

Delaware County Second Chance Court

Voluntary Pretrial Bail Recovery Program



Second Chance Court Team

- Honorable John P. Capuzzi, Sr.
- Stephanie Price, *Second Chance Court Coordinator*
- Michael Hill, *Deputy District Attorney*
- Kenneth Collins, *Assistant Public Defender*
- Danielle Hibberd, *Adult Probation and Parole Director*
- Linda Barbera, *Drug Treatment Court Coordinator*
- Stacie Nawn, *Crozer, Senior Administrative Director*

What is it?

- The Delaware County Second Chance Court's mission is to provide early intervention services and community supervision as well as judicial oversight during the pretrial proceedings for substance use related offenses.

Why?

- To bridge the treatment gap between the preliminary arraignment and pretrial conference.
- This program allows willing eligible offenders early access to treatment who would otherwise not have an opportunity for early intervention.
- This program offers some measure of community supervision by the coordinator, Stephanie Price, along with wrap around services provided by Crozer Community Hospital.

Who is potentially eligible?

Non-violent offenders

18+

Must be Delaware County residents

Arrested and charged with possession of controlled substances and/or related misdemeanor offenses

Probation violations with new charges will be considered on a case-by-case basis

Must be willing to enroll and participate in treatment while being supervised by Coordinator

How is a potential candidate identified?

- At time of bail interview prior to preliminary arraignment before MDJ
- If no bail interview, offender may be identified in following ways:
 - Coordinator review's preliminary arraignments and commitment list from Delaware County Prison daily
 - MDJ may refer eligible defendants during preliminary hearing
 - Delaware County Prison staff can make referral
 - Police and/or family of the offender may make referral
 - Defense Counsel may make the referral
 - Former participants

Are Individuals Currently Under Court Supervision Eligible?

- Yes! Individuals under court supervision will be considered on a case-by-case basis in collaboration with the Office of Adult Probation & Parole
- If accepted into Second Chance Court, there is dual supervision and contact with the Second Chance Court team if the defendant violates their current parole/probation prior to any warrant being requested

How Is Bail Set?

Bail interviewer will make bail recommendations consistent with regular practice

MDJ will set the bail as MDJ deems appropriate with added "second chance" conditions when the potential candidate meets eligibility criteria

Additional Bail Conditions

(if unsecured or ROR bail)

- Must report to the Access Center for an assessment at Crozer Community Hospital no later than 7a.m. the following business day
- Must sign releases for treatment provider to advise that defendant is: 1) enrolled, 2) attending, 3) providing negative urine screens and 4) appropriately participating in treatment
- Must contact Coordinator the same day as the assessment

Additional Bail Conditions Continued

(if unsecured or ROR bail)

- Must comply with all treatment recommendations in the individualized treatment plan
- Must comply with all treatment recommendations including placements at halfway and/or recovery house
- Any other necessary conditions to ensure safety to the community and compliance with bail conditions and the individualized treatment plan

Crozer staff notified by MDJ at time of arraignment so that the candidate may be seen promptly at Access Center

Crozer Certified Recovery Specialist (CRS) staff may be available to transport candidate to Pretrial Bail Office from Access Center, if needed

Crozer Community Hospital Staff immediately notified

Additional Bail Conditions

(if bail is not posted and defendant is committed to Delaware County Prison)

- Voluntary participation
- Candidate expresses wish to counsel to be considered
- Substance use assessment done at Delaware County Prison prior to release
- Evaluation will determine level of care necessary
- Approved participant will be released from Delaware County Prison by stipulation and order modifying bail to unsecured to allow the defendant to engage in recommended treatment

When Defendant Committed to Delaware County Prison is approved...

- If the assessment recommends:
 - inpatient treatment – released from Delaware County Prison to an inpatient treatment facility with all other terms and conditions of bail remaining.
 - outpatient treatment – released to the custody of a Certified Recovery Specialist and transported to Crozer Community Hospital to begin treatment on the date designated by Crozer
- Stipulation signed by the Commonwealth and Defense Counsel with terms of release including conditions to ensure compliance
- Judge Capuzzi, Sr. will issue an order to effectuate the same

While on “Second Chance” pretrial bail supervision

Candidate must keep in contact with the Second Chance Court Coordinator while on bail – regardless of where treatment facility (or halfway house/recovery house) is located

Candidate will be expected to appear at all court appearances, pending treatment protocol

Stephanie Price, Second Chance Court Coordinator, will supervise candidate to ensure compliance and will notify MDJ and Judge Capuzzi, Sr. of any non-compliance

Failure to comply with all bail conditions...

- Supervision of pretrial bail conditions will remain with Judge Capuzzi, Sr., who may order the following for non-compliance:
 - immediate hearing before Judge Capuzzi, Sr. to address bail compliance; or
 - updated substance use assessment as recommended by Crozer; or
 - issuance of Common Pleas Bench Warrant

What happens at the Preliminary Hearing before the MDJ?

- Preliminary Hearing will be held in the usual course
- If the participant is in **inpatient treatment**, verified by the coordinator, the participant may be granted a new hearing date
- Pretrial Bail Coordinator will advise MDJ of any/all orders issued by Judge Capuzzi, Sr. as it relates to the participant's current bail conditions
- **All bail conditions will remain the same**
 - Applications for bail modifications shall be made in the Court of Common Pleas

Procedure

- Approved and enrolled participants will be placed on one centralized docket in the Court of Common Pleas and will be assigned to and continuously supervised by Judge Capuzzi, Sr. with the assistance of Bail Coordinator
 - Enforcement of bail for all program participants will rest with Judge Capuzzi, Sr. including:
 - Bail violation hearings
 - Rule 150 hearings

Post Preliminary Hearing – Prior to Pretrial Conference in Common Pleas Court

- After the preliminary hearing, enrolled participant's case will continue to matriculate through the criminal justice system with the trial court oversight of Judge Capuzzi, Sr. with the assistance of the Bail Coordinator
- All trial court matters will be presided over by Judge Capuzzi, Sr.

Common Pleas PTC Hearing

- At Pre-Trial Conference participants may elect the following:
 - Accept the Commonwealth's offer for
 - **Drug Treatment Court** (*this can be done any time prior to PTC*)- Track I or Track II
 - Negotiated guilty plea disposition
 - Enter an "open guilty plea"
 - Demand a trial

Treatment Consideration at Sentencing

- At the time of sentencing, defense counsel may request Judge Capuzzi, Sr. consider successful treatment outcomes while imposing sentence.

“Second Chance” bail conditions end at time of case disposition

- Once the participant’s criminal case has reached a final disposition – pretrial bail supervision ends
- Any and all treatment and aftercare recommendations would be recommended as a condition of a sentence should there be a finding of guilt

- Participants receive substance use treatment from the start
- Crozer provides wrap around services including, but not limited to MAT, psychiatric care, and case management services
- Weekly treatment updates provided on participant's progress
- Eliminates gaps between sentencing and probationary supervision

Continuum of Care/ Critical Components

Recognition

- The Second Chance Court program was initially funded by the Pennsylvania Commission on Crime and Delinquency.
- Crozer Health has been a partner since the program's inception on March 9, 2017.

Program Statistics

Currently Enrolled: 31 participants

(as of 12/31/2021)

Successful Completion: 141 participants

(from 2017-2021)

Unsuccessful Discharges: 5 participants

(from 2017-2021)

Died: 5 participants

(from 2017-2021)

Recidivism Rate: 35%

(from 2017-2021)