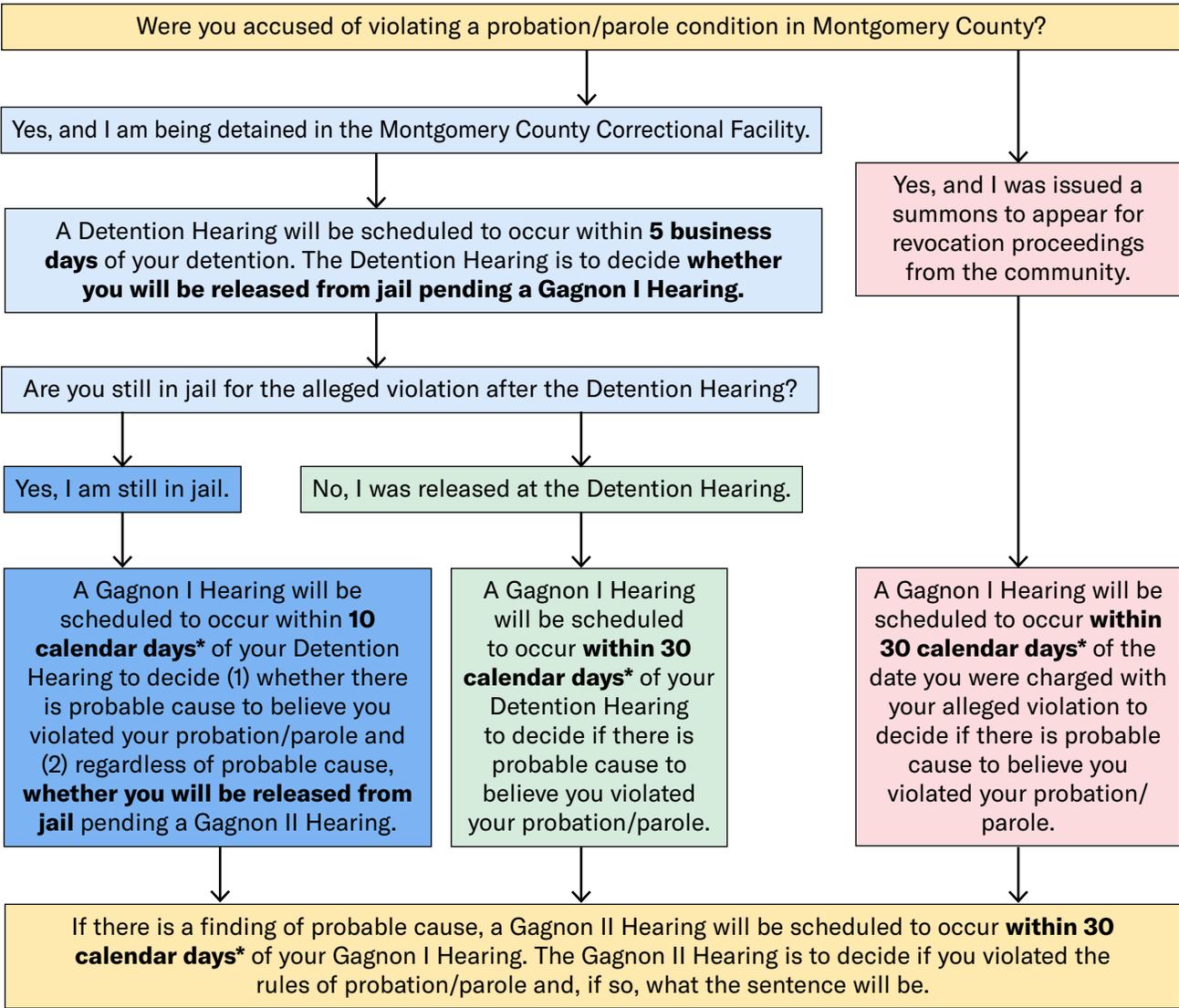


How to Navigate Montgomery County’s DHO Program

In July 2023, Montgomery County created a new system for probation/parole revocation proceedings called the “Detention Hearing Officer (DHO) Program.”¹ Under the DHO Program, if you are jailed in the Montgomery County Correctional Facility pending revocation proceedings, you can seek release from jail. You also can have prompt hearings to challenge revocation. This document explains the DHO Program.



* You may request additional time if you and your attorney believe that is in your best interest.

¹The full DHO Program is available at <https://www.montgomerycountypa.gov/ArchiveCenter/ViewFile/Item/5976>. You can also request a copy from your attorney.

Montgomery County's DHO Program: FAQs



Can I seek release from jail?

Yes, you have **multiple chances** to seek release if you are detained in the Montgomery County Correctional Facility:

1. During a Detention Hearing
2. During a Gagnon I Hearing
3. Any time there is a changed circumstance and your attorney makes a motion.

Can I have a lawyer?

Yes, you have a right to a lawyer during criminal proceedings, including your Detention Hearing, Gagnon I Hearing, and Gagnon II Hearing.

When will I learn about the accusations against me?

Within 3 business days of your detention (if you are detained) or within 10 calendar days of the filing of the alleged violation (if you were not detained), you should receive a document explaining the probation/parole conditions you are accused of violating.

What is a Detention Hearing?

- A Detention Hearing determines whether you can be released from jail pending a Gagnon I Hearing.
- The Hearing takes place within 5 business days of your detention.
- A Detention Hearing Officer (DHO) makes the recommendation to a Common Pleas Court Judge about whether you should be released from jail. That decision is based on ongoing risk to, (a) the public's safety, (b) your safety, (c) non-appearance at your revocation proceedings, and (d) any information relevant to those factors. You can object to the DHO's recommendation, which will be noted for the Judge's consideration.
- A Common Pleas Judge makes the final decision about whether you will be released.

What is a Gagnon I Hearing?

- A Gagnon I Hearing determines (a) if there is probable cause to believe that you violated your probation/parole and (b) regardless of probable cause, whether you will be released from jail pending a Gagnon II Hearing.
- Even if you do not challenge probable cause (for instance, because a judge found probable cause in your pending criminal case), you can still have a Gagnon I Hearing to seek release from jail.
- The hearing takes place within 10 calendar days of your Detention Hearing if you are in jail, or within 30 calendar days if you are not in jail. You can request more time if you want.
- A DHO makes the recommendation to a Common Pleas Court Judge about whether there is probable cause and whether, regardless of probable cause, you should be released from jail. You can object to the DHO's recommendation, which will be noted for the Judge's consideration.
- A Common Pleas Judge makes the final decision about whether there is probable cause and whether you should be released.

What is a Gagnon II Hearing?

- A Gagnon II Hearing determines if you violated the rules of probation/parole and, if so, what the sentence will be.
- The hearing takes place within 30 calendar days of your Gagnon I Hearing. You can request more time if you want.

Each case is different and may raise unique issues. You should ask your attorney any other questions!