

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

AND

**COURT OF COMMON PLEAS OF HUNTINGDON COUNTY,
PENNSYLVANIA**

IN RE: 20 th Judicial District – Compliance :	33 MM 2020
with the Supreme Court’s Order :	CP-31-MD-114-2020
Addressing the Threat of COVID-19 :	AO-13-2020
Infections Among Incarcerated Persons :	

**NOTICE OF COMPLIANCE AND
ADMINISTRATIVE ORDER**

AND NOW, this 6th day of April, 2020, pursuant to the Supreme Court’s Order of April 3, 2020, in case 70 MM 2020¹ (the “Inmate Protection Order”), its Orders of March 16, 2020, and April 1, 2020 (Nos. 531 and 532 Judicial Administration Docket) in case 33 MM 2020, and this Court’s Declaration of Judicial Emergency, issued March 16, 2020, and Extended Declaration of Judicial Emergency, issued April 1, 2020, all addressing matters related to the outbreak of COVID-19, the Court provides notice of its compliance with the Inmate Protection Order, and issues an Administrative Order outlining the procedures for such compliance, as follows:

1. On April 6, 2020, the Court held a Zoom video meeting with relevant county stakeholders regarding the Inmate Protection Order, including the Huntingdon County Prison Warden, District Attorney, District Court Administrator, Sheriff, Commissioners, and Director of the Office of Court Appointed Counsel, along with the Huntingdon Borough Chief of Police and the Pennsylvania State Police Huntingdon Barracks Commander.

¹ IN RE: The Petition of the Pennsylvania Prison Society, Brian McHale, Jeremy Hunsicker, Christopher Aubry, Michael Foundos, and Frederick Leonard, On Behalf of All Similarly Situated Individuals.

The Original of the Document has
been filed in the Office of the
Prothonotary/Clerk of Court on

APR 06 2020

2. The Warden advised that, in consultation with the President Judge and other relevant county stakeholders, the following measures were taken and the following procedures put in place at the Huntingdon County Prison ("HCP"):
 - a. Since March 13, 2020, no visitation has been permitted at HCP. Because this includes attorneys and counselors, HCP has used advanced communication technology to facilitate those visits. HCP's central booking facility is closed, with the exception of new inmates (i.e., defendants who are on release are not being brought in for fingerprinting).
 - b. Also since March 13, 2020, each staff member's temperature is taken upon arrival at HCP, and anyone with a temperature over 100.4° F is sent home and not permitted to enter the facility.
 - c. On March 26, 2020, HCP entered an agreement with Centre County Correctional Facility to take newly committed inmates and quarantine them for a period of 14 days, as HCP does not have this quarantine capability. Upon completion of the 14-day quarantine the inmates either will remain in Centre County or be transported to HCP, with the final decision to be made based on then-existing conditions and risks (such as the then-current population at HCP, probability of infection, etc.).
 - d. Huntingdon County currently has 81 inmates total. Of that number, HCP houses 38, which is well within its capacity without being overcrowded.² Of the remaining 43, 27 are at the Centre County Correctional Facility, 15 are at the Mifflin County Correctional Facility, and 1 is at SCI Pine Grove.
 - e. HCP is cleaning and disinfecting its facilities regularly, is following guidance from the Pennsylvania Department of

² HCP has the capacity for up to 62 male inmates, but that at that level it is very crowded. Further, HCP does not have the capability to house female inmates. Therefore, Huntingdon County contracts with other correctional facilities (primarily in Centre County and Mifflin County) for additional housing in order to avoid overcrowding and to house female inmates.

Corrections regarding intake of new inmates during the COVID-19 outbreak, and is staying abreast of the current guidance from public health officials and adjusting its procedures accordingly.


3. The PSP Huntingdon Barracks Commander outlined the steps that PSP is taking both in regard to the processing of arrested persons and in determining which defendants should be arrested and processed for possible incarceration at this time. These steps are being followed generally statewide by PSP, and the Huntingdon County Sheriff and Huntingdon Borough Chief of Police relayed that their departments are following similar procedures, and have been in regular contact with PSP regarding best practices.
 - a. For crimes that are lower in severity, and where the defendant does not pose a significant risk to the public, PSP is delaying filing charges when possible. When this is not possible, troopers have been instructed to provide all relevant bail information to the Magisterial District Judge at the initial arraignment, to increase the likelihood that the defendant will be able to be released on bail.
 - b. Central booking procedures have been changed so that the initial arraignment is conducted before the appropriate Magisterial District Judge via advanced communication technology as soon as possible, rather than having the defendant wait for the next regularly scheduled time.
 - c. Arrest procedures have been modified to include questions to screen for possible COVID-19 infections or exposure. Prior to bringing a defendant into central booking, their temperature is checked. If it over 100.4° F the defendant is immediately transported to the hospital, where medical staff will determine whether the defendant needs to be admitted for treatment of a

possible COVID-19 infection, or if they are cleared for intake into quarantine at the Centre County Correctional Facility.

4. The District Attorney confirmed that he and his staff have been in regular contact with PSP, the Sheriff's Office, and local police regarding the above procedures, and that they had his full support in implementing those procedures.
5. Of the current 81 Huntingdon County inmates, 26 are serving sentences, and 55 are being held in pretrial incarceration. All stakeholders agreed that those in pretrial incarceration were most appropriate to review immediately for possible release.
6. The Director of the Office of Court Appointed Counsel reported that he and his staff have reviewed the cases of the pretrial inmates represented by his office, and will send a memorandum to the President Judge suggesting those inmates that the Director believes are good candidates for possible release via bail modification.
7. Going forward, until the termination of the Judicial Emergency, the following procedures are established in addition to the ones outlined above:
 - a. Attorneys representing defendants held in pretrial incarceration who believe that their client is a good candidate for release in order to reduce their risk of suffering a COVID-19 infection shall petition the Court for modification of bail on those grounds. The Court will conduct a hearing on such petition via advanced communication technology, giving all relevant stakeholders (including alleged victims) the opportunity to respond, within a reasonable time after the filing of the petition.
 - b. Court staff will review the current list of defendants held in pretrial incarceration to determine if any are *pro se*, and will provide appropriate notice to such defendants of their ability to file a petition for bail modification.

- c. Nothing herein shall be deemed to prevent an inmate currently serving a sentence in the Huntingdon County Prison from petitioning for early release in some form due to the risk of COVID-19 infection (i.e., parole, early release for medical reasons, etc.). However, review of these petitions will generally be given lower priority than those filed by inmates in pretrial incarceration.
 - d. The President Judge will remain in regular contact with the Magisterial District Judges regarding appropriate bail guidelines during the Judicial Emergency to limit the intake of new inmates.
8. Going forward, all county stakeholders who participated in the video meeting have committed to conferring regularly regarding the matters set forth herein, including revising practices and procedures as new information becomes available, with the ultimate goal being to serve the interests of public safety and prevent or slow the further spread of COVID-19.

BY THE COURT:


George N. Zanic, President Judge

- C: Irene Bizzoso, Esq., Supreme Court Prothonotary
Geoff Moulton, Court Administrator of Pennsylvania
Stacey Witlec
Kay Coons, Prothonotary/Clerk of Courts
Jeffrey E. Leonard, Sheriff
Duane Black, Warden
Leonard Hahn, Director, Probation Department
David G. Smith, District Attorney
Fredrick Gutshall, Esq., Director, Office of Court Appointed Counsel
Angela J. Robinson, District Court Administrator
Huntingdon County Bar Association