

# Bucks County Community Accountability Panel

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The Bucks County Community Accountability Panel Project (The Panel Project) serves the needs of victims, offenders, and the Bucks County community. As a locally-based alternative to the official criminal justice system, it provides a chance for selected offenders to avoid criminal prosecution. In order to operate effectively, the Panel requires the assistance of community volunteers, local and county government officials, treatment specialists and, of course, police personnel. The Community Accountability Panel Project represents the creative efforts of many dedicated individuals and significant community partnerships.

The overarching goals of the Panel Project are to identify and rectify harm caused by criminal offenses, to better include community members in the justice process, and to successfully reintegrate offenders into community life.

The Panel will accept first-time offenders who have committed minor criminal infractions, including misdemeanor and summary offenses. The advantage

of participation in the Panel is the potential for successful participants to rectify the harm caused by their criminal conduct while maintaining the ability to rejoin the community without a criminal record.

## **Offender Eligibility**

In order to be eligible for the Panel, the charged offender must have committed an act that is a violation of Pennsylvania law or a local ordinance (excluding traffic violations), including nonviolent misdemeanor and summary offenses within Bucks County. The offender must also have no prior criminal convictions.

**An offender's indigency will not bar him from being accepted into the program.** The offender must provide a factual admission to the criminal conduct. If the offender intends to deny involvement in the incident or asserts his or her innocence, Panel action is inappropriate. Examples of some of the applicable crimes for the Panel include the following:

- a. Criminal Mischief;
- b. Institutional Vandalism;
- c. Defiant Trespass;
- d. Simple Trespass;
- e. Theft;

- f. Retail theft;
- g. Unauthorized use of automobiles and other vehicles;
- h. Bad checks;
- i. False identification to law enforcement;
- j. Unsworn falsification to authorities;
- k. Loitering and Prowling;
- l. Possession of a Controlled Substance;
- m. Possession of a Small Amount of Marijuana;
- n. Possession of Drug Paraphernalia;
- o. Harassment;
- p. Disorderly Conduct; and
- q. Underage Drinking (if 18 years old but not yet 21).

If the offender meets the threshold requirements for eligibility for the Panel, the case shall be listed for a Status Hearing at the Magisterial District Court to determine if the offender is interested in participation (See attached District Court Notice in Appendix.). Interested offenders shall be referred to the District Attorney's Office for a final determination as to eligibility. If the offender meets the criteria, the offender's case will be diverted to the Panel. As a

condition of acceptance in the Panel, the offender will sign a written waiver of their right to a speedy trial, pursuant to Rule 600 of the Pennsylvania Rules of Criminal Procedure.

## **Panel**

The Panel is comprised of six members, all from the local community. Panel members are volunteers, residents and business persons from the local municipality where the Panel is located. Panel members cannot be elected officials or current police officers, and they must have a clear criminal history. Panel members are required to serve for at least one year, and are required to attend 75 percent of all Panel meetings.

The Panel Hearing is a non-adversary procedure. The Panel is not empowered to act as a judge or jury in deciding guilt or innocence. The goal of the Panel is to hold a fair hearing, which includes listening to the offender's rendition of what occurred; addressing the needs of the victim and the community; providing mentoring and leadership to the offender; and promoting change and growth within the offender through accountability, compliance and competency development.

At the Panel Hearing, the offender enters into a contract with the Panel, and the offender agrees to

complete designated obligations within 90 days (See attached Contract in Appendix). The contractual obligations are designed to help the offender learn accountability, understand the impact of the crimes on the victim, and comprehend the effect of the offender's actions on the community. Obligations can include payment of restitution and letters of apology to the victim; community service; drug and alcohol counseling; random drug testing; psychological evaluations; anger management and effective decision-making classes.

Once the offender has completed all the obligations pursuant to his contract, the charges filed against the offender will be withdrawn, and expunged (See attached Timeline in Appendix).

## **Non-Compliance**

If the offender fails to complete the contractual obligations, the offender will receive written notice of his violation of the contract, and removal from the Panel. The failure to complete the obligations will result in the offender's case being returned to the Magisterial District Court and/or the Court of Common Pleas for full criminal prosecution.

If the offender incurs additional criminal charges while under the jurisdiction of the Panel, the offender will be rejected from the Panel and his or her case will

proceed through the county criminal justice system as if the diversion never occurred.

## **Administration of Panel Program**

The District Attorney's Office shall be solely responsible for program oversight. The District Attorney's Office may utilize the assistance of a for-profit third party provider to administer the diversionary program. This administrator will be responsible for operations such as: notice to potential candidates and eventual participants, overseeing the admissions process, monitoring and reporting the progress or failure of program participants to the panelists, and assisting the panelists and the District Attorney's Office in record-keeping, and collection of costs and fees. The administrator will be subservient to the Panel and to the District Attorney's Office.

## **Benefits of the Community Accountability Panel**

It is our understanding that no there are no other programs exactly like this in Pennsylvania. Bucks County has had very favorable outcomes which include:

- Defendant is held immediately accountable (vs. – placement on unsupervised supervision or No Further Penalty 4 months later).

- Defendant benefits from guidance from members of own community.
- The court system's costs are reduced because the case is not processed through the system.
- The defendant has the opportunity to understand the impact of the crime on the victim and defendant's own community. Empathy leads to reduction in likelihood of re-offense.
- Payment of restitution occurs quickly.
- Process allows for assessment of risk and immediate intervention to address those risk factors while maintaining strengths.
- The defendant has the opportunity to avoid the negative consequences of a conviction including a reduced ability to gain lawful employment.
- Opportunity to change lives by showing concern and interest in a member of the community who is at risk.

Overall, this partnership allows Bucks County to keep our community safer while ensuring appropriate accountability.