminal Justice Prison Population Unit may seek to remove persons scheduled for State Intermediate Punishment sentencings as they may be conducted by video-conferencing.

transportation, stakeholders are encouraged to promptly communicate information relating to the need to separate prisoners to the Department of Corrections and the Philadelphia Prison System.² In addition, stakeholders may seek separation orders, request that separations be noted on bus or transportation lists, or provide copies of separation orders to the Sheriff's Office.³

6. **Review and Signature of Temporary Transfer Order/Notice.** The Director of the Criminal Justice Prison Population Unit (in consultation with Court Administration and other criminal justice stakeholders) shall develop the final temporary transfer list and forward to Court Administration a draft "INMATE TEMPORARY TRANSFER ORDER AND NOTICE". This order and notice shall include a list of all defendants to be temporarily transferred, arranged in order of their respective inmate number, directing the Department of Corrections (DOC) to transfer the defendants to a nearby state correctional institution (usually SCI-Graterford for males and SCI-Muncy for females) for their upcoming cases. The Supervising Judge of Common Pleas Court and the President Judge of Municipal Court (or temporary designee) shall review the draft order/notice and, if appropriate, shall sign the order/notice on behalf of both Courts.
7. **Distribution of Signed Temporary Transfer Order/Notice** A signed copy of the order/notice shall be sent by the Director of the Criminal Justice Prison Population Unit to the Department of Corrections no later than the Friday of the 5th week before the upcoming court date with copies of the signed order/notice to the Judges of the Court of Common Pleas and Municipal Court, the District Attorney, the Defender, and private defense counsel.
8. **Attachment of Defense Counsel.** As soon as practicable after the order/notice is signed, the Court shall attach defense counsel in all cases listed on the signed order/notice.
9. **Draft Writ.** The Director of the Criminal Justice Prison Population Unit shall prepare a draft "Order and Writ of Transportation" writ for all of the defendants to be brought from SCI-Graterford or other designated SCI each day. No later than

² Because Department of Corrections' prisoners may be temporarily housed at the Philadelphia Prison System, separation information should be provided to both agencies. At the present time, separation information should be provided to:

1. Mardiann Vincent, Director, Office of Population Management, Department of Corrections (fax # 717-731-7114); and
2. Director of CMR, Philadelphia Prison System. The current Acting Director of CMR is Christopher Thomas (215.685.8486 (p) and 215.685.8485 (fax)). Alternatively, separation information can be provided to Deputy Warden James DiNubile (215.685.8388 (p)).

³ At the present time, copies of separation orders may be provided to Deidre Davenport (215-683-7915) of the Sheriff's Office.

two business days prior to transportation/court date, the Director of the Criminal Justice Prison Population Unit shall forward the draft order/writ to Court Administration for review and any necessary modifications. Court Administration shall be provided the draft order/writ for review and signature of the designated judge or trial commissioner.

10. **Distribution of Signed Writ.** Court Administration shall forward the original signed copy of the order/writ to the Sheriff no later than noon of the business day before the scheduled transportation/court date. Copies shall also be provided to the Director of the Criminal Justice Prison Population Unit, the District Attorney Office, and the Defender.
11. **Management of Cases with State Prisoners.** All cases where defendants are brought to SCI-Graterford or other designated SCI under this program shall be placed on an expedited trial or preliminary hearing track. Relisting requirements for these cases are as follows:
 - a. For cases in Municipal Court, preliminary hearings or trials that need to be continued will be given a maximum of 3 listings with 10 day continuances. If the District Attorney is not ready for those three listings, then the District Attorney should, absent extraordinary circumstances, withdraw the case.
 - b. For cases in the Common Pleas Court Felony Waiver Program, continuance dates shall be three weeks with a maximum of three listings. If the District Attorney is not ready for those three listings, then the District Attorney should, absent extraordinary circumstances, *nolle pros* the case.
 - c. For cases in the Common Pleas Court Major Trials Program, these cases will be given a priority status and if a continuance is required, it shall be no more than 3 weeks. If a three week date is not available, the continuance trial date shall be no less than six months out.
12. **Notice to Department of Corrections of Continuance.** When a judicial proceeding is continued in accordance with paragraph 10, the clerk shall prepare a short certificate that states the relisting date, notifies the Department of Corrections that the prisoner's presence is required for the relisted judicial proceeding, and requests that the prisoner not be returned to his or her home institution.⁴ A copy of the short certificate shall be provided promptly to the Sheriff. The Sheriff shall deliver a copy of the short certificate to SCI-Graterford or other SCI at the same time as the prisoner is returned from Philadelphia. The

⁴ Pursuant to Act 82 of 2008, 61 P.S. Section 72 (b)(5) the Department of Corrections may "presume that the judicial proceedings have concluded when the inmate is returned to the temporary correctional institution [SCI-Graterford] after the judicial proceeding unless the court otherwise notifies the Department of Corrections in the manner required by the Department of Corrections."

Sheriff shall also notify to the Director of the Criminal Justice Prison Population Unit of the issuance of the short certificate.

13. **Centralization of Writs.** It is the intent of the Court to centralize the issuance of all writs and transportation orders relating to prisoners in the custody of the Department of Corrections. At the present time, writs may continue to be issued by individual judges provided that they are issued at least 6 weeks prior to the hearing date, and copies of the writ are provided that same day to Court Administration and the Sheriff. Any other requests for writs for prisoners in the custody of the Department of Corrections that do not meet those requirements may be issued only by the Supervising Judge of Common Pleas Court (or designee) or the President Judge of Municipal Court (or designee). These provisions shall not apply to writs relating to prisoners in the Philadelphia Prison System, other county jails, or federal prisons.

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