

Expanding the Use of Problem Solving

The U.S. Department of Justice's Community-Based
Problem-Solving Criminal Justice Initiative



BJA

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Introduction

In 2005, the U.S. Bureau of Justice Assistance created a grant initiative to support the development and wider application of problem-solving strategies in the criminal justice system.

Several factors gave rise to the effort. First, research suggested that problem-solving courts, such as drug courts and community courts, had helped decrease recidivism, reduce crime, improve coordination among justice agencies, enhance services to victims, and increase trust in the justice system.¹ Second, despite these encouraging results, problem solving had been generally confined to specialized courts, which limited the strategy's impact. Third, with limited grant dollars available to support problem-solving initiatives, the federal government wanted to maximize its investments in new ideas.²

In this context, the Bureau of the Justice Assistance convened a focus group of justice system representatives to discuss problem-solving courts and the feasibility of supporting a new problem-solving initiative, particularly one involving a coordinated system-wide screening, assessment, and referral process that targeted offenders with diverse problems. Group members felt there were several advantages to such a model, including reduced system costs, improved client outcomes, and improved coordination and collaboration among justice system players and their partners. The group discussed the model's feasibility, identifying several areas in which courts and other justice system partners would need support to implement the model. The Bureau of Justice Assistance also obtained feedback from pre-trial services organizations and associations with experience in the effective diversion of offenders.

The ultimate result of these conversations was the Bureau of Justice Assistance's decision to launch the Community-Based Problem-Solving Criminal Justice Initiative. The initiative aims to broaden the scope of problem-solving justice, testing this approach with wider defendant populations, giving judges more sentencing options, and applying key problem-solving principles (e.g., links to social services, rigorous judicial monitoring, and aggressive community outreach) outside of the specialized court context.

The Bureau of Justice Assistance funded 10 projects around the country that represent diverse jurisdictions and a wide array of approaches. The 10 grants are intended to be strategic investments, creating models that may eventually be applied throughout the American justice system. "You're trying to test out some

new ideas and take things to a different level so we can share those experiences with other folks who may not be as far along in their problem-solving strategies,” said A. Elizabeth Griffith, deputy director for planning at the Bureau of Justice Assistance, addressing the 10 sites at a workshop in San Diego in January 2006.³

All 10 sites are trying something new: expanding problem solving to include new populations, new geographic territory, or new agencies within the criminal justice system. “We’re asking what happens when you expand the reach of problem solving. What do we learn from these experiments? We’re asking you to share your experiences so we can improve what we’re doing across the country,” Griffith said.

The grantees represent diverse jurisdictions: urban and rural; state, tribal and local; east, west, north, and south. The grantees include the Sault Tribe of Chippewa Indians in Michigan, which covers a vast territory—portions of seven counties—and a relatively small population—14,000 members of the tribe. The grantees also include Bronx Community Solutions, which covers the densely populated New York City borough of the Bronx and its 1.4 million inhabitants.

This paper seeks to describe these 10 sites and, in doing so, offer a snapshot of the state of the art in bringing problem-solving principles into the mainstream.

What is Problem Solving?

Problem solving emerged first in policing in the early 1980s but by the end of the decade had been adapted by prosecutors’ offices, probation departments, and state courts. The judiciary’s earliest experiments in problem solving included the nation’s first drug court in Miami in 1989 and the first community court in Manhattan in 1993. What these and other problem-solving experiments—such as domestic violence courts and mental health courts—share are the following underlying principles:

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. High-quality information—gathered with the assistance of technology and shared in accordance with confidentiality laws—can help practitioners make more nuanced decisions about both treatment needs and the risks individual defendants pose to public safety, ensuring offenders receive an appropriate level of supervision and services.

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 the justice system. 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.)

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 partners (e.g., judges, prosecutors, 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.

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.

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 and has consequences. 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.

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.

In addition to the above principles, the initiative also emphasizes diversion. Diversion is defined broadly by the grantees. Usually it means keeping an offender completely out of the court system or dismissing a case after a participant has satisfied all court-ordered conditions.

Diversion was included in the initiative because the Bureau of Justice Assistance believes that diversion is a valuable option among problem-solving programs. “Diversion offers an incredible opportunity for jurisdictions to respond to offending in a way that holds offenders accountable but also uses resources efficiently,” said Senior Policy Advisor for Adjudication Kim Norris of the U.S. Department of Justice.

Norris pointed out that diversion not only offers the justice system more flexibility in its responses, but, by providing a realistic alternative to incarceration, helps relieve jail and prison overcrowding. By the end of the grant period, the Bureau of Justice Assistance expects that the 10 grantees will have explored diversion's potential and offered guidance to shape best practices.

Early Achievements In January 2006, the Center for Court Innovation—which was chosen by the Bureau of Justice Assistance to provide technical assistance to the 10 sites—held a kick-off workshop in San Diego. At the workshop, the grantees outlined their programs' goals, discussed best practices, and shared early successes. Seminars focused on some of the key elements of problem solving: collaboration with the community and other partners, social service linkages, and community service. Programs were encouraged to share their strengths and ask peers for advice.

In the 12 months that followed, teams—consisting of staff from the Center for Court Innovation and sometimes staff from the Bureau of Justice Assistance—visited each site, documented each program's progress, and provided advice and assistance when needed. The profiles in the following pages summarize the goals for each site, including their achievements in the first year of the grant and their plans for the future.

**More Front
Porches: Lynchburg
Community Court,
Virginia**

All the grantees have sought to collaborate with stakeholders, although they've framed their goals differently. For City of Lynchburg Commonwealth's Attorney Michael R. Doucette, collaboration means bringing ordinary citizens into the process, or, as he put it, "building more front porches."

"We don't know the folks in our particular neighborhood anymore," Doucette said. "My goal is to empower various neighborhoods so folks know one another and build respect for one another. We can't do anything until we have respect for the folks that we live with. We as a society and courts can say 'You will do this,' but without respect it means absolutely nothing, and we won't change anyone's behavior."

The Lynchburg Community Court has two components—a juvenile section based in Juvenile and Domestic Relations Court and an adult section in General District Court. The two sections follow similar procedures and, collectively, work with low-level offenders aged 13 to 25.

The court seeks to use an arrest as an opportunity to link offenders with services, including drug treatment, job training, and high school equivalency classes. Planners hope to show that structured interventions with defendants at the early stages of crime can prevent the further escalation of violence in neighborhoods like Lynchburg's East Division, home to about one-third of the city's population but roughly half the city's crime.

On the day of their first court appearance, the prosecutor invites eligible offenders to participate in community court. The prosecutor, who also distributes a brochure about community court, explains that the advantages of participation include avoiding fines and court costs (and jail time in the case of adult offenders) as well as hav-

ing charges dismissed, pending successful completion of all community service and social service requirements.

In the first few months, about 85 percent of eligible juveniles have agreed to participate. Among adults, the participation rate has been about 50 percent, but the percentage has been trending upward as even some defense attorneys have begun to encourage clients to participate, according to Shannon Hadeed, assistant commonwealth's attorney.

Immediately after appearing before the judge, participants meet with an evaluator, who conducts a psycho-social assessment. The evaluators, drawn from local not-for-profit agencies, then meet to craft disposition recommendations. The disposition team always includes a representative from the community and a mental health professional. The disposition team for juveniles also includes a police officer, who gives feedback on gangs. "We don't want to send someone who's a member of one gang into a neighborhood where there's another gang. The police officer is there to fill us in on those potential problems," Hadeed said.

Sponsors of community service sites include an organization that employs the mentally and physically handicapped in the maintenance of gardens and greenhouses and a community center that provides free tutoring and hot meals for children from low-income households. Offenders are expected to perform at least some of their community service in the neighborhood where they offended.

"It's been easy to get community service sites. They love our people because our people come on time, more so than any of their regular volunteers or even those coming from traditional courts," Hadeed said.

Doucette found that one technique the justice system can use to earn the community's respect is listening. "We thought as prosecutors that the number one problem [in the community] was drug sales. It ranked high, but the number one problem that

The Importance of Face-to-Face Interaction in Lynchburg, Virginia

Strong partnerships depend on face-to-face interactions, according to planners of problem-solving initiatives. Face-to-face meetings are especially important when trying to get stakeholders involved in a project.

"Mailings are easily tossed in the trash and emails are easily deleted, but it's hard when you're talking to someone face to face for them to just blow you off," said Michael Doucette, commonwealth's attorney in the City of Lynchburg. "The other advantage of talking face to face is that by engaging in a dialogue you start to build respect. If the community doesn't respect those involved in the particular program, we're not going to change behavior."

was identified by the Greenfield community was littering; then it was drug sales. Number four—and it was a very high four—was dogs running free. I had no idea. Way over 50 percent of the people in that neighborhood thought dogs running free was a very big problem, and we would never have addressed that particular issue but for asking them and listening to what they had to say.”

**Combining Ancient
and Modern
Traditions:
Peacemaker Court,
Michigan**

The principles of problem-solving justice meld naturally with traditional concepts of justice in the Sault Tribe of Chippewa Indians in upper Michigan.

The Peacemaker Court—which will be established first in Sault Ste. Marie, the largest of the tribe’s communities, and then expanded to other areas—relies on tribal peacemaking traditions. Those traditions embody strategies similar to mediation but add a spiritual component, emphasizing the restoration of balance and harmony.

At the heart of the Peacemaker Court is the medicine wheel, a symbol that—as interpreted by the Sault Tribe—incorporates “the four components of a person: spiritual, emotional, mental and physical,” said Judge Kandra Robbins. Court planners have built on existing partnerships between tribal agencies to address each of the four areas. The spiritual component is represented by the tribe’s cultural agency. The mental and emotional components are represented by tribal mental health, drug treatment, job training, and other service providers. And the physical is represented by both medical and recreational providers.

The court plans to use screening tools to assess the needs of defendants, plaintiffs, and victims to help solve, if possible, the problems that underlie their complaints. “When our probation officer meets with clients, he will ask questions that probation officers traditionally didn’t: Do you have insurance? Have you worked with any service providers in the area before, and if so, who was it? Can we reconnect you with that?” Robbins said.

Since the tribal government functions as a unified entity under the stewardship of the Tribal Board, there is a natural tendency to collaborate and work together, and a tendency to utilize community volunteers, according to planners.

Among the volunteers are the peacemakers themselves. Drawn mostly from community elders, the peacemakers commit to leading the peacemaker process. The volunteers receive basic mediation training from a contracted provider that meets Michigan’s requirements for mediators.

Ongoing training in cultural strategies and other peacemaking techniques will be provided by various agencies—such as health, judicial, and recreation departments—within the tribe’s government.

The Peacemaker Court, which participants will enter voluntarily, will apply the principles of problem-solving justice to cases involving both criminal and civil matters, including landlord-tenant disputes and guardianship complaints. The fact that the principles of problem-solving justice, such as community involvement and individualized justice, are consistent with local values has made buy-in easier, Robbins said.

**Giving the
Community a
Greater Role in
Drug Court: 4th
Circuit Drug Court,
South Carolina**

Although drug courts engage in problem-solving justice, few engage community residents on an ongoing basis.

The Fourth Circuit Drug Court is an exception. From the beginning, the court has made community engagement a priority. Court planners held community forums to engage local residents and key stakeholders in the project's development. Planners made community service a key element of the court and have also actively networked with partners who can provide treatment or host community service sites.

Planners involve stakeholders in specific activities, including: providing offenders with work opportunities so they can earn money to pay restitution, providing community support for treatment (e.g., organizing Narcotics Anonymous meetings and transporting offenders to treatment appointments), and serving as volunteer probation officers to check on offenders.

At the community forums, planners emphasized that the drug court had the potential to save the county money by diverting offenders from jail and reducing recidivism. "It costs us \$25,000 a year to house someone in jail in Chesterfield County. It costs \$150,000 to \$200,000 to run a drug court. Just do the math. Get six or seven out of jail and off of drugs and you've paid for your program—not to mention the other positive effects on society," said Representative Ted Vick of the South Carolina Legislature.

What resulted from the planning process was a drug court for offenders between the ages of 17 and 30. The court has two tracks: diversion and adjudication. Participants in the diversion track must satisfy statutory requirements. Under those requirements, a participant must, among other things, have no "significant" history of criminal activity, pose no threat to the community, and be "likely to respond quickly to rehabilitative treatment."

If diversion is deemed appropriate, the pretrial intervention director uses a screening tool to determine whether the offender might benefit from social services, including treatment. The director also decides the appropriate level of monitoring and supervision. If, for example, an offender is diverted for simple possession of drugs, the diversion program director may require the offender to submit periodically to random drug tests.

Charges are dropped for participants who satisfy the diversion program's requirements.

A part-time assistant solicitor has been hired to reduce the time from arrest to entry into the program. Previously, even offenders found to be eligible for diversion sometimes stayed on the docket for more than a year. Planners hope that with the part-time assistant solicitor on staff, offenders will be screened within three days after arrest and, when appropriate, be diverted more quickly.

The 4th Circuit Drug Court is one of the few in South Carolina licensed to provide drug treatment in the courthouse. In addition, the court is experimenting with non-traditional treatment approaches, such as equine therapy, in which participants work with and help take care of horses.

Fourth Circuit judicial leaders plan to expand the program beyond Chesterfield to the circuit's other three counties: Darlington, Dillon, and Marlboro. Planners also hope one day to apply the components of the drug court approach—such as screening defendants soon after arrest, assessing treatment needs, applying judicial monitoring, and using sanctions and rewards to encourage compliance—to all offenders.

**Growing a
Community Service
Program: Seattle
Community Court,
Washington**

When the Seattle Community Court opened in March 2005, it focused on low-level offending in the city's downtown. Now, under the Bureau of Justice Assistance's Problem-Solving Initiative, the court is expanding citywide.

The expansion—which has grown the weekly caseload to approximately 30, representing a more than threefold increase—means that the court accepts offenders from across the city and also assigns them to community service projects citywide as well.

The new program is essentially a merger of Seattle's 30-year-old pretrial diversion program and the city's year-old community court. The diversion program had a city-wide focus but only required first-time low-level offenders to pay a \$75 fee and not re-offend for 90 days. The community court, on the other hand, required offenders to perform community service and participate in social services but focused only on downtown.

Participants enter the community court via two routes: immediately following an arrest or, if they're issued a citation, when they arrive at the courthouse for their scheduled intake.

The City Attorney's Office makes two sentencing recommendation—one based on traditional sentencing guidelines and another based on community court guidelines. Generally, the community court recommendation emphasizes community service and social services (with the caveat that non-compliance can result in jail time). The public defender then discusses the potential sentences with his or her clients, and together they decide which route to take.

Offenders who agree to participate in community court are brought to the court as quickly as possible, often on the day of their intake.

One of the biggest challenges has been establishing new community service sites around the city. The community court has used funding from the Problem-Solving Initiative grant to hire a coordinator to help in that effort.

"It's a huge challenge because now it's not just a matter of taking participants from the courthouse to locations near the courthouse, but we take them to sites all over the city. Not only that, we have to find partners willing to work with offenders, with the capacity to monitor their performance and provide prompt feedback," said Robert W. Hood, chief of the Public Safety Division in the Seattle City Attorney's Office.

The new coordinator has established relationships with a number of community and business associations who have agreed not only to supervise offenders but also to work alongside them on community improvement projects. "One notion we want to implement—it's still a work in progress—is that community volunteers will work

with the offenders and in that way help fulfill the idea of community re-integration,” Hood said.

The community court has an on-site clinic staffed by community-based organizations that treat offenders’ problems, including mental illness, substance abuse, and homelessness. The court also has a citizen advisory board, which has advised the court on sentencing options and identified types of community service that its members would like to see performed.

Focusing on Drug Addicts with Mental Illness: Athens County Substance Abusing/Mentally Ill Court Project, Ohio

The Athens County initiative diverts substance-abusing, mentally ill misdemeanor offenders from incarceration by providing intensive community treatment and supervision.

The project was developed by justice system and community agencies that felt more services were needed to break the cycle of relapse and recidivism that affects many offenders with mental illness and drug addiction. Among the program’s elements is a centralized assessment process for all defendants referred to the program.

“We learned that about 75 percent of the folks we served who were seriously and chronically mentally ill were also chemically addicted, and we were having real difficulty trying to get them drug treatment,” said Sherri Carsey, court coordinator. In addition, the population has challenges with transportation and housing, Carsey said.

The court defines community differently from the way the other grantees do. Rather than engage community residents, businesses, or civic organizations, the court focuses on engaging partner agencies.

Engagement has focused, in part, on explaining to partners “what it truly means to have a dual disorder court,” Carsey said. “When I explain through community education what we’re doing, we get more business. The court and other court players—defense attorneys, the public defender, the county, and city prosecutors, etc.—start thinking, ‘maybe the SAMI court team can help us with this problem.’ ”

According to Carsey, a useful tool for fostering communication among the criminal justice system and social service agencies is a “boundary spanner”—that is, someone who speaks the language of both worlds. “I didn’t know the difference between felony and misdemeanor when I first started this job,” said Carsey, a social worker. “I was not taught in graduate school anything about the criminal justice system, but over the last two years I’ve learned the criminal justice language. ... If you have someone who is able to speak two languages and is trusted by both camps, then you have someone who can go back and forth and interpret for each camp what is needed.”

One way the court helps span boundaries is by contributing to the training of local police through a program called Crisis Intervention Team. The 40-hour CIT training teaches law enforcement officers about mental illness and how to recognize and de-escalate a situation involving a mentally ill person in crisis. The course, which has been strengthened by the current Bureau of Justice Assistance grant and a past grant to the county’s Mental Health Court, includes education about basic symptoms of common mental health diagnoses, common medications, de-escalation techniques, and role-play exercises to practice newly learned skills.

The probation officer who screens cases at arraignment for the court project has received CIT training. “[The probation officer] is available to meet with people and gauge whether or not they might be interested in the program. He knows a lot of the attorneys in town, and he’s also a good ambassador and is able to shepherd cases into our program,” Carsey said.

The court has also been able to obtain money for housing from the local state-funded alcohol drug addiction and recovery board. “We’ve been able to put at least five people in housing who normally would have had to wait significant periods of time,” Carsey said.

**Improving Services
at a Rural
Community Court:
Overland Park
Community Court,
Oregon**

The Overland Park Community Court in Clackamas County, Oregon, is using its grant from the Problem-Solving Initiative to develop case management and access to services.

The court has used grant money to hire a case manager to administer psychosocial assessments to participants. The assessments “give people an opportunity to identify what they need to prevent further involvement with the legal system,” said Elizabeth Bartell, manager of Clackamas County Social Services.

The case manager administers the psychosocial assessment as soon as defendants arrive at court, which is held in the auditorium of the county’s Sunnybrook Services Center. With an assessment in hand, the case worker can recommend an individualized sentence to the judge at the defendant’s first appearance.

The court, which opened in January 2005, addresses misdemeanor offending in the high-crime Overland Park neighborhood. Like a typical community court, it requires participants to perform community service and participate in social services. Not so typical are some of the problems the court hopes eventually to address. “Some of the complaints are the usual: graffiti and garbage, but also my neighbor’s goats get out, chickens make too much noise, the folks down the block have a big pig. It’s a real interesting mix,” said David Paul, senior deputy district attorney in the Clackamas County D.A.’s Office.

Planners emphasize that the community court is part of a spectrum of six other problem-solving courts: adult drug court, family drug court, juvenile drug court, DUI repeat offender court, domestic violence deferred sentencing program, and mental health court. Judge Robert Selander, who presides over the county’s drug and mental health courts, said that the seven courts together are part of a systematic effort to address the problems offenders bring to court. In that context, the community court can be seen as an opportunity to intervene at an earlier stage, before offenders’ problems and criminal behavior escalate.

The community court also relies on volunteers. Volunteers greet and sign in defendants when they arrive in court and also participate on an advisory board, which includes justice system representatives and local social service providers.

The Overland Park Community Court convenes once a week and expects to provide case management services to about 72 participants a month when fully operational.

Responding More Effectively to Juvenile Domestic Violence: Pima County Juvenile Court Center, Arizona

To address the difficult problem of juvenile violence within families, the Pima County Juvenile Court Center in Arizona has forged partnerships throughout the criminal justice system and beyond.

Often juveniles and families have a host of related problems, such as mental illness and drug addiction, that require a comprehensive, individualized response, said Karen E. Gozyk, contracts and grants administrator for the court center.

Therefore, the program's goal is to create a comprehensive network that involves not only the criminal justice system but specialists in behavioral health and other social service providers.

"We're looking to develop places to put these kids, emergency shelters, or setting up emergency family plans," Gozyk said.

Pima County planners estimate that more than 12 percent of youth referred to Pima County Juvenile Court in 2004 faced charges of domestic violence. In reality, however, many juveniles are not a flight risk or danger to the community. Rather, the charges often involve domestic disputes that only nominally rise to the level of physical violence, such as a heated argument during which a child rips a phone out of the wall.

When a juvenile is taken into custody, officers are often only following standing orders that require them to remove at least one party from the home following an allegation of violence. Until now, there have been no collaborative strategies to provide alternatives to arrest, and when an arrest was made, there had not been enough alternatives to detention, according to the court center's planners.

The court center will address juvenile violence within families through a pilot program based on the best practices outlined in *Juvenile Delinquency Guidelines*, which was developed by the National Council of Juvenile and Family Court Judges. The guidelines emphasize collaborative teamwork, consistency, communication, assessment, diversion, and developmentally appropriate dispositions.

To incorporate numerous partners into an effective program, Pima County planners have relied on written agreements, often called memoranda of understanding.

Courts and Social Services: A Symbiotic Relationship

When trying to establish referral networks, courts need to understand that most providers don't feel they have resources to spare. To gain cooperation, a court sometimes needs to provide something in return. "Point out to them that you can save them money if you work together," said Judge Susan Finlay of San Diego.

How might that work? "We're the hammer," Finlay explained. "Say to the provider, 'Here's what we can do: We'll send them to you. We'll keep them on their meds. And together we can keep the community safer.'"

Memoranda “institutionalize your collaboration,” said Joy Ashton of the National Council of Juvenile and Family Court Judges, which is partnering with Pima County to launch the project. Written agreements outline formal lines of communication, responsibilities, and other ingredients necessary for a successful partnership. “There’s often a lot of staff turnover, and it’s important that the organization or entity as a whole commit to that process so that when staff turnover happens it will still keep the change process going,” Ashton said.

**Acknowledging
Crime’s Impact on
the Community:
Beach Area
Community Court,
San Diego,
California**

Despite “community court” in its name, the Beach Area Community Court is not a court. Instead, it is a prosecutorial diversion program through which the program’s voluntary participants—usually offenders who have committed misdemeanors and infractions, especially alcohol-related offenses—avoid court entirely.

Instead, participants attend a community impact panel whose members usually include: business owners, who describe how crime affects their livelihood; health practitioners, who explain the impact of alcohol and drug consumption on the body; and police officers, who discuss the impact on police resources.

“Participants walk away with a broader understanding of how their crime—they may consider it a very petty crime—affects the entire community,” said Angie Reddish-Day, head deputy city attorney with the San Diego City Attorney’s Office.

Participants are also screened and referred to educational and rehabilitative programs. The program shares resources with San Diego’s other community courts, the Downtown Community Court and the Mid-City Community Court.

Another component of the program is community service. Offenders are assigned to cleanup crews that rotate through three main beach areas on different days. Cleanups, which take place two Sundays a month, deploy about 30 or 40 offenders at a time.

“We give them low-level activities,” said Reddish-Day. “We’re not giving them chainsaws or heavy equipment, and we’re keeping the supervisor-to-offender ratio at a manageable level. We also keep the Police Department informed as to the location of cleanup crews; in case there were a problem, they’d be on the scene immediately.”

Offenders are free to walk away from their community service assignments; if they leave, however, their cases are referred to Superior Court. Only those who complete the work are eligible to have the citation against them dropped.

Police officers are often the first to introduce the concept to offenders. When handing a citation to eligible offenders, officers also give a sheet that explains how the community court works. “We train the officers in how they can explain it to the offender in the field so there can be a dialogue about the diversion option,” Reddish-Day said.

San Diego planners hope that ultimately the Beach Area Community Court will not only reduce crime and lead to cleaner beaches but also boost public confidence in justice. “Offenders have to do community service work in the affected neighborhood, which does wonders for community confidence in the court. The people who live and

work in the area know every other Sunday that the work crews they see out there are work crews from the community court,” Reddish-Day said.

**Using the
Community to Hold
Offenders
Accountable:
Atlanta Community
Court, Georgia**

The Atlanta Community Court is using its grant from the Problem-Solving Initiative to expand the number of its restorative boards, which enlist community members to hold offenders accountable and help solve problems of neighborhoods, individual victims, and offenders.

At board sessions, offenders, who are typically first-timers, discuss their offense and its negative impact on the victim and community. The board and offender then hammer out an agreement whereby the offender rights the wrong—by writing a letter of apology to a victim, for example, or painting over graffiti.

When possible, the board tries to match the service with the offense. For instance, “johns” charged with soliciting prostitutes must perform community service with an AIDS service organization. The boards also find assignments for mentally ill offenders, often by giving them closely supervised work—like polishing brass—in the courthouse itself.

Charges are dropped against offenders who satisfy the board’s requirements.

A key component of Atlanta’s community service program is that the boards, community-based groups, and community members assist court staff in supervising

Paying Back the Community through Service

A component of many problem-solving initiatives is a requirement that offenders “pay back” the community for the harm caused by their offending. Repayment sometimes takes the form of restitution to an individual victim. In the case of low-level offending, such as disorderly conduct or soliciting a prostitute, where the community at large rather than an individual is the victim, the payback often takes the form of community service, including participation in crews that collect trash from streets, parks, or beaches, or teams that paint over graffiti.

In Chesterfield County, South Carolina, offenders are sometimes assigned to rural firehouses to unroll hoses to check their integrity—an essential diagnostic that must be performed on a regular basis.

But before assigning offenders to community service, programs must first assess risk. The big question that must always be answered is: Is the offender responsible enough to perform work in the community without rigorous supervision? Generally speaking, problem-solving initiatives that focus on low-level offenders aren’t working with a dangerous population to begin with. However, many programs screen offenders’ backgrounds to make sure they haven’t committed violent crimes in the past. They also provide work crews with an appropriate level of supervision.

offenders. “We think the dialogue between the community and the offender is very important,” said Phillip McDonald, court programs administrator. “Take a group of young people cleaning a city street or a highway supervised by members of Kiwanis Club from downtown: the interaction between those two can be meaningful for both sides.”

The boards also identify activities and services that might reduce the likelihood of re-offending. Boards have recommended, among other things, that offenders obtain a high school diploma or attend anger-management classes. Board members meet several times with offenders to monitor their progress and offer congratulations upon success.

“In the truest sense it is a problem-solving court because we take all comers,” McDonald said. “It’s a little bit mental health court, a little bit homeless court, a little bit drug court. We have offenders going through this program as young as eight years old and as old as 80.”

Under the grant, the city has created three new boards, bringing the citywide total to nine. The court also plans to enhance training for board members with monthly continuing-education meetings.

Taking Problem Solving to Scale: Bronx Community Solutions, New York

Bronx Community Solutions responds to low-level offending with a combination of help (in the form of social service mandates) and punishment (in the form of community service).

The main difference between the Bronx program and some others is size: Bronx Community Solutions, when fully operational, will work with tens of thousands of offenders each year, providing assessment and supervision to judges in over 40 courtrooms in a busy urban courthouse. The ultimate goal of the program is to apply the principles and best practices of problem-solving community courts to the Bronx’s entire criminal court system.

When it comes to the community service component of the program, staff face a number of challenges, among them: finding work suitable to offenders’ abilities, managing potential safety risks, establishing partnerships with community-based groups that can supervise offenders, and obtaining timely feedback about compliance.

Bronx Community Solutions’ first work site was the streets around the courthouse. The area was selected because it was easy for offenders and program staff (who supervised the offenders) to access.

But the project’s staff recognized another advantage to having the first work site near the courthouse. Since Bronx Community Solutions is introducing a new way of doing business in a large and busy courthouse—where many people haven’t had an opportunity to learn about or work with the new initiative—the community service work serves as an advertisement for the program’s potential.

“Previously, most of the people in the courthouse never saw what community service meant because it was performed at a park far from the courthouse itself,” Aubrey Fox, project director, said. “Now people walking from the subway or their car

to the courthouse see our guys with bright orange vests making their walk to work a little cleaner and safer.” In this way, Fox feels court staff will see the value of community service first hand and, over time, refer more clients to the program.

Bronx Community Solutions has since established other work sites around the borough. Many of the crews at other locations are supervised by city agencies, such as the Parks Department, and community-based organizations. In addition, Bronx Community Solutions is exploring the creation of a mobile community service capacity. The vision involves sending offenders, via van, to new locations throughout the Bronx based on community feedback. “We’d send people out to high disorder areas—a street corner, a local park—and hit it repeatedly for a few weeks or a few months until the problem in that location is addressed,” Fox said.

In creating its community service program, Bronx Community Solutions has been guided by a few principles, including:

Meaningful work: The work must be meaningful and have a tangible community impact. As Fox put it, “You have to have something improved at the end of each workday.”

Humane work: The work must be humane; participants must be treated fairly as well as firmly.

Community Service: Relying on Partner Organizations

To launch a community service program, the Beach Area Community Court in San Diego piggy-backed on an existing program sponsored by a local business association. “Our business improvement district was already doing cleanups two days a week. They already had a crew that’s trained for that exact purpose,” said Angie Reddish-Day, head deputy city attorney with the San Diego City Attorney’s Office. “They have all the scoops and equipment. They’re a perfect partner because they’re set up to do the work. We refer the offenders to them, and they take the offenders out along with their work crews. All the ducks are in a row so we don’t have to reinvent the wheel.”

Similarly, the Atlanta Community Court relies on partner organizations to carry out the community service component of its problem-solving initiative. “We have developed a relationship with a great volunteer group called Hands on Atlanta,” said Phillip McDonald, court programs administrator. “They take our folks onto senior citizens’ properties to help clean gutters, paint, install screens, and take care of hedges, especially on properties with code violations.”

Community service as a bridge to social services: There should not be a wall between social service and community service sides of the program. “The crew supervisors we’ve hired have gotten good at being their own social workers. They know how to talk to people, they see who is reliable, who’s really interested in something, who is a candidate for more resources. They will bring people into the office and say, ‘You know what? He’s been with us for 10 days, showed up every time for 10 days, he’s worth taking a chance on,’ ” Fox said.

Active compliance monitoring is another element of the initiative. If someone fails to show up to a work site, a staff member tries to call them within 24 hours. For this to work, however, Bronx Community Solutions needs immediate feedback from project partners. “We simply say, ‘We can’t use you as a community service site if you can’t provide us with timely information,’” Fox said. “Before we began, the community service compliance rate was around 53 to 55 percent. Our rates are now 70 percent,” Fox said.

Conclusion

As the 10 sites selected by the Bureau of Justice Assistance fully implement their programs during the grant period, they will no doubt encounter obstacles or unanticipated challenges. In response, they may change course or adopt new strategies to achieve their objectives. Some, in the end, may not realize all their goals. But even projects that fall short will, by sharing their experience, add to practitioners’ collective understanding of problem solving.

“I don’t want to encourage you to fail, but I want to encourage you to take risks and not be afraid to say, ‘We tried this and you know what? It didn’t work and here’s why. Here’s how we’re going to shift what we’re doing,’” said A. Elizabeth Griffith, Deputy Director for Planning at the Bureau of Justice Assistance, speaking at the kickoff conference in January 2006 at the outset of the grant period.

By incorporating the principles of problem solving into their local criminal justice system, the 10 projects have the potential to improve outcomes for the long term. Added Griffith: “I hope that when the seed money goes away for this program, the project doesn’t go away because you already have the partners at the table who have the resources to solve that problem.”

Notes

1. For good overviews of research on drug and community courts, see Dana Kralstein, *Community Court Research: A Literature Review*, Center for Court Innovation, 2005, and Amanda Cissner and Michael Rempel, *The State of Drug Court Research: Moving Beyond 'Do They Work?'* Center for Court Innovation, 2005.
2. For discussions of the issues involved in institutionalizing problem-solving justice in mainstream courts, see: Greg Berman and Aubrey Fox, "Going to Scale: A Conversation About the Future of Drug Courts," *Court Review*, Fall 2002; Aubrey Fox and Robert V. Wolf, *The Future of Drug Courts: How States Are Mainstreaming the Drug Court Model*, Center for Court Innovation, 2004; Francine Byrne, Donald Farole, Jr., Nora Puffett, and Michael Rempel, "Applying the Problem-Solving Model Outside of Problem-Solving Courts," *Judicature*, Vol. 98, No. 1, 2005; Robert V. Wolf, "Breaking with Tradition: Introducing Problem Solving in Conventional Courts," accepted for publication in 2007 in *International Review of Law, Computers and Technology*.
3. For further background on the Community-Based Problem-Solving Criminal Justice Initiative visit the official web page at http://www.ojp.usdoj.gov/BJA/grant/cb_problem_solving.html.
4. For a more in-depth discussion of the principles of problem solving, see Robert V. Wolf, *Principles of Problem-Solving Justice*, Center for Court Innovation, 2007.

Further Reading

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Information**

Please visit the Center for Court Innovation's Problem-Solving Justice Clearinghouse at <http://www.problemsolvingjustice.org> or contact:

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Center for Court Innovation

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