

WILMINGTON COMMUNITY COURT

Phase One



PARTICIPANT MANUAL

As of September 4, 2019

This manual is designed to provide information about the services available during Phase One of the Wilmington Community Court.

ELIGIBILITY REQUIREMENTS

- (1) The participant must be charged with an eligible offense in New Castle County. These offenses are: criminal nuisance, criminal mischief, criminal trespass, disorderly conduct, graffiti, loitering, low-level drug possession, prostitution, public intoxication, or shoplifting.
- (2) The participant must agree to the terms of the alternative program.
- (3) The participant must waive his/her speedy trial rights.
- (4) The participant must allow information sharing between Community Court staff and the referral partner(s).

EXCLUSIONARY CRITERIA

- (1) For matters involving victims, victims must agree or, at minimum, be notified and given a chance to express their position on a defendant's participation.
- (2) A significant criminal history may render the defendant ineligible for participation.

IMPORTANT NOTE: All individuals who meet eligibility requirements, absent of exclusionary criteria, should be offered the option of the Community Court. If the offer is not made, the reason should be documented by the Office of the Attorney General. The Court may inquire on the record as to whether Community Court was offered.

COMPLIANCE

Participants will be required to engage in community and/or social services to complete the requirements of the program. There are a variety of community service opportunities available for participants. However, community service must be performed at a site that can be verified by Community Court staff. There are also a significant range of social service mandates that may be required of a participant, depending on the charge and the underlying reasons for the offense. Generally, participants should not be required to engage in more than three (3) mandates. The Court should scrutinize any requirements in excess of the three mandates and will consider the costs associated with multiple requirements on the participant.

REFERRAL PROCESS

Participants may be considered for referral to Phase I of the Community Court by one of the following:

- (1) Judicial Officer;
- (2) Defense Attorney;
- (3) Attorney General;

- (4) Probation Officer;
- (5) Law Enforcement Officer;
- (6) Court Staff.

The Community Court is a voluntary program. Once an individual has expressed interest in Community Court, an agreement must be made by the Defense Attorney (if applicable) and the Attorney General that the individual meets eligibility criteria. The Judicial Officer makes the final determination of eligibility and signs an order entering the participant into the program.

PROGRAM RULES

As a participant in Phase I of the Community Court program, participants will be required to abide by the following rules:

- (1) **Obey the law** - It is expected that participants will NOT engage in criminal activity. If a participant has new charges while in the Community Court, the participant *may* be terminated from the program. Participants are required to report any new arrests to Community Court staff.
- (2) **Attend all scheduled court dates and appointments** - This includes appointments at the Community Resource Center and any scheduled meetings with your service provider. If a participant is unable to make an appointment, the participant must contact the service provider and the Community Resource Center immediately. Generally, the participant will not be required to appear in court after entry into the program unless the participant is non-compliant or required to enter a plea upon successful completion.
- (3) **Be on time** - If the participant is late for any appointments, it may be counted as a missed appointment, which would place the participant out of compliance with program requirements.
- (4) **Complete court mandates as directed** - The participant must complete required mandates as directed by the Court and Community Resource Center staff in order to successfully complete the program.
- (5) **Behave respectfully towards staff and other participants** - Disrespectful, violent or inappropriate behavior will not be tolerated and will be reported to the Community Court.
- (6) **Dress appropriately** - Participants are expected to dress appropriately. Sunglasses are not to be worn unless medically approved.
- (7) **While in court, remain seated and quiet at all times, except when addressing the court on matters relevant to the Community Court case and process** - It is very important to observe appropriate behavior in court.

(8) **Participate** - Participants are expected to participate in required mandates.

(9) **Be Truthful** - Truth is essential to the Community Court Program. Dishonesty may lead to termination.

HEARINGS AND APPEARANCES

Individuals will be scheduled to appear in court to resolve their pending criminal matter. This hearing may be an arraignment, a case review or a trial calendar. Eligible individuals may be entered into the Community Court at any of these stages with approval by the Court. During this hearing, the individual will be notified of the requirements to participate in the program, will waive their right to a speedy trial, and will be ordered into the Community Court. The Community Court is a voluntary program and an individual may elect to not participate.

Once an individual enters the Community Court, they must report immediately to the Community Resource Center, located on the 2nd floor of the Justice Center with a copy of the referral form. Community Resource Center staff will conduct an intake with the participant and begin the referral process based on their specific requirements.

Participants will not be required to appear in court again unless they are out of compliance or their participation requires a plea to a lower-level offense. If a participant is non-compliant, they may be required to appear in court before a judicial officer to determine whether or not they can continue in the program.

Participants may be required to attend appointments with Community Resource Center staff.

NON-COMPLIANCE

Failure to comply with the requirements of the Community Court Program may result in the following sanctions:

- (1) Increased requirements;
- (2) Written assignments;
- (3) Termination.

FAILURE TO APPEAR

If a participant fails to appear in court or at certain appointments on the date and time scheduled, the Court may issue a bench warrant or *capias* for arrest. It is the participant's responsibility to re-schedule appointments in advance. If a request to re-schedule is denied, the participant must appear as scheduled.

PROGRAM FEES

Depending on the participant's specific requirements, a participant may have to pay a fee to a service provider. For example, participation in treatment sessions may require payment of treatment provider fees at the expense of the participant or through their insurance. These fees must be paid in order to successfully complete the program.

INCENTIVES

Ongoing compliance with obligations under the Community Court Program may result in the following incentives:

- (1) Transportation vouchers;
- (2) Suspended court surcharges and costs.

TERMINATION

If a participant does not meet the obligations of the Community Court Program, the participant will be terminated from the Program. As a result, the participant should anticipate that the Attorney General's Office will proceed forward with the prosecution of their criminal matter and that it will be scheduled for trial. If convicted, the sentence is within the discretion of the judicial officer, and may include a fine, probation, community service, work release, home confinement, incarceration and/or mandatory participation in an intensive problem-solving court program.

CRITERIA FOR SUCCESSFUL COMPLETION

In order to graduate, the participant must comply with all court requirements and the rules of the Community Court program. Upon successful completion, the pending criminal matter will be dismissed (*nolle prosequi*) or the participant will enter a plea to a lesser offense, depending on the agreement between the parties.

COMMUNITY RESOURCE CENTER CONTACT INFORMATION

**Monday - Thursday
9:30 AM to 1:30 PM**

**Friday
10:30 AM - 4:30 PM**

**(302) 255-2474
CommunityCourt@Delaware.gov**