



**DELAWARE COUNTY
YOUNG OFFENDER PROGRAM**
DELAWARE COUNTY COURTHOUSE
MEDIA, PENNSYLVANIA 19063

**MUST ATTACH A
COPY OF CRIMINAL
COMPLAINT WITH
APPLICATION**

*** Application **MUST** be
submitted by **E-mail** (p.6)

Delaware County's Young Offender Program is a voluntary presentence intensive program for low risk first time young adult offenders that are currently charged with a felony marijuana drug case. This program allows the young adult offender the opportunity to avoid a felony conviction and enter into an intensive program while under the supervision of the Office of Adult Probation and Parole and Young Offender Program Judge. The Young Offender Program is an eighteen (18) month program for non-violent first time offenders who have been arrested for a violation of the Pennsylvania Drug Act, Possession with the Intent to Deliver/ Delivery/ Manufacturing less than one pound of Marijuana and Possession with the Intent to Deliver/ Delivery/ Manufacturing a Noncontrolled Substance (marijuana, THC and its derivatives, and synthetic marijuana), Title 35 §780-113(a)(30) & (35).

Participants must waive the preliminary hearing and immediately file an application for the Young Offender Program. Accepted applicants will be scheduled for an admission hearing in the Delaware County Court of Common Pleas before the presiding Judge of the Young Offender Program. Applicants will tender an open nolo contendere plea to the Criminal Information that is filed by the Delaware County Office of the District Attorney. The nolo contendere plea will be held in abeyance pending the participant's enrollment and successful completion of the Young Offender Program. Participants in the program are expected to reside in Delaware County and maintain employment and/or a full time educational program throughout the eighteen months of intensive court supervision. Successful completion of the Program shall result in the dismissal/nolle pros of the entire case, with the opportunity for expungement of the case one year after the date of successful completion; barring no new arrests within that year. Failure to complete the program requirements and recommendations, for any reason, shall result in the removal from the program and acceptance of the entire tendered plea and sentencing.

HOW TO APPLY:

1. Download the application and review all program requirements and eligibility criteria with defense counsel.
2. Complete the application (attached pages 4, 5 & 6) and submit via email to District Attorney's Office and Program Coordinator.
3. Application will be reviewed by the District Attorney's Office and defense counsel will receive a response from the District Attorney's Office advising if the applications has been accepted and if the defendant meets eligibility criteria.
4. Accepted applicants will then receive notice to appear for a biopsychosocial evaluation to determine final eligibility.
5. Eligible applicants will receive a notice to appear at an admission/plea hearing before the Young Offender Program judge only after completing the biopsychosocial evaluation.

ELIGIBILITY CRITERIA: Eligibility is considered on a case by case basis. To be eligible to participate, the defendant **must meet the following criteria:**

- Offender must be between 18-25 years of age at the time of the offense.
- Amount of marijuana is less than one (1) pound or less than ten (<10) plants.
- Pending case may not have additional crimes (Title 18) or non-summary vehicle offenses.
- Object offense may not involve the possession or use of a firearm or weapon.
- Willingness to undergo strict court supervision.
- Risk/ Needs Assessment shows offender to be “Low risk, low need.”
- Must undergo a Biopsychosocial evaluation to assess eligibility.
- Required Delaware County residency throughout the eighteen months of program.
- The Biopsychosocial Evaluation and the Risk/Needs Assessment will determine if defendant is drug dependent and in need of treatment (e.g higher level of care).
- If eligible applicant does not meet DSM-V diagnostic criteria (e.g. not in need of intensive drug addiction treatment and/or dual-diagnosed mental health treatment) he/she will be admitted into the Young Offender Program.
- Alternatively, if the applicant meets the DSM-V diagnostic criteria for drug addiction and/or a co-occurring mental health disorder, the applicant will be ineligible for Young Offender Program but will be offered the opportunity to enroll in Treatment Court:
 - Higher level of care needed - these cases can be referred to Delaware County Drug Treatment Court Program.
 - Defendant will be eligible for the same benefit of the Young Offender program but will be placed in a treatment track to address the addiction and any cooccurring disorders and additional treatment needs.

DISQUALIFICATION CRITERIA: The following is a list that will **disqualify** an applicant from being eligible for the program. *(Note: List below and appended to application is not exhaustive and should be used only as a guide. See attachment to application regarding juvenile adjudications.)*

- Defendant has a pending charge for ANY additional crimes/ offenses.
- Current case involves possession of a firearm or any weapon.
- Manufacture/Delivery of a Controlled Substance (other than < 1lb. marijuana).
- Prior convictions or any additional pending criminal cases.
- Prior participation in the Young Offender Program.
- History of violence.
- Unwillingness to undergo strict court supervision.
- Unwillingness to maintain Delaware County residency for entirety of program.
- Serious and/or persistent mental illness which renders him/her unable to participate in the structure of the Young Offender Program.
- Unable/unwillingness to terminate use of lawfully prescribed controlled substances and/or substances that affect the integrity and accuracy of drug screening and program participation.

REQUIREMENTS OF THE PROGRAM:

1. The Young Offender Program is an 18-month intensive court supervision program, which will require Delaware County residency throughout the entirety of the program.
2. Must tender an open-nolo contendere plea to felony and misdemeanor offenses at time of admission into the program, and the Court will take the tendered plea under advisement pending the defendant's enrollment and successful completion of the Young Offender Program.
3. Report to probation officer on a weekly basis in the first phase, but will gradually reduce frequency of reporting upon participant's matriculation through the eighteen (18) months of the program. Frequency will increase if participant is not in compliance with the Program.
4. Report for court review hearing on a bi-weekly basis in the first phase, but will gradually reduce frequency of court reviews upon participant's matriculation through the eighteen (18) month program. Frequency will increase if participant is not in compliance with the Program.
5. Perform 180 hours of Community Service within the first eight (8) months of admission.
6. Mandatory Marijuana Therapeutic Education Program (currently offered at Crozer Community Campus). Must attend and complete any and all treatment and/or aftercare recommendations.
7. Must obtain a High School Diploma or equivalent prior to completion of the program.
8. Must obtain and maintain employment or full-time educational course of study and/or vocational program throughout the duration of the program. If participant is unemployed, then the participant must be actively seeking employment and verify his/her employment search through the probation department on a weekly basis.
9. Submit mandatory random urine screens.
10. No new arrests.
11. Must remain drug and alcohol free throughout the program.
12. Must make restitution and pay all court costs.
13. Must pay program fee required upon admission (waivable for indigent applicants).

DELAWARE COUNTY
YOUNG OFFENDER PROGRAM APPLICATION

Defendant's Name: _____ Date of Application: _____

Complete Docket Number: _____ OTN: _____

Defendant's Attorney: _____

Defendant's Attorney's E-mail Address: _____

Attorney's Telephone Number: _____

BACKGROUND INFORMATION

Defendant's Name: _____

Maiden Name: _____ Sex (M/F): _____ Age: _____

Date of Birth: _____ Place of Birth: _____

Address: _____ City/State: _____

Phone Number: (Home) _____ (Cell) _____

Others who reside in home: _____

Current Occupation/ Employer/ Name of School: _____

Work/School Address: _____ City/ State: _____

Highest level of School Completed? _____ Name of School? _____

Are you a United States Citizen? _____ If not, please explain: _____

What is the name of your Health Insurance Provider: _____

Insurance Policy No: _____

Have you ever served in the Military? _____ (Y/N). Branch: _____ Date/Service: _____

Type of discharge: _____ Type of Service (i.e. combat): _____

What is your drug of choice? 1st _____ 2nd _____

How much do you use? _____ Prior substance abuse treatment: _____ (Y/N)

Name of treatment facility (Rehab) and dates of treatment: _____

Have you ever been charged, pleaded guilty/ been convicted, or adjudicated as a juvenile, of any crime, including any crime involving violence? _____ (Y/N)

- As used in this section, the term “crime of violence” includes but is not limited to murder or homicide, aggravated assault, simple assault, rape, involuntary deviate sexual intercourse, arson, kidnapping, burglary of a structure adapted for overnight accommodation in which at the time of the offense any person is present, robbery, robbery of a motor vehicle, any weapons-related offense, aggravated indecent assault, indecent assault and sexual assault or criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed above, or an equivalent crime under the laws of this Commonwealth in effect the time of the commission of that offense or an equivalent crime in another jurisdiction.

If yes, detail date and location of crime, charges, and how were those charges were resolved?

Have you ever been placed on §117 Probation without Verdict (35 P.S. §780-117) or §118 Disposition in Lieu of Trial or Criminal Punishment (35 P.S. §780-118)? _____ (Y/N)

If yes, when and where did it occur? Have you ever received a similar disposition to any criminal charge in any other jurisdiction? _____

Are you presently on probation or parole? _____ (Y/N) If yes, where? _____

Are you **presently** on bail or do you have ANY OTHER pending criminal charges in Delaware County or any other jurisdiction? _____ (Y/N) If yes, where? _____

Do you understand that this program prohibits the use and possession of alcohol, controlled substances (including prescribed controlled substances), synthetic controlled substances (i.e. “Spice”) and any other unlawful substances? _____ (Y/N)

APPLICANT’S VERIFICATION

I hereby swear or affirm that I have read the foregoing application and that each and every answer to the above questions is true and accurate. I also understand that if any of the information provided above is false or misleading then: (i) my application for admission to the Young Offender Program (hereinafter “Program”) will be denied; (ii) I will be removed from the Program and sentenced as provided by law; and/or (iii) I may be charged and prosecuted for additional crimes including but not limited to perjury, false swearing and/or unsworn falsification to authorities.

I also swear or affirm that I have read and understand the description of the Young Offender Program, Requirements and List of Ineligible Offenses attached to this application. I have also had an opportunity to review this material and my application decision with my attorney.

I knowingly, voluntarily and intelligently waive my right to a preliminary hearing; I understand that to apply for the Program I must waive my right to a preliminary hearing; such waiver, however, is not contingent upon my acceptance into the Program.

I understand that if this application is rejected for any reason, then I will be formally arraigned on all pending charges in the Court of Common Pleas of Delaware County as scheduled. I understand that while this application is pending, all such time is waived by me for purposes of my speedy trial rights under Rule 600.

I understand that if this application is accepted, then I can either (i) agree to be admitted into the program, or (ii) decline admission and proceed directly to formal arraignment.

I understand that if I fail to complete the Young Offender Program for any reason, then (i) I will be removed from the program; and (ii) I will be sentenced in accordance with applicable laws.

Signature of Applicant: _____ Date: _____

ATTORNEY’S VERIFICATION

As the attorney for the defendant-applicant, or counsel advising the defendant on the application process, I have advised the defendant of his/her rights with respect to the charges against him/her. I have also advised the defendant of the content and meaning of the application, requirements of the Young Offender Program and waiver of rights.

I verify that it is my belief that the defendant understands the rights which he/she is waiving; understands the contents and meaning of this application; and understands the requirements of the Young Offender Program.

Signature of Attorney: _____ Date: _____

SUBMITTING THE APPLICATION:

1. Application (pages 4, 5 & 6 only) shall be completed by the applicant and defense counsel.
2. Application must include an attached **copy of the criminal complaint** of the pending criminal case for which the defendant is seeking admission into the Young Offender Program.
3. Application submitted without the criminal complaint and supporting affidavit of probable cause attached will not be considered.
4. Application **SHALL** be **submitted by e-mail** to the attention of each person listed below:
 - Salena M. Jones, Deputy District Attorney, Delaware County District Attorney's Office
joness@co.delaware.pa.us
 - Linda Barbera, Program Coordinator, Delaware County Probation and Parole Services
barberal@co.delaware.pa.us
5. Application will be reviewed by the District Attorney's Office to determine eligibility. Defense counsel will receive a response from the District Attorney's Office advising if the application has been accepted and if the defendant meets eligibility criteria.

_____ End of Application _____

FOR YOUR REFERENCE – DO NOT SUBMIT WITH APPLICATION

LIST OF OFFENSES THAT WILL RENDER APPLICANT INELIGIBLE (ADJUDICATION OR OPEN):

A person is not eligible for the Young Offender Program if he/she has any of the offenses listed below, EITHER as an open charge or prior juvenile adjudication. Also, the applicant is ineligible for the listed offense OR for a charge of Attempt, Solicitation and/or Conspiracy to Commit the listed offense. (18 Pa.C.S. §§ 901, 902 or 903).

CRIMES OF VIOLENCE

Murder, 18 Pa. C. S. 2502; Voluntary Manslaughter, 18 Pa. C. S. 2503; Involuntary Manslaughter, 18 Pa. C. S. 2504; Aggravated Assault, 18 Pa.C.S. 2702; Assault by Prisoner, 18 Pa.C. S. 2704; Assault by Life Prisoner, 18 Pa. C.S. 2704; Strangulation, 18 Pa.C.S. 2718; Kidnapping, 18 Pa.C.S. 2901; Arson, 18 Pa.C.S. 3301; Intimidation of Witnesses or Victims, 18 Pa. C.S. 4952; Retaliation Against Witnesses or Victims, 18 Pa. C.S. 4953; Causing or Aiding Suicide, 18 Pa. C.S. 2505; Drug Delivery Resulting in Death, 18 Pa. C.S. 2506; Robbery, 18 Pa.C.S. 3701.

SEXUAL OFFENSES

Rape, 18 Pa.C.S. 3121; Statutory Sexual Assault, 18 Pa.C.S. 3121.1; Involuntary Deviate Sexual Intercourse, 18 Pa.C.S. 3123; Sexual Assault, 18 Pa.C.S. 3124.1; Aggravated Indecent Assault, 18 Pa.C.S. 3125; Indecent Assault, 18 Pa.C.S. 3126 Incest, 18 Pa.C.S. 4302; Sexual Abuse of Children, 18 Pa. C.S. 6312; Indecent Exposure, 18 Pa.C.S. 3127.

THEFT OFFENSES

Any Vehicular Theft; Any Theft where value is equal or greater than \$25,000; Deceptive Business Practices, 18 Pa.C.S. 4107 (*where theft value is equal or greater than \$25,000, or victim is sixty (60) years of age or older*); Theft by Extortion, 18 Pa.C.S. 3923; *Burglary, 18 Pa.C.S. 3502 **Limited Exception: burglary of a non-residence and no one else is present.*

WEAPON OFFENSES & EXPLOSIVES

Persons not to Possess, Use, Manufacture, Control, Sell, or Transfer Firearms, 18 Pa.C.S. 6105; Firearms not to be Carried without a License, 18 Pa.C.S. 6106; Sale or Transfer of Firearms, 18 Pa.C.S. 6111; Weapons or Implements for Escape, 18 Pa.C.S. 5122; Threat to Use Weapons of Mass Destruction, 18 Pa. C.S. 2715; Weapons of Mass Destruction, 18 Pa.C.S. 2716; Carrying Explosives on Conveyances, 18 Pa.C.S. 6161; Shipping Explosives, 18 Pa.C.S. 6162.

OFFENSES INVOLVING CHILDREN

Interference with Custody of Children, 18 Pa.C.S. 2904; Concealment of Whereabouts of a Child, 18 Pa.C.S. 2909; Endangering Welfare of Children, 18 Pa.C.S. 4304 (*course of conduct endangering child's welfare*); Dealing in Infant Children, 18 Pa.C.S. 4305; Corruption of Minors, 18 Pa.C.S. 6301 (*sexual nature*).

OTHER OFFENSES

Escape, 18 Pa.C.S. 5121; Stalking, 18 Pa.C.S. 2709 (b); Causing or Risking Catastrophe, 18 Pa.C.S. 3302; Perjury, 18 Pa.C.S. 4902; Impersonating a Public Servant, 18 Pa.C.S. 4912; Contraband, 18 Pa.C.S. 5123.

Pennsylvania Motor Vehicle Code

Driving Under the Influence, 75 Pa. C. S. 3802 (*third or subsequent offenses or any offense involving injuries*); Fleeing or Attempting to Elude Police Officer, 75 Pa.C.S. 3733 (*when graded as a felony of the 3rd degree*); Homicide by Vehicle, 75 Pa. C.S. 3732; Homicide by Vehicle While Driving Under the Influence, 75 Pa. C.S. 3735; Aggravated Assault by Vehicle While Driving Under the Influence, 75 Pa. C.S. 3735.1; Accidents Involving Death or Personal Injury, 75 Pa.C.S. 3742 (*Resulting in serious bodily injury or death*); Accidents Involving Death or Personal Injury While Not Properly Licensed, 75 Pa. C.S. 3742.1 (*Resulting in serious bodily injury or death*); Removal or Falsification of Identification Number, 75 Pa. C.S. 7102; Dealing in Vehicles with Removed or Falsified Numbers, 75 Pa. C.S. 7103; Dealing in Titles and Plates for Stolen Vehicles, 75 Pa. C.S. 7111; False Application for Certificate of Title or Registration, 75 Pa. C. S. 7121; Altered, Forged or Counterfeit Documents and Plates, 75 Pa. C.S. 7122