



PROBLEM-SOLVING JUSTICE

PROBLEM-SOLVING JUSTICE IN THE UNITED STATES: COMMON PRINCIPLES

“Problem-solving justice is adaptable and expresses itself in many forms around the country. Underlying these varied programs, however, are core principles that all successful problem-solving programs have in common.”

— Domingo Herraiz, Director, Bureau of Justice Assistance

This fact sheet is one in a series to support the development of problem-solving justice initiatives. For other documents in the series, please visit problemsolvingjustice.org.

Problem-solving justice seeks to improve court outcomes for victims, litigants, and communities. In doing so, it builds on the desire of judges, prosecutors, defense attorneys, court managers, and other justice system players to respond more creatively and effectively to local crime problems (like domestic violence, drug dealing, and quality-of-life offending) as well as the kinds of individual problems that often fuel crime (e.g., drug addiction and mental illness).

Problem-solving initiatives are being attempted across the U.S., in both big cities and small towns. Some address low-level offending. Others tackle more serious crimes. Some emphasize prevention, seeking to deter crime before it happens. Others focus their efforts after the fact, working intensively with ex-offenders. Despite this diversity, it is possible to identify some common underlying principles of problem-solving justice. What follows are principles (and examples) culled from an analysis of innovative programs across the country.¹ (For a more detailed look at the principles of problem-solving justice, visit <http://www.problemsolvingjustice.org>.)

1 Enhanced Information

Better staff training (about complex issues like domestic violence and drug addiction) combined with better information (about litigants, victims and the community context of crime) can help improve the decision making of judges, attorneys, and other justice officials. **The Clackamas County (Oregon) Community Court developed a**

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This fact sheet was produced as part of the Community-Based Problem-Solving Criminal Justice Initiative, a project of the Bureau of Justice Assistance that aims to broaden the scope of problem-solving courts by testing their approach to wider defendant populations and applying key problem-solving principles outside of the specialized court context. The Bureau of Justice Assistance supports law enforcement, courts, corrections, treatment, victim services, technology, and prevention initiatives that strengthen the nation's criminal justice system. The Center for Court Innovation is a non-profit think tank that works with criminal justice practitioners, community-based organizations, and ordinary citizens to develop creative responses to public safety problems, aid victims, reduce crime, and improve public confidence in justice.

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simple psycho-social assessment that collects information on defendants' educational history, employment background, health and mental illness, and other relevant data before the defendant's hearing. Staff present the assessment results to the judge, who uses this information to develop a sentencing mandate.

2 Community Engagement

Citizens and neighborhood groups have an important role to play in helping the justice system identify, prioritize, and solve local problems. Actively engaging citizens helps improve public trust in justice. Greater trust, in turn, helps people feel safer, fosters law-abiding behavior, and makes members of the public more willing to cooperate in the pursuit of justice (as witnesses, jury members, etc.). **At San Diego's Beach Area Community Court, volunteers participate in community impact panels in which citizens explain to low-level offenders the impact of their offenses on neighborhood quality of life.**

3 Collaboration

Justice system leaders are uniquely positioned to engage a diverse range of people, government agencies, and community organizations in collaborative efforts to improve public safety. By bringing together justice players (e.g., judges, prosecutors, defense attorneys, probation officers, court managers) and reaching out to potential stakeholders beyond the courthouse (e.g., social service providers, victims groups, schools) justice agencies can improve inter-agency communication, encourage greater trust between citizens and government, and foster new responses—including new diversion and sentencing options, when appropriate—to problems. **The Seattle Community Court has a community advisory board that brings government and non-profit partners together to offer feedback and share ideas. Staff from the community court also regularly attend community meetings, and keep partners updated through emails.**

4 Individualized Justice

Using valid evidence-based risk and needs assessment instruments, the justice system can link offenders to individually tailored community-based services (e.g., job training, drug treatment, safety planning, mental health counseling) where appropriate. In doing so (and by treating defendants with dignity and respect), the justice system can help reduce recidivism, improve community safety, and enhance confidence in justice. Links to services can also aid victims, improving their safety and helping restore their lives. **In the Athens County (Ohio) Municipal Court Substance Abusing/Mentally Ill Court, clients with dual disorders of mental illness and substance abuse are carefully assessed and then matched with community-based service providers that can address their specific needs.**

5 Accountability

The justice system can send the message that all criminal behavior, even low-level quality-of-life crime, has an impact on community safety. By insisting on regular and rigorous compliance monitoring—and clear consequences for non-compliance—the justice system can improve the accountability of offenders. It can also improve the accountability of service providers by requiring regular reports on their work with participants. **The Atlanta Community Court holds low-level quality-of-life offenders accountable by requiring them to perform community**

FOR MORE INFORMATION

Please visit the
Center for Court Innovation’s Problem-
Solving Justice Clearinghouse at
www.problemsolvingjustice.org
or contact
Expert Assistance
Center for Court Innovation
520 Eighth Avenue
New York, NY 10018
Phone: (212) 373-1690
Email:
expertassistance@courtinnovation.org

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service—such as neighborhood clean-ups, graffiti removal, and office tasks—in the neighborhood where they offended.

6 Outcomes

The active and ongoing collection and analysis of data—measuring outcomes and process, costs and benefits—are crucial tools for evaluating the effectiveness of operations and encouraging continuous improvement. Public dissemination of this information can be a valuable symbol of public accountability. **Bronx Community Solutions has a researcher who measures compliance rates and other variables, providing regular feedback to staff. In one instance, the researcher found that approximately 15 percent of individuals sentenced to perform alternative sanctions never made it from the courtroom to the intake office. Based on this information, program administrators instituted an escort system that relies on AmeriCorps members to walk participants from the courtroom to the intake office.**



FURTHER READING

Applying Problem-Solving Principles in Mainstream Courts: Lessons for State Courts

http://www.courtinnovation.org/_uploads/documents/applying_ps_principles.pdf

Judith S. Kaye

Delivering Justice Today: A Problem-Solving Approach
Yale Law & Policy Review, Vol. 22, 2004

Effective Judging for Busy Judges

http://www.judges.org/pdf/effectivejudging_book.pdf

Good Courts: The Case for Problem-Solving Justice

<http://www.courtinnovation.org/goodcourts>

Painting the Current Picture: A National Report Card on Drug Courts and Other Problem Solving Court Programs in the United States,

http://www.ndci.org/publications/10697_PaintPict_fnl4.pdf

Problem-Solving Courts: Models and Trends

http://www.ncsconline.org/WC/Publications/COMM_ProSolProbSolvCtsPub.pdf