

COURT OF COMMON PLEAS



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CHIEF JUDGE ALEX J. SMALLS

Fiscal Year 2015 was a busy and challenging year for the Court of Common Pleas. The number of cases transferred to, and filed with, the Court of Common Pleas contributed to a high volume environment in the Court. While the criminal caseload indicates a slight decline from last year, civil caseload numbers are up by 15% and the complexity of the caseload and the number of cases proceeding forward to trial continue to increase, placing an ever-growing demand on the Court's and Judicial Partners' resources.

Civil Initiatives

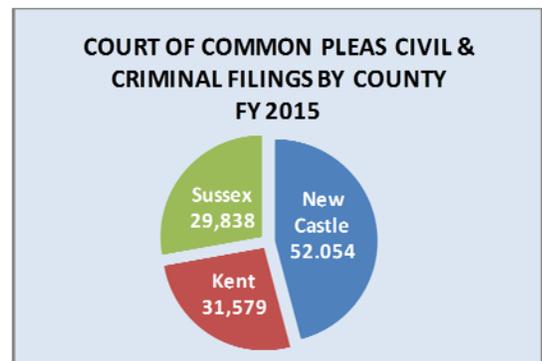
The Court of Common Pleas received 6,507 new civil complaints combined with 3,788 civil judgments, name changes and appeals, in FY 2015 resulting in a 15% increase in overall civil caseload since last year. In addition, the caseload continues to grow in complexity resulting in a more extensive motion practice and more trial time.

Likewise, there was an increase in the amount of consumer debt collection cases filed in the Court. In 2012, the Court adopted Administrative Directive 2012-2 setting forth procedural guidelines in consumer debt collection cases, with the goal of ensuring fairness to all litigants and improving efficiency in the administration of justice. There were 4,500 consumer debt cases filed with the Court in FY 2015 an increase of 32% over last year's number.

Criminal Initiatives

The Court of Common Pleas in collaboration with students from the University of Delaware's Alfred Lerner College of Business and Economics automated the Court's decade-old bail process. The Judiciary signed an MOU with the Lerner College of Business in FY 2015 and as part of the coordination of efforts, the Court identified its manual bail process as a project to engage Lean Six Sigma process improvement techniques. With the assistance of the University of Delaware students, the project to automate the bail process shaved significant time off of the Court's prior manual process. The Court continues to identify process improvement opportunities for further collaboration and re-engineering.

The number of criminal misdemeanor filings in the Court of Common Pleas in FY 15 was



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COURT OF COMMON PLEAS CIVIL & CRIMINAL FILINGS, DISPOSITIONS & PRELIMINARY HEARINGS BY FISCAL YEAR



103,176 with 8,621 preliminary hearings filed. The Department of Justice continues to aggressively review felony cases at preliminary hearings and, as appropriate, resolve those in the Court of Common Pleas. This effort has a positive effect on the entire criminal justice system because it eliminates the need for these cases to be handled twice in the Court of Common Pleas and once in the Superior Court. This occurs when felony charges are reduced to misdemeanors in Superior Court and returned to the Court of Common Pleas after being bound over at preliminary hearings.

Mediation

Since 2001, the Court has referred over 14,584 cases for mediation, with 1,499 referrals made to the program in FY 2015. Mediation provides an alternative to criminal prosecution, assists the Court in the management of its busy calendars, and leaves participants with an increased sense of satisfaction with the justice system. In FY 2015, the Court's mediation program had a success/satisfaction rate of 94 percent.

In recent years, the Court of Common Pleas extended its successful criminal mediation program to include civil cases. This option has been well received by civil litigants and has been responsible for the successful settlement of an increasing number of cases. The Court has also started a Community Mediation Program, which receives referrals regularly from the New Castle County Police's community section and municipalities seeking mediation assistance with minor neighborhood disputes, rather than referring matters for criminal or civil litigation. This growth has been a result of

the positive relationships the Mediation Program has established with the community at large.

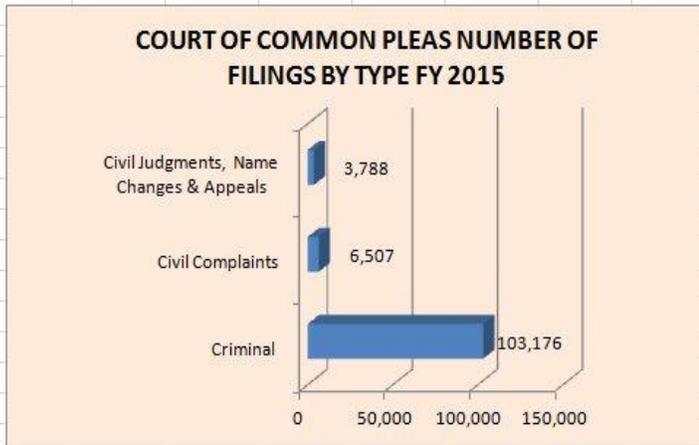
Treatment Courts

The Court continued to operate its highly successful court-supervised comprehensive Drug Diversion Program for non-violent offenders, which is now under the direction of Judge Robert Surles, appointed to the Court in 2013. This voluntary program includes regular appearances before a judge, participation in substance abuse education, drug testing, and treatment. The Drug Diversion Program represents a collaborative effort between the Court of Common Pleas, the Department of Justice, the Public Defenders, the Delaware Bar, the treatment providers, and the Treatment Research Institute (TRI) at the University of Pennsylvania. (The TRI program is limited to New Castle County). Collaboration with TRI provides a basis for observation, research, and analysis, which assists the launch of scores of other drug diversion programs throughout the United States and Internationally. The Court of Common Pleas Drug Diversion Program has served more than 8,123 participants since its inception in 1998.

To enhance its ability to identify the needs of all participants, the New Castle County Drug Diversion Program introduced a new tool on July 1, 2010. The tool referred to as the "RANT Assessment," a web-based placement tool developed by the Court's partners at TRI. "RANT" is an acronym for **R**isk and **N**eeds Assessment **T**riage. The assessment tool is used to assess each client's risks and needs. Based upon

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the results, a defendant is placed into one of four quadrants: low risks/low needs; low risks/high needs; high risks/low needs; and high risks/high needs. Identifying these risks/needs groups allows treatment to be tailored to meet the individual needs of the client, promoting successful program completion, and reducing recidivism.

In 2003, the Court of Common Pleas established Delaware's first Mental Health Court in New Castle County. It was modeled on the concept of a problem solving court, which incorporates the judge into the rehabilitative process as an authority figure to provide positive feedback and impose sanctions for negative behavior. The Mental Health Court in New Castle County is supervised by Judge Carl C. Danberg. In 2012, the Court of Common Pleas received federal funding to expand its Mental Health Court to Kent and Sussex Counties. These programs are supervised by Judge Anne Hartnett Reigle in Kent County and Judge Kenneth S. Clark, Jr. in Sussex County. All three Mental Health Courts effectively serve the special needs of individuals suffering from mental illnesses, substance abuse and co-occurring disorders through continuous judicial oversight and intensive case management. This approach has reduced recidivism and the program participants' contact with the criminal justice system. Since its inception, approximately 74 defendants entered the Court of Common Pleas Mental Health Court statewide.

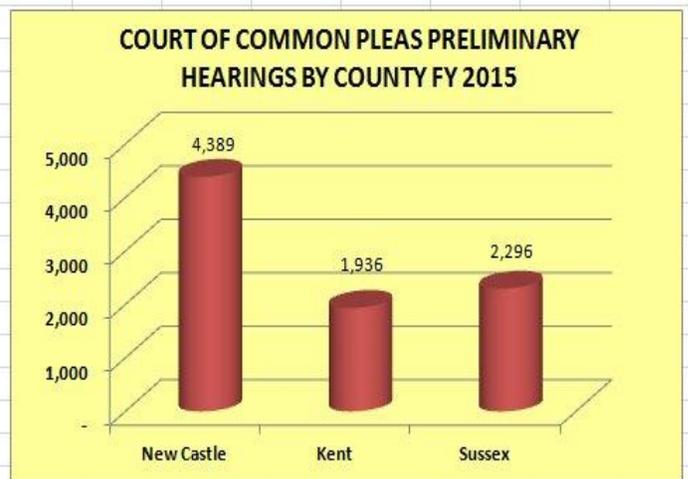
The Human Trafficking Court is a voluntary, treatment-focused program that began in January 2012. The target population is comprised of offenders who have experienced significant trauma in their lives and are caught in a cycle which typically manifests itself as an accumulation of charges involving prostitution, loitering, possession of drug paraphernalia, or other misdemeanors, combined with substantial addiction issues. This program is designed to offer

a support system and helps to connect these probationers with drug treatment, mental health counseling, trauma services, housing options, and educational or employment training or both. During FY 2015, the Human Trafficking Court added 14 probationers to the program. During that same period of time, six women graduated from the program, bringing the total number of graduates since the program's inception to 29.

The Court of Common Pleas continued to operate eight comprehensive treatment courts in FY 2015. The treatment courts, though highly effective in addressing the specialized needs of the target populations, place a great demand on both limited judicial resources and the resources of the Courts' justice partners. In FY 2015, the Chief Justice appointed a committee, consisting of members from each of the courts to review the treatment courts statewide. The goal of the committee is to study, evaluate and analyze such courts and enhance delivery of services. The committee was also tasked with studying the possibility of working cooperatively across courts to reduce duplication of efforts and promote sharing of limited resources. Additionally, the hope is to promote consistency from court to court and county to county thereby reducing the demand for resources being placed on the justice partners, while continuing to offer the same high levels of service to the participants. The committee is expected to release its recommendation in early FY2016, which will likely reshape the future operations of the treatment courts statewide.

DUI Court

The Court of Common Pleas received 2,562 DUI cases in FY 2015. House Bill 378 was signed into law by Governor



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Markell on July 18, 2012 and authorizes the Department of Justice to transfer certain Driving Under the Influence (DUI) cases to the Court of Common Pleas from the Justice of the Peace Court. The statute also provided that the Court of Common Pleas shall take steps towards implementation of a Driving Under the Influence Court. Senate Bill 260 was signed into law by Governor Markell on July 31, 2014 authorizing offenders charged with DUI offenses to participate in the Court of Common Pleas' DUI Treatment Program.

The DUI Treatment Court Program, under the direction of Chief Judge Smalls, accepted its first participants on December 19, 2014. To date, the DUI Court has accepted 46 individuals into the program with 44 currently active participants. In order to enter the program, the following requirements must be met: (1) the DUI must be a first offense with a high BAC level or a second offense; (2) the DUI must not have resulted in severe bodily injury or death; (3) the individual must be evaluated through the DUI-RANT Assessment and placed within the High Risk/High Needs quadrant; and (4) the individual must waive his/her constitutional rights and plead guilty to the offense.

The promotion of lifestyle change through specialized treatment is a major focus of the DUI Court. Accordingly, participants must attend individual and group counseling sessions provided by Brandywine Counseling & Community Services. Specifically, they participate in the Prime For Life Program, a motivational program used to prevent alcohol or drug problems through activities which encourage participants to change behavior to protect what they value most in life. Participants also engage in numerous hours of community service.

As Driving Under the Influence is a serious offense, which has the ability to impact the lives of many, the program requires a high level of supervision and accountability by participants. There is zero tolerance for drug and alcohol use and participants are subject to random drug/alcohol screenings. Individuals are monitored by Probation and Parole through the use of a Transdermal Alcohol Device (TAD) worn on the ankle for 90 days. Additionally, an Ignition Interlock Device is required in order to operate any motor vehicle.

Our DUI Court participants have actively participated in this program and have shown enormous growth from their

initial entry to their upcoming graduation dates. Expressions of hope and gratitude have been shared by many participants as they seek to become more positive contributors to our communities.

Grant Funded Initiatives

The Court continues to work aggressively to manage its caseload in spite of greater demands on judges and staff. Additional calendars and the application of aggressive case management techniques have reduced the time to disposition in most case categories. The Court received its third and final year of funding in FY 2015 from a Byrne Justice Assistance Grant to provide resources for the expansion of the Mental Health Court in Kent and Sussex Counties. Additionally, the Court received grant funding from the Office of Violence Against Women, for a coordinator to staff, on a part-time basis, the Court's Human Trafficking Court (formerly known as Trauma Informed Probation). In November 2014, a three-year grant from the Bureau of Justice Assistance was approved through the Delaware Criminal Justice Council to fund the DUI Initiative. In May 2015, we received the final award letter from the Criminal Justice Council for that grant.

Enforcement of Court Orders

In FY 15, the Court of Common Pleas collected approximately \$6,964,791 in fines, costs and assessments. A significant portion of the Court's collections also represents restitution and compensation payments for victims of crime. The Court returns more than 45% of its operating budget to the State's General Fund.

Conclusion

Notwithstanding the challenges of managing a large and increasingly complex caseload, Judges and staff remain committed to "the mission of the Court of Common Pleas to provide a neutral forum for the people and institutions of Delaware in the resolution of everyday problems, disputes and more complex legal matters in a fair, professional, efficient and practical manner."

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COURT OF COMMON PLEAS COMMISSIONERS



Standing left to right:

Abby L. Adams

Mary McDonough

COURT OF COMMON PLEAS JUDGES



Front row (standing left to right):

Judge John K. Welch

Chief Judge Alex J. Smalls

Judge Rosemary Betts

Beauregard

Judge Kenneth S. Clark, Jr.

Second row (standing left to right):

Judge Sheldon Rennie

Judge Robert H. Surles

Judge Charles W. Welch, III

Judge Anne Hartnett Reigle

Judge Carl C. Danberg