



COMMUNITY

COURT

WILMINGTON

PARTICIPANT MANUAL

As of August 17, 2020

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

ELIGIBILITY REQUIREMENTS

- (1) The participant must be charged with one or more eligible offense in New Castle County. These eligible offenses include: Criminal Mischief, Criminal Trespass, Disorderly Conduct, Graffiti, Loitering, Prostitution, Public Intoxication, Shoplifting, and Low-Level Drug Possession.
- (2) The participant will agree to the terms of the alternative program, as laid out by this manual and the sentencing order.
- (3) The participant must waive his/her/their speedy trial rights.
- (4) The participant agrees to complete an assessment and follow the recommendations.
- (5) The participant must allow information sharing between Community Court staff and the referral partner(s).
- (6) 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.

EXCLUSIONARY CRITERIA

- (1) The person's current charge(s) involves domestic violence.
- (2) The person is currently on probation, in any Court in Delaware.
- (3) The person has been convicted of an offense listed in 11 Del. C. 4201, 42 U.S.C. 3797u-2 or has been convicted of a misdemeanor involving physical injury to another; or
- (4) The person has one or more pending felony charges in Delaware; or
- (5) The defendant is a convicted sex offender or has a sex offense charge in the current case; or
- (6) The person's criminal history or the allegations in the current case cause the prosecutor or judicial officer to deem the individual inappropriate for admission to Community Court.

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.

REFERRAL PROCESS

Participants may be referred to the Community Resource Center for an assessment, in order to determine alternative sentencing by one of the following:

- (1) Judicial Officer;
- (2) Defense Attorney;
- (3) Attorney General;
- (4) Probation Officer;
- (5) Law Enforcement Officer;
- (6) Court Staff;
- (7) Themselves.

Prior to an upcoming court matter, a potential participant may contact the Community Resource Center (CRC) to determine if they meet the eligibility requirements for Community Court. If they are preliminarily eligible, they will be scheduled for intake with CRC staff, complete an assessment and learn about their options for an alternative sentence. Individuals with legal representation may request their intake appointment with the CRC through counsel. The alternative sentence will be reviewed by the defense attorney (if applicable), the individual, the prosecutor, and the Judicial Officer. The prosecutor may also require additional legal mandates, such as restitution, a no contact order, or forfeiture of property. If all parties agree, the participant may begin their alternative sentence.

The Community Court is a voluntary program. If an individual declines the alternative sentence after the assessment, they will remain on a traditional court calendar, and will not be considered for the Community Court for the same charge.

COMPLIANCE

Participants will be required to engage in community and/or social services to complete the requirements of the program. Community Service must be performed at a Community Court verified site. 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. Community Court staff or the prosecutor should be able to explain the necessity for more than three 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.

PROGRAM RULES

As a participant 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.
- (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 may be scheduled to appear in court to meet with the judicial officer. This may be to enter into the Community Court Program, resolve compliance matters, share with the judicial officer progress made, and/or graduation.

Individuals may ask for or discuss a referral to the Community Resource Center prior to, or any of the following points in time: arraignment, case review or trial calendar.

The Community Court is a voluntary program and an individual may elect to not participate.

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 AND RESTITUTION

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.

If a participant is required to pay restitution, payments will be made through the Filing and Payment Center, located on the first floor, or through payment kiosks throughout the state. Community Resource Center staff will monitor compliance.

INCENTIVES

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

- (1) Transportation vouchers;
- (2) Clothing vouchers for interviews;
- (3) Planners, journals;
- (4) 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 proseed*) or the participant will enter a plea to a lesser offense, depending on the agreement between the parties.

**COMMUNITY RESOURCE CENTER
CONTACT INFORMATION**

Hours of Operation: Monday - Thursday: 9:30 AM - 1:30 PM
Friday: 10:30 AM - 4:30 PM

Address: Leonard L. Williams Justice Center,
Second Floor
500 N. King Street
Wilmington, DE 19801

Phone: (302) 255-2474

Email: CommunityCourt@Delaware.gov



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