

THE SEATTLE COMMUNITY COURT

START-UP, INITIAL IMPLEMENTATION, AND RECOMMENDATIONS CONCERNING FUTURE DEVELOPMENT

By

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CONTENTS

Foreword and Acknowledgements	iii
1. Introduction	1
2. Planning for the Community Court	3
Background: The Development of Community Courts Across the U.S.	3
The Seattle Experience: Shaping Plans for the Community Court	4
Gaining Needed Support for the Community Court Experiment	9
3. Start-Up and Initial Implementation, 2005-07	11
Goals	11
Operational Policies and Practices	12
Community Court Personnel	19
Key Operational Issues During the First Two Years of Operations	20
Strengths of the Program	24
4. Evidence of Effectiveness Over the First Two Years	27
5. Program Expansion in 2007	32
The Plans for Expansion	32
Issues to be Addressed in Implementing the Expansion	32
6. Conclusions and Recommendations	35
Principal Conclusions	35
Recommendations	36

FOREWORD AND ACKNOWLEDGEMENTS

In June 2006, a group of urban court administrators and presiding judges from large urban trial courts in the United States met in Seattle, Washington, hosted by the Seattle Municipal Court. The program for the meeting, which was organized by The Justice Management Institute (JMI) as part of its Urban Court Managers Network project, included opportunity to observe a session of the Seattle Community Court. Following the court session, participants at the meeting had an opportunity to speak informally with three justice system leaders—Presiding Judge Fred Bonner, City Attorney Tom Carr, and Dave Chapman, Director of Associated Counsel for the Accused, the lead indigent defense agency serving the Municipal Court—who had participated actively in the session. During the informal discussion following the session, everyone present learned about the origins of the Community Court and the remarkable commitment to innovation and system improvement that these three leaders had forged.

All of the court administrators and presiding judges present at the meeting recognized the difficulty of the challenge that the Community Court leaders had taken on. Every community of any size faces problems of the sort that Seattle has faced with a population of individuals charged repeatedly with minor “quality of life” offenses. It has become increasingly clear that traditional criminal sanctions—such as jail, probation, or fines—rarely have any deterrent effect on these individuals. It has also become apparent that the roots of their behavior lie much deeper. The individuals who repeatedly commit these offenses are very likely to have a host of other problems: substance abuse or addiction, mental illness, lack of employment or stable housing, and physical disabilities of varying severity. In addition to cycling repeatedly through the criminal justice system, they also turn up repeatedly at hospital emergency rooms, homeless shelters, and other publicly supported facilities. Few jurisdictions have developed effective ways of handling the problems they pose.

The Seattle approach struck most everyone at the meeting as innovative and promising. It involved the use of the authority of the court to impose a short sentence of community service rather than a jail term, coupled with requirements that the defendant make at least initial linkages with social services and treatment agencies. The Seattle justice system leaders were candid in acknowledging that their objectives for the program were modest: they hoped to begin to turn around the lives of some of the participants, but they had no illusions of 100% success. Simply getting as many as 30 percent of the defendants to complete their sentence obligations could be regarded as a major accomplishment. However, even modest success would be better than continued adherence to traditional practices that were demonstrably ineffective in changing behaviors, though expensive in the use of jail space.

Seattle’s experience with this approach was clearly of interest to the urban court leaders who were present at the June meeting, and seems likely to be of interest to justice system and local government leaders in other jurisdictions throughout the U.S. Shortly after the June 2006 meeting, the two authors of this monograph discussed the idea of documenting the start-up and initial implementation of the Community Court with Presiding Judge Bonner and with the Court Administrator of the Municipal Court, Yolande Williams. With their agreement and assistance, an application for modest grant

to undertake this project was prepared and submitted to the State Justice Institute (SJI). The grant was awarded in September 2006, contractual arrangement between the Municipal Court and JMI were completed during the Fall, and work on the project began in December 2006.

The main objectives of this report are to describe how and why the Seattle Community Court program got started, summarize the experience of the first two years of the program, and provide recommendations for further expansion of the Community Court. In undertaking the project, we have reviewed a number of reports and other documents, attended a meeting of the program's community advisory board, observed several sessions of the Community Court, and spoken with more than 20 individuals who have had a wide variety of roles in the planning and implementation of the program. Everyone with whom we have had contact in the course of the project has been very candid and helpful, and we are grateful for their assistance.

We would particularly like to acknowledge, with appreciation, the support and cooperation that the project has received from the State Justice Institute and from justice system leaders in Seattle. In this connection, particular thanks goes to Janice Munsterman, the Executive Director of the State Justice Institute and her predecessor in that position, Kevin Linskey; former Presiding Judge Fred Bonner; his successor as Presiding Judge of the Seattle Municipal Court, Judge Ron Mamiya; City Attorney Tom Carr and Robert Hood, the Chief of the City Attorney's Public and Community Safety Division; Dave Chapman, Director of Associated Counsel for the Accused; Bob White, the Chief Clerk of the Municipal Court; and Yolande Williams, the Court Administrator.

Special thanks and appreciation goes to Lorri Cox, a Strategic Advisor at the Municipal Court who has served as project director for the Community Court and also as the Municipal Court's director for this project. Lorri, who has been integrally involved in the planning and implementation of the Community Court since the idea was first put on the table, has spent innumerable hours arranging meetings and interviews for us, provided us with background document and reports, and spent considerable time answering questions and reading drafts of this report.

The report that follows has been reviewed by a number of people much closer to the court than the authors, and they have been extremely helpful in providing comments and suggestions. We are grateful for their assistance. The contents of the report and the conclusions and recommendations in the concluding chapter are, however, ours alone, and those who reviewed drafts of the report are in no way responsible for any errors of omission or commission in the final version of the report. That responsibility lies with us.

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1. INTRODUCTION

Seattle, Washington, is a thriving city of approximately 580,000. It is the commercial hub of the Pacific Northwest, a center for culture and the arts, the site of several major universities, the county seat of King County (pop. 1,800,000), and a major tourist destination. Like other urban centers, Seattle also has problems of poverty, homelessness, and crime—including offenses committed by persons with substance abuse and mental health problems. Some of the offenses are “minor” but minor offenses can nevertheless affect the quality of life in the city and there is a need to respond effectively to the offenders.

In March 2005, Seattle became one of approximately thirty U.S. cities to open a community court. Initially started in downtown Seattle on a pilot program basis, the Community Court has recently expanded to cover other neighborhoods. Like most of the other community courts started in the past dozen years, the Seattle Community Court deals with cases involving relatively low-level quality of life offenses. The Community Court’s main focus during its first two years was on a particularly difficult set of offenders that Seattle leaders characterize as “chronic public system users”—the set of persons who are frequently arrested (or given citations or summonses) for minor offenses. They often fail to appear in court on citations or summonses, and periodically cycle through homeless shelters, hospital emergency rooms, drug treatment programs, and other social service programs. When arrested and prosecuted for their offenses, traditional sanctions such as jail, conventional probation, and fines seem to have utterly no deterrent effect.

From the outset, the Seattle justice system leaders and others who support the community court concept have recognized that this target population is one that is extraordinarily difficult to reach effectively. While it is clear that traditional criminal justice policies and practices were not effective in changing behaviors, it was not at all clear that a Community Court would be more effective. The problems are daunting. The “chronic public system users” are users of public resources because they have multiple problems and few or no resources of their own. A high proportion of the defendants in Community Court are homeless, and they typically have a host of other problems including some combination of:

- Alcohol and/or drug addiction;
- Mental health problems;
- Physical weakness or disability;
- Illiteracy or learning disability;
- Unemployment;
- Lack of social or family support.

What could a court do for this target population that could not be done by non-judicial agencies and institutions (both governmental and non-governmental) involved in providing health care, housing, substance abuse treatment, employment, education, and other services? And what would be the additional costs to the city (and to the Seattle

Municipal Court, where the Community Court would be located) of providing resources to enable the Community Court to function? What would be gains in terms of improved administration of justice and other public benefits, as well as to the defendants themselves?

It is too early to provide definitive answers to these and other questions about the impact of the Community Court, but the initial indications are very promising. In its first two years, the Community Court organized a staff (some paid, others serving as volunteers and student interns), developed operational procedures, and took in over 600 defendants. Defendants in the program have performed more than 5,000 hours of community service, and they have used only a small fraction of the jail bed days that they would have used if their cases had been handled following traditional criminal justice policy and practice. Many of them have become engaged with social service agencies that can help them cope with underlying problems that have contributed to their criminal behavior.

After a pilot program period of nearly two years during which the Community Court limited itself to taking only cases that involved offenses committed in the central business district, the Community Court has—as of Spring 2007—begun to expand throughout the city. In implementing the expansion, it should be possible to build on the experience gained in the preceding two years. Over that period, knowledgeable community leaders and city officials have increasingly come to recognize the positive impacts of the program.

While the initial results are promising, expansion of the Community Court will require planners and program leaders to address a number of significant issues. The principal purposes of this assessment are to document the planning and start-up of the Community Court program in Seattle; to describe key organizational and operational features of the program during its first two years; to identify key issues relevant to expansion and institutionalization of the Court; and—to the extent possible—to present recommendations for dealing with these issues. As a predicate to considering issues relevant to expansion, it is valuable to review the experience to date. What has been learned so far provides a critical foundation for the work ahead.

This report is organized in five main parts following this introduction. Part 2 provides background information, beginning with the initial planning for adaptation of the community court concept in Seattle. Part 3 describes the start-up period—the initial efforts to get a community court program going in Seattle. The efforts were led by dedicated court and justice system leaders who forged new links between the court, the business community, and a range of social service agencies, with strong support from a wide range of sources including volunteer staff. Part 4 provides a summary of the results to date, as of July 2007, focusing on progress in achieving the court's ambitious goals. Part 5 looks ahead, outlining the plans for expansion of the Community Court and discussing issues that will have to be addressed in the course of implementing expansion plans. Part 6 presents our conclusions about the Community Court's work to date and presents recommendations for addressing issues of program continuation and expansion.

2. PLANNING FOR THE COMMUNITY COURT

Background: The Development of Community Courts Across the U.S.

Beginning in the early 1990s, there has been a growing interest in re-examining and to some extent revising the role of courts in American communities. “Problem-solving courts”—focusing not only on the criminal charges that have brought a defendant to court but also on underlying problems such as drug abuse and mental illness that led to the offense—have proliferated, bringing new ideas and perspectives, new energy, new linkages of courts with social service agencies and community groups, and new policies and procedures for dealing with cases.¹

Perhaps the most far-reaching of the new approaches has been the development of community courts. Beginning with the opening of the Midtown Community Court in New York City in 1993, the community court idea has spread to more than 30 cities and towns across the U.S.² As the concept has taken root in different places, local leaders have developed variants that are designed to meet the particular circumstances of the jurisdiction. However, there are some common themes that cut across all of the courts:

- A focus on relatively minor misdemeanors or ordinance violations—offenses such as petty theft, criminal trespass, vandalism, prostitution, minor drug use, and disorderly conduct—that, in the aggregate, diminish the quality of life in the community or neighborhoods where these offenses occur.
- Engagement of commercial business owners and community residents in planning for a community court that can deal more effectively with such offenses.
- A recognition that the types of sanctions historically imposed by courts for minor offenses—fines, conventional probation, and jail—have been ineffective in changing the behaviors of repetitive offenders.
- Much speedier handling of cases in the community court than in “regular” court proceedings.

¹ There is now a substantial body of literature on problem solving courts, including a number of studies and articles focused on community courts. See, e.g., Greg Berman and John Feinblatt, *Good Courts: The Case for Problem-Solving Justice* (New York: The New Press, 2005); Pamela M. Casey and David Rottman, *Problem-Solving Courts: Models and Trends* (Williamsburg: National Center for State Courts, 2003); Eric Lee, *Community Courts: An Evolving Model* (Washington, D.C.: Bureau of Justice Assistance, 2000).

² For an overview of the development of community courts in the U.S. and initial research on their operations and impacts, see Dana Kralstein, *Community Court Research* (New York: Center for Court Innovation, 2005). For research on the original community court model in New York, see Michelle Sviridoff et al., *Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court* (New York: Center for Court Innovation, 1997); John Feinblatt, Greg Berman, and Michelle Sviridoff, *Neighborhood Justice: Lessons from the Midtown Community Court* (New York: Center for Court Innovation, 1998).

- A commitment to use of more meaningful and more “immediate” sanctions for offenders in community court—especially the use of short periods of required community service that provide a component of restitution as part of a simple sentence.
- Development of mechanisms for linking offenders to treatment and social services that can help them to address the underlying problems that cause or contribute to their criminal behavior.

The Seattle Experience: Shaping Plans for the Community Court

In Seattle, some business community leaders and justice system practitioners had been aware of and interested in the community court concept since the mid-1990s, but it was not until 2004 that serious planning for a community court in Seattle got underway. Several factors combined to help catalyze interest among justice system leaders and others in key positions in city government and in the business community. One important factor was what many business and civic leaders felt to be an increasingly visible population of homeless persons, often congregating in shopping and tourist areas in the city’s central business district. Sometimes these individuals committed various types of minor offenses such as theft, aggressive panhandling, and disorderly conduct. These behaviors had a negative effect on the climate for shopping and tourism, and also for the sense of well-being of those who lived and worked in this part of the city. The business community, in particular, was interested in having something done by the city to address this problem. The issue also became increasingly important on agendas of some of the city’s political leaders.³

A second factor was a growing awareness on the part of key justice system leaders—notably in the Seattle Municipal Court and the City Attorney’s Office (which is responsible for prosecuting offenses in the Municipal Court)—that traditional ways of dealing with repetitive minor offenders were simply not working. If served with citations or summonses to appear in court, the defendants simply ignored or forgot them. If arrested, the sentences imposed on these defendants—whether to jail terms or to probation—seemed to have no deterrent effect on their behavior. The offending behavior didn’t change, but the city was expending considerable time and resources (including the use of scarce and expensive jail bed days) in fruitless attempts to deal with these offenders through repeated arrests and conventional criminal justice processing.

³ There has been growing concern throughout the Seattle metropolitan area about the problem of homelessness. In the Spring of 2005, just as the Community Court was getting started, a broad-based high-profile Committee to End Homelessness was formed, with commitments of funding from King County, the City of Seattle, a number of other municipalities in the county, and leading foundations. The Committee’s Governing Board includes the County Executive for King County, the Mayor of Seattle, and leaders from the business, medical, university, social services, charitable organization, and religious communities in Seattle and King County. Planning for the Community Court—which would include in its target population a number of persons who lacked stable housing—dovetailed with this broader initiative.

Third, the city faced a looming problem of insufficient jail space. The King County Jail, which is located across the street from the Seattle Municipal Court in downtown Seattle, was running out of room for defendants charged with misdemeanors. County officials had imposed a cap on the number of jail beds that would be available for use by the Municipal Court, and under a city-county agreement the city's ability to use the jail for pretrial or sentenced defendants was scheduled to expire in 2012. There was a marked lack of enthusiasm among city officials for construction of a new jail, which would be expensive to build and operate. Even if a new jail facility were to be necessary at some point, it would be desirable to limit its use to persons for whom jail was clearly necessary for public safety purposes. The minor offenders who repeatedly turned up in Municipal Court were guilty of annoying and offensive behavior, but they were rarely significant risks to public safety.

Fourth, there were individuals in the criminal justice system and in a variety of public and private agencies in Seattle who recognized the interconnectedness of the problems of homelessness, substance abuse, mental illness, unemployment, and petty crime. Within the Municipal Court, a Mental Health Court had been started in 1999, and was widely regarded as a success. The Mental Health Court helped foster collaboration between the justice system practitioners and treatment providers, and provided a model for innovation. Taking advantage of space that existed in the new courthouse building that opened in 2002, the Municipal Court had also begun to develop its Court Resource Center (CRC) in order to provide defendants in need of social services with access to a variety of social services and treatment programs. The CRC, provided offices for representatives of the State of Washington's Department of Social and Health Services and key city and county treatment and social service agencies. The availability of these representatives provided a vehicle for enabling defendants to make initial linkages with a range of social services programs without leaving the court building. These programs—and the services provided by specific agencies—would be essential components of any effort to address the interconnected problems presented by the repeat minor offenders who cycled through the Municipal Court.

Initial planning for the Community Court began when Seattle justice system leaders made two trips to Portland, Oregon, to visit the Community Court in that city. They were accompanied on one of the trips by Dave Dillman, Vice President for Operations and Services for the Downtown Seattle Association/Metropolitan Improvement District (DSA/MID), a business leadership group that had become interested in the community court concept. The Portland Community Court, which had gotten started in the mid-1990s under the leadership of Multnomah County District Attorney Michael Schrunk, had by 2004 grown to the point where it accepted defendants from four major geographic areas in Multnomah County and was handling over 200 new cases each week. Like the Midtown Community Court in New York, Portland's Community Court was designed to deal with persons who had committed non-violent minor offenses. Key components included a pre-session assessment of the defendant for social services and treatment needs; sentences of one to five days of community service that were sometimes coupled with mandatory referrals to social services; and—for first time cases in which the defendant completed the community service—dismissal of the

charges. The Portland Community Court's staff provided case management services for the defendants, to assist them in making the needed linkages with treatment and social services. Having started initially with the help of grants from foundations and the federal government, by 2004 the Community Court in Portland was receiving substantial state and county funding support.

The Seattle justice system and business community leaders who made the trips to Portland recognized that the Portland model—which dealt with first offenders as well as with many individuals who had long records of minor offenses—could be adapted for Seattle, but they felt that significant modifications would be desirable. In particular, the Seattle leaders wanted to begin with an explicit focus on some of the most troublesome types of defendants: individuals who had long records of arrests and convictions, for whom traditional sanctions had proven ineffective. They recognized that taking this approach would be a major departure from long-established practices, but they were unanimous in believing that it was the right thing to do. To develop a program that had some chance of working with this target group, a great deal of work would have to be done to develop a network of treatment and social service resources. Additionally, the Municipal Court itself would have to develop a capability—within the court—for working more effectively with this set of defendants and with a wide range of service providers.

The core planning group for the Seattle Community Court program involved six individuals, all of whom had seen the Portland Community Court in operation and had become convinced that an adaptation of the Portland model made sense for Seattle:

- Judge Fred Bonner, the Presiding Judge of the Municipal Court
- Tom Carr, the Seattle City Attorney
- Robert Hood, the Chief of the City Attorney's Office Public and Community Safety Division
- Dave Chapman, Director of Associated Counsel for the Accused (the agency responsible for providing primary indigent defense services in the Municipal Court)
- Bob White, the Chief Clerk of the Municipal Court
- Lorri Cox, a member of the Court Administrator's senior staff, who was tasked with staffing and coordinating the planning effort, including seeking funding support to enable start-up of the Community Court.

During the Fall and Winter of 2004-05, this core planning group worked to put together a viable plan for a community court in Seattle. In doing so, they sought and received help from the Center for Court Innovation (CCI), a non-profit organization based in New York City that had been instrumental in design and implementation of both New York's Midtown Community Court and the Portland Community Court,⁴ as well as

⁴ Julius Lang, a senior staff member at CCI, had a number of telephone conversations and e-mail exchanges with members of the planning group during the 2004-05 period, and traveled to Seattle during January 2005 to help with initial planning for the Community Court. While there he met with planning

from key groups in Seattle. They continued to work with the Downtown Seattle Association/Metropolitan Improvement District and reached out broadly to others in the business community, city government leaders, public and private social service and treatment agencies, and a wide range of community groups. The plan that took shape was ambitious, particularly in defining the target group of prospective participants in the community court program. The planners deliberately decided to focus on a “hard core” clientele of individuals who had histories of minor offenses, jail sentences, and extensive needs for treatment and social services. This was the population that was of greatest concern to business and political leaders. If the community court could achieve any kind of success with this population, it would be contributing significantly to the civic life of Seattle.

The plan that took shape was in some respects conventional. The community court would begin modestly, as a pilot program focused on persons arrested for non-violent minor offenses committed in the downtown Seattle area. If the pilot program worked well, consideration could then be given to expanding it to larger geographic area. Operationally, it would have several key features, most of them similar to key components of other recently started community courts. These included the following:

1. Criteria for consideration for entry into Community Court – an emphasis on high-need repetitive minor offenders. The planners developed five main criteria for considering a defendant for participation in the Community Court program:

- **Eligible Offenses:** Offenses eligible for the Seattle Community Court would be the same offenses (basically, non-violent ordinance violations) for which, under the guidelines for a long-established diversion program, a defendant charged as a first offender would have been eligible for diversion.
- **Geographic Limits:** For a defendant to be eligible for the Community Court during the pilot project phase, the offense would have to have been committed within the geographic areas covered by the project during this phase (mainly the downtown business district).⁵
- **Prior Record:** Candidates for Community Court would be individuals who had at least one prior conviction. In many instances they would be persons who had a long prior record of arrests for relatively minor offenses (e.g., minor theft, criminal trespass, prostitution). First offenders would not be considered for participation in the program, since a primary objective would be to address the troublesome high needs population of repetitive minor offenders.⁶ *Restricting eligibility to persons with criminal records is a unique*

group members and made a presentation on community court experiences in New York and elsewhere at a meeting of a citizens’ advisory group that the planners organized to help provide input into the plans.

⁵ As discussed in Part 5, *infra*, the geographic scope of the project expanded to the entire city of Seattle in March 2007. For the two year pilot program, eligibility was limited to the downtown core area.

⁶ First offenders would continue to be dealt with by the City Attorney’s already-existing diversion program, which simply required payment of a \$75 fee (frequently waived) and staying arrest-free for a 90-day period after which the charge would be dismissed.

feature of the Seattle Community Court, and one that should make it of particular interest to policymakers elsewhere as well as to Seattle civic and political leaders.

- Minimal Public Safety Risk – The risk to public safety posed by an individual defendant would be determined by the prosecutor, on the basis of information about the defendant’s prior record and the current charge. The City Attorney’s standard for determining eligibility focused on the recent history of the defendant as an indicator of the *current* risk to public safety. Even prior assault or robbery convictions—if they occurred long ago—would not automatically exclude a defendant from participation.
- Candidates Screened from In-Custody Jail Calendar – Candidates for Community Court would be found primarily (and during the first two years almost exclusively) among the defendants who were booked into jail following arrest and were in custody on their criminal charge(s) at the time of their initial court appearance. Focusing attention on these defendants was consistent with the planning team’s focus on chronic repeat offenders who were using scarce jail space.

2. Procedures designed to provide swift justice. The core planning group recognized the value—both for purposes of engaging defendants in connecting with needed services and for purposes of demonstrating the effective functioning of the criminal justice system—of processes that stressed *immediacy*. As described in the next section of this report, they designed a system that enables very rapid acquisition and analysis of relevant information about the charge and the defendant, speedy entry into the Community Court, swift imposition of a sanction for the criminal behavior, prompt response in the event a defendant failed to comply with the conditions set by the judge, and short case duration. Importantly, they were able to build on processes already in place that ensured representation of the defendant by counsel, beginning prior to the defendant’s first court appearance. Existing procedures provided for prompt disclosure to the public defenders of basic information about the charge and about the defendant’s prior record. With this information in their possession, and with the prosecutor having reviewed the case file and prepared a plea offer that included participation in the Community Court program, the public defenders could discuss that option with the defendants before the defendant first appeared in court.

3. Linkage of defendants with needed treatment and social services. From the outset, the planners recognized that their target population included a high proportion of individuals who would need an array of treatment and social services in order to begin to function effectively in society. The arrest and court case could provide an opportunity for effective intervention and linkage of these individuals with a wide array of social services, especially since there would be both incentives (including avoidance of what could be a lengthy jail sentence) and potential sanctions for non-compliance through the coercive authority of the court. Their plans called for early assessment of the defendant’s living situation and service needs, coupled with mechanisms for linking the defendant directly with agencies that could address those needs. The court’s authority to order the defendant to make contacts with service providers as part of a sentence, coupled with its

authority to impose sanctions for non-compliance, could be a way to link the difficult target population with needed services. To make this plan work, the Community Court would need to have cooperation from treatment and social services agencies in the city that could provide assistance to program participants. As described below, the program's leaders have worked steadily to develop collaborative relationships with service providers. The planners also recognized that the Community Court would have to have staff support above and beyond what would be available from the Municipal Court's existing complement of staff, in order to perform in the new tasks of helping program participants actually engage with the services. Obtaining staff with the necessary qualifications and skills for the program has been a continuing challenge, mainly because of lack of sufficient funding.

4. Sanctions that are appropriate and include a visible element of restoration to the community. In developing the sanctions to be used in the Community Court, the planners placed strong emphasis on short periods of community service. This approach would provide an element of accountability for the conduct that led to the arrest, would provide for a kind of visible "payback" to the community, and could be concluded quickly. Members of the citizen advisory group that met early in 2005 recommended that the periods of community service be even shorter than the planners had initially envisioned. When the program started in March 2005 (and throughout the pilot period), it was contemplated the basic community service sentences would be served by doing two days of visible work such as picking up litter or cleaning graffiti off of walls in the downtown area. Provision was also made for less strenuous types of community service for defendants who could not handle the rigors of physically demanding work.

Gaining Needed Support for the Community Court Experiment

While the operational plans were being shaped, the planners also began to seek funding support for the program. Two types of support were especially important: (1) direct funding, through grants and appropriated funds, simply to enable the program to operate on an initial pilot basis; and (2) support from a variety of sectors of society, which would be needed to gain essential long-term funding for the program if it proved effective. In New York City and Portland (and in a number of other cities where community courts had gotten started in the past decade), the business community had been an important supporter of the concept, in some instances providing funding. The business community proved to be an important contributor to the start-up of the Seattle Community Court, too.

As noted above, in the fall of 2004, Lorri Cox had arranged for Dave Dillman, a senior official in the Downtown Seattle Association/Metropolitan Improvement District to accompany members of the core planning group on one of the trips to Portland. Dillman recognized the potential benefits to the business community of having a community court in Seattle, and brought the project to the attention of members of the Association's board of directors. Once the core planning group had developed a basic plan for the Seattle Community Court, DSA/MID provided a crucially important \$45,000 grant that enabled the project to pay staff salaries during the start-up phase and to begin operations. Dillman made sure that two important conditions were attached to the grant:

the planners would have to provide periodic reports on progress and the city of Seattle would have to come up with funds to help provide essential staff for the program.

The grant from DSA/MID provided some of the needed start-up funds and, perhaps equally important, demonstrated the interest and support for the community court concept by a constituent group that is important to political leaders in the city. However, support from community leaders elsewhere in the city and funding by the City Council would also be essential.

To help gain community buy-in and support, the planners organized an advisory group that included citizen leaders from a variety of neighborhood groups, mainly from the central city areas that would be most likely to be impacted by the program. The group also included representatives of the Seattle Police department, a variety of social services agencies, and other local government officials. At a meeting early in 2005, this group gave a warm endorsement to the pilot project. The advisory group also provided some input about program structure that helped shape plans, including recommendations for shorter periods of community service than the planners had originally contemplated.

The then-President of the City Council (Jan Drago) and some of the other Council members—sensitive to the concerns of the business community and of city residents about the behaviors of the population targeted for participation in the Community Court—also became interested in the project. These Council members were supportive of the mix of public safety, cost savings, and delivery of social services—importantly including attention to the issues of homelessness, substance abuse and mental health—built into the plans for the Community Court. The Council provided funds to support two positions dedicated to the Community Court: a senior staff-level project director/strategic adviser [Lorri Cox] and a probation counselor given the title “Community Court Monitor” [Robert Lee]. The annual cost for the two positions came to approximately \$196,000. Both positions would prove to be essential to Community Court operations over the first two years of the program. The Council funds supplemented and expanded the \$45,000 in grant funds originally provided by the Downtown Seattle Association/Metropolitan Improvement District.

Perhaps most important for the initial success of the Community Court, members of the core planning group—the Presiding Judge of the Municipal Court, the City Attorney, and the Director of the Associated Counsel for the Accused (“ACA” – the indigent defense agency)—demonstrated their own commitment to the program by agreeing to active roles in the Community Court’s courtroom proceedings. Their active involvement was an eloquent statement of their belief that the Community Court approach is far more promising than traditional criminal case processing for dealing with highly needy repetitive minor offenders. These three key criminal justice system leaders made a visible commitment to making the Community Court work well, volunteering their own time and assigning some of their existing staff to help handle the new caseload of the Community Court. Judge Bonner presided at virtually every session of the Community Court during the first twenty-one months of the program, and both Tom Carr and Dave Chapman were frequently in court as prosecutor and counsel for the defendant, respectively.

3. START-UP AND INITIAL IMPLEMENTATION, 2005-07

Goals of the Community Court Program

When the Community Court began operations in March 2005, the core planning group had reached substantial consensus on what they were seeking to accomplish through the program. Although sometimes phrased differently in different documents, the Community Court program can be regarded as having seven main goals:

1. Community service included as a component of all sanctions – a restorative justice approach to sentencing for minor offenses, providing for offender accountability with visible evidence of “payback’ to the community by the offenders
2. More rapid and more effective linkage of persons whose cases are handled in Community Court with needed services, including substance abuse and mental health treatment, housing, and assistance in accessing public benefits to which they are entitled.
3. A reasonably high rate of compliance with conditions of the sentence.
4. Less repetitive criminal behavior by persons whose cases are handled in Community Court.
5. More effective court processes, in particular:
 - Rapid entry into the Community Court;
 - Direct engagement of the defendant, by the Community Court Judge, in a colloquy focused on the defendant’s obligations and the opportunities afforded by the Community Court program;
 - Rapid imposition of sanctions that are not unduly onerous; and
 - Rapid response to non-compliance with conditions imposed.
6. Less unproductive use of court time by criminal justice personnel—Jail staff, City Attorney staff, Public Defender staff, court staff, and judges.
7. Reduced use of jail bed-days by Community Court participants.

The core planning group was under no illusions that achieving these goals would be easy. From the outset, the planners took the position that if 30 percent of the defendants completed all of the requirements of their sentences, the program would be a significant success. It would mean that at least initial linkages with treatment and social services had been made, would have resulted in productive work having been done for the community by the program participants, and would indicate that significant costs of imposing a jail term had been avoided in each of those cases. Preliminary evidence of the extent to which the Community Court program has achieved these goals during the first two years of operations is discussed below in Part 4.

Operational Policies and Practices

Over the first two years of the Community Court's existence the basic operational policies and procedures remained basically the same as those that had originally been designed by the core planning group, with a few minor adjustments. For in-custody defendants, the same steps are followed under practices in effect as of the time of this report (mid-2007), so this discussion of operational policies and practices is written in the present tense. As the program has expanded during 2007, the intake process has encompassed more out-of-custody defendants, a development discussed below in Part 5. The following is a summary of operational components of the program during its first two years. It is organized in approximately the same order that these policies and procedures become relevant in the life of a case handled in the Community Court, beginning with post-arrest screening of cases involving defendants who have been arrested but not yet had their first court appearance.

1. Early screening for eligibility for the Community Court. Six mornings a week (every day except Sunday and legal holidays on which the Municipal Court is closed), two sets of practitioners conduct initial screening of cases involving newly arrested defendants awaiting their initial court appearance (called the arraignment in Seattle). The initial screening work—done by pretrial services officers and by the case preparation staff of the City Attorney's office—provides the information that forms the foundation for subsequent decision-making about the defendant's possible participation in the Community Court program as well as other possible decisions concerning newly arrested defendants.

Beginning before 6 AM, personal recognizance (PR) screeners working in the Municipal Court's Probation Department interview all newly arrested defendants. Through the interviews, these officers develop information about the defendants' living situation, employment, possible substance abuse issues, mental and physical health problems, and other factors relevant to the release/detention decision. The information can also be helpful in identifying possible approaches to providing effective supervision if the defendant is released. Additionally, the pretrial services officers conduct criminal records searches to obtain information about the defendant's prior criminal record. The results of their work go into a one-page informational report that will be provided to the City Attorney's staff, defense counsel, and the Court at the defendant's initial appearance later that same morning.

Staff members of the City Attorney's case preparation unit arrive at the jail at approximately 5:30 AM to prepare files in all cases involving newly arrested defendants. Senior prosecutors arrive at about 7:00 AM to review the files, decide what formal charges to file in the Municipal Court, and prepare plea offers and proposed sentence recommendations. As they do so, one of their tasks is to identify cases in which defendants are potentially eligible for Community Court under the program's criteria for participation. In flagging these cases, they take account of the information in the police incident report, the offense(s) to be charged in the complaint, and the defendant's prior record. If the defendant is eligible for Community Court, the Assistant City Attorney will prepare a plea offer (discussed below) that includes an option of participation in the Community Court program.

2. Early provision of counsel for defendants. It is standard procedure in the Seattle Municipal Court for every defendant to have publicly funded counsel appointed for the initial appearance proceedings. The defendant can reject the appointed counsel (and hire his or her own lawyer if able to do so), but defendants eligible for Community Court are almost always unable to afford to retain their own counsel. The defense attorneys (provided through Associated Counsel for the Accused, the public defender agency that is the primary indigent defense provider in the Municipal Court) have an opportunity to consult with their clients prior to the arraignment proceeding. Because of the discovery procedures routinely followed in the Seattle Municipal Court (see next paragraph) they are able to undertake this consultation with knowledge of the charges, the contents of the police incident report, the defendant's prior record, and the plea offer that the Assistant City Attorney has prepared. Counsel is able to discuss the possible dispositional options and to give the defendants a sense of how Community Court operates, what will be expected of program participants, and how they could benefit from participating in the program.

3. Early discovery and plea decisions. One of the keys to speedy decision-making in the Municipal Court is the practice regarding discovery. After reviewing the police incident report, the defendant's prior record, and any other information in the case file, the assistant city attorney handling the morning calendar, working with the aid of support staff, prepares and provides a discovery packet to defense counsel prior to the start of the morning in-custody initial appearance calendar at the jail. The packet contains the following:

- The complaint alleging defendant's behavior that violated one or more state statutes or municipal ordinances.
- The police incident report.
- The City Attorney's plea offer.

Additionally, court staff provides the PR screeners' report to both the defense counsel and the prosecutor at the outset of the arraignment session.

If the case is one in which the prosecutor believes the defendant is eligible for Community Court, the plea offer is generally in the form of two alternatives:

- A plea to the offense charged, together with the City Attorney's "usual" recommendation for disposition of the case. Following long-established City Attorney policies, this offer would typically include a recommended jail sentence (a portion of which would be suspended) and retention of jurisdiction by the court for up to two years;

or

- A plea to the offense charged and agreement by the defendant to participate in the Community Court program, including performing a fixed amount of community service (usually 16 hours) and making at least initial contacts with social services agencies. The conditions of probation under this offer would include making contact with social service providers who would be able to meet needs identified through an assessment done prior to the Community

Court session. In the event the defendant failed to comply with the agreed-upon conditions, the defendant could be sentenced to a period of up to five days in jail. Under this option, the probation term would be short and the court would not retain long-term jurisdiction over the defendant.

With the discovery information and plea offer in hand, together with the informational report prepared by the PR screener, the defense attorney can discuss the dispositional options with the defendant. The options include the right to go to trial on the charges, as well as the plea and sentence alternatives recommended by the prosecutor. If the defendant decides to participate in the Community Court, the next step is to convey that choice to the judge presiding at the arraignment proceeding.

4. Arraignment and referral to Community Court. Every weekday and Saturday morning, a Municipal Court judge conducts initial appearance (arraignment) proceedings at a courtroom located in the basement of the King County Jail. The arraignment assignment is a rotating one, with each of the Court's judges taking it for a week at a time. At the arraignment proceeding, the judge will advise the defendant of his or her rights, will set bail or non-financial conditions of release, and will ask the defendant to enter a plea to the charges. If a defendant has agreed to participate in the Community Court program, the case will be set for plea and sentence on the calendar for the next session of the Community Court.

Since the program has expanded in 2007 to take in out-of-custody defendants (including those that are release on personal recognizance as well as those given citations for ordinance violations), the procedures have been modified. Now, eligible defendants are identified by the City Attorney staff, identified as prospective candidates for the program, and given the opportunity to opt in at the time their case comes up on an out-of-custody arraignment calendar.

5. The needs assessment. During the period between the arraignment and the defendant's first Community Court date (and often on the same day as the Community Court session), staff of the Community Court conducts an assessment of the defendant's living situation, employment status, and treatment and social services needs. The assessments are usually done by Robert Lee, a probation officer assigned to the Community Court program who also (as described below) performs a multitude of other tasks essential to the operation of the Community Court.

The assessment can build upon information initially gathered by the pretrial services officers, but is considerably more detailed. It involves an interview of the defendant, typically 15-20 minutes long, that focuses on what the defendant needs in order to establish a stable non-criminogenic living situation. Housing is a very common need, with almost 60 percent of the Community Court participants during the two-year pilot program reporting that they had no place to live.⁷ Other services commonly needed

⁷ Members of the Community Court team believe that this figure substantially understates the actual prevalence of homelessness among the participants. Many of the participants report that they are staying with friends, family, or in a shelter, but do not actually have a stable residence.

by these persons include substance abuse treatment, mental health treatment, medical attention for physical health problems, ability to collect public assistance benefits, and—for those who are physically able to work—assistance in obtaining employment. A written assessment report is prepared for review by the prosecutors, defense attorneys, and the judge prior to imposing sentence.

6. *First appearance in Community Court – plea and imposition of sentence.*

During its first two years of operation, sessions of the Community Court were held every Tuesday and Thursday afternoon, typically with between ten and fifteen cases on the calendar. Some cases are on the calendar for first appearance (for plea and imposition of sentence), the others for some type of review hearing. Defendants appearing at their first session would generally have been in jail for anywhere from one night (if arrested the previous day or evening and arraigned that morning) to five nights (if arrested on the previous Thursday afternoon or evening). At the sentencing proceeding, the prosecutor (usually—especially during the first two years—City Attorney Tom Carr or Division Chief Robert Hood) summarizes the charges, outlines the recommended sentence under the traditional approach, notes that the defendant is eligible for Community Court, and recommends that the Court accept the defendant into the Community Court program. The defense attorney may also speak on behalf of the defendant, endorsing the recommendation for a Community Court sentence.

The judge presiding in Community Court (Municipal Court Presiding Judge Bonner during the first 21 months of the Community Court; his successor as Presiding Judge of the Court, Judge Ron Mamiya, since January 2007) then reviews the terms of the offer and the proposed probationary sentence with the defendant. The judge describes the requirements the defendant will be expected to meet (including, for first-time participants, some amount of community service [usually 16 hours] and the making of court-ordered contacts with treatment and social service providers), discusses the services available through the Community Court program, and reviews the sanctions for non-compliance. He then asks if the defendant accepts the offer and recommended sentence. If the defendant agrees (“opts-in”) and enters a formal plea of guilty, the judge then accepts it and formally imposes the sentence. Legally, the sentence is to a short term of probation with conditions that include performing community service and making mandated treatment and social service contacts.⁸ At the same time, the case is set for a review hearing two weeks later. If the defendant is in custody at the time of the Community Court session (as most are), the judge will order the defendant to remain in custody overnight, to be released the following morning to begin the required community service.

The overall atmosphere in the Community Court session is in many ways like what is often found in a drug court session. Everyone in the courtroom wants every defendant to succeed, and they make that clear in their statements and demeanor. In the

⁸ The probation term of a Community Court sentence is ordinarily 30 days, though defendants with a large number of mandated contacts or a large number of community service hours may have probation periods of as long as 60 days. Even the 60-day period is far shorter than typical probation terms, which can last for as long as two years.

course of accepting a plea and imposing sentence, the judge typically speaks to the defendant in a conversational tone, trying to make sure that the defendant knows how the program works and the obligations that will have to be met. Once the sentence has been imposed and the next case is called, the bailiff in the courtroom meets briefly with the defendant (now a participant in the program), to make sure the participant really understands what has happened and what will be required to comply with the terms of the sentence, has a copy of the judgment, and knows what will happen next.

7. Orienting the participants to the Community Court program, arranging for community service, and initiating linkages with treatment and social services.

Immediately following the Community Court session, staff of the Community Court (usually probation officer Robert Lee; sometimes one of the program's volunteer staff members) conducts an orientation session for defendants not in custody who have agreed to participate in the program. Key aspects of the orientation include again explaining the community service requirement and the requirements that defendants establish linkages with designated treatment and social services, and going into more detail about how this can be done. Often, the orientation session also includes making arrangements to get the participants to the appropriate community service sites and to the Court Resource Center to begin making the necessary links with social services agencies and substance abuse or mental health treatment programs.

Defendants who are still in custody at the time of their first Community Court session generally remain in jail overnight. The following morning, they are released into the custody of the probation officer (again, usually Robert Lee), who leads the orientation session and provides transportation to the community service work site.

8. Community service. Before the Community Court program began, it was anticipated that participants in the program would be assigned to perform a short period (usually two days) of community service at a work site in the downtown Seattle area, supervised by a crew chief employed by the Downtown Seattle Association's Metropolitan Improvement District. During the Community Court's first two years, the downtown area was where the offense that precipitated the arrest took place. Having the offender perform some type of community service in that area as part of a Community Court work crew would be a visible "payback" to that community. Assigned tasks included painting out graffiti on walls, sweeping sidewalks and picking up litter, cleaning alleys, and emptying trashcans.

Once the Community Court program started, however, it quickly became apparent that many of the participants had significant health problems and did not have the physical strength or stamina to do the kind of work—even relatively light work such as picking up litter—that had been contemplated by the planners. A back-up plan was quickly devised. For participants not physically able to participate in the work crews, arrangements were made for them to do less demanding indoor work at Street Outreach Services (SOS), a non-profit agency that works directly with the homeless in Seattle. Community service at this site typically involves helping to put together hygiene kits that outreach workers can distribute to the people living on the street. During the program's

first two years, more community service hours were performed doing this type of indoor work than doing the more strenuous (and more visible) outdoor work.

9. *Linking Community Court participants with needed services.* Before the program began, the core planners knew that the Community Court would be dealing with individuals who had multiple problems. Often, participants accepted into Community Court are resistant to receiving services of any kind. As several staff members involved in different facets of Community Court operations observed, the participants in the program have been living outside conventional norms of society for many years. They are not used to conducting their lives in accordance with externally-imposed requirements, they frequently have disabilities that make it hard for them to simply get to scheduled appointments, and they tend to be skeptical about (and sometimes hostile to) publicly provided services of any type.

One Community Court staff member noted that in many instances participants “simply don’t have the ability to get from place to place.” Thus, even to start the process of obtaining essential treatment and social services can be very challenging for some participants. The one probation officer who works directly with Community Court participants—Robert Lee—tries to do what he can, in addition to conducting assessments of prospective participants and conducting orientation sessions for those who opt in, to help participants meet their sentence requirements. Often, he also provides transportation to enable participants to get to their community service work sites and to make scheduled appointments with substance abuse treatment programs, housing officials, and other social service providers.

The Municipal Court’s Court Resource Center (CRC) is a key place for initiating Community Court participants’ linkage with needed services. Located on the 2d floor of the courthouse, the CRC is a collection of offices that provide working space for representatives of the state’s Department of Social and Health Services (DSHS). DSHS is the agency responsible for food stamps, medical assistance, and financial help. One of the City of Seattle’s principal non-profit chemical dependence and mental health treatment agency—now called Sound Mental Health (formerly Seattle Mental Health)—also has a representative located at the CRC. The CRC is a resource available to defendants in any court case who are mandated to participate in treatment programs or for whom such participation is recommended, and it is an especially valuable resource for Community Court participants. At the CRC, participants can make initial contact with DSHS staff and speak with a financial services specialist who will help the individual initiate applications for food stamp assistance, drug and alcohol treatment, mental health treatment, other health treatment. However, in order to actually receive the benefits (other than food stamps), the individual participant generally has to go to the main DSHS office a few blocks away, speak with a social worker, and go through further assessment of needs. The DSHS staff member at the Court Resource Center can make appointments for participants to meet with the social worker and begin the assessment, but the next step—getting to the appointment at the nearby DSHS office—is one that many participants fail to take.

10. Review hearings and other follow-up proceedings in the Community Court.

At the time of the defendant's first appearance in Community Court, in addition to imposing sentence the judge sets the case for a review hearing two weeks later. At the review hearing, if a program participant has complied with the community service requirement and the order to make specific social service and/or treatment contacts within that period, the participant receives a certificate of completion from the judge, who praises the participant's efforts and accomplishments. There is no type of formal "graduation" ceremony, but it is common for courtroom participants to applaud the successful participants.

Sometimes a defendant will appear in court for a scheduled review hearing but has failed to complete the community service requirement or has failed to make the mandated social services contacts. In these situations, the judge will ask the probation officer (usually Robert Lee) or one of the program's volunteer helpers to talk with the defendant and seek to make whatever arrangements are necessary to enable completion.

If the participant fails to appear and has also failed to comply with the conditions of the sentence, a warrant for the arrest of the defendant is issued immediately. Unlike the situation in most courts, however, issuance of a warrant is coupled with direct action to serve the warrant and take the participant into custody. Consistent with the planners' emphasis on *immediacy* in operations, the Community Court has worked out an arrangement with the **Neighborhood Corrections Initiative (NCI)**, a joint project of the Seattle Police Department and the State of Washington's Department of Corrections, to do immediate follow-up on newly issued warrants. An NCI team—one Seattle police officer and one state Department of Corrections (DOC) field officer—regularly tours the streets of Seattle, checking on the activities of persons who are subject to community-based supervision. Team members are familiar with the city's neighborhoods and with places where homeless persons and others subject to court or DOC supervision can often be found. They know many of these individuals on a first name basis. Once the NCI team receives a notice that a warrant has been issued by Community Court, it is not uncommon for the team to locate and arrest a non-complying participant within hours after the person's failure to appear for a scheduled court date.

Participants who fail to comply with sentence conditions and are subsequently re-arrested are brought back before the Community Court judge at the Court's next session. At that point, the judge may give them an additional opportunity to comply or may impose the jail term (typically five days) that was part of the original sentence in the event of non-compliance.

If a program participant is arrested on a new charge, Community Court may still be an option, but with more community service hours and a longer jail term for failure to comply with conditions of the sentence. After a third trip through Court, the defendant is no longer eligible for the program.

11. Data collection and preparation of management information reports. This has been a significant problem area for the Community Court. From the outset, everyone

involved in planning the program knew that it would be important to collect data that would document what had been done and that could be used to assess the effectiveness of the program in achieving its goals. However, the Municipal Court's existing case management information system could not be programmed to capture the data needed for monitoring, performance measurement, and evaluation purposes. In order to collect the needed information and respond to requests from the City's Office of Policy & Management, the Community Court' staff designed the program's own data base and information reports.

The Community Court has used some data from the Municipal Court's automated systems, but has relied heavily on manual data collection (including recording of data on participant characteristics, community service performed, social service contacts made, etc). Volunteers have done much of the manual data collection, under the general supervision of Tricia Lapitan, a strategic advisor holding a temporary appointment to that position. Ms. Lapitan has also been primarily responsible for the analysis of the data. The Community Court has produced periodic reports that provide a reasonably good picture of the Community Court's participants and the extent of their compliance with sentence conditions over the first two years of the program. The process has been very time-consuming and labor-intensive

Community Court Personnel

Successful courts, like successful organizations, are generally the product of effective leadership and capable personnel. The Seattle Community Court has been fortunate to have strong and effective leadership from the individuals leading the three most critical organizations involved in planning and implementing the program: the Presiding Judges of the Municipal Court (Judge Bonner and Judge Mamiya), the City Attorney (Tom Carr) and the head of the indigent defense agency (Dave Chapman, Executive Director of Associated Counsel for the Accused). In addition to the leadership, there have also been dedicated and effective staff members working in each of these organizations. Additionally, the Municipal Court has organized an impressive group of volunteers and student interns who provide essential support for the operation of the program.

In part because the core planning group made a deliberate decision to seek only minimal new funding to get the program started, the Community Court has always run on a shoestring budget. In order to start the program, the Court, the City Attorney, and the indigent defense agency all shifted some staff resources from other duties to take on some responsibilities in the Community Court. For most of these staff members, working in the Community Court has not been a full-time job, since the Community Court only held sessions two afternoons a week during its first two years of operation. Nevertheless, the assignment of staff to Community Court functions has meant less in the way of staff resources for other functions. Some of the work essential to making the Community Court work effectively—for example, the pre-arraignment screening done by pretrial services officers and the staff of the City Attorney's office, as well as the Clerk's office calendaring and in-court functions—would, of course, have to be done in any event. Further, if not handled in the Community Court, the same defendants would have to be

dealt with in other court sessions, all of which would be staffed by the usual complement of assistant city attorneys, counsel for the defendants, court staff, and judges.

For the Municipal Court itself, handling cases in the Community Court is more resource-intensive (especially for the Probation Department) than handling the same cases via traditional court procedures. On a “traditional” court calendar, most of these cases would be dealt with somewhat summarily—typically with the defendants entering pleas of guilty and, because of their records of prior convictions and history of non-compliance with probation and other community-based sanctions, receiving sentences to jail. In Community Court, these defendants receive much more attention including pre-sentence assessments of their needs and post-sentence attention to helping them comply with conditions of the sentence.

The workloads posed by this group of highly needy program participants demands different strategies and different techniques than are conventionally used by most probation departments. The Community Court has been fortunate to have the services of an extraordinarily dedicated and capable probation officer—Robert Lee—who has worked with the program’s participants from the beginning. In addition to conducting most of the pre-sentence assessments and post-sentence orientations, Officer Lee also works with individual program participants to help them meet the conditions of their sentence. For example, his work has included helping participants get to the work sites to which they are assigned, assisting them in getting to appointments with social services agencies and treatment programs, and providing individualized counseling and support.

The Community Court has also had considerable help from volunteers. The Court has developed an active Volunteer Program, under which individuals from all segments of the community—including college and graduate students, recent college graduates, and older persons—make a six-month commitment to work 20 hours per week on assigned tasks. Their work with the Community Court has included conducting orientation sessions for new participants in the program, helping Probation Counselor Robert Lee transport defendants to community service work sites and mandated appointments with social services agencies, assisting with assessments of participants’ treatment and social service needs, and manually collecting data on Community Court participants and program operations.

Key Operational Issues During the First Two Years of Operations

Any new program will encounter obstacles—some of them anticipated by the program’s planners, others that arise unexpectedly once implementation gets underway. The Community Court is an ambitious undertaking. The justice system leaders who started the program recognized that, to expand beyond the confines of the pilot project and to succeed over the long haul, the Community Court would have to attract additional support and resources. Not surprisingly, the program encountered a number of obstacles during its first two years of operations. Nevertheless, the Community Court took in 667 participants during its first 25 months of operations, and in March 2007 it began a major

expansion of its scope of operations. The obstacles or challenges encountered over the first two years can be roughly grouped into three main categories:

- Problems posed by the program's participants
- Resource limitations within the Court
- Resource limitations and systemic problems outside the Court

1. Problems posed by the program's participants. As noted above, the program's participants proved to be a very needy group. The participants in the Community Court program fall generally within a category that can be called "low risk-high need"—low risk in terms of possible danger to public safety (though probably at high risk of committing additional minor offenses), but high need in terms of housing, treatment, and social services needs. Their capacity to function effectively in society is, at best, very limited at the point where they come into the Community Court program. They have very high needs for helping services simply to enable them to meet their obligations under the sentence conditions, much less to become effectively functioning members of society.

A summary prepared by program staff in May 2007 summarized some of the salient characteristics of the persons who entered Community Court during the program's first 25 months:

- At least 58% were homeless, with an average length of 4.3 years without a home. Many of the others had unstable temporary housing with family or friends.
- 76% were unemployed, and had been without work for a long time. The average length of unemployment was 8 years.
- 49% reported having chemical dependency issues – drug and/or alcohol abuse. The average length of addiction was 11 years. (The actual incidence of substance abuse is thought by program staff to be considerably higher.)
- Perhaps surprisingly, the educational level was relatively high. 62% had graduated or completed some level of high school and 20% had completed some college.
- 12% were veterans.
- Two-thirds were male; one-third were female.
- The average age for both men and women was 39.
- The participants were a racially and ethnically mixed group: 48% were Caucasian; 29% African-American; 10% Native American; 6% Hispanic; 4% Asian/Pacific Islander; 3% other or unknown.

With their sets of multiple problems, it is not surprising that many of the participants failed to complete all of their required obligations. The problems with community service are illustrative: Most participants were able to get to their first day of

community service, since they were generally in jail overnight and released to the custody of the probation officer in the morning following the Community Court session. The probation officer took them to the work site on the first day. The problem arose the second day—without personal attention and transportation provided for them, many simply didn't make it to the work site on the second day.

The difficulties encountered in getting program participants to make mandated treatment and social services contacts are similar. Often, the individuals in the program are simply unable to navigate around the city to get to appointments that are made for them by staff of the Community Court or the Court Resource Center. Additionally many of them resist actively seeking help even when it is available, regardless of what they may have said at the time of their acceptance of the Community Court program. Nevertheless, a significant percentage of the persons accepted in to the program do succeed in completing all of their sentence obligations, and some of them do take the opportunity to begin to turn their lives around. Even small successes are an improvement over what would have been the result of continued adherence to traditional practices. As one volunteer working with the program commented, “our defendants have been using [drugs] for twenty years. The fact that we see any change—and we do in some defendants—is astounding.”

2. *Resource limitations within the Court.* From the outset, the Community Court has been short on resources. The planners recognized the resource limitations but also felt that, if the program proved to be as valuable as they thought it could and would be, additional resources would be forthcoming. For the first two years, however, this approach has meant that existing staff has been severely stretched. Two types of resource shortfalls within the court have been especially severe and will become more acute as the program expands:

1) *Probation officers:* Since the Community Court program began, only one probation officer—Robert Lee—has been assigned to the program on a full-time basis. When he is away or sick, other officers have been assigned as back-ups, but there has been no apparent attempt to develop a cadre of officers capable of doing the type of in-depth intensive multi-faceted case management that is clearly needed for the group of high-need probationers who entered the Community Court program during its first two years. The caseload was high during the two-year pilot phase (with over 300 new participants each year) and it is clear that the program could not have functioned without heavy reliance on volunteers. The volunteers have as a practical matter functioned as unpaid interns, assisting in conducting assessments, helping to link participants with treatment and social service agencies, and doing much of the manual data collection and analysis needed to document the work of the program. The short-staffing of the probation component has made it difficult to monitor participants' compliance with conditions and to help them meet sentence requirements. It has also made it harder to expand the program's geographic scope and the number of participants. As the program began to expand in the Spring of 2007, the shortage of probation staff was felt even more acutely.

2) *Information systems*: The Municipal Court's information system simply couldn't handle the data collection and management information reporting needs of the Community Court. Like most court management information systems, it is really a collection of information systems including a court case management system (designed for to help support traditional case processing practices) and a probation case management system. Both of those systems contain some data fields that are relevant to the work of Community Court, but neither of them was able to support the kind of multiple source data collection and reporting needs of the Community Court. The Community Court (like other innovative "problem-solving" courts) needs information from a variety of sources about participants' social and treatment histories as well as their criminal history records. They will need to transmit some of this information to other agencies, and detailed information about participants and their performance is needed for effective internal program monitoring and for evaluations of interest to funding sources.

Because of the limitations of the existing automated information systems in the Municipal Court, the Community Court staff has designed its own data base and information reports. The program's staff and volunteers have pulled some data from automated systems, but have relied heavily on manual data collection including recording of data on participant characteristics, community service performed, social service contacts made, etc. Tricia Lapitan, the staff member responsible for analyzing the data, has managed to produce useful and informative reports that illustrate the working of the Community Court, but it has been a very time-consuming and labor-intensive effort that will come under even more stress as the scope of the Community Court expands during 2007-08.

3. Resource limitations and systemic problems in the larger justice system and socio-political environment. When the Community Court program started, the planners had the benefit of the Court Resource Center (CRC), with representatives of the state's Department of Social and Health Services (DSHS) and a leading non-profit chemical dependence and mental health treatment agency located in the courthouse. These agency representatives have been able to help Community Court participants initiate linkages with services and benefits such as food stamps, housing assistance, unemployment benefits, and drug and alcohol treatment. However, the experience of the first two years indicates that, while the initial contacts can be (and generally are) made at the CRC, there is a significant problem in follow-through by defendants.

Part of the problem is one of insufficient case management resources (from the court or other agencies) to help program participants "navigate the system" and simply get to the appointments that are made for them at the time of initial contact with DSHS staff and other agencies at the Court Resource Center. Other problems include:

- A lack of available housing—perhaps the most significant problem for a population that includes a large proportion of homeless people, and a problem that the City of Seattle clearly recognizes.
- A lack of ready availability of substance abuse and mental health treatment. Often it is not possible to get rapid assessments of individuals

who appear to need such treatment, and without an assessment, it is difficult to get a place in a treatment program—especially a residential program.

- Lack of information (or, perhaps more frequently, difficulty in exchanging available information) concerning the substance abuse and mental health treatment histories of program participants. Without such information, treatment providers are often reluctant to accept a person into a program, and the wait for services sometimes becomes lengthy.
- Lack of information about the status of “holds” (i.e., requests from other jurisdictions, requesting Seattle—as the arresting jurisdiction—to hold the defendant pending transfer to respond to an arrest warrant or for prosecution in a pending case or probation violation proceeding) that other jurisdictions have placed on individuals accepted into the Community Court program.
- Many of the individuals in the program have been charged with offenses committed in other municipalities in King County, and as long as the other cases are unresolved it can be difficult to place those individuals in residential programs or stable housing.
- As in many communities, there appears to be a shortage of programs and service designed to meet unique needs of women offenders. Females make up one-third of the Community Court participants, and their needs—including child care and gender-specific treatment for chemical dependency and mental health treatment—are in many respects different from those of men.

As discussed below, all of these problems are being addressed by the Community Court and the collaborating agencies, and progress is being made in overcoming the obstacles. They must also be resolved in a larger setting if the Community Court is to be expanded to other areas of the city.

Strengths of the Program

1. Leadership. The criminal justice system leaders in the City of Seattle—former Presiding Judge Fred Bonner and his successor Ron Mamiya, City Attorney Tom Carr, and Dave Chapman of ACA—have been staunch and consistent leaders of the Community Court. Recognizing that they may have differing views as to how an individual case should be handled, they have been unanimous in advocating for the non-traditional approach to handling repetitive minor offenders that is embodied in the Community Court. They have also acted collaboratively in seeking funding support for the program from the Seattle City Council as well as in providing staff and resource internally.

Importantly, their leadership has not simply been rhetorical. Each of them has personally participated in Community Court proceedings quite frequently, and all of them

have a good understanding of the problems faced in getting the program off the ground and making it work effectively. The two Presiding Judges have each taken on responsibility for presiding at Community Court sessions, conveying by their presence and their efforts to communicate directly with the defendants that this is an important undertaking. In addition to their personal participation in some of the Community Court sessions (especially at the outset of the program), Tom Carr and Dave Chapman have made sure that experienced senior-level lawyers from their respective offices are handling cases both at the initial screening stage and at the Community Court sessions.

2. *The commitment and energy of persons working in the Court.* One measure of the strength of any organization or program is the attitudes of those who are involved in its day-to-day operation. One of the most striking things about the Community Court is the enthusiasm displayed by everyone involved in the program—at every level, from senior-level leaders to line staff and volunteers. In speaking with people in all of the institutions and agencies involved in Community Court—the presiding judges, attorneys (both prosecutors and defense lawyers), court clerks and bailiffs, probation officers, and volunteers working with the participants—we found extraordinarily strong support for the program. These practitioners are convinced that Community Court is far more effective than traditional court practices and procedures in providing meaningful justice for the program participants and the community. They acknowledge that many of the participants have not met all of the program’s requirements, but they take pride in the successes of those who have.

3. *The Community Court’s operational procedures.* The operational procedures developed by the planners have for the most part proven to be remarkably sound and effective during the two-year pilot period, especially when considered in light of staff resource limitations. The eligibility criteria clearly brought in defendants who fit the profile of the target population: repetitive minor offenders who have a high incidence of homelessness, chemical dependency, and mental illness. The procedures for rapid case screening and referral to the Community Court have worked well in getting eligible defendants into the Community Court quickly although, as noted below, it seems desirable to consider ways to shorten the period of time in jail prior to first appearance in Community Court for defendants who arrested on a Thursday. The practical application of the concept of immediacy in issuing and serving warrants for failure to appear also seems to have been effective, with rapid apprehension (usually by the NCI team) of many of the participants who miss their court dates.

The Community Court procedures have also been effective in initiating linkages of participants with the treatment and social services mandated by the terms of their sentence. The difficulty with the linkages has not been so much the initial contact as the need for ensuring follow-through so that essential assessments are made and the treatment and other services are actually delivered to the participants. This is essentially a resource issue: how (and through what entity or mechanisms) can the intensive case management services be provided to enable the program participants to effectively take advantage of the services that are available?

4. Support from external constituents. The Community Court has succeeded in developing a base of support that has grown substantially since the program first began in March 2005. The Seattle City Council provided funding for two of the key Community Court staff positions (senior-level project director/strategic advisor Lorri Cox and probation counselor Robert Lee) and will be considering possible additional support for fiscal year 2008. Additionally, the City Attorney's Office secured a grant from the federal Bureau of Justice Assistance that is intended to help support expansion of the program to a broader range of participants (see below).⁹

5. Development of partnerships with key social service providers. One of the initial sources of strength for the Community Court was existing partnerships with social services agencies. The Community Court could build upon linkages that the Municipal Court had already established with the state Department of Social and Health Services and the non-profit mental health and chemical dependence treatment provider (Seattle Mental Health [now Sound Mental Health]), mainly through the establishment of offices for these agencies in the Municipal Court's Court Resource Center on the second floor of the courthouse. As noted above, the Community Court staff and volunteers did a good job of enabling initial contacts to be made by participants with these agencies, but many participants were unable to follow through with their appointments and actually receive the benefits and services potentially available to them. During the past two years, the partnerships have been strengthened. For example, late in 2006 funding was made available by the Mayor and the City Council to develop the *CO-STARS [Court Specialized Treatment and Access to Recovery Services] Program* that brings together the Community Court, the Municipal Court's Day Reporting Program, the Neighborhood Corrections Initiative, and several key social services agencies.¹⁰ The CO-STARS program was designed to respond to the most pressing issues facing the Community Court's high-needs population, especially those who failed to follow through on the initial linkages made pursuant to the Court's sentencing order. The program seeks to enable a higher proportion of eligible persons to access the needed services and benefits and to decrease the use of jail and court services. Simply by bringing key senior and mid-level managers of these various programs together to discuss common problems, levels of agency trust have been increased and practical solutions to day-to-day problems in service delivery are being addressed.

5. Evidence of success. One of the major strengths of the Community Court has been initial demonstrations—through preliminary evaluations of the program—that it has had some very positive initial results, notably including savings in jail bed days and related costs, as well as progress in helping participants begin to change their lives. The initial evidence of success is discussed in the next section of this report.

⁹ The grant is one of ten awarded to jurisdictions throughout the U.S. pursuant to a competitive solicitation under BJA's Community Problem-Solving Criminal Justice Initiative. Plans for expansion of the Community Court program are discussed *infra* in Part 5 of this report.

¹⁰ Housing services for defendants are provided through Plymouth Housing Group and Pioneer Human Services. Case management, life skills, and mental health and chemical dependency treatment services are provided through Sound Mental Health, the primary treatment agency serving the Municipal Court's Court Resource Center.

4. EVIDENCE OF EFFECTIVENESS DURING THE FIRST TWO YEARS

This study is not meant to be a definitive examination of the impact of the Community Court or an evaluation of the program's effectiveness in achieving its goals. It is, however, intended to provide information relevant to considering continuation and expansion of the program. Working from available data, it is possible to make some preliminary observations about the program's effectiveness over the course of its first two years of operation. The discussion below is organized around the seven programmatic goals (discussed above in Part 3) that have been articulated in various Community Court documents.

Goal 1: Community service included as a component of all sentences.

One of the goals of the planners was to develop and use community service as a primary sanction. A community service sentence reflects a restorative justice approach and provides visible evidence of "payback" to the community by the offender. Because of the physical disabilities of so many of the Community Court participants, the visibility of the sanction turned out to be less than had been hoped for during the program's first two years. However, there can be no doubt that the basic objective of using community service as a primary sanction has been achieved.

Sentences to short periods of community service (typically 16 hours) are imposed on all defendants in the Community Court, once a guilty plea has been entered. According to the Community Court's 25-Month Report, a total of 12,591 community service hours were ordered and 5,089 hours (40%) were completed by program participants. Of the hours completed, 3,672 were by the "successful" defendants (those who completed their mandated linkages as well as their community service) and 1,417 by defendants who started but did not fully comply with their community service requirements.

About 49% of the community service hours completed involved indoor work at Street Outreach Services (SOS), generally performing tasks such as assembling hygiene kits for street outreach workers to distribute. Another 37% involved outdoor work supervised by the Metropolitan Improvement District crew chiefs, generally cleaning up litter or graffiti in the downtown area. The Community Court's staff has estimated the value of the community service performed by program participants during the first 19 months of the program at \$50,890, using a \$10 per hour value for the work done.

Goal 2: More rapid and effective linkage of members of the target population with needed services.

The Community Court's 25-Month Report indicates that *successful* participants (i.e., those who completed all of their sentence requirements) completed an average of 3 social services linkages. That is, they made at least initial contact with an average of three different treatment or social services agencies that could provide services needed by

the participant according to the assessment made by Community Court staff. The unsuccessful participants—those who did not meet all of the requirements—completed an average of only 1.4 linkages.

As of now, there is no data to enable comparison of these figures with data on linkages of a comparable group of defendants not in the Community Court program with social services agencies and treatment providers. For purposes of developing an overall strategy for addressing the complex (and often inter-related) problems of homelessness, substance abuse, mental illness, physical disabilities, and unemployment, it would be very helpful to learn the extent to which the linkage efforts of the Community Court prove helpful in addressing these problems by comparison to traditional court practices. There is no doubt that the criminal justice practitioners who work in the Community Court (most of whom have had many years of experience with traditional practices) are convinced that the Community Court approach is far more effective.

Goal 3: A reasonably high rate of compliance with conditions of the sentence;

One of the encouraging pieces of data from the first two years of operations is that 32 % of Community Court defendants successfully completed all of their Community Court sentence requirements. The Community Court's planners feel that, for the original target population of repetitive minor offenders, this is a better "success rate" than the 30% success rate they had hoped for when the program started. Additionally, another 14 % completed at least some of their sentence requirements.

Goal 4: Less repetitive criminal behavior by persons whose cases are handled in Community Court.

The extent to which the Community Court program helps to reduce recidivist criminal behavior will be a primary focus of research to be undertaken in conjunction with the federal program that is supporting expansion of the program in 2007-08. As of mid-2007, there is very little data on the impact of the program in reducing repetitive criminal behavior. An evaluation report by the City's Office of Policy and Management in February 2007 compared a group of 66 Community Court participants with a group of 33 defendants who had similar criminal histories (in terms of number of prior filings in the Seattle Municipal Court) and similar charge types (mainly theft and criminal trespass) but went through traditional criminal case processing prior to the start-up of the Community Court. The recidivism data in this small-scale study showed little difference between the two groups: defendants in the Community Court group had an average of 2.9 cases new cases filed in the year after they left the program, while those in the comparison group had an average of 2.4 new filings.¹¹

¹¹ Memorandum from Catherine Cornwall, Senior Policy Analyst, Office of Policy & Management, to Councilmember Licata, Chair of Seattle City Council Public Safety Committee, February 27, 2007, pp 1-3. The memorandum prepared by Ms. Cornwall notes that the City Attorney's Office has received funding for evaluation within a grant from the U.S. Department of Justice that is helping to support the expansion of the Community Court that began in March 2007, and that evaluation should "permit a more robust detailed evaluation of the effect of Community Court through use of a broader comparison group and by tracking defendants over a longer time period."

The fact that the new arrest rates were basically similar for both of the groups indicates that simply accepting an individual into the Community Court program has not had an appreciable impact on recidivism, at least in the short term. The next step will be to develop more detailed information on the results of defendants who have different patterns of compliance with Community Court sanctions. It will be highly relevant, for example, to learn whether compliance with terms of the sentence—including both the community service work requirement and the mandated contacts with treatment and social service providers—makes a difference in recidivism rates. If such compliance does result in less recidivist behavior, then it will be important to learn how to increase the compliance rate through more effective case management and other modifications in program procedures.

Goal 5: More effective court processes, including (a) rapid entry into the Community Court; (b) direct engagement of the defendant, by the Community Court judge, in a colloquy concerning Community Court opportunities and obligations; (c) rapid imposition of sanctions that are not unduly onerous; and (d) rapid response to non-compliance with conditions imposed.

There is good evidence that this court effectiveness goal (and the related objectives outlined in sub-parts (a) through (d)) have been met exceedingly well by the Community Court during its first two years:

- (a) *Prompt entry into the Community Court.* This stage of the process generally happens rapidly. During the first two years of the program, the period was usually no more than five days from the defendant’s arrest (and four days from initial arraignment) to program entry. Consideration is being given to ways of shortening the period still further, possibly by holding Community Court sessions on Mondays and/or Fridays.
- (b) *Direct engagement of the defendant.* At the time of the plea and sentence proceeding, the Community Court judge speaks directly with the defendant, explaining the program and the opportunities it presents as well as the obligations. The approach is similar to what judges commonly do in drug court proceedings, but the interaction between the judge and the participant is limited in scope and duration. The program is deliberately intended to be short, and does not involve the succession of review hearings that are typical of the much more extended drug court process.
- (c) *Sanctions for the offending behavior.* Sanctions for the behavior that precipitated the defendant’s arrest—acceptance of a guilty plea and imposition of a sentence that provides for community service—are usually imposed at the first appearance in Community Court. Additionally, though perhaps not strictly a “sanction”, the sentence conditions providing for the defendant to make linkages with social services providers constitute additional requirements placed on the defendant.

- (d) *Rapid response to non-compliance.* As discussed above, the Community Court issues warrants for the arrest of defendants who fail to meet their sentence obligations and fail to appear for scheduled court dates. It uses the Neighborhood Correction Initiative (NCI) team to promptly bring in program participants who fail to meet their obligations.

The processes followed by the Community Court have met with very positive reception by the practitioners most directly involved in the work of the Community Court: the prosecutors, defense attorneys, judges, and court staff members. Our interviews with these practitioners produced strikingly favorable comments by all of them—a sense that the Community Court approach was more sensible and more effective than traditional methods.

Goal 6: Less unproductive use of time by criminal justice personnel - jail personnel, City Attorney staff, Public Defender staff, court staff, and judges.

Under traditional methods for handling cases involving repetitive minor offenders, those involved in the process saw no evidence of success and plenty of failures. These offenders consistently failed to comply with probation orders, rarely showed up for scheduled court dates, were repeatedly arrested for similar offenses, and made no apparent effort to change their dysfunctional behaviors. Not surprisingly, attorneys in the in the court, for both the prosecution and the defense, often felt that their work was futile, simply contributing to a revolving door system of criminal justice. The views of these attorneys about the Community Court are strikingly different: on both the prosecution and defense sides, they view it as one of the most constructive initiatives the Seattle justice system has undertaken.

From a cost standpoint, there appear to have been some savings in public defense expenditures by the City through more effective use of public defender staff time. The evaluation conducted by the City's Office of Policy & Management (discussed above) noted that, under traditional court processes, if a case is not resolved at first appearance, it goes on to a pretrial hearing and is assigned to a public defender. The public defender agency is then reimbursed on a per case basis (at \$339 per case) for cases that go beyond first appearance. By contrast, in Community Court the public defender is a "calendar attorney," whose salary is covered as a fixed staffing cost. In the comparison group examined in the evaluation study, 58 % of the cases were resolved at a first appearance while 42 % went on to a pretrial hearing or trial. The annual net cost savings in expenditures for public defense expenditures were calculated at \$18,403, taking account of the costs of public defender staffing of the Community Court sessions.¹²

Goal 7: Reduced use of jail space.

Although helping alleviate the City of Seattle's impending jail crisis was only one of a number of goals sought by the planners of the Community Court, the program's role in helping to reduce jail bed usage has been of great interest to city officials. The evaluation report prepared by Seattle's Office of Policy & Management found that

¹² Ibid, p. 4.

Community Court produced major savings in this area. The study's most significant finding is that the defendants who opted into Community Court spent an average of 6 days in jail compared to an average of 19 days for defendants in the comparison group. The estimated savings in jail days came to \$369,911, calculated as follows:

13.8	Jail day difference
260	No. of defendants in Community Court, 3 March 05 – 2 March 06
\$103	Cost of 1 jail day in 2007
\$369,911	Estimated jail savings in 2007

The \$369,911 in jail savings can be augmented by the \$18,403 savings in reduced public defender costs discussed above. However, in calculating net cost savings to the City, it is also necessary to take account of the cost of the two new Community Court staff positions funded by the City Council at an annual cost of \$196,116. Taking account of all of these factors, the Office of Policy and Management's evaluation report calculated the net savings to the city from the Community Court program during its first year at \$192,198.¹³

Summary

Overall, the initial evidence on the effectiveness of the Community Court program is very positive. While more data is needed with respect to the program's impact on recidivism, the Community Court is on track in achieving the other key goals sought by the planners. The program is clearly more effective than traditional practices in reducing jail bed utilization and there is good evidence—both in the perceptions of the judges, attorneys, and others involved in Community Court and in the independent analysis of savings in public costs—that it is lessening the unproductive use of time by criminal justice personnel. The program's emphasis on *immediacy* has worked well, especially in terms on the short time between arrest and entry into the program for defendants held in detention, rapid imposition of sanctions for the underlying criminal behavior, and responses to non-compliance with sentence conditions. Community service has been included as a component of all sentences, thus providing for visible payback to the community. Notably, a significant proportion of the participants who failed to meet all conditions of their sentence performed at least some community service.

Of particular importance for the larger goal of addressing inter-related problems of homelessness, substance abuse, and mental illness, it appears that initial linkages are made in most cases. For the participants who are successful (in terms of completing all of their sentence requirements) several linkages are made. To learn about the impact of these linkages on the lives and behaviors of program participants, further research will be necessary.

¹³ Ibid., pp. 2-4.

5. PROGRAM EXPANSION IN 2007

The Plans for Expansion

During the Fall and Winter of 2006-07, preliminary plans were made for significant expansion of the Community Court program. The expansion, which began in March 2007 with significant support provided by a grant to the City Attorney's Office from the federal Bureau of Justice Assistance (BJA) under BJA's Community-Based Problem-Solving Criminal Justice Initiative, is planned to take three forms: (1) a greatly broadened geographic scope, to encompass eligible minor offenses committed anywhere in the City of Seattle, rather than only the downtown area; (2) intake from among out-of-custody defendants as well as persons in detention; and (3) inclusion of some first offenders who would previously have been dealt with through the City Attorney's diversion program.

1. *Enlargement of the geographic scope.* From the outset, it was anticipated that, if the initial pilot project period proved to be reasonably successful, the catchment area for offenses that could be channeled into the Community Court would be substantially expanded. Starting in March 2007, any case that met the original criteria for eligibility in terms of the offense and the defendant's prior record and perceived low risk to public safety would be eligible for referral to the Community Court, regardless of where in Seattle the offense was committed.

2. *Inclusion of out-of-custody defendants.* In addition to expanding the geographic scope of the project, the program has started to draw participants not only from the jail calendar but also from among defendants with prior convictions who have been given citations or who, after being arrested, have been released on bond or personal recognizance. The practical result is to bring into Community Court some individuals who might previously have received a fine or short jail sentence, but who are less likely to have the set of multiple problems that characterizes the "chronic public service users" who were the original target audience in the pilot phase of the program.

3. *Potential inclusion of some first offenders.* The third new category of potentially eligible participants in the Community Court program consists of first offenders who, in the course of screening for eligibility for the City Attorney's diversion program, are identified as having significant problems that warrant intervention by appropriate social service and/or treatment agencies. Preliminary reports indicate that this change in eligibility criteria has not so far had an appreciable impact on the number or types of defendants accepted into Community Court.

Issues to be Addressed in Implementing the Expansion

From initial reports, the main initial result of the expansion of eligibility has been a sharp increase in the number of eligible defendants among new arrestees and an accompanying increase in new cases for the Community Court. Only a few first offenders have come into the program, but the expansion to a city-wide scope and the inclusion of out-of-custody defendants has produced an upsurge in case volume since March 2007. Data compiled by staff of the Community Court indicates during the 12-

month period immediately preceding the expansion (March 06 – February 07), the average number of new case per month ranged between 26 and 58. The average was 39. In March and April 2007, the number rose dramatically—to 96 in April and 119 in May. The number of Community Court offers by the City Attorney’s Office rose from 160 during the January-March quarter to 353 during the April-June quarter of 2007. In April 2007, a third court session (held on Wednesday afternoons) was added, and in June the Municipal Court judges approved adding a fourth session. So far, however, there has been no increase in the staff assigned to Community Court by any of the entities involved in its operation.

Some of the expansion activities are funded by a grant from the federal Bureau of Justice Assistance to the City of Seattle, administered through the City Attorney’s Office. That grant includes funding for a Community Service Coordinator in the City Attorney’s Office. The Coordinator has already begun to identify additional community service opportunities and work sites, working with a variety of neighborhood groups in different parts of the city. Notably, the number of community service hours completed by program participants rose from 916 during the January-March quarter to 2,466 during the April-June quarter of 2007 as the initial effects of the expansion began to be seen.

The plans for further development of the Community Court program also include creating an informational website for the program. As the Community Court expands its scope of operations and develops new work sites, there is likely to be greater involvement of community groups and growing awareness of the program throughout the city.

There are some initial indications that expansion of the program is bringing in a number of defendants who are better able to meet Community Court requirements than those in the original target group. It appears that the out-of-custody defendants in the expanded program are likely to be more stable and less problem-ridden than the participants in the first two years. Many of them are employed, they are more likely to be living with their families or to have some family support, they tend to have less severe chemical dependency problems, and they are generally more physically fit. Given this set of characteristics, it seems likely that they will be better able to comply with the conditions of their Community Court sentences.

The expansion of the program, affecting both its geographic scope and the number and types of individuals coming into the Community Court, poses a number of issues for planners, practitioners, and policymakers. Some of these have doubtless been anticipated by the planners, but are nevertheless worth noting:

- What is the anticipated increase in the volume of cases involving defendants who would be eligible under the original criteria (including prior criminal records) when the program goes citywide? Does the tripling of new cases (from the 12-month pre-expansion average to the number of post-expansion filings in April 2007) indicate the probable scale of the increase?
- What is likely to be the effect of including out-of custody defendants (often with less lengthy prior records) in the mix of Community Court participants? Will these defendants be more to comply with sentence requirements, as appears to be the situation from initial reports? Will their treatment and social services needs

be significantly different from those of the in-custody defendants who made up the original target group?

- How does the expansion to include out-of-custody defendants affect the program’s ability to meet the initial criterion of *immediacy*? Is it possible to design procedures that would provide for the defendant’s first appearance in Community Court—even if on a citation or notice to appear—very soon after the alleged offense?
- What is likely to be the effect on case volume and service needs of modifying the City Attorney’s diversion program to include participation in the Community Court program (including performing community service and making mandated social services contacts) for some first offenders? How will eligibility for this program be determined?
- What additional staff (including prosecutors, defense attorneys, court staff, bailiffs, probations officers, or social services personnel) will be necessary to cope with the increased case volume?
- What additional courtroom time will be needed to handle the increased caseload?
- What is the availability of management and supervisory resources—both within the Community Court and in the neighborhoods where the community service is to be performed—to support the significantly expanded caseload of the Community Court?
- To what extent will the addition of large numbers of offenders with less serious social services problems and needs draw resources and community service opportunities away from the original target group of heavy justice system users with multiple problems and high treatment and social service needs?
 - In particular, does the expansion mean that the program will in the future have two somewhat distinct categories of defendants with different levels of social service and treatment needs?
 - To what extent will the addition of more physically and mentally healthy defendants to the pool of participants mean that the original focus on “chronic public system users” will be lost or diluted?
- How can the program expand gradually, finding appropriate community service work sites and supervisors in neighborhoods, so that existing staff resources are not overwhelmed?

Addressing these questions will require close attention to the makeup and needs of the Community Court participant group(s), consideration of priorities with respect to delivery of different types of participant needs, and careful planning. How the questions are answered is likely to determine the extent to which the Community Court is an effective and viable program as eligibility is broadened and the geographic scope is broadened.

6. CONCLUSIONS AND RECOMMENDATIONS

Principal Conclusions

The Seattle Community Court program was originally based on the premise that the Court is in a unique position to catalyze effective delivery of treatment and other social services for non-violent repetitive minor offenders who can benefit from these interventions, who do not respond to traditional approaches to handling their cases, who do not pose a significant public safety risk, and for whom jail is not an essential (or cost-effective) sanction. Its role as a vehicle for effective delivery of services to individuals is only one of its functions, however. It is also responsible for processes and outcomes that meet or exceed standards of good court operations including effective case processing, appropriate dispositions of cases, and compliance with court orders.

From our preliminary assessment of its operations during the two year pilot period, the Community Court appears to have performed well with respect to both sets of functions. As discussed above in the Summary at the end of Part 4, the initial evidence on the effectiveness of the Community Court is very positive. Despite operating on a very limited budget and with very limited staff resources, the program has resulted in significant savings in jail and defense costs, has been highly effective in incorporating the concept of *immediacy* into its operations, and has achieved a reasonably high rate of compliance with conditions of the sentences imposed on defendants. One of the key goals of the sentencing scheme developed by the planners—payback to the community by program participants, through performance of community service—has been fully achieved in about 32 percent of the cases over the first two years and partially achieved in a number of other cases. While the quantitative data on program impacts is at best very preliminary, there is no doubt that the practitioners closest to the program—the judges, attorneys, court staff members, probation officers, and volunteers—are convinced that the Community Court approach provides a better quality of justice for the defendants and for the community than traditional methods of handling cases involving non-violent repetitive minor offenders.

The preliminary data on recidivism of program participants is fragmentary and inconclusive, as is the data on actual utilization of treatment and social services by Community Court participants. And, at present, there is no data at all on the impact of the program in changing the lives of the persons who made up the original target group: the chronic public system users. The preliminary data that is available indicates that re-arrest rates are roughly similar for program participants and other defendants with comparable prior records and fresh charges. There are a number of questions about the program's impacts on recidivist criminal behavior and on other aspects of participants' lives that simply cannot be answered on the basis of currently available data, because of the short history of the program as well as difficulties in collecting relevant data. In particular, it will be relevant to learn whether (and if so, how) the linkages forged through the program contribute to reduced criminal behavior and improved life situations for Community Court participants. It will also be relevant to know whether some types of staff and other support for participants—for example providing short-term shelter housing for defendants released from jail to begin their required two days of community

service plus assured transportation to the community service work site and to social service agencies—could result in significantly improved sentence completion rates and improved access to social services.

The recommendations outlined below are based on the assumption that, consistent with the plans for expansion of the program that is now underway, the Community Court will continue to be a part of Seattle’s criminal justice and social service delivery systems in the coming years. The idea of the Community Court—a part of the Municipal Court—as a component of the city’s social service delivery system is, we anticipate, one that will be questioned by some who believe that social service delivery is not an appropriate function for a court. However, the reality is that most of the defendants who are in Community Court are individuals who have a history of chronically cycling through the city’s police stations, courts, jail, emergency rooms, substance abuse and mental health treatment facilities, and other public services and facilities. They—and the minor offenses they commit—are both a justice system problem and a larger social problem for the entire city. If the Municipal Court does not work effectively with the other entities in the city that have contacts with these defendants, the problems that they pose will continue to fester and the costs related to them will continue to spiral upward.

If the Community Court can utilize its unique position (as an entity with legitimate authority to impose sanctions for criminal conduct) as a foundation for successfully linking even a fraction of these defendants with effective treatment and social services, it can be a major contributor to improving the civic life of the city. At the same time—as the experience of the first two years of operations indicates—it can also be effective in imposing appropriate (though not unduly onerous) sanctions for conduct that is unlawful. To perform both sets of functions effectively, however, we believe that it will be essential for the Community Court to have adequate resources and that it will be highly desirable to make some changes in operating procedures.

Recommendations

1. The leaders of the Community Court program should develop reliable estimates of the volume and mix of cases likely to be handled by the expanded Community Court annually, as a foundation for assessing workloads and resource needs. Caseload size and case complexity are the primary drivers of resource needs in courts and the agencies that work with them. The charges in the cases that come into Community Court are not complex, but the problems of the defendants who come into this Court often require considerable attention and resources. As the Community Court expand its scope, it will be important to have sound estimates of the case volume that can be anticipated. It will also be relevant to know how (if at all) the caseload mix—in terms of the nature and seriousness of offenders’ treatment and social service needs—differs from the caseload mix in the two-year pilot project phase. The experience gained since the initial expansion of the program in March 2007 (e.g., the per month filings for March, April, and May 2007) should provide an indication of the likely size of the caseload for the next twelve months, assuming that the eligibility criteria and policies governing offers to participate in the Community Court remain constant. If those criteria and policies

change—for example, if a decision were to be made to allow participation by large numbers of first offenders—then the volume of cases coming into the Community Court could change significantly. The resource needs would obviously be affected by any such change.

2. *In assessing workloads and resource needs, particular attention should be paid to the need to develop a cadre of probation counselors, case managers, and support personnel who are capable of handling the high need population of defendants in the Community Court.* The Community Court has been significantly short-staffed throughout its first two years of operation as a pilot project. The most glaring staff shortages were in the probation area, where a single probation officer had responsibility for very large caseloads of high needs program participants. The responsibilities of a probation officer assigned to the Community Court include a great deal of direct one-on-one attention to the needs of a generally dysfunctional—and often physically and mentally impaired—set of probationers who are not able to function well in getting to community service sites and to scheduled appointments with social services agencies. If the Community Court approach is to succeed, the resources, training, and incentive/reward system for probation officers and other Probation Department personnel working in the program need to be significantly upgraded. The Community Court cannot continue to expect such a high level of energy and commitment from all those assigned to work in the program.

3. *Once anticipated workloads are determined, the Municipal Court should increase the number of Community Court sessions and revise existing procedures to enable more rapid entry of eligible defendants into the Community Court program.* One of the basic objectives of the Community Court program—rapid entry of eligible defendants into the program—is undermined to some extent by the current practice of scheduling Community Court sessions only on Tuesday, Wednesday, and Thursday afternoons. The effect is to build in a lag of several days between the referral to Community Court that is made at the defendant’s initial appearance (arraignment) and the actual Community Court proceeding at which a plea of guilty is accepted and the defendant formally enters the program. There is also a differential impact on potential participants depending on what day of the week they are arrested. Particularly in view of the significant expansion in the number of new cases coming into the Community Court, it seems desirable to increase the number of sessions to five days per week. That would have the effect of making the longest wait for entry approximately three days—i.e., from an arrest on Friday afternoon (with a Saturday morning arraignment and referral) until a Monday afternoon date in Community Court.

4. *The City should provide adequate funding to support the operations of the Community Court, taking account of the increased workload and desirable enhancements of existing operations including expanded case management services, transportation capabilities, and the housing and treatment needs of participants.* While more work needs to be done in evaluation of the impact of the Community Court program (see Recommendation # 7, below), the evidence to date supports expansion of the geographic scope of the program and a concomitant increase in funding to support an

expanded program. At this point, little is known about the impact on caseload and service needs of the expansion to take in out-of-custody defendants. It will be important to document the changes in the composition of the caseload and to determine how (if at all) the expansion brings in subgroups of defendants with problems and service needs that differ significantly from those of the original target group. The anticipated size of the expanded workload will shape the resource needs. However, in allocating resources for an expanded program, City Council members should be especially cognizant of the participants' needs for case management, transportation, and treatment for chemical dependence and mental illness. The case management and transportation needs are predicates for effective treatment: without intensive case management support, a significant proportion of the participants in the Community Court (at least those who have the types of problems that characterized the original target population) simply won't be able to access the treatment and social services they need. One of the key lessons from the first two years is the need for intensive case management support, support that was not adequately provided for in the first two years and which has relied on the Herculean efforts of some of the staff.

5. The capacity of the Municipal Court to use automated systems to capture and analyze data on Community Court cases and participants should be substantially upgraded, in order to enable appropriate monitoring and evaluation of the program and to reduce reliance on manual data collection and analysis. As discussed above in Part 3, the Municipal Court's existing information systems have not been adequate to enable collection, storage, and production of basic management information reports on the operations of the Community Court and on the characteristics and behaviors of the program's participants. In order to develop information needed for monitoring the program and providing information to program leaders and funding sources, the program's staff has relied heavily on manual data collection (much of it done by volunteers) and on development of ad hoc report formats generally done in Excel spreadsheets. As the program expands, the practice of relying on manual data collection by volunteers will become increasingly untenable. More support staff and/or volunteers will be needed simply to do what has been being done with a much smaller caseload than the Community Court will have in the future.

With more individuals doing data collection and data entry, there is a heightened likelihood of errors and inconsistencies. The use of volunteers to do manual data collection is especially problematic because of the likelihood of inconsistent data entry, and it will be important to begin a transition to automated data entry using dedicated and trained staff. Either the Municipal Court's current case management software needs to be upgraded or software specific to Community Court must be developed, perhaps through adaptation of systems used in other problem solving courts.

We recognize that the issue of adequate information systems for the Community Court is a subset of larger issues of development of new management information systems for the entire Municipal Court. However, the problems encountered by the Community Court in attempting to learn participants' needs and track their compliance with sentence requirements points up the need for considering how the to best meet the

information technology needs of the court—and the range of agencies with which the court interact—in the coming years.

In developing information systems for the future, both for the Municipal Court as a whole and for the Community Court and other specialized programs in the Court, it will be relevant to consider approaches to court management information systems that are different from those used over the past 15-30 years. High volume courts such as the Municipal Court are becoming increasingly involved in providing (or helping to provide) some type of pre- and/or post-adjudication oversight of the behaviors and interactions of defendants with treatment and social service agencies. In order to do this effectively in individual cases, the judges and staff who deal with these cases will need to have ready access to much more detailed information about defendants and their performance in complying with conditions of pretrial release or probation. The Court and its primary funding agency source—the City of Seattle—should seek to put in place information systems that can provide the needed information and can interface easily with the information systems of other city agencies and private sector treatment and service providers. Information is the lifeblood of effective court and program management. It makes little sense to invest significant resources in programs and operations that do not have the management information needed to enable good management and internal monitoring. Without relevant and accessible information, it is not feasible to seek to hold a program accountable in any meaningful way for the efficiency of its operations or for the outcomes of its work.

6. As the Community Court program expands, provision should be made for training of personnel in the Municipal Court and in the agencies that are involved in the operations of the Community Court and in providing services to Community Court participants. The training should be both agency-specific and cross-disciplinary, so that personnel from all of the institutions and agencies involved in the program understand its goals, how it works, and what their own roles are. The judges, court clerks, bailiffs, attorneys (both prosecution and defense counsel), probation officers, and volunteers who have worked in the Community Court have a very good understanding of its goals and operating procedures. Social workers and treatment providers who have worked with the program's staff and participants often have a good general idea about it, but many key staff persons in relevant agencies are not familiar with it. Those who have not worked in the Community Court generally have little knowledge about it and are sometimes wary or skeptical about it. Particularly as the program expands, necessarily bringing in new staff involved in the Community Court itself and in the external agencies that provide needed resources, education and training will become increasingly important for those involved in day-to-day operations. Additionally, it will be desirable to educate those not involved in the program about the goals, general approach, successes, and challenges of the Community Court.

7. Further evaluation of the Community Court Program should be conducted, in order to determine (a) the program's actual impact on the behaviors and lives of Community Court participants by comparison to the impact of traditional court procedures; and (b) the techniques and approaches that appear to be most effective in

dealing with specific categories of defendants. The Seattle Community Court is still—even after two years of operation on a pilot basis and now in the initial stages of expansion—in early stages of development. The program has demonstrated that its operational procedures are viable, that it can save jail space utilization by comparison to traditional processes, and that it can be successful catalyzing linkages between the very needy initial target population and the social services available in the wider community. However, much is still not known about the program’s potential, why it works, and how it can be modified to become more effective. To learn this, in more than anecdotal fashion, it will be necessary to conduct carefully designed research, optimally including experiments (including using random assignments to different types of interventions) that can increase knowledge about what works for what categories of defendants.

A variety of experiments and quasi-experimental research designs that can produce useful information on alternative approaches to specific issues such as sentence length and availability of transitional housing can easily be designed by persons familiar with the program. Because resources are limited, it will inevitably be necessary to provide some Community Court participants with services that cannot be provided to all of them. It should be possible to take advantage of this situation to build in evaluation research that will enable study of these “natural experiments” and can produce useful information for future planning and policy development. To do this, of course, it will be essential to have: (a) qualified researchers knowledgeable about criminal justice and social services; (b) the capacity to collect and analyze information on the characteristics of defendants in the experimental and control groups; and (c) time and ability to make follow-up contacts and learn the impacts of the program over an extended period of time after participation in the Community Court program ends.

The original target group of the Seattle Community Court—repetitive minor offenders whose behaviors undermine the quality of life in the community—is one that has counterparts in virtually every other large urban area. The experience and results of Seattle’s efforts to address the issues posed by this group of non-violent repetitive minor offenders should be of interest to policymakers and criminal justice practitioners elsewhere as well as in Seattle. Evaluation research on the impacts and effectiveness of the Community Court program (and on possible variations of it) is important for the future of court operations and funding decisions in Seattle and in many other communities across the country. The current BJA grant provides some funds that can be used to at least initiate this type of research.

8. Consideration should be given to ways of adapting some elements of the Community Court program to the handling of other cases and defendants who are currently held in jail during the pretrial period or as sentenced offenders. As the Community Court continues to develop in the coming years, it will be useful to consider the extent to which concepts and techniques used in this program can be adapted for use with other offenders who fall within the jurisdiction of the Municipal Court. Particularly given the costs of jail (and the looming loss of capacity to use any space at the King County Jail), it makes sense to see if some aspects of the Community Court approach can

be more widely adapted. Three aspects of the program seem especially promising as candidates for wider use:

- *The emphasis on promptness and “immediacy”.* The Community Court’s experience in getting defendants from the first appearance into the Community Court—with effective early screening of cases by the City Attorney’s staff, early disclosure of key information about the case, acquisition of information about the defendant’s prior record and current living situation and needs, and opportunity for early consultation by the defense counsel with the defendant—is a model that holds promise for broader application. To the extent that initial decisions about plea offers and ultimate case disposition can be made rapidly and with a minimum of court appearances (albeit with adequate time for the defendant and counsel to consult, consider possible options, and do necessary preparations), justice can be accomplished in a more timely fashion and with less costs to witnesses, the Court, counsel, and everyone involved.
- *The nature and severity of sanctions.* Community service is a much less expensive sanction than jail. From the initial experience in Community Court, however, it appears that compliance rates—though slightly higher than predicted for the target group of defendants (and increasing as the program expands and takes in some less problem-ridden offenders)—are still far less than 100 percent. At present, the Community Court program relies on volunteers in the neighborhoods where the community service is being performed to be the principal supervisors. It would be worth exploring whether a more structured community service program—with supervision provided by city employees or contractors—would be more effective in achieving higher compliance rates. Additionally, consideration should be given to shortening the length of community service still further, to between a half day and a full day for at least some of the very minor offenses. For many minor offenses (even if they are repeat offenses), a simple short sanction—one that demonstrates society’s sense that the conduct is unacceptable and warrants punishment, but that does not drag out the process—is preferable to lengthy periods of oversight that simply result in non-compliance. This is especially true in an environment in which intensive long-term oversight is simply not feasible.
- *Assessment of needs and mandated linkage of defendants with treatment and social service providers.* This is the core of the Community Court program, and there is reason to believe that this basic approach could be used with a broader group of offenders who have demonstrable treatment and social service needs. To use the approach effectively, however, it will be necessary to have two types of resources: (a) assessment resources, to enable the crafting of sound conditions of participation in a program aimed at enabling the linkages to be made; and (b) case management resources to help with orientation, transportation, and monitoring that will

heighten the likelihood that the mandated linkages will result in meaningful engagement of the defendants with the needed services.

9. Efforts should be made to expand citizen participation in the Community Court, to strengthen ties between the program and the communities it serves. Unlike some of the community courts started elsewhere in the U.S., the Seattle Community Court did not emerge from a long period of interaction with neighborhood groups about key issues and priorities to be addressed through the program. Rather, it was primarily a thoughtful response on the part of local justice system leaders to what they perceived to be significant shortcomings in long-established practices. The downtown Seattle business community made important initial contributions to the planning process and has continued to remain closely involved and supportive. However, it was not until early 2005, when planning for the program was in an advanced stage, that an advisory group—including some representatives of the business community and neighborhood groups—was formed. Even today, the composition of the advisory group is weighted toward representatives of city government agencies and social services providers. Particularly as the Community Court program expands to cover the entire city and to bring in a wider range of participants, it seems desirable to strengthen the outreach to community groups. Some progress has already been made in this area, with the development of new community work sites, the engagement of more business and neighborhood groups in helping to supervise the work done by program participants, and the initial development of plans for an informational website for the Community Court. Greater community involvement is likely to lead to improved communication between the citizenry and the justice system leaders, and ultimately to better understanding of issues and improved delivery of services.