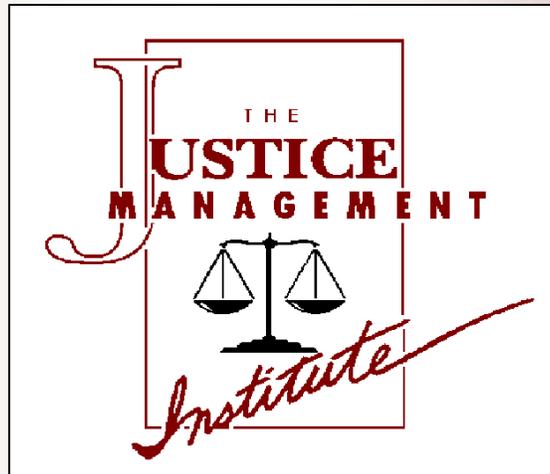


SEATTLE MUNICIPAL COMMUNITY COURT

Outcome Evaluation Final Report



October 2009

By:

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INTRODUCTION

Community courts began to emerge in the early 2000s to help alleviate the crush of minor offenses and quality of life crimes plaguing communities and criminal courts across the country. The theory behind community courts is that the defendants entering the justice system charged with relatively minor offenses have a variety of unmet needs that may contribute to their criminal offending. These offenders, referred to by some as “frequent fliers,” have lengthy criminal histories, often fail to appear in court on citations or summonses, and drain not only criminal justice system resources but also those of emergency rooms, homeless shelters, drug treatment programs, and other social programs. Traditional responses to these offenders—jail, conventional probation, and fines—seem to have no deterrent effect, nor do they help reduce the likelihood of recidivism.

Many of these offenders have a multitude of problems that are often related to their criminal activity—mental illness, substance abuse, homelessness, unemployment, illiteracy or learning disability, and lack of social or family support. By addressing these needs through a non-traditional court process, community courts are intended to reduce the likelihood that these offenders will commit new offenses after the courts’ intervention.

In March 2005, the Seattle City Attorney’s Office opened its community court to deal with relatively minor offenses—most commonly theft, criminal trespass, prostitution, and failure to respond to a previous notice to appear in court on an ordinance violation charge. Unlike many of the other community courts that have been implemented across the country, the community court in Seattle is designed specifically for repeat offenders—persons who have had at least one prior conviction and often have many prior convictions. During the first two years of operation, the court took only cases that involved eligible offenses committed in the central business district by defendants that had been booked into custody. In the Spring of 2007, the court expanded to include eligible offenses committed throughout the city regardless of whether the defendant was booked or not.

The community court as it existed at the time of this evaluation was a post-plea program—defendants were provided with the option to plead guilty and “opt-in” to community court for their sentence or proceed through the traditional court process. If a defendant opted into community court, he or she was sentenced to a short period of jurisdiction, usually thirty days, with conditions related to the community court (i.e., community service and making mandated service/treatment contacts). Participants were required to report to community court for a review hearing within fourteen days. Failure to comply with the terms of community court resulted in the immediate imposition of sanctions—most commonly the issuance of an arrest warrant. If the defendant was not in compliance but appeared for their review hearing the court could offer a defendant an additional short period of time to comply or impose a jail term pursuant to the community court sentencing grid (typically 5,10, or 15 days in jail, dependent upon how many times they had been through community court). Defendants could be offered community court on a new charge up to a maximum of three times at the discretion of the City Attorney’s Office.¹

¹ In March of 2009, a program policy change allowed most defendants to have their cases dismissed if they complied with all of their conditions within fourteen days, returned to court the day of their review hearing, and did not have a prior dismissal of a community court case.

Like other community courts, the primary interventions in the Seattle Municipal Community Court are linkages to an array of treatment and social services, court-mandated participation in these services, and community service to as a form of restitution to the community. Linkages to services are based on an intake assessment of the defendants' living situation, employment status, and treatment/social service needs.

In 2007, the Justice Management Institute (JMI) conducted an implementation assessment of the Seattle Community Court. At the time of JMI's report, there were several indicators of the court's effectiveness. Specifically, JMI found that

- ❖ Community service was a consistent component of all sentences imposed by the court, as intended, and 40% of the community service ordered was completed by participants during the first 2 years.
- ❖ Successful program participants (i.e., those who completed all of their sentence requirements) completed an average of three social service linkages; however, no additional data were available at the time to determine the long-term outcomes on recidivism.
- ❖ Nearly one third of defendants in Community Court successfully completed all of the sentence requirements, which was higher than the 30% success rate projected by the court developers, and 14% completed some of their sentence requirements.
- ❖ Implementation of the Community Court resulted in a more expeditious court process with defendants entering the court on average 5 days after arrest and the entering of a guilty plea and sentencing during the first appearance in Community Court. Additionally, the Court had instituted a rapid response procedure for non-compliance.
- ❖ An Office of Policy & Management cost analysis found that there appeared to be an annual savings of \$18,403 for public defense costs. The OPM report also showed that in 2005-06, there was an estimated jail savings of \$369,911 as a result of shorter jail stays for Community Court defendants.

One of JMI's principal recommendations was the conduct of a formal evaluation to determine the Community Court's impact on the behaviors and lives of the participants and to identify the techniques and approaches that appear to be the most effective in dealing with specific categories of defendants. In January 2009, the City Attorney's Office again contracted with JMI to conduct an outcome evaluation of the community court. This report describes the evaluation design and findings.

EVALUATION DESIGN

The Seattle Community Court team has collected several years of data related to the community court to facilitate a more comprehensive evaluation as recommended by JMI in 2007. Although experimental designs, in which defendants who meet the eligibility criteria are randomly assigned to either Community Court or traditional court, are considered to be the gold standard in evaluation research, such evaluations are quite costly and often require contemporaneous data collection as well

as random assignment of defendants to community court. Given the level of funding available² and the time period in which the evaluation needed to be completed, an experimental design for this evaluation was not feasible. However, based on the available data, JMI was able to use a quasi-experimental design using a pre-/post-test design and a control group.

The City Attorney's Office provided JMI with two datasets—one for community court participants and one for a control group of defendants who did not participate in the community court program. The community court sample consisted of defendants who entered community court between July 1, 2005 and June 30, 2006. Data collected on these defendants include criminal history 18 months prior to and 18 months after the community court intervention, criminal charge, offense dates, types of social services received, type of disposition, and other demographic information about the defendants. The intervention date was considered to be the date of the community court plea.

The control group was selected from defendants receiving a community court offer during the same period, but who failed to "opt-in. The control group dataset included criminal history 18 months prior to the date that community court was offered and 18 months after that date, criminal charge, offense dates, and type of disposition. The intervention date for these defendants was considered to be the date of their rejection of the community court offer, usually their first appearance date in court for arraignment.

JMI examined criminal offending patterns prior to community court and level of criminal offending after community court, using the defendant as the unit of analysis. The total sample size was 439 defendants—209 who participated in the community court and 230 who did not (the control group).

The primary question addressed in this evaluation is whether or not the community court is effective in reducing or eliminating recidivism. Given that the community court focuses on repeat offenders, the number of contacts with the justice system prior to entering the program compared to the number of contacts after completion of the program is a particularly relevant measure of effectiveness. There are several additional questions that were addressed as part of the evaluation:

- ❖ Is community court effective for all types of defendants or select defendants, and what are the characteristics of those who are most successful following program completion?
- ❖ Does community court impact the likelihood of involvement in more serious offenses after program completion?
- ❖ Are there differences in recidivism between community court participants and similar defendants who are handled in the traditional Municipal Court?

PRINCIPAL FINDINGS

1. The community court is no more effective at stopping recidivism altogether, than is the traditional court process. 80% of both groups committed a new offense within eighteen months of the intervention.

² Only a modest amount of funding was available through Seattle's federal grant to do the evaluation.

2. The community court is significantly more effective at reducing the frequency of recidivism than is the traditional court process. The community court group committed 66% fewer offenses within 18 months of the intervention, while the control group showed an increase of 50%. Consideration should be given to encouraging greater participation in the program by Native American, Asian, African American, and Hispanic defendants as it is most effective for them.
3. A more in-depth evaluation is needed to understand what factors may be associated with the finding that White males do not have as positive results as all other defendants in the community court.
4. Additional consideration should be given to encouraging greater female participation in the community court as it is effective at reducing their rate of recidivism.
5. Further research is needed to document the number of community service hours performed by community court participants as well as linkages made to social services. It would also be desirable to understand the intervention “dosage” of services—e.g., what specifically did the offenders do in the services such as number of counseling sessions attended, participation in drug treatment, number of job placements, etc.

DEFENDANT CHARACTERISTICS

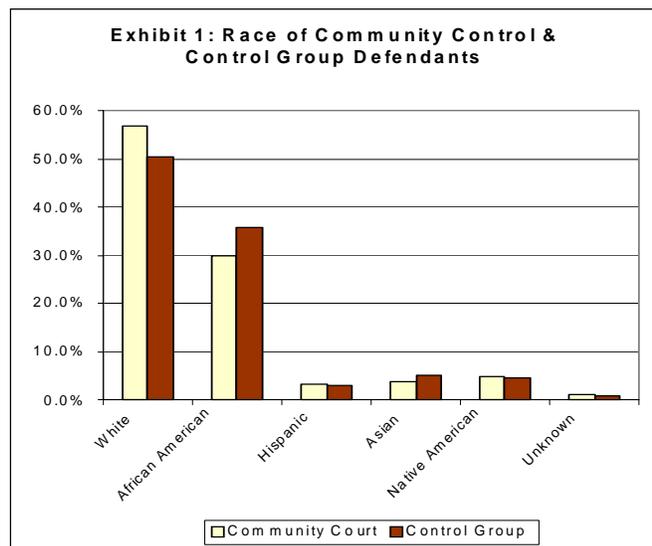
As noted earlier, JMI’s analysis focused on 209 defendants who participated in community court and 239 who did not (the control group). A comparative analysis of both the community court group and the control group showed that both groups shared similar characteristics. However, interpretation of the evaluation results must take into account a key concern with research involving treatment and control groups known as selection bias. Selection bias can occur when participants in the research are not randomly assigned to either the treatment or the control group. Such bias can result in significant differences between the two groups that make them statistically different and because they are unknown to the researcher, can not be controlled for statistically. The sample for this evaluation was drawn from all defendants who were eligible for community court; however, “assignment” to the treatment or control group was done on the basis of a defendant’s willingness to participate in the community court. Defendants who opted not to participate in the community court were “assigned” to the control group, creating the potential for a selection bias to occur. As such, there is the possibility that factors not included in the data collection caused a defendant to opt in or opt out of community court. Ideally, data would be collected to help identify what factors influence the decision to participate (or not) in community court. Such data, however, were not available for JMI’s analysis due to the evaluation’s scope. JMI did analyze available data about the defendants’ characteristics to assess differences between the two groups to the extent possible, and although selection bias can not be ruled out entirely based on the available data, it does appear that the samples are generally comparable.

Defendant Age and Race

The community court group and the control group were identically matched on age. The average age of defendants in both the community court group and the control group was 40 years old.

Community court participants ranged in age from 19 to 59, and the control group defendants ranged in age from 18 to 68. Likewise, the two groups were comparable in terms of gender—the majority of defendants in both groups were male. In the community court group, 67% of the defendants were male and in the control group, 74% were male.

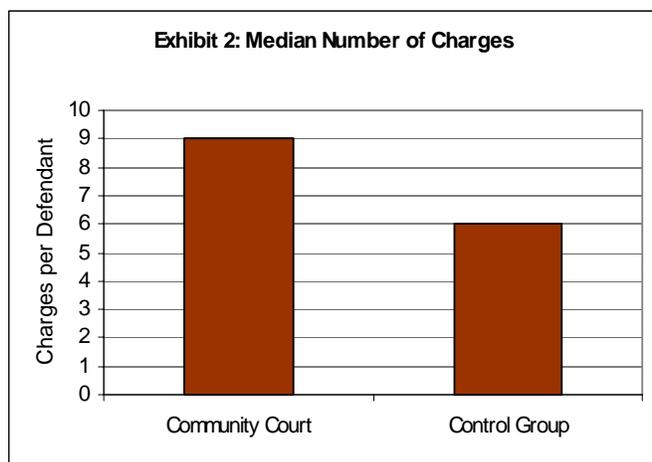
In terms of the racial breakdown of defendants in the group, JMI found the two groups to be generally comparable. However, the community court group had a slightly higher percentage of White defendants in it than did the control group and a lower percentage of Asian defendants (Exhibit 1). The control group included more African Americans than the community court group. This difference may be due in part to the fact that White defendants had a greater likelihood of being charged with theft, which accounted for the greatest percentage of cases in the community court. In addition, the staff at the City Attorney’s Office noted that there has historically been some concern among some public defenders that community court may not be appropriate for defendants of color and African American defendants in particular.



Number and Types of Charges

As noted earlier, to be eligible for the community court, defendants had to be repeat offenders and have had at least one prior conviction. The defendants in the sample had a combined total of 4,610 offenses³ that occurred within eighteen months before and after the intervention date. On average, there were 7 total offenses per defendant.

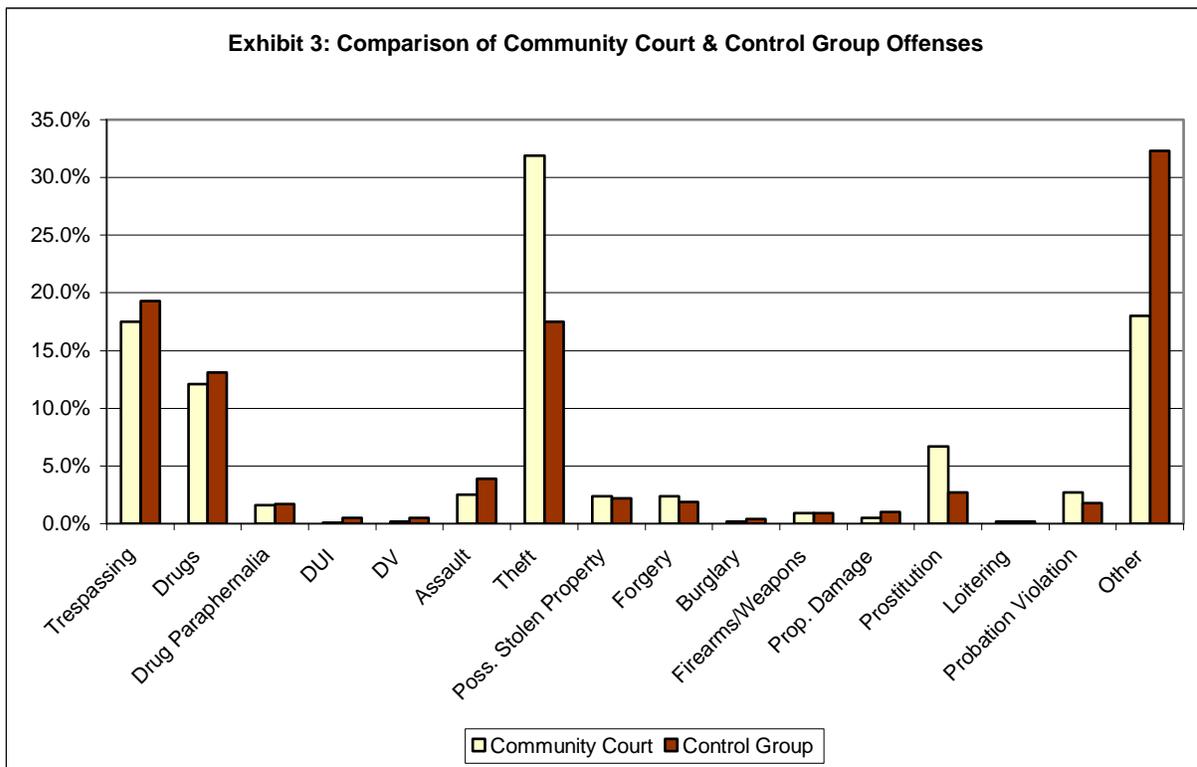
In the community court group, the total number of offenses committed by community court participants within 18 months before and after the intervention totaled 1,995 (see Exhibit 2). The number of offenses ranged from 1 offense to 53 offenses, with a median of 9 offenses per defendant. The control group committed a total of 2,615 offenses during the same period, ranging from 1 offense to 38 offenses per defendant. The median



³ For analytic purposes, offense is being defined by charge.

number of offenses per control group defendant was 6.

The biggest distinction between the community court and the control group was found in the types of charges for which the defendant was being prosecuted. As shown in Exhibit 3, there were almost twice as many theft charges for community court defendants than for the control group defendants. In addition, there was about a third fewer “other” charge types⁴ among community court defendants than among the control group.



Other Defining Characteristics

The community court’s probation staff conducted a social services needs assessment on community court participants. The assessment includes questions related to employment status, homelessness, and chemical dependency. Nearly 60 percent (58.9%) of the community court participants were unemployed at the time of their entry into the program, and more than half (52.4%) of them were homeless.⁵ Forty-one percent of the community court participants reported having chemical dependency issues—some with a lengthy history of drug and alcohol use. Those reporting dependency issues said they had been dependent on drugs or alcohol for an average of 13.7 years.

⁴ Other charges consisted primarily of failures to appear at scheduled court dates and open containers of alcohol in public.

⁵ Similar data on employment status, homelessness, and chemical dependency were not available for the control group.

IMPACT ON RECIDIVISM

The principal measure of recidivism is whether or not defendants commit new offenses during or after participation in community court. There are, however, other ways to define recidivism. Because the community court focuses on repeat offenders, one particularly relevant measure of recidivism is whether or not community court decreases the rate of reoffending. Many of the community court participants have extensive prior criminal histories. Thus, less frequent re-offending after community court is an indication that the court is having some impact on criminal behavior.

Likelihood of Recidivism

An examination of community courts participants' offenses that occurred in the 18 months prior to acceptance into the court and 18 months following completion of community court shows that 80 percent of the community court participants committed a new offense after enrollment in or completion of community court. This should not be considered surprising, particularly given the criminal histories that were described earlier. Likewise, 80% of the control group also committed a new offense. Thus, participation in community court alone does not appear to stop recidivism.

The strongest predictor of recidivism was the number of prior offenses. Results of a regression analysis show that for every additional prior offense, there is a predicted increase of .32 new offenses, which was found to be significant at the .000-level. Thus, defendants with a large number of prior offenses are more likely to have a higher rate of subsequent re-offending than those with fewer prior offenses. This is particularly of interest with regard to the community court's eligibility criteria in that the focus is on repeat offenders. However, when controlling for participation in community court, in which the sample has a higher average number of prior offenses than the control group, the results show that participation in community court actually decreases the predicted increase in new offenses to .22 as shown in Exhibit 4.

Exhibit 4: Regression Coefficients^a

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
1 (Constant)	4.204	.377		11.152	.000
NoPriorOffenses	.319	.068	.218	4.663	.000
Community Court	-1.133	.573	-.093	-1.978	.049

Defendants in community court who commit new offenses can be offered a lengthened jail term in community court. For those defendants, the lengthened term did produce a decrease in the frequency of re-offending—accounting for almost 30% of the variance between the average number of new offenses for people who went through community court once and those that had subsequent cases in community court.

Other variables had less of a predictive power. Gender was weakly related to the likelihood of recidivism—women were less likely to recidivate than men—but gender only explained 10 percent of the variance. Defendant age was also a weak predictor, explaining only about 8 percent of the variance, and indicating that as age increased, the likelihood of recidivism decreased. An examination of the impact of different factors on the frequency of re-offending did, however, reveal a number of findings in support of the community court’s effectiveness.

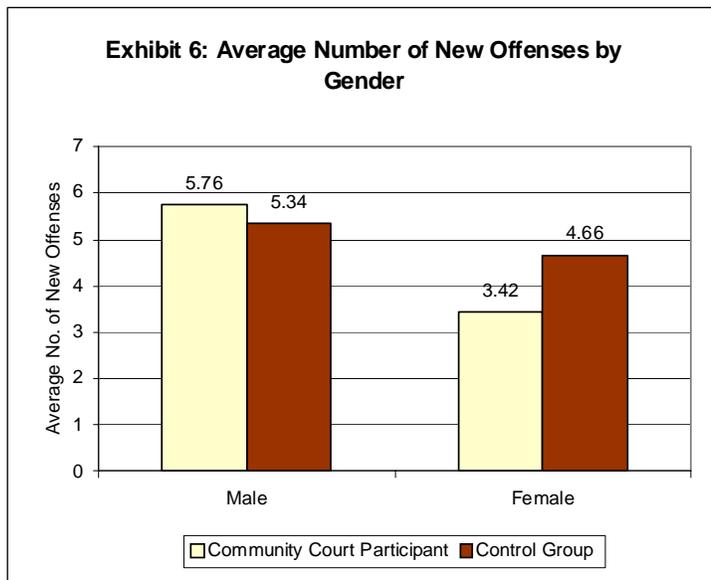
Frequency of Re-Offending

The intent of Seattle’s community court is not only to reduce the likelihood of recidivism but also to reduce the frequency of re-offending. The participants in community court have long criminal histories, averaging five offenses in the 18 months prior to being sentenced to community court. An examination of the frequency of re-offending does show that there is a difference between those in community court and those in the control group. In fact, the rate of re-offending was higher among the control group than the community court participants.

As shown in Exhibit 5, community court participants showed a 66% reduction in the average number of new offenses—from 5 per defendant prior to community to 3 per defendant after community court. On the other hand, the control group participants’ average number of offenses increased from an average of 2 per defendant prior to the offer of community court to 3 per defendant—a 50 percent increase. This finding is consistent with the prediction models discussed in the previous section.

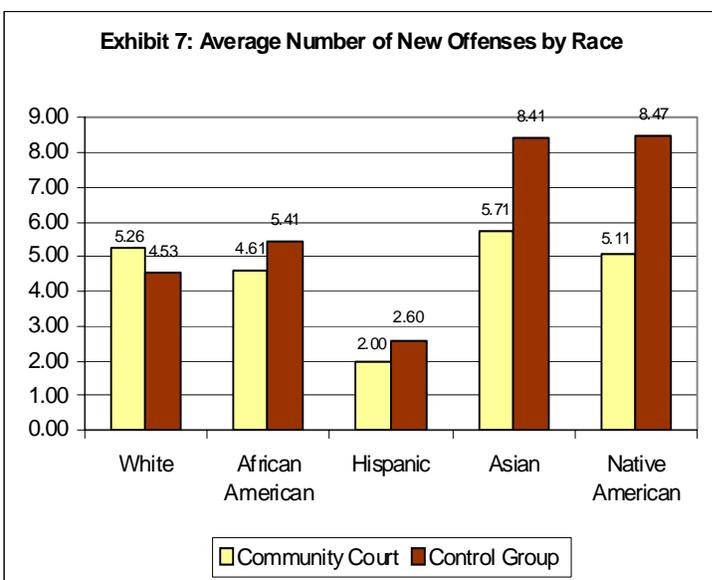
Exhibit 5: Comparison of Average Number of Offenses Before and After Community Court		
	Community Court Participants	Control Group Defendants
Avg. No. of Offenses Prior to Community Court	5	2
Avg. No. of Offenses After Community Court	3	3
Percent Change	-67%	+50%

Within the community court group, examination of re-offending based on gender revealed males in the community court re-offended more frequently than females. In the control group, there were no such differences. Moreover, a comparison of the average number of offenses by gender between the community court group and the control group showed statistically significant differences—males who participated in the community court had a higher rate of re-offending than men or women in the control group, as shown in Exhibit 6. This suggests that community court may not be as effective in reducing the frequency of re-offending for male defendants as it is for female defendants.



Defendant’s race was also related to the frequency of re-offending. Within the community court, there were no

statistically significant differences in the average number of new offenses based on race. There were, however, differences based on race between the community court group and the control group. Specifically, community court participants re-offended on average less than their control group counterparts regardless of race, with the exception of Whites (see Exhibit 7). Although the average number of new offenses among White defendants in community court was higher than White defendants in the control group, the difference was not statistically significant. This means that there are likely other factors contributing to this result. Further examination to determine if this difference is related to age or the type of offense did not reveal any additional explanation. Additional research

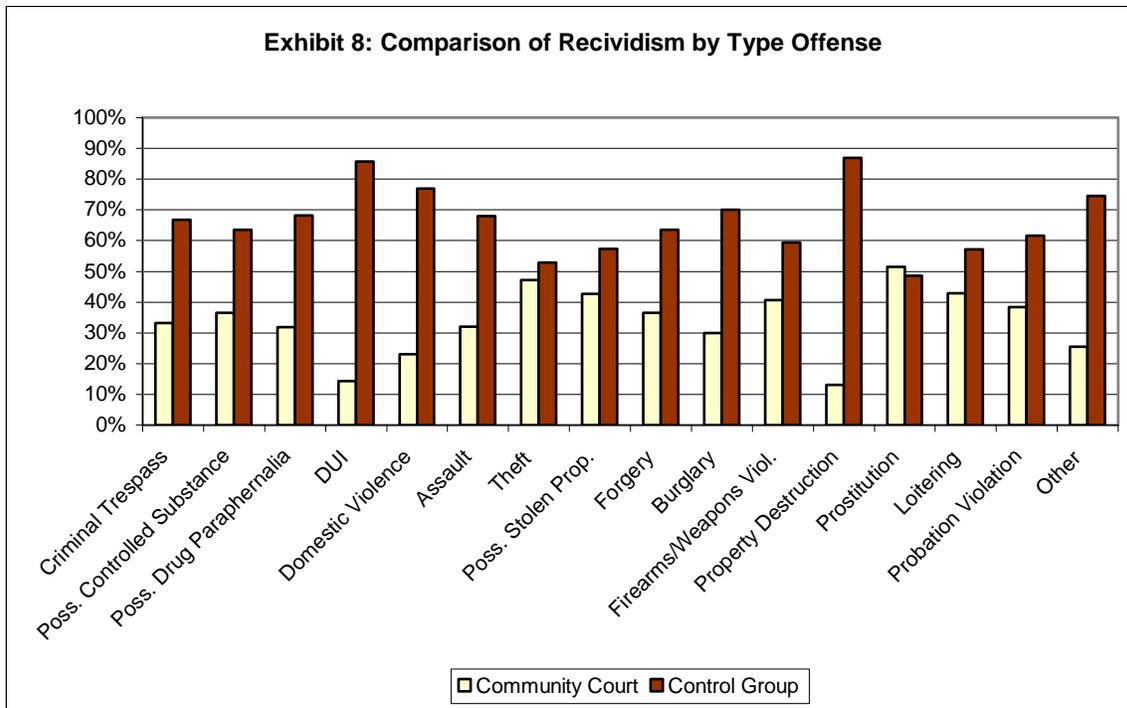


is necessary to determine why White defendants in community court re-offend more frequently than any other racial group.

Also of note in Exhibit 7 is that there were statistically significant differences for other races that provide evidence community court does impact the frequency of re-offending for certain racial groups. Asian, Native American, and African American offenders, who proceeded through the traditional court process, re-offended at a statistically higher rate than those offenders who participated in the community court.

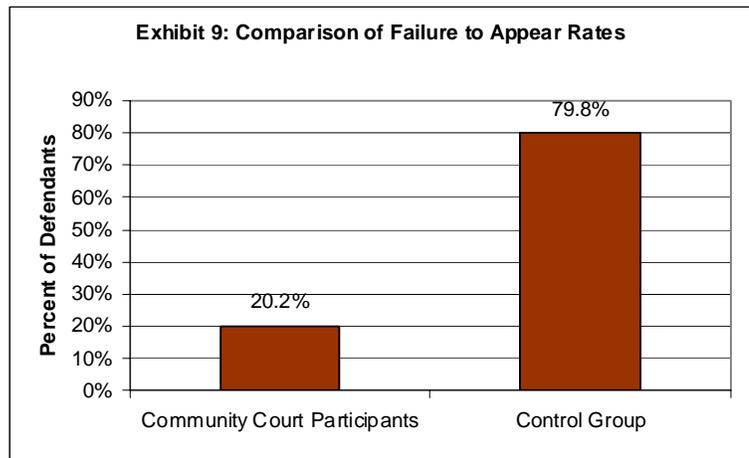
Effect of Community Court for Different Types of Offenses

Another method for determining the effectiveness of community court as an intervention for addressing the problems that lead to criminal behavior is an assessment of the types of offenses for which people are re-arrested. When comparing community court participants to the control group, there is a statistical difference. For all types of offenses (except prostitution), participation in the community court resulted in a lower incidence of re-arrests than participation in the traditional court process, as shown in Exhibit 8. This provides further evidence that participation in community court has a positive impact on repeat offenders.



However, the types of offenses for which community court participants were re-arrested are generally consistent with their prior offenses. The same was true of the control group defendants. Thus, offenders generally continue to commit the same type of offenses that they did prior to community court intervention, indicating that the underlying problems associated with their criminal offending may not have been addressed. This finding should be interpreted cautiously as additional data on the types of services provided are not taken into consideration.

Another intent of the community court program was to impact the failure to appear rate among repeat offenders. Because of the more intensive monitoring in community court, theoretically participation in community court should reduce the likelihood of failing to respond to court orders or failure to appear for court hearings. JMI's analysis of failures to respond/appear did show a statistically significant difference between community court participants and the control group, as shown in Exhibit 9.



CONCLUSIONS

The results of the analysis show that although community court may not stop recidivism altogether, community court may have a significant impact on the rate of reoffending. The rate of recidivism among community court participants mirrors that in the control group suggesting that the community court alone does not reduce recidivism. However, when the frequency of re-offending is considered, it is clear that offenders in community court re-offend at a significantly lower rate than offenders who proceed through the traditional court process.

This finding in and of itself represents a potential tremendous cost-saving to the city of Seattle. Given that most of the offenders were held in jail at the time of their arrest, fewer subsequent arrests among the community court participants post-intervention translates into a decrease in scarce and expensive jail bed usage. In addition, there is a potential reduction in the number of jail-bed days because defendants would typically spend between 1 and 5 days in jail before their first appearance. This is particularly beneficial given that the community court focuses on repeat offenders who have consumed a significant amount of jail resources over time. In fact, a 2007 report by the Office of Policy & Management found that 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 control group, resulting in an estimated \$369,911 in cost savings to the city. Even when the costs of staffing the community court were taken into account, along with savings in public defender costs, the net savings to the city during the first year of the community court's operation was \$192,198.⁶ When this amount is projected out for an additional two years of operation, the net savings is more than \$500,000.

A recent policy change in the community court program to dismiss cases against defendants who successfully complete the terms of the community court sentence has resulted in a greater number of

⁶ 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 1-4.

defendants who are opting into community court. The City Attorney's Office estimates that the community court could serve up to 2,000 people annually which exponentially increases the potential cost savings for the city. An in-depth and rigorous cost-benefits study would provide more current assessment of the costs and savings associated with the community court. Such a review was well beyond the scope of our current evaluation.

JMI's evaluation also produced a number of interesting findings that 1) have potential policy and practice implications for the community court and 2) should be explored through a more rigorous and long-term evaluation study. First, JMI found evidence to suggest that the community court has a bigger impact on certain types of offenders. In particular, community court appears to be most effective for female offenders, followed by Native American, Asian, African American, and Hispanic male offenders.⁷ Based on the data analyzed, community court appeared to be least effective for White defendants and White males in particular. In fact, the average number of new offenses was higher among White defendants in community court than it was for White defendants in the control group.

JMI explored several different potential reasons for this finding, including defendants' age, but none provided additional insight. Other explanations, which could not be assessed in JMI's evaluation due to limitations in the data, could include the likelihood of making service contacts, frequency of service contacts, and employment status during community court participation. Other socio-demographic information about defendants could also be used to explore this finding including whether or not the defendant is ordered to pay child support, if the defendant lives with or near family members, education level, income if employed, involvement with a mental health provider, and so on.

Second, the community court was designed to help reduce the failure to appear rates for repeat offenders. JMI's analysis found that participation in community court did, in fact, have a statistically significant impact on failures to appear. Only 20 percent of the community court participants were charged with failure to appear or to respond after enrollment in community court as compared to almost 80 percent of the offenders in the control group.

In summary, there is evidence that the community court is having a positive impact on relatively low level, high volume offenders in Seattle. There is, however, significantly more research that could be done to understand the full magnitude of the impact. The community court program is well-positioned to engage in such a study with several years of community court and control group data that would allow for a longitudinal study to assess impact over time. As the data sets mature, such a study could examine a much greater number of defendants over a much longer pre and post intervention period. Other types of data that would be particularly useful in a longitudinal study would include, at a minimum:

- Additional defendant information from the needs assessment about living situations, not just whether or not the defendant is homeless; education; income level; prior or on-going involvement with health/mental health providers; prior participation in treatment programs; and marital status to name a few.

⁷ The magnitude of effect was greatest for Native American offenders, followed by Asian, African American, and Hispanic offenders.

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- Data from emergency rooms, social service agencies, substance abuse treatment programs, homeless shelters, and mental health providers about defendants' utilization of these services prior to and after enrollment in community court as well as the costs associated with these services.
 - Number, type, and intensity of service linkages made by defendants in community court.
 - Types of community service performed and number of community service hours.
 - Updated information on jail bed usage and associated costs.
 - Updated cost information for operating and staffing the community court, including prosecutor and defense costs.

JMI recommends that the City of Seattle consider working with an analyst or relational database developer to add this type of information to the existing database to ensure that data are available in a format that can be easily analyzed.

Overall, evaluation research on community courts is very limited. Much of what has been done has been qualitative in nature with few exceptions. Those that have been evaluated rigorously (for example the Midtown Manhattan Community Court) have shown a positive impact on reducing recidivism and the number of low level "quality of life" offenses in the neighborhoods they target. The results of JMI's study are generally consistent with these other studies in that there is evidence to suggest that Seattle's Community Court is having an impact on the frequency of re-offending. However, because of the unique target population in Seattle (i.e., repeat offenders), further research will not only help to identify the most effective methods for dealing with low level, high volume offenders but also will add significantly to the research literature on what works and for what type of offenders.